

*This week.....*

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This edition of Hemdat Yamim is dedicated to the memory of **Shirley,**

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**HaCohen z"l**

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## Hashem's Various Messengers

*Harav Yosef Carmel*

One of the differences between Sefer Bereishit and Sefer Shemot has to do with the means of Hashem's interaction with man. Regarding the plague of the firstborn, it is stressed, "I will pass through the Land of Egypt, and I will smite all firstborn ..." (Shemot 12:12). As the Haggada stresses, Hashem acted alone without the involvement of angels. In Bereishit, as of the time that Adam and Chava were expelled from *Gan Eden* and Hashem put armed sentries to guard the entrances, He used primarily angels to deal with man. However, as the Nation of Israel approached its height, culminating at Mount Sinai, Hashem's direct involvement increased.

Let us take another look at Hashem's varied and various messengers to implement His decrees. Last week, we spoke about *dever*, usually translated as pestilence. Rabbi Professor Avraham Steinberg says that *dever*, as found in *Tanach* and rabbinic literature, refers to an infectious disease caused by a microorganism, which was identified in 1894 by Dr. Alexander Yersin of the Pasteur Institute. Many connect it to the Bubonic Plague or the Black Death that ravaged Europe in the Middle Ages. The disease includes inflammation and high fever and is transferred with the help of rats.

In Melachim (II, 19:35-36) we learn of the angel who killed 185,000 soldiers of the Assyrian army and saved the besieged city of Jerusalem. *Chazal* tell us that this miracle happened on the night of Pesach. Who was this angel? Ibn Ezra's approach is that whenever an angel is described as operating on earth, it is actually referring to a "natural" force that Hashem used to carry out His desire. The prophet, Yeshaya, in prophesying about this plague, spoke of a burning (see Yeshaya 10: 16-18). *Chazal* (Shemot Rabba 18:5) describe a burning of the inside of their body while their clothes remained intact outside, a description that has similarities to the disease we have referred to.

Of note is the Egyptian tradition, cited by Horoditus (II, 141) and Yosef ben Matityahu (*Kadmoniyot* X, 17-22), that the plague that killed the Assyrians was brought on by field rats. Combining all the indications, it is possible that both the pestilence in Egypt and the plague of the Assyrians were caused by rats that Hashem sent to afflict the Israelites' enemies at the time and place that He prescribed. Not only were animals involved, directly, in the plagues of frogs and wild beasts of the Egyptians, but the rats could have been involved, somewhat less directly, in another plague. This fact could also add insight into the name of a prophetess who operated 100 years after the fall of the Assyrian army, Chulda (whose name means, rat).

Let us pray that we will continue to see miracles that Hashem brings for our benefit, which will be very welcome even if Hashem will send them within the framework of natural events.

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**Question:** May a *chatan* lead *bentching* and/or recite *sheva berachot* at his own *sheva berachot*? What if he is more of a *talmid chacham* than anyone else there?

**Answer:** We will start with a little bit of background. There are two sets of *berachot* that are recited under the *chupa*: the *birkat eirusin*, which corresponds to the betrothal (by giving the ring) and the *birkot nisuin* or *birkot chatanim* (what we call *sheva berachot*, which are actually six special *berachot* in addition to the *beracha* on the wine). Classical sources seem to indicate that, fundamentally, the *chatan* would recite at least the *birkat eirusin* before his *mitzva* of getting married (see Beit Yosef and commentaries on Even Ha'ezer 34). However, due to the following various concerns, the strong *minhag* has developed that other people recite both sets of *berachot* (although some concerns may apply more to one than to the other).

The Rambam is attributed (see beginning of Ma'ase Rokeach) to say that the *berachot* were made for the benefit of the *chatan* but to be recited by others about him. The Mordechai (Ketubot 131) says that it is haughty (*yohara*) for the *chatan* to claim the *berachot* for himself. Orchot Chayim (Kiddushin 21) says we are concerned that if *chatanim* will be in the practice of reciting the *berachot*, those who do not know how to do so will be embarrassed. The consensus is (see S'dei Chemed VII, p. 434; Hanisuim K'hilchatam 10:21) that if only the *chatan* is able to recite the *berachot* reasonably, he would make the *berachot*, as he fundamentally is able to do.

One of the differences between the reasons may be the following. Some of the *berachot* are general praises of Hashem and not specifically referring to the *chatan*. In theory, according to the Rambam's reason, the *chatan* should be able to recite those. It seems that, classically, one person used to recite all of the *berachot* and in an "all or nothing" situation, we would have the *chatan* do nothing. Nowadays, when we split up the *berachot*, one could claim that the *chatan* could do the first few *sheva berachot*. Be this is at it may, the *minhag* is certainly that the *chatan* does not do any of the *sheva berachot*, which is correct according to the latter reasons and in general is just as well (the *chatan* has enough limelight). This is true under the *chupa* and during the week of *sheva berachot* celebrations.

The matter is less clear in regard to leading the *bentching/zimun*. Should we extend the practices of *sheva berachot* to it? On one hand, the leading of *bentching* is fundamentally the same at *sheva berachot* as at other times. On the other hand, the *sheva berachot* are recited specifically at the end of the *bentching* and the one who leads waits until the *sheva berachot* are finished to make the *beracha* and drink the wine and is even allowed to recite one of the *sheva berachot* in the meantime (Sova Semachot 6:21). "*D'vai haser*" and "*shehasimcha bim'ono*" are also added. Logically, the matter of *berachot* being made on the *chatan's* behalf does not apply. It is unclear if we need to be concerned that *chatanim* would feel pressure to lead *bentching* and be embarrassed if they cannot do so properly. In theory, *yohara* would not apply to a *chatan* who leads the *zimun*, which is a normal task. Therefore, one can easily make the case that a *chatan* can lead *bentching*. In fact, Hanisuim K'hilchatam (14:109) even cites a *minhag* to specifically have the *chatan* do so at the *sheva berachot* at *seuda shlishit* [related to issues of drinking- see ATR, Noach 5769].

All of this being said, since the very consistent practice is that *chatanim* do not *bentch* at their own *sheva berachot* (even if it might originally have come out of ignorance), it would be objectionable for one to do so without a specific reason. Not only is it a matter of changing *minhagim*, in general, but, under the circumstances, there would indeed be a problem of *yohara*, especially if it is connected to the claim that the *chatan* is the only *talmid chacham* present. Again, if no one else feels comfortable leading the *bentching*, that would be different.

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# Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

## Finding a Good Wife

(based on Berachot 1:93)

**Gemara:** “For this every pious man should pray to You for the time of finding” (Tehillim 32:6). Rav Chanina says that “the time of finding” refers to a wife, as the *pasuk* says, “One who found a wife found goodness” (Mishlei 18:22).

**Ein Ayah:** “The time of finding” refers to a certain time that has implications for the success of his entire life. The only thing that fits this description is a wife. As *Chazal* said: “If Hashem reserves for him a pretty/good wife, his life is double” (Yevamot 63b). Then he will be able to spend his life focused on reaching true *shleimut* (completeness). The opposite is also true. If one has a bad wife, all of his days are polluted by a tormented mental state, and he has to deal with the lowliness of bad attributes, as Ben Sira said: “A bad wife is leprosy for her husband.”

## The Reason to Eat on Yom Kippur Eve

(based on Berachot 1:103)

**Gemara:** “You shall afflict yourself on the ninth day of the month in the evening” (Vayikra 23:32). Do we fast on the ninth? Don’t we fast on the tenth? Rather, whoever eats and drinks on the ninth is considered by the Torah as if he fasted on the ninth and the tenth.

**Ein Ayah:** There are two elements to the content of *teshuva* (repentance). One is to reclaim the lost positive emotions whose boundaries were ruptured. In regard to this element, staying away from physical pleasures and the normal flow of life is effective. This facilitates his contemplation on the ways of ethics and the work of disciplining himself with the love and fear of Hashem.

The second is the matter of forming, by actual practice, good habits of following a proper path and not allowing his desires to take him on a path that diverges from the path of Hashem. This form of repentance specifically is accomplished when one is occupied in the physical world and his own desires but does so in appropriate measure. In such a case, he distances himself from the path of introspection and a life of seclusion and still he does not leave behind his complete success in staying away from anything that is against the Torah. This second element of repentance is the way to complete the repentance of contemplation and elevate its level.

This is why Yom Kippur eve is designed and fit for repentance. By this, we mean that the time is appropriate for the type of repentance that is based on actual, positive habit forming. This is similar to what the Rabbis said (in Yoma 86b) about one who demonstrates having repented by succeeding in avoiding sin after being placed in the same situation in which he failed previously. Therefore, the repentance process of Yom Kippur is actually completed specifically through eating and drinking and involvement in physicality while still doing everything according to the Torah and its commandments. That is why whoever eats and drinks on the ninth is considered by the Torah as if he fasted the ninth and the tenth. In this way, after all, he elevates even his repentance of the tenth, for had it remained just a repentance of contemplation, it would not reach its goal, which requires him to attach it to action.

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# P'ninat Mishpat

## Work Under a Questionable Agreement

(based on Halacha Psuka 51, condensation of a p'sak from Techumin XXIV, p. 77-83)

**Case:** The defendant (=def), an organization that furthers Torah education, hired the plaintiff (=pl) to serve as head of a kollel responsible for teaching local residents. Pl and def's representative (=rep) agreed on a monthly salary of 3,000 shekels, based on an estimate of 30 shekels an hour for 15 hours a week and 60 shekels a day for transportation. It was also agreed that payment of the salary would be dependant on the arrival of funds from the Education Ministry for the project. After a few months of receiving only partial payment, pl signed a memorandum stating that he knew that the time and amount of his payment depended on the Education Ministry funds. After 15 months of minimal pay, pl quit. He demands full back pay for the outstanding salary and payment until the end of the school year, which is the normal work period of educators. Def responds that they never intended to give pl more than the funds they receive from the Education Ministry, as indicated in the memorandum, which was on the basis of 8 shekels an hour. Rep was not authorized to obligate def in more than that.

**Ruling:** Rep's calculation of the salary, both in its amount and the idea of transportation, shows that it was not based on the Education Ministry allocations. It would seem, though, that the waiver in the signed memorandum is binding even if pl did not understand its significance (based on Shulchan Aruch, Choshen Mishpat 45:3). However, in this case, rep led him to believe that his signature was confirming what they had agreed orally. Since that which one is obligated by his signature even without understanding stems from the fact that he did not bother to investigate (S'ma 45:5), it does not apply when he inquired and was misled.

Regarding a case like this, where rep exceeded his authority in making the promises he did, the matter is spelled out in Bava Metzia (76a). When one who was sent to hire a worker told the worker that he would be getting more than the employer had said, then if the worker said that the employer would be responsible for pay, the latter has to pay according to the level of benefit he received from the worker. Thus, def is not held to rep's unauthorized promises but to the level of benefit. Although def did not personally benefit from pl's services, others in the community did, and since that is what def asked pl to do, it is considered def's benefit. Beit din decided that 3,000 shekels a month is a reasonable (or low) salary for pl's work, and he should be paid at that rate for 15 months.

However, since payment is based on benefit and not an agreement, pl cannot make demands for the time after he quit. Pl is also not entitled to severance pay, which applies to regular employees, not contractors, which pl is considered, as he was paid based on the benefit provided.

## Baba Kama 28-34

Rabbi Ofer Livnat

### ***The Obligation of a person who ran in a public domain and caused damage***

We learned this week in our studies of the Daf Yomi (daf 32a) that if a person ran in the street and caused damage to another person that was walking there, he is obligated to pay for the damages. Since the normal pace of movement in a street is walking, running is considered unusual. Nonetheless, the Talmud states that a person who ran Erev Shabbat at dusk and caused damage is exempt – since one is allowed to run in preparation for Shabbat.

This halachah is codified in the *Shulchan Aruch* (*Choshen Mishpat* 378: 8). The Ramah (in accordance with the *Nimukei Yosef's* citation of Rav Meir Halevy Abulafia, daf 15b, *dapei HaRif*) limits this ruling. Although we normally assume that a person who runs Erev Shabbat at dusk does so in honor of the Sabbath, if it is known that his running was not in honor of the Sabbath, but rather for his own purposes, he would be obligated to pay damages.

The *Smah* (*sif katan* 11) understood that according to the Ramah, only a person who ran in actual preparation for Shabbat is exempt. However, if he ran for personal reasons, although he was doing so in order to finish his tasks before Shabbat, he is obligated to pay damages. However, the *Tosafot Yom Tov* (*Baba Kama*, chapter 3, *Mishnah* 6) proves from the wording of the Rambam (*Mishnah Torah*, *Chovel U'Mazik*, chapter 6, *halachah* 9) “and if it was Erev Shabbat at dusk, he is exempt – since he was running in a permissible manner lest Shabbat would enter without his being free,” that even if he ran to take care of his personal needs in order to complete them before Shabbat, it is considered running for the sake of Shabbat, and he is exempt. The *Aruch HaShulchan* (378: 18) likewise rules this way and states that this is in accordance with the Ramah as well.

The Halachic authorities additionally deliberated on what the ruling would be if a person would run for the sake of another mitzvah and would subsequently cause damage. The *Mordechai* (*Baba Kama*, *siman* 38) rules that only one who ran in preparation for Shabbat is exempt, because there is a time constraint. However, if a person ran for other Mitzvot, such as running to a Synagogue or to a Beit Midrash, since there is no time pressure, he is liable for damages. The *Chavot Yair* (*siman* 207, mentioned in the *Pitchei Teshuvah*, *siman* 378, *sif katan* 3) similarly ruled regarding a person who heard the gabbai call out to gather for Kiddush Levanah and ran in order to get there in time to recite the blessing on the moon together with everybody else, but caused damage on the way – that although there is a mitzvah to recite the blessing on the moon together with others, nevertheless, since it is possible to recite the blessing on the moon alone, the situation is not as urgent as running for the sake of Shabbat and one is liable for damages.

However, if a person runs for the purpose of *pikuach nefesh* [lifesaving measures], such as saving someone from a fire or from drowning, the *Aruch HaShulchan* rules that he would certainly be exempt – since in such a case one must run as fast as possible – even more than a person running for the sake of Shabbat.

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