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חיים אמת

## PARASHAT HASHAVUAH

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### On Going to Yerushalayim, Unity, and Divine Spirit Harav Yosef Carmel

The last *pasuk* of the *haftara*, about Shimshon, says that “the spirit of Hashem began *l'fa'amo* in the camp of Dan between Tzora and Eshta'ol.” Let us start by explaining the word *l'fa'amo*.

Rashi says that it means from time to time. In other words, the Divine Spirit came to him sporadically, which is a normal thing for prophecy (introduction to Moreh Nevuchim). The Radak gives two explanations: that the Spirit strengthened this warrior; that Yaakov's prophecy about Shimshon started to ring out like a bell. The Ralbag said that like a bell, he oscillated between the ideas to attack the Plishtim and not to. Mahari Kara says that the Spirit would shake him, and the Metzudot says that it referred to movement, as *pa'am* can refer to legs.

The reference to the camp of Dan may hint at Yaakov's prophecy about the tribe, which its tribesman, Shimshon, carried out (Radak). Tzora and Eshta'ol may hint at the actions of the Plishtim, as these were cities that bordered the region of that nation (Mahari Kara).

Let us now try to understand the significance of Shimshon's actions. He was trying to extricate the Israelites from the grip of the Plishti dominance and win independence. As is important in matters of leadership throughout that period, was this leader from Leah or Rachel? Another point that is important to consider is whether he was able to create unity.

The word *l'fa'amo* hints at both matters. The word is used about the practice of going to the Temple on the festivals so that all of the nation could be united in their service of Hashem. This indeed was a time when the Divine Spirit was most felt. Unity was also felt by means of Shimshon's lineage. Shimshon drew strength from the special status of Dan, who was the firstborn of Rachel's maidservant, Bilha. The tribe of Dan, which originally lived on the coastal plain moved northward and took a place they called Layish, as if to say that they are lions. This may hint that they get two portions, like Yosef, the firstborn of Rachel. However, Shimshon did not intend to usurp the special role of Yehuda, who is compared to a lion. Rather, he represented the joining of forces, as his father was from Dan, but his mother was from Yehuda (Bamidbar Rabba 10:5). The cities of Tzora and Eshta'ol also belonged to both Yehuda and Dan (see Yehoshua 15:31 and 19:41). Thus, there was a joining of forces between the sons of Rachel and those of Leah. With this distinction at his side, Shimshon was able to declare independence and freedom from foreign control.

Let us hope that also in our generation, the generation of “the beginnings of liberation,” we will be wise enough to strengthen the phenomena mentioned above. We hope to see the visitation of a unified (in all manners) Yerushalayim, involving the powers of all elements of the nation. That should hopefully merit us with the dwelling of the Divine Presence and a spirit of Hashem that will come upon our leaders.

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Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich  
3 Rabbi Chiya Hagadol St. P.O.B 36236 Jerusalem 91360  
Tel: 972-2-5371485 Fax: 972-2-5379626

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**Question:** When and from where did the practice for a man to cover his head originate, and in what circumstances is it required? Does it make a difference what one is doing and where he is?

**Answer:** The practice of men covering their heads has evolved toward stringency and there was likely also a geographic/cultural element to it. The Talmudic references to covering one's head continuously deal primarily with *midat chasidut* (the practice of the particularly pious) (Kiddushin 31a) or in cases where one needed to reinforce his fear of Heaven (Shabbat 156a).

We do find distinctions based on the person and the circumstances being discussed. The Rambam sees keeping the head covered as a high level of modesty about which Torah scholars should be concerned. Massechet Sofrim (14:15) brings two opinions as to whether one may recite parts of prayers that contain Hashem's Name with his head uncovered, and most *poskim* rule stringently on the matter (Shulchan Aruch, Orach Chayim 91:6). It is also likely objectionable to enter a *shul* in that manner (*ibid.*). The simple implication is that otherwise, it is not a real problem. The Gra (to OC 8:2) champions the view that all of the examples of covering are matters of piety and not real halacha.

On the other hand, there are indications that head covering applies to all Jewish men under normal circumstances. The *gemara* (Berachot 60a) says that the morning *beracha* of "*oter Yisrael b'tifara*" is said when one puts a cloth on his head. Some understand from the fact that a set *beracha* is said on the matter that it is a mainstream practice. The Shulchan Aruch (OC 2:6) says that one should not go more than 4 *amot* with his head uncovered. The Gra (*ibid.*) though claims that this is a suggestion for those who strive for piety (notice that it precedes the instructions not to walk with too straight a posture).

An important element of this *machloket* is dynamic. The late Ashkenazi *Rishon*, Mahari Bruna (Shut 34), says that while in Talmudic times the matter was just a matter of piety, now that we live among the non-Jews, it is a binding law. The Taz (OC 8:3) takes this approach to its limit. When, he says, Jews live among non-Jews who considerate it proper etiquette to specifically uncover their heads out of respect, while the Jewish approach values covering one's head as a sign of respect to Hashem, uncovering the head violates the Torah prohibition of copying gentile practices. Some take a somewhat compromise approach. The Maharshal (Shut 72) says that while he is skeptical about a classic halachic requirement to cover one's head, possibly even for prayer, once it has become expected for Jews to do so, it is improper to arouse people's suspicion by failing to follow suit. Thus, there is a sociological connection. Not surprisingly, the custom was much less widespread among Jews from non-Christian countries. The Mishna Berura (Sha'ar Hatziyun 2:17) claims that had the Gra lived in his time (only around 100 years later) he would have agreed that one is halachically required to cover the head.

The validity of a weak covering might depend on the reason behind it. If one requires it for innate halachic reasons (e.g., according to many, for prayers) then covering with one's own hand is not considered covering (Taz, *ibid.*). However, regarding not walking four *amot* or sitting in a manner that it is uncomfortable to keep one's head covered, a hand is enough of a sign that he generally tries to keep it covered.

Obviously, it is now practically the universal practice among religious Jews to wear a *kippa* at least within the Jewish community, and that should be continued. Perhaps the most pressing question is that of people who are afraid of discrimination if they wear a *kippa*. What to do in such a case is a major dilemma which requires a separate halachic discussion. One should discuss the matter with a local Orthodox rabbi, who is familiar with the local modalities and the situation of the person who asks the question.

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## Emotion Vs. Careful Torah Adherence

(condensed from Berachot 4:50)

**Gemara:** Rabbi Chiya bar Abba said: It is a *mitzva* to pray with just a bit of sunlight [i.e., *Shacharit* soon after sunrise and *Mincha* soon before sunset]. What *pasuk* [indicates this idea]? “They will fear You with the sun and before the moon for generations” (Tehillim 72:5). In *Eretz Yisrael*, they scolded harshly those who prayed [*Mincha*] with just a bit of sunlight. What is the reason? Because the time might be lost [i.e., they might be delayed at the last minute and miss the allotted time.]

**Ein Ayah:** The scholars of *Eretz Yisrael* said that despite the beauty of the pure emotions that come by joining the totality of existence at the appointed time [pre-sunset], the laws of the Torah are still more important. This is because that which one learns from the Torah is loftier than what one learns from the world of nature. The fear then is that by trying to pick the perfect time for the proper emotions, he will miss the halachic guidelines regarding the times of prayer. Whatever emotions and thoughts have been lost by praying at a safer time can be made up by the perfect Torah.

King David is the one who spoke about the advantages one can attain by contemplating the celestial bodies at the time of prayer in Tehillim 19: “The heavens tell the honor of Hashem...” Yet he continues the psalm with the statement that “Hashem’s Torah is complete,” which tells us that involvement in Torah is more uplifting than contemplating creation.

## Hashem’s Concern for Us When There Should Be Anger

(condensed from Berachot 4:52)

**Gemara:** Rabbi Yehoshua says: “One who goes to a dangerous place prays the following short prayer: “Hashem, save your nation, the remainder of Israel in all of their *parashat ha’ibur*.” What is *parashat ha’ibur*? Rav Chisda said: Even when You fill up with *evra* (anger) like a pregnant (*ibur*) woman, let all of their needs be before You. Some have the following version: Even when they are *over* (violate) the Torah, let their needs be before You.

**Ein Ayah:** A pregnant woman puts up with the difficulties of pregnancy relatively well because she knows that it is for a wonderful goal. Similarly, all of the difficulties that the Nation of Israel undergoes must be for a good purpose, as the *pasuk* (Yeshaya 66:8) says: “If a nation will be born in one time.” Despite the fact that the troubles are not actually bad, the needs of the time can be pressing and it is hard to bear too much while waiting for future good. Therefore, we ask Hashem to provide for the needs of the present as well. This refers to financial pressure that is severe enough to prompt individuals to enter danger in order to support themselves. We ask that Hashem suffice with the fear related to the danger and should not actually allow damage to come.

It is also necessary to justify the fact that people enter these dangerous situations. As the Chovot Halevavot says, when one travels on distant, dangerous journeys for a livelihood, he is displaying a lack of faith in Hashem, as if He will not provide without the need to risk one’s life. Despite this shortcoming, He should still protect the traveler, even though a sin (lack of complete faith) is involved.

There is another excuse. A person may have enough resources to survive without such trips if he had the attribute of sufficing with less. However, once he gets used to luxuries, it seems to him as if they are necessities, forcing him to take further steps. While enslaving oneself to such habits began as a sin, after time he is trapped in the habit and needs what he is used to. Therefore, we ask that all of their needs, including the originally contrived ones, be seen by Hashem as real at this point, thus reducing the sin.

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## An Excuse for an Admission of Being Married

(condensed from Mishpetei Shaul, siman 10)

**Case:** A woman told a *beit din* that she got married to her first husband in the Caucus region with a civil marriage, after which an old Jew did a *chupa* for them. The marriage ended without a *get*. In a later court appearance she claimed that while the “*chupa*” was done for religious reasons, the old man was not a rabbi, there were no witnesses, no ring, and no *ketuba*, just a party with some of her husband’s friends, people who worked on Shabbat, and the ceremony just consisted of the old man mumbling some words.

**Ruling:** Rav Elyashiv and Rav Goldschmidt ruled that the woman is to be presumed to be married. She admitted to this status by saying that she had been married with a *chupa* and only with an *amatla* (explanation of why she made an admission that was not accurate) that convinces *beit din* can she rescind it. Her claim that, although there was a religious ceremony, it had no basic elements of halachic value, is not convincing. Rav Yisraeli argued with the aforementioned (and was the minority opinion), and we will now present his reasoning.

A classic case of *amatla* is when one rescinds his previous statement and explains why he made an incorrect statement. If one stands by his statement but just clarifies what he meant by it, he may do so. Thus, regarding money, one who said that a field is “from my fathers” can then say that he acquired it and meant that it is as securely his as if it had been his fathers’.

In this case, she only said that the old man made a *chupa* and did not say that there had been *kiddushin* (the “giving of the ring”), which brings on the crucial halachic circumstances. Thus, when she says there was no ring, she is not explicitly denying her previous statement. Although we hold that if there was known to have been a *chupa*, we would consider it a doubt whether or not there was *kiddushin* (Shulchan Aruch, Even Haezer 26:2), the Pitchei Teshuva (ad loc.) says that this is only when the *chupa* included *yichud* (seclusion of the couple), which was never implied here. Some even say that if one said there was *kiddushin*, he can later say the *kiddushin* were before unfit witnesses. The Maharival says that she is believed to say that she did not previously know that the *kiddushin* she acknowledged were not valid.

One can posit based on apparent contradictions between sources [beyond our present scope] the following distinction. In a case where the woman should have realized that her story had impact on her status, she should have been careful with her words, and then she needs an explanation for why she is changing her story. In this case, it is clear from the development of the story that she was just telling a story in a casual manner, and therefore she can explain later what she meant in describing what happened.

Therefore, we do not view her original story of a *chupa* as admission that there had been halachic *kiddushin*.

## Mishpetei Shaul

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## Olam Haba and Yemot Hamashiach (99a)

Rav Ofer Livnat

This week in the Daf Hayomi, we continue learning Chapter Chelek of Sanhedrin, which is composed mostly of Aggada, rather than Halacha. One of the issues the Gemara deals with is the relation between Olam Haba (the world to come) and Yemot Hamashiach (the Messianic times). The Gemara (99a) states that there is a dispute amongst the Sages regarding this.

Rabbi Yochanan says that all the prophets spoke of Yemot Hamashiah, but only Hashem knows the great reward that one will receive in Olam Haba. The Gemara says that this statement is in contrast to Shmuel's statement that there is no difference between this world and Yemot Hamashiach, except that in Yemot Hamashiach we will no longer be subjugated to other empires.

At first glance, it appears that the Gemara understood that, according to Rabbi Yochanan, there will be many differences between this world and Yemot Hamashiach, and this is what the prophets spoke of, while according to Shmuel, the prophets spoke of Olam Haba.

However, the Rambam in Hilchot Teshuva quotes both the statement of Rabbi Yochanan and the statement of Shmuel. In chapter 8 (Halacha 7) the Rambam writes that the world to come, since it will be only a spiritual existence without a physical body, cannot be comprehended by humans, and therefore the prophets did not speak of it and spoke only of Yemot Hamashiach, and he quotes Rabbi Yochanan's statement as proof to this. But, in chapter 9, the Rambam explains in length that there will not be a change in nature in Yemot Hamashiach, and the difference between this world and Yemot Hamashiach will be that Israel will be independent again, and people will be free to worship Hashem. As proof to this, he quotes Shmuel's statement. The commentators found difficulty with the fact that the Rambam quotes both statements, which the Gemara claimed to be contradictory.

My Rebbi, Rav Nachum Rabinovitch, explains in his commentary to the Rambam (Yad Peshuta, introduction to chapter 9 of Hilchot Teshuva) that the dispute regarding Yemot Hamashiach is really a dispute as to when one receives reward for fulfilling the Mitzvoth. According to Shmuel, who claims that there will not be a change in nature in Yemot Hamashiach, the reward will only be in Olam Haba, as the Rambam explains in length in chapter 9 of Hilchot Teshuva. The purpose of Yemot Hamashich, according to this opinion, is to allow people the opportunity to reach higher spiritual levels. However, the opinion that the world will undergo a fundamental change in Yemot Hamashiach, believes that people will also receive their reward for fulfilling the Mitzvoth at that time.

According to this, one can explain that Shmuel also agrees that the prophets only spoke of Yemot Hamashiach. However, he feels that they should be interpreted as not meaning that nature will change, but rather that the conditions which allow one to worship Hashem will be improved. However, when Rabbi Yochanan stated that the prophets spoke of Yemot Hamashiach, he meant that they spoke of the reward one will receive in Yemot Hamashiach, as can be clearly seen from further statements the Gemara quotes from Rabbi Yochanan, and therefore the Gemara stated that he disagrees with Shmuel

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