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HEMDAT YAMIM

Parashat HaShavua

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Frogs and Embarrassment

Harav Yosef Carmel

The phenomenon of “shaming” on social media has proven to be very dangerous. The dangers are many times worse when it involves children and adolescents. We will take a look at the matter through the lens of the *parasha* and even suggest a partial solution.

One of the great miracles that led up to the freeing of our forefathers from Egypt was that of the frogs. “The Nile will be full of frogs, and they will come out and enter your houses, your bedrooms, and your beds, and in the houses of your servants and in your nation, and in your ovens and your food” (Shemot 7:28). *Chazal* pick up on the proximity of mention of the oven and the food and point out that the food is near the oven when the two are hot, which shows us that the frogs entered the oven when they were being used for cooking, showing that the frogs risked their lives in order to sanctify Hashem’s Name. They derived that specifically the frogs that entered the hot ovens survived and were able to return to the Nile, while the rest of the frogs died and smelled up the Land of Egypt (Midrash Shochar Tov 28).

Chazal (ibid.) also tell us that Chananya, Mishael, and Azaria, who were thrown into a furnace rather than bow down to an idol, learned from the frogs. They reasoned that if the frogs, which did not have the merit of their forefathers, were able to miraculously survive when they risked their lives for Hashem, the sons of Avraham, Yitzchak, and Yaakov, who are commanded to sanctify His Name, certainly are required to risk their lives to sanctify His Name.

We find the concept of being willing to go into a furnace coming up in another context. Tamar was about to be burnt to death for a form of adultery. She knew she could blame her father-in-law Yehuda, but decided that she was willing to die rather than embarrass him, if he were not ready to admit his involvement (see Bereishit 38:25). The *gemara* (Sota 10b) learns from this episode that a person should prefer throwing himself into a fiery furnace to publicly embarrassing his counterpart.

The conclusion is clear! There is nothing greater than a life of sanctifying Hashem’s Name. And there is nothing more despicable than to shame a counterpart in public!!

It is the job of parents, teachers, youth group leaders, and certainly rabbis to make every effort to prevent occurrences of shaming, of any sort, certainly when people use the new technology of social media. We have quickly learned that this powerful tool, which can certainly be used for good things, like gaining public support for good causes and other wonderful purposes, can also be used to cause horrible human destruction.

When educators allow the use of technology for social and educational connections, they must ensure that there is, in every circle of young people using it, an open adult monitor of the activity. He should get involved only when shaming or some other damaging activity is going on. These are matters of life and death.

Let us learn from the frogs and Tamar how to go about our lives properly. Do not embarrass; do not harm. Let us, rather, sanctify Hashem’s Name in the way we lead our lives.

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Shirley Rothner z"l, Sara Rivka bat Yaakov Tzvi HaCohen 15 Tevet 5768

Those who fell in wars for our homeland. May Hashem avenge their blood!



Eretz Hemdah
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
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Ask the Rabbi

by Rav Daniel Mann

Doubt Whether you Recited *Birkat HaTorah*

Question: I usually recite *Birkat HaTorah* on the way to *shul*. This morning, I was mentally preoccupied, and I have reason to suspect I did not say it. I thought of this when I came home and asked my wife, who had not yet recited it, to do so with me answering *Amen*. Did that cover my obligation?

Answer: The *gemara* (Berachot 21a) cites the *pasuk* of "When I call out Hashem's Name, give greatness to our G-d" (Devarim 32:3) as the source for *Birkat HaTorah*. Given the apparent Torah-level of *Birkat HaTorah*, most *poskim* (see Shaagat Aryeh 46) posit that although usually in the face of a doubt about whether one is obligated in a *beracha* we refrain from it, we require a *Birkat HaTorah* when there is doubt (see Mishna Berura 47:1). Some prominent opinions prefer not to make *Birkat HaTorah* when one suspects he might have already recited it, due to the opinions that *Birkat HaTorah* is Rabbinic (see *ibid.*). However, if there is no other option, one should recite only the second *beracha* ("... *asher bachar banu*") (*ibid.*; *Ishei Yisrael* 6:10).

There are usually other options. The *gemara* (Berachot 11b) says that if one realized he did not recite *Birkat HaTorah* and it is now after *davening*, he is exempt because he fulfilled the *mitzva* by reciting *Ahava Rabba* (before *Kri'at Shema*), which expresses our appreciation of Torah study. It does not mention a need for special *kavana* to thereby fulfill *Birkat HaTorah*. Thus, since you are after *davening*, you would seem to have no problem. However, the Yerushalmi (cited by Tosafot, *ad loc.*) says that this works only if one learned "directly after" *Ahava Rabba*. Some say that *Kri'at Shema*, which are words of Torah, counts for this. Others require other words of Torah, although these can be recited right after *davening* (see Shulchan Aruch, Orach Chayim 47:7-8). Unless you learned something not "*davening*-related" before you left, your status depends on this unresolved *machloket*.

It is agreed that women are expected to recite *Birkat HaTorah* (see Shulchan Aruch *ibid.* 14). This is surprising considering that women are exempt from Torah study (Rambam, Talmud Torah 1:13) and Sephardi women do not recite a *beracha* for a *mitzva* in which they are not obligated (Shulchan Aruch, OC 589:6). The Beit Yosef (*ad loc.*) and Magen Avraham (47:14) explain that women need to make *Birkat HaTorah* because there they are required to learn how to perform the many *halachot* that apply to them and because there are Torah passages in their *davening*. The Gra (*ad loc.*) posits that women are not obligated in *Birkat HaTorah*, as they lack the normal obligation to learn Torah, but that they are still permitted and expected to recite it anyway. The Biur Halacha (to 47:14) says that one consequence of the various explanations is whether women can enable men to fulfill their obligation. According to the Beit Yosef/Magen Avraham they can because both are obligated in *Birkat HaTorah*. According to the Gra, a woman's voluntary *beracha* cannot count for an obligated man (see Rosh Hashana 29a). So whether your wife's *beracha* helped you once again depends on a *machloket*.

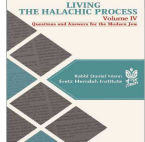
There is another reason for leniency in your case. Your routine, which you took part in, includes *Birkat HaTorah*. Regarding someone who is not sure if he said the right rain-related matters in *Shemoneh Esrei*, we assume he followed his norm, which depends on how long has passed since the change to the present version (Shulchan Aruch, OC 114:8). This would indicate that you did recite *Birkat HaTorah*. Furthermore, the Mishna Berura (114:38) rules that if a person's doubt whether he made a mistake arose only after *davening* is over, he can assume he did it right. You starting doubting yourself only after *davening* was over, well after the omission would have taken place. Therefore, you may assume you did things right (even if not with the greatest *kavana*) unless you have a conviction to the contrary.

Putting all the indications together, you are not required to look for someone else to recite *Birkat HaTorah* for you again and certainly should not do it yourself.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.

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Ein Ayah

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

Limiting Adornment

(condensed from Ein Ayah, Shabbat 6:1)

Gemara: What is a “city of gold” (an ornament that it is forbidden to wear on Shabbat)? It is a golden ornament representing Yerushalayim, like the one Rabbi Akiva made for his wife.

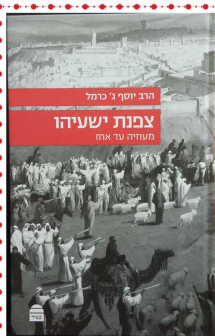
Ein Ayah: There are two ever-opposing and competing powers – the power of limiting and that of exaggeration. Only when each has an impact is a good balance reached, which is built on the essence of the two coming together. We find this especially on the holy rest day of Shabbat, in which the spirit is expanded and is indulged.

It is women who are liable to lean too much in the direction of external adornment, which can cause many to sin and create havoc in families and nations. Girls have much more of an inclination toward adornment than men do. Just as the proper measure of adornment is precious and positive, so too its exaggeration is highly destructive to the spirit and the body. Regarding the holy day of Shabbat, the Rabbis were inspired to make limitations on adornments, albeit for ostensibly side issues. Specifically, as a result of showiness, one might remove jewelry and show such articles to others in the public domain, thereby desecrating Shabbat. Be it as it may, there is a restriction specifically on Shabbat, the holy day of indulging and rest, on the desire to show off in a manner that could strike roots that are too deep. Indeed, when fanciness is overdone, it can take the heart away from everything that is truthful and good, internal and eternal. Even when it starts out good and full of light, when it goes off course, it harms the center of life and sanctity in a terrible way. It can take that which is lofty and sacred and turn it into mundane, external, and petty.

The awakening of the heart of Jewish adornment is very pleasant when girls wear on their head a golden representation of Yerushalayim, the city of our internal strength. The legacy of good mothers represents that which is good in the nation, as “the Torah of your mother” refers to the Nation of Israel (Berachot 35b). The subjective understanding that creates a good feeling needs to be prepared by the sanctity of a mother, whose feelings come from the most basic feeling of her spirit, with the splendor which is unique to her. This is what *Chazal* meant when saying that Hashem braided Chava’s hair and presented her to Adam. It is at this point that the holy feeling of the nation as a whole has to find its place.

The best material for which to receive an attractive form is the fine feeling to host a divine soul, whose power comes from the highest intellect, which is connected to G-d’s Torah. This is best represented by a Jerusalem of gold ornament, which women who were very connected to their nation and Land wore. The center of their nation’s life was their adornment. However, this idea must not relate to a lowly physical object, without light, wisdom, or Torah-based internal grandeur. Rather it should be an outgrowth of the power of a pure feeling of connection to true knowledge of Hashem that is encapsulated in the Torah. When such a strong feeling toward the centrality of the nation comes from the right place, then it is a feeling of truth and justice that has eternal value.

The Jerusalem of gold we are speaking about was the type that Rabbi Akiva, the great “counter of the Torah’s letters,” whose opinions are commonly assumed to be the correct ones, and whose soul departed when he completed *Shema*, made for his wife. This is a source from which national emotions are best. Even so, since these feelings are connected also to an external showiness, they need to be limited and kept in check. That is why, at least on Shabbat, one cannot wear such adornments, to show that physical adornments are not to threaten the prominence of the internal beauty of rest and sanctity of Shabbat.



Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

Unfulfilled Shidduch Expectations – part I

(based on ruling 73064 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) hired a dating service (=def) to help find suitable matches for their son and daughter for 5,800 and 5,000 shekels, respectively, while hiding the source of the *shidduch* suggestions from the children. The contract stated that *def* would suggest potential matches and would give “advice” and that the fee was not refundable under any circumstances. *Def* suggested, through middlemen and through Facebook, several women for the son, and he dated one of them. *Def* suggested two men for the daughter, who refused to date either. She confronted her mother after sensing “collusion,” and after the mother admitted hiring *def*, the daughter refused to receive any more ideas. *Pl* demand a refund on several grounds: *pl* tricked them, as they were too inexperienced to know that *def* was unlikely to get their children married; the impossibility of a refund is illegal and an unreasonable condition in a set contract; *pl* were unaware of this condition; *def* involved *pl* in the ideas, which was not supposed to happen; *def* did not do a good enough job; the fee was well beyond industry standards. *Def* responds that their conditions were fair and clear. They are more professional than other agencies. It is not their fault that the daughter decided not to cooperate. They did not promise a certain amount of dates but to work professionally.

Ruling: *Def* are considered *poalim*, as opposed to *kablanim* because they are paid for doing work over time (a year) rather than being paid to reach a result.

We do not accept in an unqualified manner the contract’s clause that there are never grounds for refund. If we take that literally, then even if *def* put no effort into the matter, they would not have to return money; that is not plausible. Therefore, *def* has to demonstrate that they did an acceptable amount of productive work on *pl*’s behalf. The clause is to be accepted only in regard to not being able to demand a refund because the clients did not date enough of *def*’s suggestions, which is not always *def*’s fault.

In addition to suggesting matches, *def* claimed/admitted to have the obligation to advise. One who is paid to give advice can at times be required to pay when their advice clearly caused loss to his client. We do not say that the client should have known not to listen to bad advice (see Tosafot, Bava Kama 23a). The advice cannot have to do with giving dating advice to *pl*’s children because they were not even supposed to be aware of *def*’s involvement. Rather, they were required to give advice to *pl*, including about the viability of the service for a specific child. In regard to the daughter, *pl* claim they told *def* that their daughter is difficult in these matters (*def* does not remember) and in any case, they were required to find out if the service was feasible given the limitations and sensitivities concerning such clandestine work. In this way, *def* failed in their obligation. This is also similar to a case of one who hires a worker, and the job he was requested to do proves to be impractical, in which case the job is suspended.

On the other hand, *pl* can possibly be blamed for telling their daughter. Therefore, regarding the daughter, we rule that 60% of the fee should be returned.

We daven for a complete and speedy *refuah* for:

David Chaim ben Rassa

Lillian bat Fortune

Yafa bat Rachel Yente

Eliezer Yosef ben Chana Liba

Yehoshafat Yechezkel ben Milka

Ro'i Moshe Elchanan ben Gina Devra

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