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HEMDAT YAMIM

Parashat HaShavua

Vayakhel Pekudei, 23 Adar 5778

What is Special About the Aron? (part IV)

Harav Yosef Carmel

Last week, we saw Uriya's implied rebuke of David, which referenced the *aron* (ark): "Uriya said to David: The *aron* and Israel and Yehuda are sitting in *Sukkot*, and my master Yoav and the servants of my master are encamped in the field" (Shmuel II, 11:11). Now we will suggest a new approach to this *pasuk*.

The Yerushalmi asks on the *pasuk*: how could the *aron* have been in *Sukkot*, if it was really in Tzion? This raises the possibility that there were two *aronot*. However, the Yerushalmi continues that it is possible that there was only one *aron*, and *sukkot* could refer to the fact that at that time the *Mikdash* did not have a roof over the *aron*, as the *Beit Hamikdash* had not yet been built.

According to this, *sukkot* was not a place but a spiritual state. Along this line, Uriya could have been hinting that David was causing the Divine Presence to be banished, *kav'yachol*, or was responsible for the delay in the building of the *Beit Hamikdash* and the *aron's* insertion into its rightful location.

We will now explain in greater detail. The *aron* is the symbol of the dwelling of the Divine Presence (*hashra'at haShechina*). The famous *p'sukim* in B'haalotcha about the *aron* and success in battle (Bamidbar 10:35-36) teach us that the *hashra'at haShechina*, which the *aron* represents, depends on the purity of the encampment and brings defeat of the enemy. The *keruvim* on top of the *aron* symbolize *hashra'at haShechina*, and when they face each other, this indicates that "Israel are doing the will of Hashem" (Bava Batra 99a).

The manner in which the *keruvim* are standing is a clear hint to the idea of marital relationships in sanctity and purity, which is uniquely responsible for the situation of "if they will be meritorious, the Divine Presence will be between them." A sign of this distinction is a "cloud lodged just above the tent," as we will soon see.

Uriya hinted to David that his action with Batsheva was as far as can be from what the *aron* and *keruvim* represent. It would prevent the encampment's sanctity, *hashra'at haShechina* among the people, and the building of the *Beit Hamikdash*. David was not yet ready to accept the criticism.

Together with the mention of the *aron*, Uriya also mentioned Israel and Yehuda. They had, after all, left their homes to fight the nation's battles and were in *sukkot* (booths). Thus, *sukkot* can be explained three ways: 1. A tent-like structure, which was a contrast to the palace David was occupying at the time. 2. The city of *Sukkot*, in the region of the Gilad, where the troops fighting Amon may have been based. 3. A reminder of the incomplete nature of *hashra'at haShechina*. This is hinted at in Yeshaya (4:5-6); see Tzofnat Yeshayahu, p. 131.

Since the time there was a cloud above the tent of Sarah, every Jewish family hopes that the *yud* of *ish* (man) and the *heh* of *isha* (woman) will join and form the name of Hashem, representing the *Shechina*. Uriya was hinting that this was not the case with David.

We have learned in the past weeks the central place of the *aron* in the *Mishkan*, *Mikdash*, and indeed in the lives of the Jewish nation and the individual. May we merit the full return of the Divine Presence in all its glory.

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Ask the Rabbi

by Rav Daniel Mann

When to Make Up *P'sukei D'zimra*

Question: Someone in *shul* did something I see as strange. He came late, skipped to *Yishtabach* when the *tzibbur* got up to it, but then was making up few *p'sukim* of *P'sukei D'zimra* at each of the pauses in *Birchot Kri'at Shema* and during *chazarat hashatz* (we barely had a *minyán*, and it was unclear to me how often he was answering *amen*). Is that the right way to do things?

Answer: Your *shul*-mate was correct to skip parts of *P'sukei D'zimra* in order to *daven* with the *tzibbur*, preferably finishing *Yishtabach* together and, more crucially, starting *Shemoneh Esrei* together (Shulchan Aruch, Orach Chayim 52:1). For Sephardim, one may even skip all of *P'sukei D'zimra*, including *Baruch She'amar* and *Yishtabach* (ibid.), whereas Ashkenazim should say at least those *berachot* and *Ashrei* (Mishna Berura 52:6).

However, it was wrong to say parts of *P'sukei D'zimra* during pauses in *Birchot Shema*, during which one may not speak non-crucial things. There are two sets of rules of speech at that time: in between *berachot* and sections of *Kri'at Shema* (*bein haperakim*), and in their midst (see Shulchan Aruch, OC 66:1). Actually, most of the "pauses," i.e., when we wait for the *chazan*, are in the midst of *berachot* of *Kri'at Shema* or other times when it is particularly bad to speak, even for *mitzva* purposes. (The exception is after "...*yotzer hame'orot*.")

Even *bein haperakim*, the list of permitted recitations is very limited. The Shulchan Aruch (ibid.) rules that one who did not put on *tallit* and *tefillin* previously may do so with a *beracha* during *bein haperakim*. However, the Rama cites an opinion that one does not recite the *beracha* until later, even though putting on *tefillin* at that time is important (see Shulchan Aruch, OC 25:4), and rules this way regarding *tzitzit/tallit*. The Mishna Berura (66:15) explains that since having a *tallit* on at that time is only desirable and not a real requirement, the *beracha* is an unjustified interruption during the *Kri'at Shema* section.

How critical is *P'sukei D'zimra* at that point? For one who skipped all of *P'sukei D'zimra* (see above), arguably, if he now realizes that he can fit it in *bein haperakim*, it might be important enough to do. After all, according to the Shulchan Aruch, a make-up *P'sukei D'zimra* will be without *Baruch She'amar/Yishtabach*. We find a *machloket* whether a passing opportunity to make a non-critical *beracha* (see Mishna Berura 66:19 regarding the *beracha* on lightening) justifies recitation *bein haperakim*. However, assuming the person said a shortened *P'sukei D'zimra*, why recite individual *mizmorim* at this sensitive point? After all, there already was a basic pre-*tefilla* praise of Hashem (*P'sukei D'zimra*'s main function), and the fact that one may shorten it shows the rest is not critical. Whatever he recited was out of its normal framework (i.e., between *Baruch She'amar* and *Yishtabach*), and the *mizmorim* can and should be done after *tefilla*. There is a better idea, for one who hopes to get in more of *P'sukei D'zimra* than if he just skips to *Yishtabach* and knows he *davens* faster than the *chazan*. He can continue *P'sukei D'zimra*, answering *Kaddish* and *Barchu* while in its midst, and then catch up to the *tzibbur* during *Birchot Kri'at Shema* (Mishna Berura 52:6).

What about *P'sukei D'zimra* during *chazarat hashatz*? The basic halacha is that it is only forbidden to speak mundane matters during *chazarat hashatz* (Shulchan Aruch OC, 124:7). However, *poskim* consider it bad precedent to even learn Torah or recite supplications when people should be concentrating on *chazarat hashatz* (Mishna Berura 124:17). If it is unclear if there are ten (perhaps, nine – see Living the Halachic Process vol. I, A-10) people listening to every word (Igrot Moshe, OC IV 19) then it is certainly wrong to be involved in anything else. If (as is likely) recitation of *P'sukei D'zimra* will cause him to miss answering some *amens* and this may cause the loss of the quorum for *amen* during some *berachot* (others in *shul* likely also sometimes lose concentration), this is severe (Shulchan Aruch, OC 124:4).

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.)

The Crucial Need to Recognize One's Shortcomings

(condensed from Ein Ayah, Shabbat 6:27)

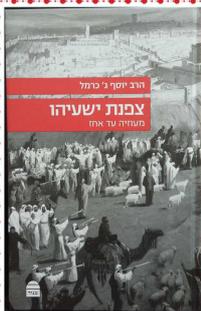
Gemara: This is how Rava the son of Rav Ilai learned the following *pasuk*. That which it says, "Hashem said: Since the daughters of Israel make themselves tall" (Yeshaya 3:16) (which was the introduction to a prophecy of tragedy) refers to the fact that they would walk overly erect.

Ein Ayah: A person's whole world can be perceived within his midst. In general in the world, we find powers that can be divided into good and bad. The bad is also supposed to exist, just that it should be subservient to the good. So too, in the way a person stands before others, his body contains all his essence. He should know that there are strengths within him whose expansion is not a positive thing, but rather their minimization is proper. If he does minimize them, then he will be built in his full glory, [and when many act in this way], society as a whole will be complete as well. The matter works in the following way. When one realizes his own shortcomings, he can notice that his friend has the good attribute that he is missing. He can then perfect himself by linking up with that person.

When a person realizes that within his whole persona there are elements that are lacking and should be minimized, it causes him to lessen his posture somewhat, preventing him from standing totally erect in a boastful manner that "stabs" his counterpart. When one's blindness due to haughtiness is full-blown, he loses his world. This is because he loses his chance at an effective social life and clinging to the community in a way that the community can develop. The development can only happen when each person realizes that there are talents in which he is lacking and can look to his friend to acquire them.

Although the issue of not looking to others for help is a real problem, it is more solvable for those who are active in society. Because they take part in important actions in the public realm, they are likely to eventually come to realize that they are lacking, and their haughtiness can come under control. Women are more passive within society, and they do not usually get as involved in its activities, especially in the intellectual and moral realms, as men do. Because "all the honor of the princess is inwards" (Tehillim 45:14), she does not have an external outlet that can show her how blind one needs to be to be conceited. This can allow bad characteristic to be entrenched.

When the mothers of Israel are lacking in these matters, then the children come out with serious moral shortcomings in these regards, and the sons' exposure to the world will not enable them to overcome the problems. This closes the window that draws people closer to the light of elevated divine perfection. Only when one recognizes his lacking does he thirst to become complete by clinging to the divine light, which in turn enables him to operate properly within society. When things do not go right, the downward spiral can be horrible. It brings a lack of unity due to terrible haughtiness, in which everyone thinks that he is complete without receiving anything from his friend. This starts with the daughters of Israel who walk in an overly erect manner.



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

Steps to Deal with Mutual Motzi Shem Ra

(based on ruling 72099 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: [Due to the case's sensitivity, we will omit a lot of the background.] The defendant (=def) insulted plaintiff (=pl) in a public interaction, saying that pl is "mitasek im ketinim" (approximately – fools around with minors). Def downplayed the statement's severity, and did not disavow or prove the subject of the insinuation. Pl initiated litigation, and when def showed initial reluctance to cooperate, pl gave letters to members of the community accusing def of refusing to come to *beit din*. Actually, def had refused to go to a specific *beit din* but agreed to go to another.

Ruling: According to standard halachic sources, one who embarrasses another by means of speech is not obligated to pay (Shulchan Aruch, Choshen Mishpat 420:38). Yet several *Rishonim* refer to a *minhag* to put the offender in *cherem* until he appeases the victim. The Shulchan Aruch (ibid.) recommends to do this according to the needs of the time, and the Rama applies this to *motzi shem ra* (publicizing false accusations).

The Rama cites a *machloket* whether there is an obligation to pay when a statement can be interpreted in different manners. We follow the Maharshah (Bava Kama 8:52) that it depends how the normal person takes it, and that it can apply to hints and not only to explicit statements. There is also a difference between making claims of concrete aspersions and between general insults (Chavot Yair 65). This is because the social urgency to stamp the practice out is more pressing regarding real aspersions. Just as one cannot allow verbal abuse to go unchecked, one can also not allow litigation on every insulting statement one says to another. The proper thing in such cases is apologies.

Pl's statement, concentrating on the wording ("minors") and the context (trying to "put def in his place"), imply claims of criminal wrongdoing. Def did not indicate that he knew the insinuations are true (in which case, we would urge him to go to the police), but it is still severe.

Pl also defamed def. Pl claims that it was because he was riled up after being insulted. We do find sources that when one is attacked physically or verbally and responds in kind, the one who reacts is exempt (see Rama, CM 421:13) because of self-defense and an uncontrollable anger. However, this cannot be applied here because pl's action took place weeks after def embarrassed him.

While *beit din* does have the authority to levy financial payments on the side(s), we do not believe that this is the most appropriate step. Rather, public apologies are. No monetary damage was caused, and the process at *beit din* and the public apologies will be ample deterrents that this behavior will not repeat itself. While apologies are due on both sides, they are not equal. Pl was humiliated by def over a severe claim without cause. In contrast, pl made a claim against def incorrectly but within the seeking of justice. Therefore, the language of the signed letter of apology and clarification to be put up in the local *shul* by def will be stronger in language than pl's apology (*beit din* provided both texts). Also, def's letter must remain for two weeks, whereas pl's letter will only need to appear during the course of one Shabbat.

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