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HEMDAT YAMIM

Parashat HaShavua

Vayechi, 14 Tevet 5779

Not How You Start but How You Finish

Harav Yosef Carmel

Parashat Vayechi begins with a clear understanding that Yosef was (in several ways) the leader among his brothers and that he was treated like a firstborn who receives a double portion (see Bereishit 48:22). At the end of the *parasha* we also see that Yosef is in charge and holds the "keys to liberation." Yet, when it comes time for Yaakov's *berachot*, there is a big surprise: kingdom in Bnei Yisrael will go to the family of Yehuda in a permanent manner (see *ibid.* 49:10).

When one looks through the beginning of *Navi* to see how things played out, he will notice that until the time of David, the only leader from Yehuda was Otniel ben K'naz. To the contrary, the most influential tribe was Ephrayim. They were powerful enough to try to return Bnei Yisrael to *Eretz Yisrael* before Hashem sent Moshe. Moshe's assistant, Yehoshua bin Nun, from the Tribe of Ephrayim, went on to be the leader after him, The Tribe of Yehuda was actually duntrodden during the time of the Judges. There are many signs that they were under the control of the *Plishtim*. For example, Devorah does not mention them in the list of tribes that fought along with her or even those who were asked to do so. Even as late as the time of Shaul, there were *Plishti* governors in the Judean city of Beit Lechem. When the *Plishtim* needed a launching spot to take on Shaul's troops at the time of Goliat, they did so in the Judean town of Socho, showing that the *Plishtim* were at ease there. So does it make sense that the tribe which was supposed to provide eternal leaders had so little prominence all of this time?

The Ramban on our *parasha* explains as follows. Yehuda was not promised to always be kings. The Torah, after all, prophesies that there would be times when kingdom would be taken away from the nation due to sin. Furthermore, the Torah just says that it would not be taken away, meaning that the promise began only after they received the kingdom, which happened at the time of David. At that time, it was said that Hashem "gave kingdom to David over Israel forever, for him and his offspring" (Divrei Hayamim II, 13:5).

David did not only begin a monarchical dynasty but also built Jerusalem and set it as the present and eternal capital of the nation, both from the religious perspective and from the political perspective. One can ask why David "gave up" Jerusalem to the rebellious Avshalom so easily, despite his fear that the city would be destroyed (see Shmuel II, 15:14). The answer comes a few *p'sukim* later. David declared: "If I find favor in the eyes of Hashem, He will return me and show me His dwelling place. And if He says: 'I do not want you,' then He can do to me what is good in His eyes." In other words, David saw his life project of building the city and preparing the *Mikdash* as something that should stand the test of time. Whether or not he would merit to preside over it beyond that point was of limited import to him.

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Ask the Rabbi

by Rav Daniel Mann

Short *Mincha* on Shabbat

Question: In my community (I am the rabbi), we *daven Mincha* during the week without a separate *chazarat hashatz* (=heiche *Kedusha*) because of people's busy schedules. In the winter, we have the practice of *davening Mincha* of Shabbat after the *shul Kiddush* following *Musaf*. Some congregants have requested that we do short *Mincha*, as their wives wait to go home with them. Is there any basis to allow this?

Answer: *Chazarat hashatz* was instituted after the silent *Shemoneh Esrei* and for the purpose of providing *Shemoneh Esrei* for those who cannot *daven* themselves (Rosh Hashana 34b). Of course, we continue doing it even if no one needs such a service, and it has a special status of *tefilla* in and/or of the *tzibbur*. *Chazal* also instituted that the *chazan* recites a silent *Shemoneh Esrei* before *chazarat hashatz*, even though that could have fulfilled both his private and public obligations. It is done so the *chazan* can "practice" before *chazarat hashatz* (ibid.). There was a time when *heiche Kedusha* was done with the *chazan* continuing to recite the *amida* out loud while individuals were saying it quietly (see Radbaz IV:94; Magen Avraham 232:2). The way we do *heiche Kedusha* (the *chazan* stops reciting the *amida* out loud after *HaKel Hakadosh*), we miss all of these elements, and what is left is the ability to recite *Kedusha* together.

The Shulchan Aruch (Orach Chayim 124:1) allows one who needs to be *chazan* but comes to *shul* very late to recite *chazarat hashatz* "without practice." The Rama (ad loc.) notes that if they will not be able to recite *Shemoneh Esrei* and *chazarat hashatz* before the appointed time, the *tzibbur* may start *Shemoneh Esrei* with the *chazan*. (In *Living the Halachic Process* III, A-2, we discussed whether the *tzibbur* should start immediately or after *Kedusha*.) Another situation of need brought to justify *heiche Kedusha* is when it is unclear if the requisite number of people will answer *amen* to *chazarat hashatz* (see Radbaz ibid.). The Beit Yosef (OC 124) relates that the *minhag* in most congregations was to regularly do a shortened *Mincha* but he does not cite this as halacha in the Shulchan Aruch. The Darchei Moshe (ad loc. 3) reports that this was not the *minhag* in the communities he knew of and permits it only for cases of need. Nevertheless, a reasonable minority of congregations (like yours) always posit that they have enough need to shorten the *davening* at *Mincha* during the week, which is a local rabbi's call.

You ask if this can be done on Shabbat, for a new need – so that wives do not have to wait too long for husbands. We have found opinions that restrict when one can do *heiche Kedusha*. The Pri Megadim (EA, OC 591:1) raises the problem of fulfilling one's *amida* obligation with *chazarat hashatz* on a day that *piyutim* are said, as they can be a *hefsek*. Another questionable situation is on a fast day where the *chazan* is not able to recite *Aneinu* as a separate *beracha* (see Magen Avraham ibid.; Biur Halacha 232:1).

Of course these problems do not apply at a regular Shabbat *Mincha*, and we have not identified other problems. The practice of *chazarat hashatz* is not significantly different on Shabbat than during the week. We have not found sources that preclude *heiche Kedusha*. While there is little literature on the topic of doing so, the fact that a minority of Sephardi communities do so for Shabbat *Musaf* regularly, without special need, lends credence to its halachic legitimacy.

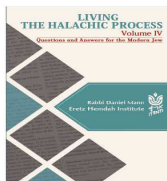
You are likely bothered by the lack of a *minhag* to do short *Mincha* in communities you have seen, which is a valid concern. However, this does not necessarily mean there is a *minhag* against it. Rather, on Shabbat it is rare for there not be enough time or that the *minyan* is so weak that this is necessary.

Thus, it is a question of advisability. To what extent is lowering the level of an element of *tefilla* justified to encourage more people to come (or stay)? To what extent does it foster harmonious relationships within the community and its families? You are more equipped to answer than we are.

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 gemara now looks at various Aramaic words, seeing them as (informal) contractions of two words.]

Looking for a Way Out

(condensed from Ein Ayah, Shabbat 8:15)

Gemara: *Dasha* (gate) is made up of *derech sham* (the path that goes there).

Ein Ayah: When a person is in the home that is special for him, he is unified with those around him, and he forgets that he is connected to the whole big world outside the door. Indeed, he is but one link in the great chain of mankind, which fills the entire world. By means of pathways, highways, marketplaces and streets, one can be connected to other people. Then, the spirit of the individual can reach a love of the community. The gate before a person's home reminds him of this idea, as it is used for leaving the home as much as it is for entering it. It takes him out of the limited group of people close to him and connects him to the fortune of the community, even when he is still in his house and involved in his personal matters.

Climb to the Point that Is above the House

(condensed from Ein Ayah, Shabbat 8:16)

Gemara: *Darga* (step) is made up of *derech gag* (the way to the roof).

Ein Ayah: The partnership within society brings a person, with all his goodness, to being built and improved. It also lowers him when the community is lowered by its necessary involvement in mundane matters, which abound in people's lives. Even when a great person is with the people of his home, he is negatively impacted by the lowly matters that those people are involved in, when those people lack the complete outlook of a great person. A lofty human spirit will strive to elevate itself even further. When he has a great need to connect himself to the lives of the masses, he can sometimes elevate himself beyond them. There are paths within the home to go higher and higher. We call steps that go up *darga* because they can lead a person all the way to the roof (i.e., the highest levels) that are beyond the thoughts of the average person.

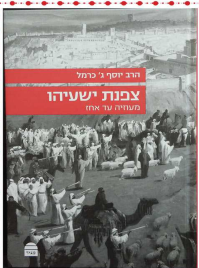
Becoming Over-Reliant on Taste Enhancers

(condensed from Ein Ayah, Shabbat 8:17)

Gemara: *Mitkulata* (sauce) is made up of *matay tichleh da* (when will this be finished?).

Ein Ayah: Mankind lowers itself when it seeks luxuries, which start with the way a person desires his food to be. Man leaves the standard nature of animals, whose nature is to sustain themselves with the food that Hashem gives them, without looking to alter its taste with the help of spices. Man has his sense of physical enjoyment awaken him and bother him so that he wants spices and extras, which over time turn into necessities for him. This will continue until man returns to his natural, healthy state, whereby he stands on the ground like Adam did in Eden, where he enjoyed the trees of the Garden as they were, without all sorts of spices and additives.

For this reason, the term for [the utensil used for] spices spells out, "when will this be finished?" The curse and deterioration should end. Man should be happy with the bread he eats with Hashem's blessing, as is, without being disappointed. Rather, he should experience freshness and the exuberance of a life of purity and strength.



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

Undelivered Windows – part I

(based on ruling 71007 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=p) were building a house and ordered custom windows from the defendant (=def). They told him that it was crucial that they receive them by the end of August, as soon thereafter they would be moving in. P/ was to pay half the cost at the time of signing the order and half at installation. P/ worked on finishing the details of the order in late June. Def asked many detailed questions, many of which p/ argue were irrelevant and impossible for them to answer themselves. By the time all of this was worked out, def claimed it was too late for the order to come in a manner that the work would be done in time. Def agreed to install temporary windows to enable p/ to move in, but demanded additional money up front. P/ refused and spent 10,000 shekels on having someone else install temporary windows. P/ demands that def install the windows they are supposed to for the original price and subtract from the money due to him the money they spent on temporary windows. They argue that it was def's failure to handle his responsibilities on time that caused this outlay. They also claim approximately 50,000 shekels for expenses that the delay in installation caused them in finishing up the building project and for their need to extend their previous rental contract. Def demands money full payment for the windows that he already installed and compensation for the damage that the lack of payment impacted him in regard to cash flow.

Ruling: The first question is: who is responsible for the delay in the order? The original delay in def's coming to measure the exact size of the windows was due to def sitting *shiva*, which is an *ones* (extenuation circumstance) that would exempt him from paying damages. However, when def came, he still had enough time. Knowing p/s time constraints, he had a responsibility to make sure that p/ knew what answers he needed to give immediately in order to make the order in time. (It is clear from emails between the sides that p/ did not indeed know, and that def made no effort to inform them.) Therefore, def was responsible.

There was a disagreement among the *dayanim* if def had a right to demand more money before the full installation because of the delay in the ability to install some of the windows. On the other hand, p/ was wrong in not working out a compromise or going to mediation as things were unfolding, which could have reduced the damages to the sides. While this does not preclude p/ receiving payments, in regard to those elements in which p/s rights are based on compromise, this will be taken into account.

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

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Yair Menachem ben Yehudit Chana / David Chaim ben Rassa
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