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HEMDAT YAMIM

Parashat HaShavua

R'ei, 25 Av 5780

Arucha

Harav Yosef Carmel

This week we will be reciting *Birkat Hachodesh* for the upcoming month of Elul. One of the things that we ask to be given is "*chayim arukim*" (long life). Actually, in some *siddurim* it reads "*chayim aruchim*." This is not just a different grammatical opinion about how to verbalize long life, but it means something different. What is it that it means?

In almost all Jewish communities, as Shabbat is about to enter, we sing *Lecha Dodi*, written by Rav Shlomo Alkabetz. A couple of passages are based on *p'sukim* in *Yirmiyahu* (30:16-18): "All who consume you will be consumed, and all your oppressors will all go into captivity. Those who attack you will be smitten (*v'hayu limeshisa shosayich*), and those who plunder you will be taken as spoils... for I will bring healing to you (*ki a'aleh arucha lach*) and from your wounds I will heal you (*erpa'ech*) ... and the city will be built on its ruins..." We see from these *p'sukim* that *arucha* means to heal. Thus, *chayim aruchim* means life of health. With this under our belt, we can understand another section of *Tanach* as explained by *Chazal*.

After David was told that his brilliant advisor Achitofel was among the supporters of the rebellion of Avshalom, David did not break, but he turned in prayer to Hashem to cause Achitofel's plan to fail. As part of Hashem's mode of helping David, David was approached by Chushay Ha'arki, who volunteered to undermine Achitofel's plan.

The *midrash* (*Shocher Tov*, *Tehillim* 3:3) cites various opinions about Chushay's second name, Ha'arki. One opinion is that it means that he was an important officer in David's court, as he is called a *rei'ah* of the king in *Divrei Hayamim* (I:27:33). Another opinion is that it means that he caused David's dynasty to be firmly established, as Avshalom's rebellion had put it in jeopardy. A third opinion is that Ha'arki refers to Chushay's hometown. The *Radak*, following the latter approach, identifies a place called Arki in the region of the Tribe of the Sons of Yosef (*Yehoshua* 16:2).

Abarbanel brings a different *midrash* (*Shocher Tov* 55) – when David saw Chushay, he exclaimed: "There is *arucha* for my wound." One can propose a similar approach – that it brought healing to the state of the kingdom after the great trauma of Avshalom's rebellion. According to all explanations, Chushay certainly played a crucial role in extricating David from a dangerous situation. When an important officer lends a hand, it is a matter of healing. Even if Ha'arki just refers to a place, the fact that it was in the region of the Sons of Yosef, who are not the natural allies of the Tribe of Yehuda, also represents a great accomplishment that bodes well for the survival of the dynasty. (We will develop that point in the upcoming *sefer*, "Tzofnat Shmuel, the Kingdom of David.")

Let us pray that we will continue to see with our own eyes the realization of the longings of the great *tzaddikim* of Tzefat, who, over 500 years ago, saw Hashem bringing *arucha* to the pain of our nation.

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



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Ask the Rabbi

by Rav Daniel Mann

How Does the Chazan Act During Modim D'Rabbanan?

Question: I have seen some *chazanim* wait, during their *Modim*, at “*l’olam va’ed*” for the *tzibbur* to finish *Modim D’Rabanan*. That seems to make the most sense, so everyone can hear all of *Modim*. Should everyone be doing that?

Answer: The *gemara* (Sota 40a) lists various recitations of praise to Hashem, proposed by different *Amoraim*, for the *tzibbur* to say as the *chazan* recites *Modim* (the Yerushalmi Berachot 1:5 has different proposals). The *gemara* concludes with the idea that we therefore say all of them. The Beit Yosef (Orach Chayim 127) posits that it is called *Modim D’Rabbanan* because it combines sayings of several rabbis. The idea of the recitation, along with the unique practice of bowing along with the *chazan* (see how the Yerushalmi *ibid.* connects it to the recitation) is that at the moment of the main praise of Hashem, the *tzibbur* must be actively involved to show their agreement and not imply disagreement (see Aruch Hashulchan, OC 127:1; Teshuvot V’hanhagot II:60).

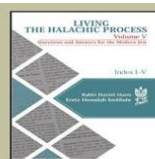
The first nine words of the regular *Modim* and *Modim D’Rabbanan* are identical. According to the original, short versions, the *tzibbur* would miss no more than a very little of *Modim* by reciting it, and it would serve like a long *amen*. In fact, several *Acharonim* assume that if the *chazan* or even one saying the silent *amida* recited *Modim D’Rabbanan*, he would not have to go back because they did the right beginning and end of the *beracha* and the middle is similar enough (see Eliya Rabba, OC 127:1; Halichot Shlomo 8:28; Yechaveh Da’at (Chazan) III:17). You (and others) are bothered with missing part of *Modim*, which deserves a *minyan*. Indeed, some *Acharonim*, starting with the Eliya Rabba (*ibid.*) and including more recent authorities (some are cited in Ishei Yisrael 24:(124)), instruct the *chazan* to say the first (joint) words slowly or wait for the *tzibbur* to finish. There is another *minhag* (cited *ibid.* 125) that the *chazan* says the beginning of *Modim* quietly, as there is no point in saying it out loud if no one will be listening.

However, these are not the more accepted opinions. The Mishna Berura (127:3) rules like earlier *Acharonim* and the simple reading of the *gemara* that the *chazan* continues *Modim* despite the *tzibbur’s* recital of *Modim D’Rabbanan* and that he should do so out loud (*ibid.* 124:41). The Mishna Berura provides two reasons for the latter: 1) *Chazarat hashatz* was instituted for those who do not know how to *daven* on their own, and they would be listening to the *chazan* rather than saying *Modim D’Rabbanan*; 2) Ten people need to hear the *chazan*. The Mishna Berura does not explain how #2 can be accomplished if people are reciting something else. Halichot Shlomo (8:(40)) suggests that one can speak and listen at the same time to two similar things. This seem to work better on a halachic rather than a practical level. If one is saying the same basic thing as the *chazan*, he is considered part of the *minyan*. (We substantiated this elsewhere – soon to appear as Living the Halachic Process VI, A-6, regarding one who starts *Shemoneh Esrei* with the *tzibbur’s* *chazarat hashatz*. Admittedly, it is easier to make this claim when they are saying the same words.)

According to what we laid out above, this approach sits well with the historical and logical development of the practice of *Modim D’Rabbanan*. *Chazal* saw it not as an independent recitation (see Teshuvot V’hanhagot *ibid.*) that ends up competing with *chazarat hashatz* but as a natural accompaniment of this crucial part of *chazarat hashatz*. Due to this understanding, the Rabbanan did not have a problem extending a few-word response into a longer piece and did not see it as stopping the flow of *chazarat hashatz*. Because this caused a perception that the *tzibbur* is not involved in all of *chazarat hashatz*, practices arose to either give up on the middle of *Modim* as a joint matter and have the *chazan* recite it silently or, in the other direction, wait to have everyone listen. But the main *minhag* accepted by most *poskim* is that the *chazan* and *tzibbur* say different words and still form one unit.

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Ein Ayah

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

Stable Truth, Volatile Falsehood

(condensed from Ein Ayah, Shabbat 12:31-33)

Gemara: The letter *shin* stands for *sheker* (falsehood), and the letter *tav* stands for *emet* (truth). Why are the letters of *sheker* close to each other (letters 19-21 of the alphabet) and the letters of *emet* are far from each other (letters 1, 13, 22)? Because *sheker* is common and truth is uncommon. And why do the letters of *sheker* have pointy bottoms, while the letters of *emet* are rectangular? Because truth stands, and falsehood does not stand.

Ein Ayah: It is a major principle that every *sheker* that does not have a spark of truth in its inception cannot raise its head with *chutzpa*. Therefore, all the beginnings of *sheker*, which are themselves truths, are included within the information that makes up the holy letters. *Emet* is different [in that the letter that represents it is not the first letter of the word, but the last]. It is only from the end of a matter that one can tell that its beginning is actually truth. It is that ending that leaves the good impression. That is why *shin* represents *sheker* because its positive part is in the beginning, whereas *tav* represents truth because the important part is at the end, as the letter *tav* is at the end of *emet*.

The difference between *emet* and *sheker* can be compared to the lower and higher “avenues” of the universe. Inanimate objects do not [naturally] have one part of them innately connected to another part of them. If parts are joined, it is by chance. If one separates granules from a stone, each one stands as an independent object. Even when the rock was “whole” and connected, it was no more than by mere chance that they were next to each other.

When we go up in the chain of objects, to the vegetable kingdom, there is a more fundamental connection. Nourishment already goes from one part to another, as the organic nature already starts showing its signs. The system of life encompasses it from its deepest roots to its uppermost foliage.

When we advance to the animal kingdom, the level of interdependence and unity becomes of an even higher level. There are different levels amongst animals, as one can cut off the tail of a lizard, and it will shutter. The higher the creature, the more centralized, and the top and the bottom are more connected. This is the secret of their higher completeness.

In the spiritual world, *sheker* is spread out everywhere, and every thought of falsehood is displayed independently in its deceitful character. Truth, the foundation of life, in contrast, is the ingredient of higher life, and therefore is more all-inclusive, as it flows from the light of the Creator, Who combines all. That is why *sheker* is made up of things that are close together in a shallow manner and is destroyed when it tries to spread out. *Emet* requires that there is a unity between the beginning and the end, for otherwise there can be no real connection, like the letters *aleph*, *mem*, and *tav*. In this world of darkness, it is more common to find *sheker*.

Emet, though, is able to stand independently, without help from things to lean on. Even if truth would not find a place by all people in the world, it would still survive and would ultimately overcome. However, *sheker* cannot stand, and the reason it lasts as long as it does is that there are people who connect themselves to it. Even something that has one leg can stand if it is nailed to the wall. So *sheker* is like something with one leg, which sways like a drunkard, whereas *emet* is like a stable rectangle and therefore stands in a way that falsehood is not.



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

Payment for Not Clearing Warehouse On Time – part II

(based on ruling 75076 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) owns warehouses; the subject of the dispute was rented to the previous renter (=pr) for years, was split into two, and then the defendant (=def) rented half of it for 3,300 NIS a month. Def negotiated with pl that he would vacate the warehouse on Feb. 28, 2015. Def stayed longer and paid rent for Feb. and March, despite the fact that pl demanded that he empty the warehouse so it could be rented to someone else. In May, def brought workers to take his possessions, and pl stopped him with the claim that def was going to leave garbage behind. When def later took his belongings, much of pr's belongings, which def allowed him to put there, remained, and they were removed only on Aug. 10. Subsequently, pl did work costing 16,800 NIS to enable the warehouse to be rented out – starting from Sept. 1. Pl claims that he deserves to be paid rent for Apr. to Aug., and that it should be at the rate of 4,130 NIS a month, which is what he receives for the other half of the warehouse, as the prices have gone up since pl's contract with def. He also demands to be reimbursed for fixing the warehouse after unauthorized changes def made to it. Def responds that after March, all that was left belonged to pr, so def wasn't using it. In any case, the rate should continue according to their contract. Finally, pr, not def, made the changes.

Ruling: Regarding the retroactive raise in rental rates, the Shach (Choshen Mishpat 312:10) does rule, based on the Rashba (II:294), that if one continues to stay in a rental after the time is up without a new agreement, he pays according to the old rate even if the prices had gone up. However, it is clear from the Rashba that this is only when the landlord allows him to stay without protest. The Shulchan Aruch (CM 363:6) states that even in a case in which one who squats in another's house does not need to pay rent, if the owner told him to leave and he did not, he has to pay the full rental rate. Since pl has substantiated the change in price and he asked def to leave, from the point of that request, def is required to pay 4,130 NIS a month.

Regarding changes done to the warehouse, pl has not proven that it was done by def rather than pr. For whatever reason, pl decided not to sue pr, who refused to come to *beit din* as a witness. Had he done so, we might have been able to get to the truth about when the changes were made. So in this case, we will follow the rule that the burden of proof is on pl, who wants to extract money, and we will not obligate def for this. However, pl spent 2,000 NIS on removing garbage of all sorts left behind. Since the assumption is that one who rents a warehouse checks that it is clean of major debris before taking it, the contractual obligation to leave it in the manner he received it requires that def pay this expense.

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

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