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HEMDAT YAMIM

Parashat HaShavua

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Be Tamim; Avoid Miracles and Dispute

Harav Yosef Carmel

In the past, we have pointed out that the Torah section forbidding magic and seeking out the dead, which ends with the exhortation to be *tamim* (simple/pure) (Devarim 18:9-13) is followed by the fact that we are different from the C'na'anites in that we follow prophets rather than magicians (ibid. 14-22).

In stark contrast to the magician, our belief in Hashem is linked to our belief in the reliability of the pure prophet, Moshe Rabbeinu. Hashem said to Moshe: "Behold, I am coming to you in the thickness of the cloud, so that the nation will hear when I speak to you, and also in you they will believe forever" (Shemot 19:9). The Rambam (Yesodei HaTorah 8:1) stresses that this *pasuk* is the source of the idea that it was specifically the revelation at Sinai which was the proof that Moshe's prophecy is truth without any doubts. It is therefore not surprising that the "leading word" in this section is *davar* (the word).

There is another Torah section dealing with prophecy from a different perspective (Devarim 13:2-6). There the prophet's standing is established by means of *ot* or *mofet* (miracles). It is difficult to distinguish between magic and *ot* and *mofet*. That is why the Rambam writes: "One who believes based on *otot* always has some doubt that perhaps the *ot* was done by means of magic and deception." The differences could be like the "width of a hair," and who says one would find them?

When Moshe was sent with miracles to Paroh, he was told to expect to be challenged to come up with a *mofet*, which Hashem said should be the staff turning into a serpent (Shemot 7:9). But *Chazal* said that this was a sign for Moshe and Aharon, not for Paroh, who was not impressed, for his magicians did things of that nature often and repeated them for Moshe (see ibid. 11).

Such magicians of different sorts appeared on our nation's stage (too) many times. The great majority of the time, they acted in manners that were connected to impurity of various sorts. Therefore, it is important to warn over and over, as we learned from the Torah that Moshe presented, that we should stay far away from such things. The only recommended approach is to follow the path of *temimut* (simple and straightforward belief) in the Creator who gave us a Torah that is *temima* (unblemished), which rejuvenates the soul. It is a Torah that can be grasped only through a life of purity that brings to holiness. "You shall be *tamim* before Hashem."

Rav Yisraeli taught us not to take part in secret teachings and beliefs. Moshe finishes off his teachings in the Torah with the following declaration (Devarim 29:28): "The hidden matters are for Hashem, and the revealed matters are for us and our children for all times – to do all the words of this Torah."

Keeping things simple and away from hidden beliefs and agenda, in addition to the pursuit of unity and harmony between different elements of our nation, are recipes for success.

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Ask the Rabbi

by Rav Daniel Mann

Women Passing through an Outdoor *Minyan*

Question: We have an outdoor “Corona *minyan*” outside the entrance of my building. Some men stand in locations that make it impossible to enter or exit the building without entering someone’s four *amot*. I (a woman) avoid passing by during *davening*, but to take my son to his school van, I go before *Shemoneh Esrei*. Last week, I felt compelled to pass by during *Shemoneh Esrei* and return during *chazarat hashatz*. Was that permissible?

Answer: In normal times (for which we yearn), we likely would take the whole *minyan* and the particular “path blockers” to task for gross inconsideration. However, it is scientifically/statistically clear that the existence of outdoor *minyanim* with proper spacing has, nationally, saved lives. While people can argue whether it is better for people whose only safe place for a *minyan* disturbs others should *daven* at home, Jewish society is expected to make certain special allowances for *shuls* (see Shulchan Aruch, Choshen Mishpat 156:3). In the “old days,” people would debate the pros and cons of *minyanim* on (El Al) planes. But nowadays, without ideal options, some (including high risk men) would end up *davening* in unsafe and/or illegal *minyanim*. Especially since you are not complaining, we will be *melamed z’chut* and assume that the *minyan* overall finds the right balance of meeting needs and focus on your dilemma about passing through.

The first issue we will dispatch of is whether a woman may be in close proximity to men *davening*. Our community does not require *mechitzot* for even a *minyan* in places that are not set for *tefilla*, including *shiva* homes and airplanes (see Living the Halachic Process, V, A-9; Rav Moshe Feinstein, cited *ibid.*, distinguishes between places that are open or closed to the public). It is unclear how long a *minyan* must operate in a makeshift location to qualify as set. However, even when a *mechitza* is needed, a woman may pass through, if necessary. Rav Feinstein (Igrot Moshe, OC V:12) reports that individual women have always been allowed to enter to, for example, collect *tzedaka*. While he says this should be done only on an ad hoc basis, your situation is especially valid case.

Whether there is or is not a *mechitza*, men may not *daven* or learn aloud if a woman not dressed according to the *halachot* of *tzniut* is in their sight (Shulchan Aruch, Orach Chayim 75). We do not feel a need to review for you what this entails, and this need not be a problem at all.

Finally, we address the *halacha* of not walking in front of someone who is *davening Shmoneh Esrei* (Shulchan Aruch, OC102:4-5). (During *chazarat hashatz*, it is only an issue regarding the *chazan*). Most agree that the issue of walking in front of a *davener* concerns harming his concentration. What if he does not mind? Just as the *davener* may not do things to harm his own *kavana*, so too he may not allow others to do so to him (see similar idea in Bava Kama 91b). However, there are a few grounds for leniency. The Shulchan Aruch (OC 102:4) rules that one may pass near someone from the side, and the Mishna Berura (*ad loc.* 16) is inconclusive on whether passing diagonally in front is a problem. In a case of need, one can rely on the lenient opinion. Here, there are multiple levels of need. You need to pass by for your need. If we would not allow you and your neighbors to do so, then it would be unreasonable to have the *minyan* there, which we are assuming is important.

On a more fundamental level, the Da’at Torah (to OC 102:5) says that if a *davener* blocks a “thoroughfare” (even in *shul*), it is comparable to one who was buried in a public area, and therefore he allows people to walk by. One certainly cannot create an off-limits zone that prevents from entering or exiting their own building. Therefore, what you did was absolutely justified. (Whether people may *daven* in such a location given that others may walk by is beyond our present scope). Your normal attempt to not disturb is an act of *tzidkut*; people helping others with their practical and spiritual needs is crucial in navigating this crisis.

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.)

Bashfulness is Very Protective

(condensed from Ein Ayah, Shabbat 12:41-42)

Gemara: [The gemara continues learning lessons from the “At Bash” system – there is a connection between the letters that are equidistant from the middle of the *aleph bet*. In other words, *aleph* is connected to *tav* because they are at the edges; *bet* is connected to *shin*. The following is hinted at by the first six and last six letters of the *aleph bet*, as pairs:] If you are bashful (Rashi- about sinning), you will live in the divine parts of the Heaven, there will be a barrier between you and anger, and you will not quake due to the Satan. [We will focus on the last two phrases.]

Ein Ayah: It is true that the whole world is full of a life of bitterness, as the hand of evil spreads and moral coarseness enjoys a mighty standing. This causes hardship to the attributes of justice, morality, and sanctity, and people of pure hearts are fearful of that which happens under the sun. This is what people’s backward perceptions cause to pervade in the world.

However, a person is capable of saving himself from the deluge of evil, by raising himself up internally based on the highest level of bashfulness, as he realizes that all the means of deceit do not compare to the radiance of the internal truth of a pure soul. This is the supporting pillar of the world, as the world stands on the merit of the righteous (Chagiga 12b). While the “destructive waters” bring anger to the world and surround life, the pure spirit finds satisfaction in living in the shadow of the sanctity of rectitude and purity. This spreads a canopy of peace and makes a barrier like the ark of Noach did from the water of the flood, which represented the life full of sinfulness. When a person forms his personality in the ideal way, so that even a person who is tied up with materialism can still be one who “lives in the divine parts of Heaven,” then he can live in the same proximity with materialism yet be protected by the barrier that separates them. A holy person who lives his life with the highest level of bashfulness, which protects him from the anger of the external world and the corruptive life of lies, also enjoys a high level of trust in Hashem. This trust in Hashem also stands by him as he encounters the significant amount of evil, which Hashem needed to create in all facets of the world in order that the world can reach its goal. This evil is connected to the Satan, who is also the evil inclination and also the angel of death (Bava Batra 16a). While it is destructive, it needs to exist so that absolute goodness will overcome it in every facet. That would turn the Satan into one who serves goodness and upholds sanctity and truth.

When one is able to shield himself from evil and dwell eternally in an abode of tranquility, he also loses his fear of the power of evil, whether that which is in the midst of a person or that which spreads out through the entire universe. No barrier can stop the Satan from operating, for the presence of the Satan is needed everywhere so that things can be turned into the highest level of good. Until that happens, the Satan will be extremely powerful. However, the righteous person whom we have described will not need strong trepidation before the Satan.



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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Money Given for Shemitta Observant Farms

(based on ruling 78063 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) gave 480,000 NIS, for which he needed to take a mortgage, to the defendant (=def), an unregistered partnership of neighboring farms, to enable them to work their fields during *Shemitta* according to the *otzar beit din* system (without a *heter mechira*). Def was supposed to return the money plus 40% of net profits, which were expected due to an agreement to supply pepper to an *otzar beit din* (=obd), at 5 NIS per kilo. The obd did not keep their deal, causing def to do a late harvest and produce less than expected. Def ended up losing for the season, despite receiving some compensation from their insurance. Def returned a small amount to pl and admit to owing another 307,000 NIS; their representative had stated in a text message that they owe 338,600 NIS. Pl demands a return of all of the loan plus compensation for pl's mortgage payment and what he could have earned elsewhere with the money. Pl claims that since def acted negligently, pl and def's contract, which required def to act financially wisely, is null. Specifically, they should not have allowed obd to lower the price, but should have harvested on time, forced the produce onto obd, cashed obd's guarantee check, and started working according to a *heter mechira*. Instead, def signed a compromise agreement with obd. Def also paid too much money to a marketing agent. The contract's provisions for a breached contract award pl significant compensation (*we will omit details*). Also, def used some of the funds for other purposes. Def claims to have done the best possible under the circumstances, which include the actions of obd (which was not directly obligated to def but to their *yishuv*) and the impact of following the *halacha* on the growing process. The sides also differ if their agreement was of a loan or an investment.

Ruling: Witness 1 was the representative of the *yishuv* for interactions with obd. He testified that obd did not succeed in getting the price it expected from consumers, and so they did not have money to keep their commitments to the farmers. While some farmers abandoned the arrangement earlier, that was a risky step as prices were lower than expected across the board. An expert hired by *beit din* explained how the circumstances left def little choice other than to switch to *heter mechira* earlier; the main reason they did not was def's religious principles. The contract between pl and def can only be read as an investment, not a loan. This is clear from the language and the fact that pl took an expensive loan from the bank to finance it; this cannot be explained by good intentions alone. An investment is not guaranteed like a loan. Regarding agreeing to give the produce for less than had been discussed, the Shulchan Aruch (Choshen Mishpat 185:1) says that an agent may not sell at a lower price than the owner agreed, even if it is a fair price. However, this case is different because: 1. Def did not promise pl they would sell peppers at a specific price; they just shared that expectation. 2. Pl is not an owner but an investor in def's operation. 3. Def has more expertise than pl, and therefore they have authority to act according to their best judgment. Therefore, selling at a lower price was not necessarily negligence.

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