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HEMDAT YAMIM

פרשת השבוע

Parashat HaShavua

Teruma, 8 Adar 5781

Why Not Move the Aron? "Hineni"

Harav Yosef Carmel

As we have done several times in the past, we will try to look at yet another aspect of our great regard for the *aron* (ark) and its powerful religious significance.

When David Hamelech was fleeing from the rebellious Avshalom, many followers gathered with him. Tzadok and many *leviim* joined him, bringing along the *aron* to give support (Shmuel II, 15:23-26).

We see several telling phenomena at that time. First, there was great despair among David and his supporters, along with disappointment and frustration over the ingratitude of the rebellious son, Avshalom, and most of the nation who supported him. How could they turn their back on David, who had taken them from a low point, when Shaul was killed, to the highest level of success?

The arrival of Tzadok and the *aron* should have provided a major lift in spirit. The *aron* was the most "prized possession" of Bnei Yisrael, and there was a long legacy of how powerful it could be in battle. It was, after all, known as the "ark of the Lord upon which the Name of Hashem, Who dwells on the cherubim, was called" (Shmuel II, 6:2). The special standing of the *aron* finds expression in the Ramban (on Sefer Hamitzvot, Aseh 33) that only the making of the *aron* (not the making of any of the other vessels) was to be counted as a *mitzva* separate from the *mitzva* to build the *mishkan*.

Therefore, we might have expected that the arrival/support of two *kohanim gedolim* and the ark of the covenant would provide a powerful aura of sanctity to their group. Yet, David reacted differently, thus teaching us an important double lesson.

First, David had decided that the period in which the Divine Presence would be moved around was over. David instructed Tzadok, whom David told Shlomo should be the permanent *kohen gadol* as the beginning of a dynasty (see Yechezkel 44:15), to return the *aron* to Yerushalayim. Only Yerushalayim should host the *aron*. Once the *Beit Hamikdash* was built, "the Divine Presence would not move from the western wall." This is why we accept the Rambam's position that the Temple Mount remains holy even when the Temple has been destroyed.

David also is an exceptional role model regarding the power of belief. He explained to his followers that if Hashem is happy with his actions, He will return him to his throne and David would merit continuing to actualize his dream of turning Yerushalayom into the spiritual and political center of the Jewish people. But even if Hashem would not have brought success in the struggle against Avshalom, David would have accepted the divine decision without qualms (Shmuel II, 15:26). The key word in that context is "*hineni*" (here I am). That is the same word that Avraham employed when he was apparently called on to slaughter Yitzchak to do His will. That would have been the end of Avraham's dream, but he was prepared to accept it if that were the divine desire. David tapped into that power of *hineni*.

Let us pray that Hashem will grant us success as the sons of Avraham Avinu and as the soldiers of the always living King David. In order for our prayers to be accepted, we too should declare: *Hineni*. Maybe then we will merit to witness the Divine Presence return to its place by the *aron*.

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Eretz Hemdah
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruniya St. corner of Rav Chaiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626
amutah number 580120780

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Ask the Rabbi

by Rav Daniel Mann

Hearing the *Megilla* for Those Who Cannot Go to *Shul*

Question: If one who is not a *ba'al koreh* cannot make it to *shul* to hear *Megillat Esther* (e.g., if the pandemic will preclude one from coming), how else can he fulfill the *mitzva* of hearing it?

Answer: (For those who can hear from a distance, not being in *shul* is not a problem; if they miss a few words, they can make them up.) Almost all *poskim* agree that one cannot fulfill the *mitzva* of hearing *shofar* via microphone, telephone or radio (besides *chillul Yom Tov* issues), because one must hear the authentic sound of a *shofar* (Rosh Hashana 27b). The ruling regarding a live *megilla* reading via microphone is less clear. Although one does not hear the actual voice of a valid *ba'al koreh*, but a device-generated reproduction, it is better than a recording in two ways. First, the sound waves that the *ba'al koreh* produces directly cause the almost identical sounds heard. Secondly, the reproduction is heard at essentially the same time and place the *ba'al koreh* reads. Therefore, while most *poskim* posit one cannot fulfill the *mitzva* via microphone (see Yechaveh Da'at III:54; Minchat Shlomo I:9), the lenient position is marginally tenable (see Tzitz Eliezer VIII:11; Igrot Moshe, Orach Chayim II:108).

The *gemara* (Sukka 51b) seems to not require hearing the voice of the person reciting, if one knows what is being said. It tells of a huge amphitheater in Alexandria, where flags were waved to inform people when to answer *amen*. However, this source is not sufficient here, because Tosafot (ad loc.) explains that the participants did not attempt to fulfill any *mitzva* but just wanted to answer *amen*.

Rav SZ Auerbach (Minchat Shlomo *ibid.*) does not allow even answering *amen* regarding via radio and telephone. He argues that the people in Alexandria were close enough to be connected to the *berachot* without hearing them. However, there is no physical connection between the person reciting and the one "listening" remotely via telecommunication. For him, one could certainly not fulfill a *mitzva* this way. Nevertheless, there were serious *poskim* who allowed, in a case of necessity, to fulfill *mitzvot* such as *megilla* and *havdala* via telephone (Minchat Elazar II:72, Igrot Moshe, OC IV:91). Adding in video will not improve things halachically, and all agree that one cannot fulfill a *mitzva* by or even answer *amen* to recorded events because of the total break from the human performance of the *mitzva*.


If one is unable to hear the *megilla* normally, it is worthwhile to hear it electronically. This is not only due to the lenient opinions. Exposure to *Megillat Esther's* content has value (Mishna Berura 692:27), like reading the *parasha* from a *chumash* when one cannot go to *shul* (*ibid.* 143:9), and it enables one to remember Hashem's kindness (Aruch Hashulchan, OC 691:14). In present difficult times, in many communities, the feeling of comradeship is also important, especially on a holiday as communal as Purim. Hopefully, people will not incorrectly learn from this, that if away or infirmed for Purim, they do not need to make an effort to fulfill the *mitzva* properly.

The halachically simple way to fulfill the *mitzva* is for the people to read it themselves from a *kosher klaf* they own or can borrow. (One who *lains* without a *minyan* does not make the *beracha* of *Harav Et Riveinu* at the end of the *Megilla* – Rama, OC 692:1). A non-proficient *ba'al korei* will need help, not only because of difficult *trop*, which is not crucial, but because of hard words and *kri u'k'tivs*. One who is precise in his reading can help the makeshift reader and correct as needed. It is possible to read along with a live or recorded reading. This is not very practical, especially if reading for others, as they need to hear the person rather than the electronic sound. One can use a recording and start and stop it as necessary. For those who prefer, I have made a (1 hour 8 minutes) video of the *laining* with pauses every few words, so that one can read along at a comfortable pace. It is available upon request at: info@erezhemdah.org.

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Igrot HaRe'aya – Letters of Rav Kook

Preparing for Aliya
Vol. I, #15, p. 13-14

Date and Place: Monday of Parashat Vayeishev 5665 (1905), Boisk

Recipient: Rav Kook's brother, Shmuel Hakohen Kook

Greeting: To my dear and pleasant brother: Peace to you and all who are with you, with great love.

Body: Your dear words in your letter arrived. You are right, that I write much too briefly in my letters to you, my dear. However, this is not done maliciously but due to the different pressures, as you know. The specific things that you pointed out in your letter will certainly be solved by Shaul Chona (their brother), may he live.

The matter of my journey (of *aliya*), with Hashem's assistance, we will apparently carry out, with the blessed Hashem's kindness, in the upcoming weeks, for they (the community of Yafo) are pushing the matter forward, and they are getting help from Jerusalem to speed us up with messages of positive pressure. Indeed, what is the point of delaying the matter? After all, one cannot, Heaven forbid, push off the opportunity to live in *Eretz Yisrael* because of concerns and difficulties. If a person were to be concerned in, say, his business matters with concerns of a weakened spirit of this nature, then all business and work in the world would cease to move forward.

We must strengthen ourselves with the power of the Name of Hashem, and this will fill our hearts with the strength of good hope and confidence, that Hashem will help us so that everything will work out in the best and most complete way. He should grant us good health and sufficient livelihood, and a sense of tranquility there in the Land of our Desire. May we merit there to be happy and make all those whom we love happy from a distance and from close, with His great mercy.

My dear and pleasant brother, please write about all the good things that occur to you. Certainly we will inform you, with Hashem's help, the time of our voyage in detail, so that you will be able to come to Mitvi (for a farewell meeting in that regional city, apparently the voyage's starting point) as we desire.

Mazal tov, mazal tov to all of us, on the occasion of the birth of a boy to our sister Ruchama, may she live. May Hashem give him success and a long and good life, and may his parents raise him to Torah, *chuppa*, and good deeds. May we receive joy from him and them and all those who are dear to us, may they all live. May this be a time of peace and blessing.

Sign Off: Your spirit and the spirit of your brother are joined with a deep love and thus I look forward to your success and welfare – so may it be His will, Avraham Yitzchak Hakohen.



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

Unartistic Material for Artistic Work – part II

(based on ruling 80036 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) was hired by a *beit kneset* (=bk) to provide artwork, including some made of glass with forms of brass attached for the *aron kodesh*, priced at 47,900 NIS. Def ordered the brass, specially cut into forms, from pl, and def came to watch the work progress. Def attached the brass to the glass and installed them. The *gabbai* and interior decorator came to see the work and objected to much of it, claiming that the brass forms were sloppily made. An argument ensued between them and def, and def was replaced after being paid only 25,000 NIS for the pieces in question (part of the work remained; part was replaced). Def paid pl only a 5,000 NIS down payment, and pl are suing def for the remaining 10,000 NIS promised. Def refuses to pay because pl's work was flawed and is countersuing for the 22,900 NIS in income he lost, around 5,000 NIS for wasted supplies, and an undisclosed amount for a diminished reputation. Pl responds that it was def's responsibility to see any problems and have them fixed before attaching them to the glass.

Ruling: We saw last time that def should be fully refunded for whatever was unusable because they were seriously blemished and it was hard to notice it initially. We will now discuss the countersuit.

We are happy that def lowered the countersuit, as the claim for wasted expenses is covered by the claim for lost revenues (in order to have gotten paid by bk, he had to undergo those expenses).

One deserves compensation from another who caused him to lose revenues only if the revenues were clearly lost because of him (see Eretz Hemdah-Gazit ruling 69020). In this case, despite the problem with the brass forms, def basically admitted that had he noticed the problem before the *gabbai* and decorator did or had he not quarreled with them, he would have been able to have the blemished parts replaced and gotten paid. His reputation also would not have been impacted. Therefore, he is not entitled to the full claim of losses.

The Shulchan Aruch (Choshen Mishpat 232:21) rules that if one sells a flawed object that needs to be returned, the seller must pay for the buyer's expenses only if the seller was aware of the flaw. In contrast, if one gave bad financial advice to his counterpart, he must pay even if his mistake was accidental (ibid. 306:6). The Ramah distinguishes between the cases in that someone who sells has no choice but to sell, and therefore he is exempt from paying for indirect damage, whereas one who does not know how to give advice should not be giving it. Our case falls in the middle and depends how one reads the Ramah. It seems though that the important thing is that def paid for the work and not for the advice to rely on the work, and indeed def came often to inspect. Therefore, pl does not have to pay for the fact that def relied upon their work. There is also strong enough grounds for def to have noticed imperfections that he should have inspected better before relying on it, and therefore he cannot extract further money from pl.

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

Nir Rephael ben Rachel Bracha
Yisrael ben Rivka
Rivka Reena bat Gruna Natna
Meira bat Esther

Together with all *cholei* Yisrael

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