



# HEMDAT YAMIM

Parashat Hashavua

Naso, 5 Sivan 5782

Harav Shaul Israeli zt"l  
Founder and President

**Migdal Eider, the First Yeshiva in Gush Etzion**  
Harav Yosef Carmel

The prophet Micha prophesized about a rejuvenation of the nation in *Eretz Yisrael*, boding good things for Zion and for a nearby place called Migdal Eider (Micha 4:6-8). With Hashem's grace, we see Micha's prophecy become reality in our times, in the form of the ingathering of the exiles after such great tragedies, the formation of a Jewish government in the Holy Land, and its tremendous success. We pray that in the near future we will also have the privilege to see the return of the Divine Presence. The Targum Yonatan on the *p'sukim* in Micha says the following: "You, the Messiah of Israel, who is hidden due to the sins of the Congregation of Zion, will in the future have your kingdom come, and there will be a dominion for the kingdom of the Congregation of Jerusalem."

Migdal Eider also comes up in *Sefer Bereishit*, as the region where Yaakov's flock grazed upon his return from Aram (Bereishit 35:21). Targum Yonatan (ad loc.) says that this location of Migdal Eider is the place from where the *Mashiach* will be revealed at the end of days. The context of this mentioning of Migdal Eider is the aftermath of the burial of the matriarch Rachel and the traveling toward Hebron, where Yaakov settled in proximity to his father.

Experts in the geography of *Eretz Yisrael* have identified a hill overlooking the *yishuv* of Migdal Oz in the Gush Etzion region as the likely location of the biblical Migdal Eider. This hill has a special connection with Jerusalem, as it is the only spot between Hebron and Jerusalem from which one can see the distant Temple Mount. It is very likely, then, that this is the place at which we are told that Avraham, on the way to *Akeidat Yitzchak*, "saw the place from a distance" (ibid. 22:4).

It is also not surprising that Bar Kochva, whom Rabbi Akiva thought was *Mashiach* (Rambam, Melachim 11:3), set up his headquarters in this area. He was likely aware of the tradition that found its way into the *Targum* that this is a place which is fitting for the *Mashiach*.

From the time of Bar Kochva until 1927, this spot was desolate from the perspective of Jewish settlement. In 1927, the rabbi of Meah Shearim and a member of the Jerusalem Beit Din (and a Zionist), Rav Yosef Gershon Hurvitz (who happens to have been my great-grandfather) was part of a group that renewed Jewish settlement in this holy place. They organized a group of about 20 people, mainly new immigrants from Yemen, along with seven students of Rav Hurvitz, and formed a yeshiva in that place. This was considered a branch of the Yeshiva of Meah Shearim.

The winter of 1927 was very severe, and snow prevented supplies from arriving, putting the people in danger of starvation. Rav Yechezkel Sarna, rosh yeshiva of the Yeshiva of Hebron, sent some food by donkey. The Arabs of the neighboring Beit Omar, with whom the settlement had good relations, also sent food. In the riots of 1929, the group feared for their lives, and, again, neighbors from Beit Omar helped, this time getting them to Jerusalem safely. In 1933, Shmuel Holtzman bought land, upon which Kibbutz Kfar Etzion was built. While the Jewish growth in this area came to a brutal end in 1948, since the Six Day War, the sound of Torah has returned impressively generally to *Eretz Yisrael* and specifically to Gush Etzion.

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Nisan 27, 5782

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



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# Ask the Rabbi

by Rav Daniel Mann

## Mistake in *Beracha* on Delayed Laying of *Tefillin* – part I

**Question:** I was at home with a weak stomach and decided it would be halachically prudent to put on my *tefillin* for a shortened period (from after *Yishtabach* through *Shemoneh Esrei*). After I fastened the *tefillin shel yad*, I realized that the *beracha* I had recited was not the one for *tefillin* but that I had instinctively said *Yotzer Ohr*. I continued *davening* with just the *shel yad* until the next semi-break, *Yotzer Hame'orot*, at which point I put on the *shel rosh* and the hand wrappings. Was that correct, and what should I have recited when?

**Answer:** Considering the need to react to a mistake, you got a lot of things right, which we will now review. We will start with your assumption that your recitation of *Yotzer Ohr* was valid, and later we will revisit that assumption and its ramifications.

While it is hard to quantify such matters, one should not have *tefillin* on when there is even a small/modest chance that he might release gas (see Shulchan Aruch, Orach Chayim 37:3; Mishna Berura 30:4). The most important time to have *tefillin* on is for *Kri'at Shema* and *Shemoneh Esrei* (Shulchan Aruch, OC 25:4). After starting *Baruch She'amar*, when breaks are permitted only for important reasons, the best place to make important interruptions is between *Yishtabach* and *Kaddish* (with a *minyan*, other than for a *chazan*) or *Yotzer Ohr* (by oneself) (see Rama, OC 54:3). Even at this point (and certainly in your case), though, one should recite only the *berachot* and *Baruch shem* ... and not the additional *p'sukim* (Ishei Yisrael 16:26\*). While other possibilities exist, as we shall see (see also Mishna Berura 53:5), your plan makes great sense.

Finding yourself in the midst of putting on *tefillin* in the midst of one of *birchot Kri'at Shema* (*Yotzer Ohr* ends with “*Yotzer Hame'orot*”) indeed raises questions. One does not make a *beracha* on *tefillin* in the middle of a section/*beracha*, and unless it is during *Kri'at Shema*, one should wait until the next *beracha* break to put on the *tefillin* with the *berachot* (Shulchan Aruch, OC 66:2; Be'ur Halacha ad loc.; Mishna Berura ad loc. 15; Ishei Yisrael 19:13). There is a minority opinion (see Mishna Berura 54:13) that recommends putting on the *tefillin* at the first opportunity, even in the middle of a *beracha*, and making the *beracha* on them after touching them at the next break. You anyway had little to gain, with the *tefillin* already on (see opinions in Dirshu 66:5), by reciting *L'haniach Tefillin* before *Yotzer Hame'orot*, so waiting had logic.

In your case, though, there was another factor. One must not speak between the *tefillin shel yad* and *tefillin shel rosh*, which you did with the entire *beracha* of *Yotzer Ohr*. The severe issue (Sota 44b) is based on the fact that the break creates an artificial need for an extra *beracha* (Mishna Berura 25:28), but that did not apply to you. You did not make the *beracha* in the first place and should have recited the same *L'haniach Tefillin* (for the ongoing *mitzva* of the *shel yad*) and *Al Mitzvat Tefillin* (followed by *Baruch shem k'vod* ... - Ishei Yisrael 19:13) for the *shel rosh*. There is no problem per se with having only one of the *tefillin* on for extended periods, and when necessary this is prescribed (Shulchan Aruch, OC 26:1). Nevertheless, it is relatively important to do the two in proximity to each other (Mishna Berura *ibid.*).

Therefore, we would have recommended to put on the *shel rosh* without *berachot* and make up both *berachot* after *Yotzer Hame'orot*. Although we generally want a *mitzva's berachot* to precede the *mitzva* (Pesachim 7b), there are agreed precedents that the *beracha* on the *tefillin* will come later. One example is one who is traveling precariously before the time for *tefillin* (Shulchan Aruch, OC 30:3), and another is one whose *tefillin* arrive right between *Ga'al Yisrael* and *Shemoneh Esrei* (Shulchan Aruch, OC 66:8). On the other hand, neither setup is perfect and neither is forbidden, and therefore what you did was also reasonable.

*As promised, we will return to discuss the mistaken beracha next time.*

**Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.**



# Igrot HaRe'aya - Letters of Rav Kook

## Connecting Disciplines in Torah Study - #103 – part I

**Date and Place:** 21 Tevet 5668 (1908), Yafo

**Recipient:** Rav Yitzchak Aizik Halevi, the author of a monumental history of rabbinic scholarship, Dorot Harishonim. See Rav Kook's letter to him (#99).

**Body:** Today the light appeared in my house, as I received a package containing a hidden treasure, your wonderful books, the four volumes of Dorot Harishonim. The letter that I received from my dear friend Avigdor Rivlin, the rabbinic representative of the Sha'arei Torah institution in our holy city of Yafo, indicates that these pearls were an unblemished present from you. It was a holiday for me when this bundle of precious light was revealed in my house.

It is true that I have previously heard a lot of the lofty reputation of the work, but I did not have the privilege until now to possess it permanently, so that I can imbibe its sweet fragrance whenever I desire. In practice, time has not allowed me, with all of my preoccupations, [to take full advantage], and I have also not given it over yet to be bound in a manner that befits the honor of such a treasure of light. [Yet, I do look forward to] broadening the scope of my study in certain topics within the many disciplines of the Torah, which are plentiful in your wonderful books, that are built as a fortification with the characteristics of a wall of fire that protects it from enemies who plan to uproot the Torah. Especially, it [restores confidence] in the words of the Oral Law.

In order to express my feelings of thanks to you, great scholar, I will present you with a short and general comment. It relates to a topic that you dealt with at length from chap. 15 to chap. 23 in the third volume of your shining books, regarding the relationship between the Babylonian Talmud and the Jerusalem Talmud.

You are the first in our generation to open the locked door between *chochmat Yisrael* (an academic approach to Jewish studies), as it is understood in contemporary literature, and the depth of the wisdom of the Talmud (classical rabbinical analysis). Regarding the latter, we refer to the pure and straight understanding that is passed down as a heritage from generation to generation, based on the hard work done with dedication and love of the intellectual giants of all of the generations.

I think it is appropriate to present before someone of your stature that there is another fence that needs to be opened, so that people can "travel from one side to another." That is the distinction between the Torah disciplines of *halacha* (practical guidance on the actions a Jew should take and avoid) and *aggada* (the moral and philosophical elements of Torah). Just as the historical *chochmat Yisrael* in all of its elements draws its life from the deep and broad wisdom of the Torah, although the latter is also influenced by the former, so too, there is such a connection between the *aggadic* part of the Torah and the *halachic* part. The foundation of the *aggada* is the wisdom of the heart and the ideas, so that all the many *halachot* are connected to the ideas from which they emanate. *Halacha* is the wisdom of actions, and the two of them stem from the two roots from which the Torah comes, wisdom and prophecy. It has still not been explained well what the connection is between the analysis of the *halacha* and the Oral Law.

*We continue next time.*

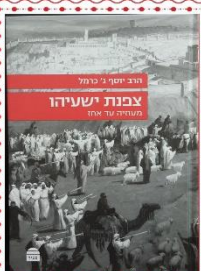
*We daven for a complete and speedy refuah for:*

**Nir Rephael ben Rachel Bracha  
 Yisrael ben Rivka**

**Arye Yitzchak ben Geula Miriam**

**Neta bat Malka  
 Meira bat Esther**

*Together with all cholei Yisrael*



### 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

## Appeal of an Incomplete Ruling

(based on ruling 79107 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case and Ruling Summary:** The defendant (=def) worked for the plaintiff (=pl) as a building inspector and was relieved of his duties toward the end of the work of the contractor (=cont2). He was paid a large, although not full, amount of money. Pl sued def for 14,280 NIS, including the return of 3,500 NIS for paying for more than was done and for various damages that the delays and mistakes in def's work caused. Among the major complaints: 1. Def did not make himself available to speak with pl; 2. Def never sat down with cont2. 3. He did not ask the right questions or get into details as he should have. 4. The contractor def suggested (=cont1) backed out at the last minute. The *beit din* (=bd1), not from Eretz Hemdah's network but one that allows for appeals to other *batei din*, employed an expert, whose report indicates that everything def did appears to have been done for the benefit of the job and that no action or lack thereof seemed unreasonable. Although def should have met with cont2, no identifiable damage came from the lack of such a meeting. Bd1 also believes that cont2 lied about certain things to remove blame from himself for renegeing on the estimate he gave. Therefore, bd1 rejected claims of damages. Regarding return of money def received, bd1 agreed that it should not be returned but the *dayanim* disagreed on the reason. It is unclear that def received more than he deserved, and so def may not need to return money either based on the advantage of being in possession or because each installment of payment is a decision of pl that def deserved the payment for what he already did.

**Claims of Appeal:** Pl complains that bd1 did not relate to several of his claims in their ruling. They include: 1. Def made a change in the engineer's (=eng) plan without consulting eng, which eng wrote in a letter he should have done. 2. Def made several mistakes in the specifications sheet that he prepared. 3. Def is responsible for cont1's renegeing, since he was responsible for his hiring. 4. The questions were posed to the expert in a manner that demonstrates bias, and the expert did not respond in full. 5. The ruling does not relate to def's lack of response to pl's attempts to speak to him.

**Decision on Appeal:** The matters above are factual rather than halachic, except for the element of def's responsibility for cont1. On the other matters, bd1 dealt with def's availability to pl, and I do not have grounds to reject bd1's decision that this lacking did not cause damage (note that def accepted being fired). Regarding the matters that were not raised in the ruling, I cannot comment on that which was not written. Therefore, I return those issues to bd1 so they can explain their positions, after which I can see whether their reasoning and whether anything I disagree with impacted on the overall decision. All other elements of bd1's ruling stand.

Comments or questions regarding articles can be sent to: [info@erezhemdah.org](mailto:info@erezhemdah.org)

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