



HEMDAT YAMIM

Parashat Hashavua

Vaeira, 3 Shvat 5784

Harav Shaul Israeli zt"l
Founder and President

The Hard Way is the Way to Learn Torah

Harav Shaul Yisraeli – from Siach Shaul pp. 190-2

Our *parasha* opens in the midst of an idea, as Moshe had complained about the difficulties Bnei Yisrael experienced since Moshe's attempts toward liberation began. Moshe was disappointed and was in as much pain as the Jewish taskmasters who were beaten by the Egyptians. He was also pained by the people's misconception that the first troubles with the liberation process meant that Moshe and Aharon had betrayed them.

On the other hand, Hashem's explanation (beginning, "I am Hashem") is difficult to understand. If He is beginning to introduce Himself with the Name of Mercy, why would things be getting harder for the long-suffering nation? Is He incapable (obviously not) of carrying out the liberation, which was full of miracles, without so much pain!?

It must be that the divine plan required that the people experience the suffering. This was part of the lesson Bnei Yisrael needed to acquire.

The *midrash* comments on the *pasuk* (Kohelet 2:9): "Af (in context, seems to mean – even) my wisdom stood up for me" that the Torah (wisdom) I learned with *af* (a second meaning, intended in this context – great difficulty) is that which helped me. Some recommend learning Torah through games. This (fun and games) is not the way to acquire Torah! Part of the Torah that Hashem wanted to teach was through the situation of pain and relief from the subjugation by and the liberation from Egypt, as the Torah says, "So that you will tell to the ears of your son and grandson" (Shemot 10:2). These events, which are a pillar of the Torah, could only be acquired through the torment people experienced. "Fortunate is he to whom Hashem causes pain; from His Torah, He will teach him" (Tehillim 94:12).

The heart of the matter is that laudable Torah study requires a person's inexhaustible effort to acquire Torah knowledge, in all settings and circumstances. Effort is important for all *mitzvot*. We have a concept that it is better to walk longer to do a *mitzva* than to walk shorter. Even if one can pray well in a nearby *shul*, it is better to go to an equivalent *shul* further away.

Judaism does not discourage people from enjoying the world. Rather, Hashem wants us to put our resolve in to a life in which one's enjoyment is in the spiritual realm. One cannot succeed in focusing **equally** on spiritual and physical pleasure. One who sees the pleasures of the world as an ends of its own cannot acquire greatness in the world of Torah.

Moshe had to be taught this. Rashi (to Shemot 6:13) posits that Hashem commanded Moshe and Aharon to feel the pain of the people. Leadership in Israel is not a "bed of roses." Moshe and Aharon had to be ready to stand up to the protests of a variety of Jews with a variety of complaints. They would have to remain true to their principles even when this caused difficulties.

Only when Bnei Yisrael were able to get through their struggles and Moshe was willing to put up with each of the members of his "flock," did they merit experiencing the great events of the Exodus, the splitting of the Sea, and the giving of the Torah.

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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

What Should One Skip to Get to *Shemoneh Esrei* on Time?

Question: If I wake up not long before *sof z'man tefilla* (=sz't - a third into the day), should I go straight into *Shemoneh Esrei* (=SE), or are there parts of *tefilla* that must come first?

Answer: We accept the latter opinion among *Tannaim* (Berachot 26a, 27a) that the end time for *Shacharit* is "after four hours" (Shulchan Aruch, Orach Chayim 89:1). However, one may *daven Shacharit* until *chatzot*, just that he loses the element of being on time (ibid.)

Some sources on relative prioritization of elements of *tefilla* enjoy a (partial) consensus; from there, we can also extrapolate. It is better to recite *SE* without a *minyan* before *sz't* than *tefilla b'tzibbur* afterward (Shulchan Aruch, OC 90:10). Seeking *tefilla b'tzibbur*, still, justifies skipping parts of *tefilla*. One may skip the majority of *Birchot Hashachar*, as they can be done after *davening* (Rama, OC 52:1). (Yechaveh Da'at (V:5) says to do *Birkat Hatorah* and *Elokai Neshama* beforehand.) The Shulchan Aruch (OC 52:1) rules that one can skip all of *P'sukei D'zimra* to make *tefilla b'tzibbur*. Most Ashkenazi authorities say one can only greatly shorten but not eliminate *P'sukei D'zimra* (Mishna Berura 52:6). *Kri'at Shema* (=KS) and its *berachot* are not skipped or shortened for that goal (ibid.). *Tallit* and *tefillin* are also put on before *davening* (see Mishna Berura 66:40; Berachot 14b) even if it will cause him to miss *tefilla b'tzibbur*, despite the fact these *mitzvot* apply all day.

How do these elements stand up to the value of making *sz't*, which we have seen is more critical than *tefilla b'tzibbur*, even though it can be done fully after "its time"? The Mishna Berura (66:40, based on Magen Avraham 66:12) says that if putting on *tefillin* will cause one to miss *sz't*, he should don them after *SE*, just as he puts off putting them on to make *sof zman KS* (ibid.). It is actually more of a *chiddush* regarding *sz't*, because *davening Shacharit* before and after *sz't* are both fundamental Rabbinic *mitzvot*. In contrast, one who misses *sof zman KS*, while he should still read it with its *berachot* for another halachic hour (Shulchan Aruch, OC 58:6), has lost that *mitzva* from the Torah, and his subsequent recitation is apparently much less fundamental (see Berachot 10b and Rashi ad loc.).

Regarding skipping **all of *P'sukei D'zimra***, it seems logical (although one can readily disagree) that since there is a major *machloket* (see above) regarding doing so for *tefilla b'tzibbur*, it is worthwhile to skip it to make *sz't*. Regarding doing *KS* and its *berachot* before *SE* at the expense of *sz't*, *Tefilla K'hilchata* (3:(82)) posits based on his own logic, that the importance of going from *Ga'al Yisrael* into *SE* is too great to forego in order to *daven SE* at the preferred time. This approach is strengthened by another consideration. Although it should be possible to recite *KS* and its *berachot* after *SE* (as sometimes is done at *Ma'ariv* – Shulchan Aruch, OC 236:3), in this case, as *sz't* is about to pass, most *poskim* posit that it becomes too late to recite the *berachot* of *KS* (Shulchan Aruch, OC 58:6). Thus, if one is ready for either *KS* and its *berachot* or *SE* (with, let's say, 5 minutes until *sz't*), if he does *KS* first, he will get to do everything, but if he does *SE* first, he will not only not lose the connection of *geula* and *tefilla* but also lose the *berachot* of *KS*.

A final factor that gives options and also complicates matters is the prospect of being able to start but not finish *SE* by *sz't*. In general, we *pasken* that we must **finish** *SE* on time (Mishna Berura 89:5). However, there are significant opinions (including Aruch Hashulchan, OC 110:5) that it suffices to **begin** by *sz't*. If one knows he will be able to start *SE* on time if he does an abbreviated *P'sukei D'zimra* and is unsure whether he will or will not finish it, it is likely worthwhile to try to do so, especially since it is definitely permitted to do *SE* even after *sz't*.

"Behind the Scenes" Zoom shiur

Eretz Hemdah is offering the readership to join in [Rabbi Mann's weekly Zoom sessions](#), analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

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

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Igrot HaRe'aya - Letters of Rav Kook

Dreaming of Deep Ideas with a Likeminded Person – #184 – part I

Date and Place: 7 Shevat 5669 (1909), Yafo


Recipient: Rav Pinchas Hakohen Lintop, the rabbi of a Chassidic community in Lithuania. He had learned Kabbala with Rav Kook when Rav Kook was in Boisk, and the two were very deep and like-minded thinkers, in many ways.

Body: Your hopes for rabbinical conferences are always dreams for me, but now there is unfortunately not a hint of beauty to accompany a pleasant image. Our nation's shepherds are in a deep slumber. This is not due to ill will but due to a weakness in the soul, after days, years, and eras have passed without "food that is truly life-giving and healing." I refer to the live light of the internal, elevated light of the Torah (kabbalistic thought). When the rabbis will get together, they will not admit a deficiency in wisdom and spirit or believe the [exhortations] of the few who are "armed with Hashem's forearm." The table at the conference will certainly be adorned with an analytical dilemma on a matter of Halacha, a minute detail from the perspective of spiritual depth. It may be major and broad from the perspective of the depth of intellectual gymnastics needed to solve it, but that will resemble one who uses a tremendous amount of gold to make a machine that produces one steel pin. They might discuss a matter of homiletics, incorporating ideas of ethics to apply in life, with an unclear kabbalistic idea or an old philosophy. This will only increase the basis of the unproductive rabbinical atmosphere. It will also create a new pain along with great "labor pains" of Israel, which is agonizing in this pain.

My brother, this is not the approach [we need]. We should not request conferences but establish literary platforms, using "sharp scalpels" and two-sided swords, whose body, head, and two sides of the blade's edge contain the letters of Hashem's Name. Let us use it to "cut raw meat" that still maintains its characteristic and lacks fear. Let us heal the wounds, using "bindings" from an abundance of lofty divine spirit and a "stream of delicacies" that come from the source of divine wisdom. We shall use as "herbs" the dew of divine light to "stop the bleeding." The flow of new life from the source of He Who is eternally alive will begin to be in the midst of the live blood, which is produced from the "healthy food." It will flow from the "fields of the wisdom of truth," cultivated by trustworthy farmers, brave soldiers, who love Hashem and His nation and care for Hashem's creations and His world.

This is our goal in taking very measured steps as we start to produce the periodical "*The Nir*." We need to begin with a *nir* (a plowed field), weed out the thorns from the whole area, and ready the Jewish People "to sow with a new light" that will have the impact it had in the distant past, with greater purity. For real cause, we have smelted the steel and scrubbed it clean. The kiln used to purify is the long, oppressive exile. While we have suffered greatly to improve the world, we cannot deny that we too need a lot of purification and that [exile] has been ultimately good for us. Because we sat in darkness, Hashem has been our light (see Micha 7:8).

With the dew of light, coming from the sweet stream of the Desired Land, the place of our life and strength, we will bring everything to life. We will make the most of the smallest resource; everything will be fruitful. The love of the nation, which is simple, straight, and natural, refreshing and healthy, must develop as a practical matter that puts light in the hearts of all who are truly fit to be crowned as great Torah leaders; it will cause all of the towers to be built and fortified. This will occur specifically in the place of national life, which we feel as we live on the Land with confidence in its redemption. It is awakening and will envelope all of the distant flock, which were scattered from mountain to mountain but did not forget "its pen or its shepherds", who accompanied them.



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.

Buy Now

P'ninat Mishpat

Problems Arising from the Sale of Stores in New Project – part I

(based on ruling 80079 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) bought two stores in a new project, developed by the defendant (=def), which was at the time mostly built. Pl claims that def's representative told him that the stores would be ready within weeks, but it took well over a year to get them. Pl demands 265,500 NIS based on the Law of Sales, which spells out a high payment scale for a seller's lateness in handing over real estate. Def counters that the delay was caused mainly by the municipality's delay in finishing the utilities' infrastructure. Additionally, according to the sides' contract, the stores were given to pl before the binding date of availability. Pl also sued def for stopping his workers from making changes to the stores after def gave him keys. Def responded that they had the right to do so because pl had not yet finished paying.

Ruling: Lateness – Pl presented strong proof, based on his actions soon after signing the contract, that he understood from def's sales agents that he would receive the stores soon after signing. He also cited a reference in the contract to a large payment that must be made 30 days prior to the date of availability, no earlier than 1.3.2017. Pl claims that this shows that this was the approximate target date. Def pointed out clauses that set the date as the later between 24 months from the time of a building permit and 28 months from the signing of pl's contract, which was much later. Pl explains that the reason for this late date is that most of the buyers bought much earlier, before the building was underway, and the clause about time from the signing of the contract does not apply to him, who bought later and was orally promised imminent availability. Pl also argues that he signed the contract without having it reviewed by a lawyer.

Ruling - We follow written contracts over oral assurances and the buyer's intentions. This is a general halachic rule (see Eretz Hemdah ruling 78005-2). Even if we were to accept that there was an oral commitment, it is possible that it was preliminary and superseded by the contract. Also, a clause in the contract states explicitly that only the written contract is binding. There is no proof from the payment schedule because it dealt with payment alone, not the obligation to make it available. Pl was also not specific regarding who had made a commitment to him, and thus even if there was a commitment, it might not have been authorized. Therefore, there is no payment for lateness.

Stopping the workers – A significant representative of def, who gave pl the keys, confirmed that he had, on a basic level, given pl, who had paid almost all of the selling price, permission to work on the stores. Therefore, pl had every right to assume that he could bring workers. Even if def had the power to stop the work, they have to compensate pl for the money he wasted relying on the initial assurance (see Rama, Choshen Mishpat 14:5). However, pl did not sufficiently document how much money had been lost based on this misinformation. Based on compromise, we obligated def to compensate pl 2,000 NIS for this.

Comments or questions regarding articles can be sent to: info@erezhemdah.org

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Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
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