

This week.....

- **A Man Who Can Enter the Land - A Glimpse from the Parasha**
- **Should a Single Man Wear a Tallit - Ask the Rabbi**
- **Different Methods of Fighting the Yetzer Hara - from the Writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l**
- **Workers Who Could Not Work Due to Snow – part II (Harav Akiva Kahana)- from the world of Jewish Jurisprudence**

Hemdat Yamim of this week is dedicated in memory of **Gila Bat Elyahu Micha-el** on the occasion of her yearzeit, 21 Av and **Yitzchak Eizik Ben Yehuda Leib a'h**, whose Yahrzeit is the 29th of Av as well as **R' Meir ben Yechezkel Shraga Brachfeld**

o.b.m

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A Man Who Can Enter the Land

Harav Yosef Carmel

Our *parasha* opens with Moshe's rejected pleadings to enter *Eretz Yisrael*. It continues with important lessons from the period in the desert. Moshe warned the people not to get caught up with the practices of the *C'na'anim* after their period of national isolation in the desert was completed. The specific theme that was repeatedly stressed is to avoid making images of a god or to represent G-d. Moshe reminded the people that at Sinai they had not seen any images, just a revelation of Hashem Himself (see Devarim 4:15-19). In the midst of this discussion, Moshe mentioned that Hashem swore not to let him into the Land because He was angry at Moshe "over their [the people's] words" (ibid.:23). Yet the Torah reverts once more to discuss the prohibition of possessing idols and images.

Commentaries (see Rakanati) were puzzled by the connection between Moshe's denial of entry to the Land and the matter of images. Also, how did Moshe blame Bnei Yisrael for his inability to enter the Land, when the Torah points to his sin? Targum Yonatan says that through Bnei Yisrael's difficult behavior at *mei meriva*, which prompted Moshe to hit the rock, Moshe had been kept out of the Land. However, that does not fully answer our questions. The Pesikta says that Moshe was not kept out because of any sin but because of the people, but it does not explain how.

We will suggest an explanation of the people's part in keeping Moshe out based on the *p'sukim's* perplexing context. As indicated, Hashem had, through His actions and His commands, tried to tame the desire for physical images in the service of Hashem. Yet, Bnei Yisrael had failed bitterly in this regard from the beginning. Forty days after the giving of the Torah at Sinai, the nation sinned with the Golden Calf. How did that happen? "The nation saw that Moshe was delayed in returning from the mountain and the nation assembled on Aharon and said: 'Arise, make for us a god who will walk before us, for this man, Moshe, who took us out of the Land of Egypt, we do not know what has become of him'" (Shemot 32:1).

Although they referred to Moshe as a man, they felt a need to create a physical god to deal with his absence. These words are that which prevented Moshe from entering the Land and completing his historic mission. Had Moshe brought Bnei Yisrael into the Land, they were liable to view him with Divine qualities that would have turned him into the center of a worship of a man. Therefore, specifically in the midst of the Torah section that discusses the prohibition of possessing images, Moshe said that their demonstrated tendency toward such mistakes kept him out of *Eretz Yisrael*.

Also nowadays, we must remember that, with all due respect to *talmidei chachamim*, one should not attribute to them Divine characteristics.

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Question: In a recent article, you assumed that single Ashkenazi men need not wear a *tallit* for *tefilla*. I understand that some relate this *minhag* to the juxtaposition in the Torah of *tzitzit* and marriage (Devarim 22: 12-13). However, the Shulchan Aruch, Rama, and many others rule that the *mitzva d'orayta* of *tallit* begins at *bar mitzva*. Isn't it a mistaken *minhag* to avoid this *mitzva*?

Answer: Firstly, if you read our articles regularly, you know that we are very reluctant to label an established *minhag* incorrect. As we will see, you seem to have overstated the issue. We will also explore reasons for a distinction between married and single men regarding a *tallit gadol* (= *tallit*).

The Torah obligation to wear *tzitzit* is only when one is wearing a four-cornered garment. It is important to put oneself in a situation where he can perform the *mitzva* (see Shulchan Aruch, Orach Chayim 24:1). Although every separate relevant garment requires its own set of *tzitzit*, one receives credit for the *mitzva* by wearing a *tallit katan* (= *tzitzit*). If this did not suffice, we should wear a *tallit* all day (see Shulchan Aruch, *ibid.* regarding *tzitzit*).

Why then do we wear a *tallit* for *davening* (*Shacharit*)? One issue is the concern that our *tzitzit* garments are too small or are otherwise not obligated in *tzitzit* (Darchei Moshe, OC 8:3). This might be a special problem during *Shacharit*, when we recite the Torah section where the *mitzva* appears (3rd part of *Kri'at Shema*). One who recites *Kri'at Shema* without *tefillin* is like one who bears false testimony (Berachot 14b). However, Tosafot (*ad loc.*) believes that this is not true of reciting *Kri'at Shema* without *tzitzit* (as one is not "required" to wear a four-cornered garment), and this is the topic of significant debate (see Yechaveh Da'at IV, 2). One might be extra careful to have clearly kosher *tzitzit* (i.e. a *tallit*) at that time, but the concern is weak enough that it can be overcome by the *minhag* in question.

We wear a *tallit* throughout *Shacharit* (not just *Kri'at Shema*, as explained) but not at *Mincha*. It may make sense to have it on during the whole *tefilla* in which *Kri'at Shema* is recited, but other interesting possibilities exist (see the Meshech Chochma, discussed in "Tzitzit" (Cohen) p. 434).

The Maharil is the one who cites the *minhag* for singles not to cloak themselves in *tzitzit* and indeed important *poskim* (including the Mishna Berura 17:10, based on the Ba'er Heitev) have difficulty justifying the *minhag*. However, the dissenters understood him to say that singles did not wear *tzitzit* at all. Many (see Tzitz Eliezer XX, 8; "Tzitzit", pg. 352) understand the Maharil to refer to our *minhag* of refraining just from a *tallit* and have no problem with it.

Why, though, would we want (without exploring kabbalistic reasons) to deprive singles of the advantages of wearing a *tallit* for *Shacharit*? The Divrei Yatziv (OC 44) posits that since *tzitzit* pronounce the need to keep all *mitzvot* and a single man has not fulfilled the *mitzva* of getting married, withholding the *tallit* encourages him to marry as soon as possible. Let us suggest another reason. The Radvaz (I, 343) posits that one should cover his head with a *tallit* during *davening* (see opinions in Mishna Berura 8:4). He says that if this were not so, we, who wear *tzitzit*, would not to wear a *tallit*. Yet, the Magen Avraham (8:3) says that singles and possibly married men who are not *talmidei chachamim* should not cover their heads with a *tallit* (see Kiddushin 29b & 8a), apparently to avoid appearing haughty. If we accept these important *poskim*'s assumptions, it is pointless for a single man to wear a *tallit*, which explains the *minhag*. Despite the different practices regarding married men wearing a *tallit* over their heads, the *minhag* for them to wear a *tallit* is fully accepted.

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Ein Ayah

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

Different Methods of Fighting the Yetzer Hara

(based on Berachot 1:24)

Gemara: Rav Levi bar Chama said in the name of Rav Shimon ben Lakish: A person should always agitate the *yetzer hatov* (good inclination) against the *yetzer hara* (evil inclination), as it says: “Get agitated and do not sin...” (Tehillim 4:5). If it [the *yetzer hatov*] defeated it [the *yetzer hara*], good; if not, he should occupy himself with Torah study, as it says, “... say in your hearts...” (ibid.). If it defeated it, good; if not, he should recite *Kri’at Shema*, as it says “... on your beds...” (ibid.). If it defeated it, good; if not, he should remind it of the day of death, as it says, “... and be silent forever” (ibid.).

Ein Ayah: The purpose of the powers within man, the good and the evil, is to use [both of] them in a positive manner. Therefore, it is not a good idea to weaken and minimize the powers of evil that come from the side of the *yetzer hara* because at times they will be needed for a good purpose and he will not be able to use them. Therefore, the proper advice is to keep all powers full and good, just that the *yetzer hatov* should rule in his soul, and the evil ones should be subservient to it. Indeed, the powers of evil are good when they are kept within their bounds.

In general, the *yetzer hara* is more awake and ready to act than the *yetzer hatov*. Therefore [the *gemara* says that] one should agitate the *yetzer hatov* to wake it up so that it should be ready to act and to take control over the *yetzer hara*.

All of this is possible for someone who has a healthy moral/emotional base and feels by himself that which is a positive path to take. However, one whose soul is not so pure will not sense the beauty of the good paths until he accepts it through Torah and through study. Therefore [the less pure person, says the *gemara*] should occupy himself with Torah study, specifically with the study of good paths that he needs to strengthen in his soul. This is not talking about regular Torah study, which he is anyway obligated in. By means of the knowledge, he will acquire the power of awakening to desire the paths of good.

However, if his soul is so polluted that the knowledge does not suffice to awaken the good powers in his soul, then he has to awaken the emotional side, which makes more of a mark on the soul than knowledge does. This point is explained elsewhere, where the *gemara* says, “You should know that a person recites *Kri’at Shema* morning and night; if one night he does not recite it, he is considered as one who never read *Kri’at Shema*.” This is because the special attribute of *Kri’at Shema* is to awaken the emotions of goodness and add power to the intellect of good.

All of these paths do their job just by strengthening that which is good but not by weakening the power of evil. However, if with all of the different systems, nothing has succeeded, then there is no choice but to use a tactic that weakens the powers of evil, which seek to violate their boundary by strengthening the deceitful imagination and creating more of an appreciation of the pleasures of this world than there should be. In such a case [says the *gemara*], he should remind himself of the day of death. However, this is only if he is unable to use his powers in a manner that good is strengthened, which is preferable to weakening the *yetzer hara*, for when a person’s power of the soul is weakened there is always going to be a loss of good things as well.

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P'ninat Mishpat

Workers Who Could Not Work Due to Snow – part II (Harav Akiva Kahana)

(based on Halacha Psuka, vol. 43)

[We ended off last time with the opinion of the Maharam that when a teacher is forbidden by the government to teach Torah he receives full pay, which implies that this is the rule whenever a makkat medina (a problem that affects many people) prevents work.]

The Netivot Hamishpat (334:1) argues that in the Maharam's case, although it was forbidden by the government for the teacher to teach, he could have served as a babysitter. Note that the reason a Torah teacher is permitted to receive pay (even though the *mitzva* of teaching Torah should be done for free) is that he deserves pay for watching the children. The teacher was willing to watch the children for the pay they decided on for teaching, and it is the parent who is unwilling to pay that price if he is unable to teach. Therefore, he deserves full pay. According to the Netivot Hamishpat, if the place of occupation is closed due to snow, even if the workers could come to work with difficulty, we must make the following distinction. If the workers are excused from work for their sake, then even in the case of the *makkat medina* they are not paid. If it is not worthwhile for the employer to pay for the upkeep for fear of inefficient work, it is the employer who is not interested in the work on that day and each worker is paid.

Let us now summarize: In contrast to a case where there are extenuating circumstances to a single worker, in a case where the extenuating circumstances are a *makkat medina* the workers may deserve pay. In this regard, a snowstorm is considered a *makkat medina* because it affects at least an entire city. There still is room to distinguish between a case where the worker can make it to work if he exerts himself and where he is incapable of reaching work because the whole city is shut down. However, when the situation is that the employer decides not to open the place of work, then at times, he will be responsible to pay.

We also saw different opinions regarding pay in the case of a *makkat medina*. Most understand the Rama to say that the worker receives full pay, while the Netivot Hamishpat says that the employer can back out of the employment agreement in such a case. Generally, in the case of snow, the employer is not interested in firing the workers but rather in reducing their salary due to lack of work on that given day. Therefore, the Netivot Hamishpat is likely to agree that they get full pay. The S'ma is of the opinion that the worker would get only half pay. In practice, most accept the Rama's ruling on the matter and therefore it seems that the employer should pay a full salary to a worker for days lost due to snow.

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