



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Devarim, 9 Av 5779

Their Origins and their Journeys, by Hashem's Word

Harav Shaul Yisraeli – Adapted from Siach Shaul, p. 466-468

We read about the journeys from one encampment to another on the way to *Eretz Yisrael*, and it mainly consists of names of places. These names contain history, and the basic premise behind them is “based on the word of Hashem” (Bamidbar 33:2). As Bnei Yisrael were about to enter the Land, it was worthwhile to review the whole past, to teach that even when we enter the Land, we need to hold on to lessons from the past in order to know how to live our lives in the future.

The *parasha* also includes a warning: “Do not contaminate the Land ... that I dwell in, for I am Hashem Who dwells in the midst of Bnei Yisrael” (ibid. 35:34). Rashi learns: “Even when they are impure, the Divine Presence is among them.” The Ktav Sofer explains that the heart of a Jew is always complete. The impurity is just the doing of the evil inclination, and therefore one should avoid defiling the *Mishkan* in which Hashem's presence will always be dwelling. Every link in the chain of Jewish history is full of sacrifice, with every Jewish child being inculcated with sanctity and purity, and this passes throughout the national journey.

Let us look back at the journeys of the generations that preceded us, at the prominent rabbis who led the communities of our family origins. The spiritual power of these great men was not about their abilities but in the fact that what they did was “based on the word of Hashem.” There were shadows and not only light, but it was based on Hashem's word. When we came to Israel, it was with the strength we received from these leaders and from the holy communities. Whether we want it to be so or not, this heritage is part of us. We must not give up our honor and replace it with something that is of no value.

We finished the *parasha* and *sefer* with “*Chazak chazak*.” We need double strengthening. We certainly need physical strength, to return the valor of Israel. But this is conditional on spiritual strength. If one has just physical strength, it can cause pitfalls. Bar Kochva felt that he did not need Hashem's help because of his strength (Yerushalmi Ta'anit 4:5), and he was vanquished. The power of Moshe and Aharon was rooted in Hashem's word; they were not proud of their natural strength, including in the intellectual/leadership realm. They relied totally on the strength of Hashem.

Nowadays we have the impression that what we gain on the battlefields, we lose as a result of an internal struggle. We find Chovot Halevavot (5:5) relating to a pious man telling a military unit returning from a successful battle: “You have come from a small war, and you did not yet go out to the big war (against the evil inclination).”

Let us indeed be strong. But we will all be strengthened when we see the young generation knowing how to sometimes not follow the waves of the time because it does not keep us on our traditional path. We want to see our children sanctifying Hashem's Name and glorifying the honor of His kingdom.

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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

Kri'at Shema in a Whisper

Question: As a speech therapist, I was wondering whether *Kri'at Shema* can be done in a whisper. In a whisper, the “z” sound is produced as an “s” and the “v” sound is produced as a “f” (and all voiced sounds become devoiced). Scientifically, this is because the vocal chords do not vibrate when whispering. Doesn't one need vocalize to truly produce a “zayin”, “vav”, or any voiced sound, when saying *Shema*?

Answer: We will have to understand the laws of enunciation of *Kri'at Shema* to deal with your scientific revelation (to people like me, who were not aware). There is a *machloket* among *Tannaim* about whether *Kri'at Shema* must include sound that is audible to one's own ear (Berachot 15a). We rule like Rabbanan's middle approach in between the stringent Rabbi Yossi and lenient Rabbi Meir: *L'chatchila* one should recite *Kri'at Shema* audibly, but *b'dieved* he fulfills the *mitzva* even if he did not, as long as he moved his mouth, lips, and tongue (Shulchan Aruch, Orach Chayim 62:3; the same is likely true for *davening* – see Mishna Berura 101:5).

It turns out scientifically that not all letters can be differentiated in a whisper, and certainly when no sound comes out. Your good question about whispering, which is not a major discussion in halachic sources, applies equally to totally non-audible speech, which is discussed. Since the clear halacha is that one does fulfill the *mitzva*, the question is only: why? (If there were a halachic difference between whispering and quiet talking, some *poskim* would have mentioned it.)

It seems implausible that the letters in question are close enough in sound that it does not make a difference if one says s instead of z or v instead of f, since they can create different words with different meanings. The answer is based on the following observation. (Almost) every Jewish subgroup pronounces certain things wrong. For example, Ashkenazim pronounce *ayin* like *alef* and *chet* like *chaf*. Sephardim do not distinguish between *kamatz* and *patach*. Some of these regrettable (see Megilla 24b) inaccuracies can change the meaning. Yet, one with a speech impediment fulfills *mitzvot* of speech with a theoretically confusing lack of differentiation, and when it is standard for one's society, it is not considered a problem (see Mishna Berura 53:37).

Why? Hashem knows whether we mean. While thought is not enough (see above), the one only has to enunciate to the extent that he can be expected to based on circumstances (ability, *minhag* (?)). Hashem can handle homonyms. The same is apparently true of whispering. While one technically cannot tell if someone whispered “*zonim*” or “*sonim*,” but Hashem knows what one meant, and since whispering is a legitimate form of speech, the best he can do is enough.


One can ask on this approach: why does Halacha makes instruct us to stress the *zayin* of “*tizkeru*,” so as not to sound like *tiskeru* (Shulchan Aruch, Orach Chayim 61:17) if anyway it is indistinguishable when done inaudibly or with whispering? One can answer by saying that stressing the *zayin* is only *l'chatchila* (Mishna Berura 62:1), and vocalizing so the speaker can hear himself, is anyway required *l'chatchila*. So indeed, if you follow the *l'chatchila* of vocalizing, stressing the *zayin* becomes relevant. But this works out only if the *l'chatchila* of making audible to the ear can be done only through regular speech and not whispering, an opinion I have not found.

Perhaps the answer, then, is that a whisperer does not need to actively make the *zayin* sound, but rather if and when one is vocalizing, so that a proper *zayin* is possible, pronouncing it wrong is a real problem. For example, if an Ashkenazi says an *ayin* wrong it is not a problem, but a Sephardi who usually uses a proper guttural *ayin* but in one place says it like an *alef*, that is a halachic problem, at least if it changes the meaning. Perhaps also, because one is sometimes audible for *Kri'at Shema* and sometimes not, he should consciously do these words audibly **and** correctly, to avoid accidentally doing it audibly and incorrectly.

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Ein Ayah

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

Distancing Evil or Embracing Goodness

(condensed from Ein Ayah, Shabbat 9:51)

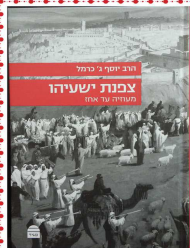
Gemara: On the sixth day [the Torah was given]. Sixth day from what? Rava said: From the day they encamped at [the Sinai desert]. Rav Acha bar Yaakov said: [The sixth day] from commencing their travel [from Refidim].

Ein Ayah: There are two general apparatuses through which a nation or an individual can prepare themselves for the divine light and pleasant aura to take hold upon them. One is purity, which is achieved when people remove themselves from evil, unseemliness, weakness, and lowness. The deeper the desire to escape from the place in which Bnei Yisrael experienced weakness, such as lack of resolve to connect themselves to Torah and all that is good, the greater the degree of blessing of Hashem that would come upon them, bringing them ever closer to the divine light. According to this characteristic in the heart of man, the main action one takes is to move away from the weakness (which *Chazal* attribute to the encampment of Refidim, which shares a root with the word for weakness). Diligence and strength are blessings of Hashem, especially as one steadily increases in diligence. This occurs when one uses his diligence more firmly to embark upon goodness by distancing himself from weakness that is contradictory to the power of sanctity.

It is possible to think that when one truly recognizes the destructive element of that which is spiritually unseemly and is a sign of weakness of resolve, he immediately reaps the benefit of leaving evil, and all the preparations for good are in place. However, this is not so. Rather, continual steps need to be taken to climb in levels of sanctity. This is represented by counting the days going forward from when they arrived at the good encampment at which the spirit of Hashem was imbibed and where the power of good could grow and be strengthened. The number of days shows the extent of levels of improvement in the height and depth of goodness.

Once Bnei Yisrael traveled from Refidim, the place at which their hands were weak in Torah and they fell into conflict (see Shemot 17:7), to come in agreement to the mountain of Hashem with thoughts of sanctity and of repentance, with unity and peace, they already had a way to note that the day of receiving the Torah was coming. The second approach, though, posits that leaving the bad place was on the same day as coming to the new, good place, and indeed it was done with immediacy and an air of skipping straight to the destination. The light of repentance emanates from that lofty secret within which time and that which is related to it, as well as gradual development and that which is related to it, have no place. That is why according to this approach, the counting comes from the time of encampment and not from the traveling. This is, after all, the place where the blossoming of “the flowers of sanctity” occurred to the point that the “fruit” emerged on the sixth day.

Rav Acha bar Yaakov posited that the leaving behind of evil alone not only brought cleanliness and purity to undo the negative but even included a lot of light of wisdom and lofty sanctity. So, leaving behind weakness of resolve includes an illuminating content as a means of acquisition, and is counted in the accumulation of positive along with that which was gained in the encampment. The two together complete the great characteristic of the path of the righteous, which is a glowing light that increases until full daylight (see Mishlei 4:18).



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

Dividing Government Funding

(based on ruling 75043 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) and the defendant (=def) are organizations that do overlapping work in strengthening the religious/social fabric of a certain city. Def was looking for a grant from the Department of Education (=DOE) and was missing a couple of eligibility components – the operation of a kollel and reaching a certain number of hours of community work. Def suggested to pl that they join forces so that def could be eligible, and they would give 25% of the funding to pl. They signed a contract with terms. Thus, a few *avreichim* who had been involved with pl, including one with certain qualifications required for the grant proposal, went to work under pl. In 2012, the grant request was originally turned down because one of these *avreichim* was rejected by DOE. Eventually, def received 306,341 shekels and gave pl 32,640 shekels (far less than 25%). In 2013 they received no funding. In 2014 they negotiated terms of agreement but did not sign a contract. Def received 281,111 shekels, but they could not agree on the amount due to pl. Pl claims they deserve the full 25% for 2012. Def claims that pl agreed to a reduction because they were responsible, by providing an ineligible *avrech*, for the proposal's rejection. This caused def to have to work very hard to receive funding, which is not attributable to pl. They also pointed out that pl did not ask for a full portion for 2012 until the argument regarding 2014 arose, which proves that pl had agreed. Pl argues that it took a long time until the funding came, and they did not know how much they deserved until later; there was no *méchila*. Regarding the *avrech*, def was aware of the issue and decided to proceed with the funding request anyway. [We will discuss 2014 next time.]

Ruling: Def's claim that the agreed upon formula for payment was changed is similar to claims that a debtor paid, in this case, partially. When there is a written agreement, if there were a change, we would expect that def would replace it with a new agreement. A delay in demanding more money is not proof of *méchila* (Shulchan Aruch, Choshen Mishpat 61:9).

The Radbaz (1:364) rules that one is believed to say that the other side was *mochel* only in a case that he could have claimed that he paid. Rav Shmuel Rozovski explains the weakness of the claim of *méchila* in that while debts are made to be paid eventually, they are not normally made for there to be *méchila*. Even if there is logic in a specific case for there to have been *méchila*, there still needs to be proof. In this case, since payments of this magnitude are done with checks or bank transfers, def would not be believed to say they paid, and therefore they need proof of *méchila*, which def did not bring.

As far as the claim that pl did not provide the prescribed help and was not responsible for the funds received, it appears logical that the important resources pl provided were part of the basis of the eventual funding. However, due to the fact that pl had to engage in a long campaign to receive funding, which should have been automatic, we are reducing the amount due to pl for 2012 from 25% to 20%.

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