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המדת ימים

Parashat HaShavua

Vaetchanan, 16 Av 5779

Speech from Fire

Harav Yosef Carmel

Our *parasha* describes for the second time in the Torah the incredible scene as Bnei Yisrael took a huge transformative step, going from a group who were recently slaves (deeply entrenched in the physical world) and turning into the Nation of Israel. The fearsome mountain surrounded by clouds, fire, and loud sounds, and especially the Divine Presence, is described (Devarim 5:5-25). As we have discussed many times in the past, much can be learned from multiple appearances of certain leading words in a section. The Torah is sending us a message through the choice of these words. In this section, the words are *aish* (fire) and the root *davor*, which is used in speech, whether the act or the things that are spoken. What is the connection between these two ideas?

The revelation at Mount Sinai seems paradoxical. On the one hand, the One giving the Torah is the Creator of the world, who Himself is beyond anything in the physical world. He cannot even be accurately described with words like "present" or "outside," for it is clear that He is fundamentally out of the physical world.

On the other hand, the receivers of the Torah are mortal human beings, who are created from materials that Hashem created. They live in a world that is governed by nature and are affected by its rules. If a person tries to leave the world of nature, that basically means that he ceases to exist in the physical world. But here, in this one-time revelation, Bnei Yisrael received *devarim* (words, speech) from within fire, with fire representing the destruction of physical matter.

Bnei Yisrael were afraid that this close connection to the totally spiritual would take them beyond the realm of the physical world, i.e., death. But the idea was actually different – to turn the nation into a nation of *medabrim*, prophets who are able to receive and then transmit the word of Hashem to others.

Ostensibly, every human being has the status of a "speaker," which is above the status of a living being that other members of the animal world have. We see this from Unkelos who says that the *pasuk* (Bereishit 2:7) that Adam was created as a "living spirit" means that he was a "spirit that speaks." Rashi explains there that Adam and his descendants received wisdom and speech." Thus the ability to speak about abstract concepts is that which raises mankind to its special status.

Our *parasha* hints at a much higher level of life and speech than that described in Bereishit. At Sinai, *Am Yisrael* received a special present – the ability to hear the "speech" of Hashem, through prophecy, and to be connected to the eternal spiritual world, even while we live and operate in a material world. *Sefer Devarim* is a book of prophecy, which Moshe Rabbeinu brought down to us at Sinai from the Higher Worlds, turning us into prophets and sons of prophets.

As long as we are able to think abstractly in the study of Torah, we can return every day to Sinai, and thus be united with the Giver of the Torah. This is the most profound way to use our abilities to speak, although we are also able to use them to develop the material world. If we keep our thoughts pure, we will be able to preserve "true life." May the words that we speak receive divine approbation, as Hashem said about Bnei Yisrael at Sinai: "That which they said was good."

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Ask the Rabbi

by Rav Daniel Mann

Who Lights Shabbat Candles – Father or Daughter?

Question: The last time my wife was away for Shabbat, my oldest daughter (under *bat mitzva*) wanted to light Shabbat candles instead of me. Can a minor daughter do so, and does she have precedence over me?

Answer: The short answer is that you should be doing the *hadlakat neivot* and not your pre-bat mitzva daughter when your wife is away (Shemirat Shabbat K'hilchata 43:7). Now we will broaden our view of the topic.

Does a daughter have precedence over her father due to gender? The Shulchan Aruch (Orach Chayim 263:3) explains a wife's advantage over her husband pragmatically – she is usually at home more, taking care of household chores, and so it is appropriate that she has the higher level of obligation and rights. The Tur (OC 263) cites a *midrash* that it was a woman (Chava) who “extinguished the light of the world” by causing Adam to sin, and therefore it is women's job to add special light to the world (see also Mishna Berura 263:11). Regarding the first matter, one can argue either way regarding a daughter vs. father, and it might depend on the household. The second matter probably applies to all females. The book *Radiance of Shabbat* (p. 7) cites Rav Moshe Feinstein as saying that a father has precedence over an above bat mitzva daughter. I would surmise that the reason is that a husband has greater responsibility for the proper Jewish running of his home than his daughter has. The book goes on that between bar/bat mitzva siblings, a girl has precedence.

The bigger problem with your daughter lighting is the principle that one who is not obligated in a *mitzva* cannot perform it for one who is obligated (Rosh Hashana 29a). However, it is actually not so simple. First, if the *mitzva* is not to light the candles but to have the candles lit, then it might not make a difference who lights them. Regarding the *mitzva* of Chanuka candles, we conclude (Shabbat 23a) that since the *beracha* is “to light,” then it is the act of lighting that is the *mitzva* and that the lighting can therefore not be done by someone who lacks mature thought, including a child. The same is likely true for the lighting of Shabbat candles. In the past (Chaye Sarah 5772) we discussed this issue in regard to the question of whether one just has to light with the expectation to benefit from the candles or whether one needs to actually benefit. We reasoned, based on sources, that it is likely that there is a mixture of the two elements – lighting and having a proper Shabbat atmosphere – but that the nature of the *mitzva* is to light. We mentioned the *machloket* between the Magen Avraham (263:11) and R. Akiva Eiger (ad loc.) whether when it is too late for a Jew to light the Shabbat candles and she gets a non-Jew to light, a member of the Jewish household makes a *beracha* (see Shemirat Shabbat K'hilchata 43:(48)). In the final analysis, it is apparent that one would not want someone who is not obligated in the *mitzva* to light.

Is your daughter obligated? If she is old enough for you to take the question seriously, we assume she is *higiah l'chinuch*, reached the age at which she can be trained. Indeed, if only such children are available to light, they are obligated Rabbinnically to light with a *beracha* like any other *mitzva* of the day (and a girl should have precedence over a boy). True, one who is obligated Rabbinnically cannot perform a *mitzva* on behalf of one who is obligated from the Torah (Berachot 20b), but the whole *mitzva* of lighting is only Rabbinic, so how are you more obligated than your daughter? There is actually a *machloket* (Shulchan Aruch, OC 675:3) regarding a child of *chinuch* age lighting Chanuka candles for an adult, as many hold that one who is obligated only Rabbinnically for two reasons (the nature of the *mitzva*; the general nature of the person's obligations) can do a *mitzva* on behalf of someone who has only one reason that it is only Rabbinic (e.g., an adult lighting Chanuka candles). We follow the strict opinion (ibid. 689:2; Mishna Berura 675:13).

(When making early Shabbat, be sure not to light before *plag hamincha*.)

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Ein Ayah

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

Full Months and “Missing” Months

(condensed from Ein Ayah, Shabbat 9:55)

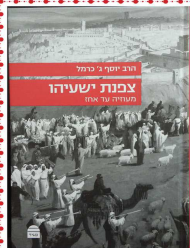
Gemara: [The gemara deals with the following chronological problem about the time of Exodus. If the 15th of Nisan was on a Thursday, wouldn't Rosh Chodesh Sivan have been on a Sunday? (Assuming Nisan is 30 days, Iyar usually has 29 days).] Rabbanan will explain to you that the month of Iyar of that year was a 30-day month.

Ein Ayah: Time has a characteristic of independence and a characteristic of being a medium between other things. The independent nature of time relates to those special matters that occur and are displayed during that time and positive things that the time can provide. The matter of it being a medium has to do with the ability of the time to enable a higher level to occur at some later time, in such a way that the future has more potential to be the right time than the present has.

In the months of the year, we have “full months” and “months of missing.” The full months represent that time expands due to its independent content. In other words, it is not proper to limit the month's value by making it shorter than it could be, and it should be measured by overloading the “measuring utensil” in which it is placed. A missing month relates more to the idea of time as a medium in preparation for another, future time. Therefore, it extends only the minimum amount of time necessary.

The month of Iyar served as a bridge between the great event of the Exodus and the great event of Hashem's revelation during the giving of the Torah. From the fact that it is the transitional time between the time of the two great events, it has the status of a facilitator, and in that way we would expect the month to be a missing month. But in another manner, it has a characteristic that gives it its own independent value, not as a simple transition, but as a complex power that can absorb two great lights. The two events are so great that they need to have a time separation between them. When a time has to facilitate an event in a manner of complexity and it needs to absorb two distinct characteristics, it is considered to have an independent purpose (which justifies a 30-day month).

The acquisition that came with the Exodus from Egypt is that of an independent nature that comes with the freedom of the nation, so that it is able to have a national spirit that is free from the affliction of foreigners. The characteristic of the giving of the Torah is the divine light that can be absorbed, which is possible only when the independent essence of Israel is already developed and has clearly emerged. The month of Iyar, which in *Tanach* is called Ziv (which means a glow), is the month that received the complex nature to bridge between the formative independence of Bnei Yisrael and the divine light of the Torah. This made it more than a simple facilitator but one that also has an independent value and for this reason it was a full month of 30 days that year.



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 part II

(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. In 2012, def received funding after much effort. [We saw last time that pl deserved 20% for their imperfect help in making that possible.] 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 the two sides could not agree on the amount due to pl. Pl claims they deserve the same 25% for 2014 as for 2012. Although pl did not provide a kollel for 2014 (someone else did), the main money received was for hours of activity, and the 25% is justified for pl's contribution to that. Def argues that they should get paid only an hourly rate for the hours of public activity and that they had raised that contention before 2014.

Ruling: The Rama (Choshen Mishpat 333:8) rules that if an employer and employee had an agreement for a year and then the work continued after that point without agreement, the same conditions exist as in the previous agreement. In this case, due to the significant changes in what was being provided, we cannot assume the same payment. However, the basic logic of the original agreement, giving a percentage of the revenues produced, can continue. There is no question that the element of the kollel is a major part of the equation, even though it does not receive a rating number regarding budgetary matters as other factors do. The kollel is at the base of *garinim torani'im* in general, which makes it important in receiving funding. It is also one of the most expensive parts of the group's budget. It is impossible to make an exact accounting of what part of the funding can be attributed to what element, but we arrived at an estimate that the kollel was responsible for 70% of the funding and the community hours at 30%. Giving pl 25% of the funding for that element comes to 7.5%. Because def raised in advance the difficulty in providing the same funding sharing to pl as previously and pl had said, "We will work it out," we will reduce the amount due to pl to 6.5% of def's governmental funding.

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