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HEMDAT YAMIM

Parashat HaShavua

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Who Were the Tower Builders? – part II

Harav Yosef Carmel

Last week, we surveyed three tower builders – Nimrod, Sargon II (Assyria), and Nevuchadnetzar (Bavel). The common denominator is that each tried to turn into an idol, promote being eternal, and have dominion in the heaven as well as the land, in an effort to replace the King of Kings. All three were unsuccessful, but who ruined their game?

Parashat Lech Lecha begins with Hashem's command to Avraham to "Go from your land" when he was 75 years old (Bereishit 12:4). We can find hints in previous *p'sukim* about what transpired when he was younger. The Torah tells us that his father, Terach, took his family, including Avraham, from Ur Kasdim towards the Land of C'na'an but settled in Charan (ibid. 11:31). *Chazal* teach us, as expounded upon by Rashi and the Ramban, that the name Ur Kasdim hints at a great miracle that occurred to Avraham. A *midrash* tells that there were 365 kings present before Nimrod when he confronted Avraham for breaking his idols. Avraham said to him, "You are not a deity, but a son of Kush." Nimrod conferred with the kings, and it was decided that Avraham should be burnt. They tied him down and surrounded him with a big pile of wood, which they lit on fire. All of the kings could see that the fire did not affect him. Hashem said at that time that since Avraham had acted in His name, Hashem would personally go to save him.

It seems that this conference of kings was done in order to coronate Nimrod as king of the entire world and a deity. Nimrod went up to the top of the tower that he built, and Avraham opposed his actions. Nimrod had Avraham thrown into the fire, and Hashem came to save him. The masses were inspired by Avraham and the miracle that saved him, and the kings scattered. The unification of the world was cancelled, and everyone went to speaking his language. Avraham ruined Nimrod's whole party.

More than 1,000 years later, Nevuchadnetzar tried the same ploy as Nimrod. He built a big tower and sat on its roof in front of all the kings under the rule of his empire, who were gathered to pronounce him king of the world. He did not try to get everyone to speak one language, as Nimrod had failed in that, but instead had them employ music as a different "international language." Hundreds of musicians were in place around the tower, and at the time the conductor would give the prompt, all assembled would bow down and accept him as the king of kings and a deity (see Daniel 3:4-5). The punishment for non-compliance is reminiscent – the person is to be thrown into the fire.

Three descendants of Avraham Avinu – Chananya, Mishael, and Azarya – who served as officers in Nevuchadnetzar's government, followed their forefather's lead and stood up to the most powerful person of their time. They too were thrown into the furnace, and Hashem saved them as well. Everyone was shocked and Nevuchadnetzar's plan was ruined. Chananya, Mishael, and Azarya were elevated, and Nevuchadnetzar repented to a certain degree.

Next week we will investigate what went wrong for Sargon II. In the meantime, we pray that we will see the world make progress in properly accepting Hashem's dominion, as we pray: "Everyone who was created will understand that You created him."

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



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Ask the Rabbi

When to Say Yehiyu L'ratzon

Question: Does *Yehiyu L'ratzon* (=YL) come before or after *Elokai Netzor* (=EN) and/or personal requests at the end of *Shemoneh Esrei* (=SE)?

Answer: The *gemara* (Berachot 4b) cites R. Yochanan as instructing to recite the *pasuk* "*Hashem sefatai tiftach ...*" (=HST) (Tehillim 51:17) in the beginning of *SE* and "*Yehiyu l'ratzon ...*" (ibid. 19:15) at its end. The former asks for divine assistance in *davening* effectively, and the latter requests that Hashem receive the *tefilla* favorably. While this was apparently instituted well after *Shemoneh Esrei* was composed (see Igrot Moshe, Orach Chayim V:24), it, to at least some degree, has become incorporated with *SE*. The *gemara* (ibid.) asks why *HST* does not create a break between "*Ga'al Yisrael*" and *SE* and answers that *SE* with the *pasuk* has become "similar to a long *tefilla*."

To the extent that *YL* and *HST* are equivalent bookends, we would expect *YL* to come right after *SE*, like *HST* comes right before *SE* (note that one may not say "*Ki shem Hashem ekra ...*" after *YL*- Mishna Berura 111:1). Indeed, some *Rishonim* (see Beit Yosef, OC 122 in the name of Rabbeinu Yona and the Ra'avad) say that *YL* should be said right after *SE*, before any other *tachanunim* (special requests) are said, and this is how the Shulchan Aruch (OC 122:2) rules.

However, this approach is not clear cut for a few reasons. For one, adding *tachanunim* to *SE* is important and connected enough to *SE* to be permitted even in the midst of *SE* (Shulchan Aruch, OC 119:1). Actually, Rabbeinu Yona (above) says this is a reason that it is only recommended and not crucial for *YL* to be before *tachanunim*, as we see the requests are not totally like moving on from *SE* and therefore not a serious break before *YL*.

Also, the presumed fact that *YL* is a step in finishing *SE* may weaken subsequent requests. Additionally, if *YL* is first, then when do we ask Hashem to accept the *tachanunim* favorably? The Shulchan Aruch (OC 122:2) answers the latter claim – one may say *YL* a second time after the *tachanunim*.

An instructive source is the *gemara* (Berachot 29b) regarding one who left out *Ya'aleh V'yavo*. If he is still in the midst of *SE*, he goes back to *R'tzei*; if he finished *SE*, he must go back to the beginning of *SE*. The *gemara* says that someone who has finished *SE* proper but usually recites *tachanunim* afterward is not considered finished until after the *tachanunim*. Rabbeinu Yona (ibid.) asks why the *gemara* doesn't use *YL* as the marker of the end of *SE* and concludes that it is because *YL* is recited before *tachanunim*. However, this *gemara* also can teach us the extent to which *tachanunim*, when recited, are an integral part of *SE*. This motivated the Gra (cited by many *Acharonim*, including Ishai Yisrael 23:208) to conclude that one should not recite *YL* before *tachanunim*.

We should point out that *tachanunim* include two different things in our experience. Although we generally view *EN* as a set part of the end of *SE*, this is a misnomer. The *gemara* (Berachot 16b-17a) cites personal prayers that various *Amoraim* used to say at the end of their *SE*. *EN* happens to be one of them (approximately). This may explain why *EN*, as well as *HST* and *YL* are in singular, as they are personal, as opposed to *SE* proper which is in plural. Practice has developed to choose *EN* as standard (albeit not required – see Mishna Berura 122:6) *tachanunim*. The Aruch Hashulchan (OC 122:8) says that while reciting the prayers of all of the *Amoraim* would be wrong, separating *YL* too far from *SE*, it is appropriate to say one. Alternatively or additionally we can all recite our own personal requests (Shulchan Aruch, OC 119:1). There is not a fundamental difference between the two.

The Aruch Hashulchan also suggests (ibid. 6) that a reason that *EN* was chosen is that it actually concludes with *YL*. This brings us to perhaps the most common practice and recommended *Acharonim* (see Mishna Berura 122:3) practice (although not the only legitimate one – see Darchei Moshe, OC 122:2). One recites *YL* twice: 1) right after *SE*; 2) at the end of *EN*, which anyway is the way the original *EN* concluded.

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Ein Ayah

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

The Crucial Importance of Appreciating Wisdom

(based on Ein Ayah, Shabbat 13:8-9)

Gemara: Whoever is lazy about the eulogy of a scholar will not have long days (i.e., life), a measure for a measure ... But doesn't the *pasuk* say: "The nation served Hashem all the days of Yehoshua and all the days of the elders whose days were elongated after Yehoshua" (Shoftim 2:7) (even though the people of his generation were lazy in eulogizing Yehoshua)? They had long days but not long years. But doesn't the *pasuk* say [as reward]: "...in order that you will have many days as will your children" (Devarim 11:21) – is that also only long days and not long years?! A blessing is different.

Ein Ayah: Respecting wisdom is the essence of seeking wisdom. The more a person is connected to extolling it, so does he seek it, and his life becomes full of positive emotion and activity, which is connected to the secret of long life. If a person is unmoved by wisdom, which finds expression in his not caring sufficiently when a scholar dies, and the person is lazy about his eulogy, then the foundations of his life are dry, and the wellspring that helps produce full lives is missing. Therefore the content of his life is short and his life aspirations lack a strong base. The laziness causes life's root to be shortened as is appropriate based on the rule of a measure for a measure.

Yehoshua's generation, whose members were lazy in eulogizing him, had signs of the disease of superficiality in their approach to wisdom and only saw Yehoshua's obvious positive accomplishments, as opposed to his internal characteristics, which were greater. How then could this generation have long life, which is rooted in the flow of spiritual life, from the depths of the soul, especially the part that is enamored with wisdom?

The answer is that there is a difference between the conception of life as it takes form in a general manner and that which exists on the level of specific spiritual acquisitions. The general is broad and bright, and corresponds to long years. The specific comes splintered into different elements, which can only be called long days.

Even though the generation as a whole was too darkened in its appreciation of wisdom to merit long life, as it separated itself from that level of spirituality, the elders of the generation were only lowered somewhat and were able to recognize the greatness of Yehoshua on the specific level. They would say: "The face of Moshe was like that of the sun and Yehoshua's was like that of the moon. Woe unto us for the embarrassment [of the deterioration of the leadership]." The truth is that there was an element of internal light that Yehoshua possessed that was also like the light of the sun, even if on a lower level, as opposed to the light of the moon, which is totally of a different type.

Because of the elders' partial recognition of Yehoshua, they merited longer days, as they had at least recognized some of the internal greatness of Yehoshua, although they did not merit longer years. Those who were totally lazy in eulogizing lost even the specific spiritual appreciation, so that they did not get long days and certainly not long years.

In truth the length of days is an outgrowth of length of years, and so in regards to the blessing found in the Torah, when it refers to long days, it includes long years.



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.

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P'ninat Mishpat

Kippot Under What Conditions?

(based on ruling 75040 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) runs a business selling *kippot*. He sold them periodically in front of the defendant's (=def) supermarket, in return for allowing *def* to take five *kippot* per time. The two decided that *def* would sell *pl*'s *kippot* in his store on consignment. At some point, *def* became dissatisfied with *pl* and told *pl* to take his *kippot*. When *pl* came, a disagreement arose whether 17 of the *kippot* present were his, and the store did not let him take them because *def* was not present. The sides agree how many *kippot* *pl* sent to *def*. They disagree if *def* received 30% or 35% of the sales and since in the middle they changed the prices of the *kippot*, how many were sold at each price. They also disagree whether the 17 *kippot* count in determining how many were sold. Once, *pl* sold *kippot* outside the store after *def* told him to stop, so *def* claims *pl* owes him 5 *kippot* for that.

Ruling: Neither side has proof about the prices decided upon, so they will be determined based on halachic rules for such cases of doubt. The *gemara* (Bava Metzia 110a) cites a *machloket* relating to a landowner and a sharecropper arguing whether the former promised the latter 50% or 33% of the crops. Rav Yehuda says that the landowner is believed, and Rav Nachman says that we follow the standard local percentage used. According to Rav Nachman (and the *halacha* – Shulchan Aruch, Choshen Mishpat 330:5), the sharecropper can receive more than is admitted even in a case where the landowner would have been believed to claim he was only a hired worker. Without the support of local practice, though, the landowner would win because he is considered the *muchzak* on his land's produce. In our case, *pl*, as owner of the merchandise, is *muchzak*. It will not help for *def* to claim he is like one who seizes the object, because the signed delivery order is proof that he received the *kippot*. However, here the argument is not about the objects but about payment, and on that *def* is indeed *muchzak*. On the other hand, since *def* would have to swear that he didn't promise *pl* more, we will award *pl* a third of the amount of the *machloket* – he will receive 66.5% of the sales.

Some of the stickers on the *kippot* list the old price and some list the new price. There is no way to know how many were sold at each price, but it is clear that it was *pl* who marked them and thus was responsible to have the right price on them. Under these circumstances, we will rule based on compromise that *pl* will get only a third of the difference between the two prices.

Regarding the 17 *kippot*, there is no convincing explanation of their origin if not from *pl*. Considering that *pl* is trying to extract payment for sold *kippot*, we will give the *kippot* to *pl* and subtract that number from the amount *def* received in determining how many *kippot* were sold.

Pl did not formally require *def*'s permission to sell *kippot* on the street outside *def*'s store, and his offer of five *kippot* per day of sales was a courtesy to avoid conflict. Therefore, since *pl*'s last day of sales was after the cessation of their cooperation, *pl* does not have to give *def* 5 *kippot* for that day.

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

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