



# HEMDAT YAMIM

**Parashat Hashavua** Vayakhel, 25 Adar I 5782

Harav Shaul Israeli zt"l  
Founder and President

## “I Shall Dwell in the Midst of Bnei Yisrael” – part II

Harav Yosef Carmel

We started to explore last week the correlation between the intensity of the Divine Presence and the ability of people to prophesy. We also started looking at David's escape from Shaul and to Shmuel in Rama (Shmuel I, 19), which we posited was done to check if Shmuel accepted the veracity of David's prophecies about defeating the Plishtim, including Goliat, and building the *Beit Hamikdash*. We will continue now to see in the *p'sukim* how the dwelling of the Divine Presence causes an increase in prophecy.

When Shaul's secret service told him that David was in Nayot in Rama, it says that "Shaul sent messengers to seize David, and he saw a band of prophets prophesizing and Shmuel was standing (*nitzav*) over them, and the spirit of Hashem was on Shaul's messengers and they also prophesized" (ibid. 19:19).

First, when Shaul heard about David's prophesying with Shmuel, he was aware of David's prophecy about Goliat. After all, David had already relayed it to the troops and then repeated it to Shaul, in persuading Shaul to let him try to fight Goliat (see Shmuel I, 17:29-38, which is analyzed in the soon to be published Tzofnat Shmuel).

Regarding Shaul's sending of his agents, it does not say that they saw the prophets prophesizing, but that he (presumably meaning Shaul himself) did. But how did Shaul see it if he remained at home and did not yet come himself? We can solve the problem with help from a parallel *pasuk* about Yaakov, which says: "Yaakov saw that there was *shever* (food) in Egypt" (Bereishit 42:1-2). There too, we can ask how Yaakov saw what was doing in Egypt if he was in Chevron, as he should only have been able to hear accounts. The *midrash* explains that from the time Yosef was abducted, Yaakov lost much of the clarity of his prophecy, and yet at that time he saw in prophecy that his *sever* (hope) was in Egypt (Bereishit Rabba 91:6). Thus, with the return to improved prophecy, Yaakov was able to see that he had special opportunities in Egypt.

The same thing, then, happened to Shaul. Once Shmuel and David started dealing prophetically with the matter of the building of the *Beit Hamikdash*, Shaul was able to see things prophetically that he had not been able to for a while, and his spirit improved. At the same time, Shmuel's students (the band of prophets) also were privy to the wave of prophecy, and they too prophesied in a way they had not before, as the *pasuk* says. Even Shaul's agents, who were not prophets or students of prophets, started prophesying once they approached David and Shmuel. Finally, when Shaul came himself, he prophesized fully before Shmuel, prompting people to say, "*Hagam Shaul banevi'im?*" (Is Shaul also a prophet?) This is something that he merited first, soon after he was anointed to be king (Shmuel I, 10:11-12), and now again when he was affected by the swelling of prophecy along with the Divine Presence.

May we merit seeing Hashem's return to Zion and to "the honor of Hashem filled the *Mishkan*" (Shemot 40:35).

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**Rabbi Yosef Mordechai Simcha ben Bina Stern z"l, 21 Adar I, 5774**  
**Those who fell in wars for our homeland. May Hashem avenge their blood!**

# Ask the Rabbi

by Rav Daniel Mann

## Unsure if he Recited *Birkat Hatorah*

**Question:** Sometimes I am unsure if I recited *Birkat Hatorah* (=BKHT) and so I plan to remedy the situation by having in mind to fulfill BKHT with *Ahava Raba*. Sometimes, though, I am not sure whether I had that in mind while I was reciting *Ahava Raba*. What do I do in such a case?

**Answer:** It is good to have a set order of practices, which helps avoid the doubt, but these things happen. Regarding one with a doubt whether he recited BKHT, *poskim* assume that whether or not one has to recite it now depends if BKHT is a Torah-level obligation or a Rabbinic one (see Mishna Berura 47:1). The *gemara* (Berachot 21a) identifies this as the measuring stick regarding doubt about having recited *Kri'at Shema* and mentioning *yetzi'at Mitzrayim*. The same *gemara* cites *p'sukim* as sources for the obligations of *Birkat Hamazon* and BKHT, which many identify as the two *berachot* of Torah origin (Ramban, *Shich'chat Aseh* 15). Therefore, the Sha'agat Aryeh (24) and many others rule that one who is in doubt whether he needs to recite BKHT, should do so. He just says (ibid. 25) that since the *mitzva* from the Torah is fulfilled with one *beracha*, in a case of doubt we recite only "... *asher bachar banu* ..." Some (Birkei Yosef, OC 47:8- see other opinions in the Mishna Berura ibid.) posit that BKHT is only Rabbinic and that we do not recite in a case of doubt (as we generally say, *safeik berachot l'hakel*).

Although the stronger opinion is to recite BKHT when in doubt, the Mishna Berura (ibid.) suggests the alternative you mentioned – to fulfill the obligation with the *beracha* before *Kri'at Shema* – *Ahava Raba*. While this seems to follow the general halachic "sentiment" to keep things safe, it is not a foregone conclusion that this is fully safe. First, there is a major *machloket* whether it is permitted to recite *P'sukei D'zimra*, which consists of Torah texts that are recited as praise in *tefilla*, before BKHT (see opinions in the Shulchan Aruch, OC 46:9). Indeed, if one realizes in the midst of *P'sukei D'zimra* that he definitely did not recite BKHT, most rule that he should interrupt *P'sukei D'zimra* to recite it (Mishna Berura 51:10; Yabia Omer IV, OC 7; Tefilla K'hilchata 9:31).

Another drawback of using *Ahava Raba* is that it is unclear that it is always done correctly. The *gemara* (Berachot 11b) does say that after having said *Ahava Raba*, one no longer needs BKHT, but the Yerushalmi limits it to a case where one learned right afterward. Considering that *Kri'at Shema*, which comes from the Torah, follows *Ahava Raba*, wouldn't this condition be trivial? One of the Beit Yosef's (OC 47) answers posits that *Kri'at Shema* does not count, as it is not done for the purpose of learning and/or it is not **clearly** for that purpose. In the Shulchan Aruch (OC 47:7-8), he cites two opinions on whether one needs to learn something else right after *davening* and recommends stringency. Although one can wait until the end of *Shacharit* as long as he does not talk about matters not related to Torah or *tefilla* in the meantime (Be'ur Halacha ad loc.), the Shulchan Aruch considers it risky to rely on this system to fulfill BKHT.

Your plan to have in mind to fulfill the obligation with *Ahava Raba* during recitation, while worthwhile to strive for (Mishna Berura 47:1; see Be'ur Halacha to 47:8) is most likely not a requirement (Mishna Berura 47:14; see Be'ur Halacha ibid.). In a case like this of multiple *sefeikot* (maybe you said BKHT, maybe you had sufficient intent for *Ahava Raba*, maybe intent is not needed), it is easier to be lenient (see *Ishei Yisrael* 6:(33)). The halachically simplest way to get out of doubt (but is not always practical or pleasant) is to find someone who has not yet made the *beracha* and have him do it for you with intention to include you (Mishna Berura 47:1). While women recite BKHT (Shulchan Aruch, OC 47:14), it is not agreed that she is obligated to do so or at least obligated in the same way as a man. Therefore, while it is plausible that a woman can be *motzi* a man (Be'ur Halacha ad loc.), one should not rely upon this (see Tzitz Eliezer XV:24).

**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

## View of German Jewish Education and Prospects for Prized Disciples - #92-93

**Date and Place:** 29 Sivan 5666, 9 Tishrei 5766 (1905), Yafo

**Recipient:** A young Moshe Zeidel. A close disciple of Rav Kook, from their time in Boisk, he asked Rav Kook many philosophical questions. He would become Dr. Zeidel, a philologist philosopher, and educator.

**Body:** Please write to me about all of your good endeavors, what you are involved with in holy matters and secular matters, who you are close with, and what your future plans are, with Hashem's help. I also wanted to know if you are exchanging letters with our friend, R. Binyamin Menashe Levin, and how he relates to you. [Levin was also then a young *talmid chacham* who studied in the Hildesheimer Rabbinical Seminary, then led by Rav David Zvi Hoffman, and later studied in the University of Bern. In the future, the two would collaborate in the publishing of a scholarly journal called *Tachkemoni*.] Tell me how his connection is going with the fearers of Hashem in Germany, those who are able to find the common ground between the needs of the time and Torah and fear of Hashem. I am very happy about this connection, and I hope that you too will follow this path and will receive the advantages that these dear brethren, the pioneers in protecting the covenant of Hashem in Germany, have.

You will be able to take for yourself the highest levels, specifically because it will come on top of our [classic Eastern European Jewish] education and the two will join together. From this wonderful connection of the two, you will have before you a wonderful model, which is both original and organic, which includes and unites the following elements: sanctity, wisdom, [intellectual] bravery, the pursuit of justice and truth, and the glow of life. Be strong, my dear one, and do not be afraid of the storms of time in the material and spiritual realms.

Your dear letter has brought me happiness, my beloved. I would be very happy if you and our dear R. Binyamin Menashe Levin will be close to each other, as you are both dear to me. You are my witnesses through which I will see amazing things, namely, that Torah that is learned with the deepest possible understanding and the broadest knowledge will reach its mark. This will be able to make dear souls more pure and fine, and will give them a higher, stronger love of Torah and fear of Hashem. My best hope is that you will go on this path in a continually elevating manner. Hashem should help by shining light on your path through life.

It is the day before Yom Kippur. If not for our powerful love, it would not be possible at all to find time for any writing. But you are dear and important in my eyes, and at a distance, from the Holy Land, I think of you with a true love. This is because I know your excellent talents, your fine personal characteristics, and your heart, which is ready to conceive and to do good for others. It also touches me that you are used to my style of expression and understand what I mean better than those with whom I have never communicated in person, even if the latter are intellectually gifted.

I would like you to take a look at my second essay, *Ikvei Hatzon*, and I hope that what I write there will find favor in your eyes. May you know how to connect one thing to another and extract pearls from between the "wheels" of the intermingled ideas, which will prepare you to go about your service of Hashem with a complete heart and a truthful manner. This is most appropriate because Hashem created us for His honor, to serve Him, to praise Him, and to spread His glory.

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

**Nir Rephael ben Rachel Bracha**  
**Yisrael ben Rivka**

**Rivka Reena bat Gruna Natna**  
**Arye Yitzchak ben Geula Miriam**  
Together with all *cholei* Yisrael

**Neta bat Malka**  
**Meira bat Esther**

# P'ninat Mishpat

## Making Up for Unpaid Employment Benefits – part III

(based on ruling 79137 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def) is an NPO that runs various educational institutions, including the one that the plaintiff (=pl) started to head in 5769. Soon after pl started, def ran into financial difficulties, and in a meeting of heads of def's programs, many heads agreed to cuts in salary to keep institutions open. Pl is now, after a few years, suing for the following matters: 1. The reduction in salary, which def forced on pl. 2. D'mei havra'ah (recreational payment) for 3 years, part of which def agrees to. 3. Loss of special rights that pl had with a pension fund, which he lost when def delayed payment to the fund, which def had promised, and despite warning. 4. A percentage of the fundraising sums he raised on trips abroad, which def promised pl he would receive but did not give him (22,868 NIS). Def's specific claims we will see next to each subject raised, but two general claims were: statute of limitations and mechila (relinquishing rights).

**Ruling:** We have dealt with reduction in salary, d'mei havra'ah, and loss of pension benefits.

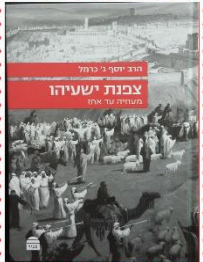
**A share in fundraising income:** According to pl, when he started working for def, it was discussed that he would travel to fundraise for them, which he did sporadically, but the terms were not set. When the financial crisis arose, pl used family connections, in not simple ways, to put together a list of contacts in Canada, and then he traveled to solicit from them in 5770. Pl claims that he was promised 20% of the sum raised to make up for his salary reduction. In 5771, def wrote to pl that despite reservations, they would pay pl 22,864 NIS that he asked for in this matter in 20 payments. Pl now says that while he asked then for the share to make up for his reduction in salary, he now asks for it additionally. Def responds that when hired, it was decided that when pl would travel for fundraising, he would get \$1,000 for room and board. Def admits to having agreed to giving a percentage for the trip in 5770 but claims that this was done under pl's pressure at the time of def's need.

The idea of paying for room and board is found in a draft of a contract (no contract was signed), which implies that this was the only financial compensation discussed. However, just as we said that the financial crisis enabled def to change some agreements due to new circumstances, so too pl was allowed to demand new arrangements for new situations, e.g., a pay reduction. Def's claim that they agreed under duress is to be rejected, because it is still considered agreeing. We do not have to deal with the question of whether pl could receive a percentage of fundraising and also have his salary reduction undone because we have already rejected pl's claim to restore his original salary.

A month after demanding 22,848 NIS, pl wrote that he had miscalculated and that he deserves 27,795 NIS, to which def demanded a detailed calculation. This implies that only on the new increased amount did pl have to give an exact accounting. Since pl is now only requesting the smaller amount, he does not have to provide that detail and thus will get the 22,848 NIS.

*We conclude next time with the question of statute of limitation.*

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Rabbi Yosef Carmel**

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