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HEMDAT YAMIM

PARASHAT HASHAVUAH

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For Now and for Generations

Harav Shaul Yisraeli - from Siach Shaul, pg. 279-280

In the context of the oil used for the *Mishkan*, the Torah writes, "tzav (command)." *Chazal* tell us that this implies a commandment that was to be carried out immediately but was also to apply for generations to come and that it is also a term that is used when there is a need to deal with an outlay of money (Sifrei, Bamidbar 1).

The connection between Hashem and His Torah and Bnei Yisrael is a natural one. "I will never forget Your instructions, for through them You have given me life" (Tehillim 119:93). They are natural for us. As the Mahari Mintz says on the *pasuk*, "For it is not an empty matter for you," it is not something that can be emptied out of you.

This is the idea behind the commandment for now and for future generations. This is a sign that it is not something external, but something that flows from our essence. The nations of the world complained to Hashem over the fact that He did not hold Mt. Sinai over their head and force them to accept the Torah, as he did for Bnei Yisrael (Avoda Zara 2b). The Yalkut (Bamidbar 684) adds to the *midrashic* account that Hashem responded that they should show Him their genealogical records. How does that respond to their complaint? Hashem was telling them that based on their predecessors, it would have not helped to hold the mountain over their heads because they were not linked to the Torah in a natural way.

This also explains the statement of *Chazal* (Sifrei, *ibid.*) that *tzav* implies rallying the people to be diligent, which is effective specifically for those who are naturally diligent. In order for it to work, people need to have a natural proclivity to get the job done. That is why the commandment will be fulfilled even when it requires a loss of money. "Now, command Bnei Yisrael" (Shemot 27:20). Even though they are Bnei Yisrael, their completeness will express itself only if you command them. If they just do a good deed because their emotional feelings bring them to it, then there will be a lack of longevity and consistency to the good deeds. We know and see how Jews who do not conform to the obligation to follow the Torah often display "a Jewish good heart." This is because they come from a chain of generations of people who kept the Torah. However, only when there is a commandment for now and for generations can we be sure that *mitzvot* will be kept consistently and not just when the mood or 'the weather' points in that direction. By being something that starts immediately and continues forever, a connection is created between the distant past and the distant future.

These ideas are also engendered in the *pasuk*, "You are they who cling to Hashem, your G-d, you are all living today" (Devarim 4:4). Just like the day brings light to the world, which is a natural thing, so too the clinging of Bnei Yisrael to Hashem is natural and brings light to the world.

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Ask the Rabbi

by Rav Daniel Mann

Question: In *Parashat Zachor* and *Megillat Esther* there are words with variant readings and most *shuls* read them twice. Should one repeat the word, the phrase it is in, or the whole *pasuk*?

Answer: First, it is not clear that it is necessary to repeat any of the above. The variance of *zeicher* to *zecher* (for the Ashkenazim who distinguish between these vowels) in *Parashat Zachor* might change the meaning of the *pasuk*, which determines when a mistake must be corrected (Shulchan Aruch, Orach Chayim 142:1). The word for “memory” is apparently “*zeicher*” (see Tehillim 111:4). The question is whether “memory of” changes to *zecher*. The more accepted position (i.e., in reading the same *pasuk* during *Parashat Hashavua*) is “*zeicher*.” However, the Radak and the Gra (while some have different accounts) said that “*zecher*” is correct. The Mishna Berura (685:18) recommends the *minhag* to read twice, which seems to have emerged based on the Chatam Sofer’s (died, 1839) practice.

It is not so clear that reading the wrong one changes the meaning, considering that the context of the *pasuk* points to “memory of,” and context apparently affects what needs correcting. The two traditional changes in *Megillat Esther* do not seem to change the meaning (grammatical and halachic arguments are beyond our scope). In any case, probably due to our great regard for *Parashat Zachor* and *Megillat Esther*, the idea of repeating is now a strong *minhag*, which is effectively untouchable in most communities.

The matter of how many words to repeat enjoys much less consensus. To start with, there are three different accounts of what the Chatam Sofer repeated (the word, the phrase from “*timcheh*,” the whole *pasuk*). The *minhag* decades ago was to repeat the phrase, which Rav Moshe Feinstein (Igrot Moshe, OC V:20.32) and Rav Yosef D. Soloveitchik recommended (see P’ninei Harav, p. 148; I have heard differing accounts).

Some raise issues with repeating just the phrase. When we *lain* a word wrong, we fix just the word. If the mistake was adding a word, we reread the phrase where the word was inserted without the extraneous word. The simplest explanation of how this works is that by repeating the phrase, one ‘erases’ that which was said before and starts the phrase again. Similarly, the Shulchan Aruch (OC 209:2, based on some *Rishonim* to Berachot 12a) says that if one accidentally recited “... *borei pri hagafen*” on beer and then immediately added “*shehakol* ...,” it works to replace the mistaken part of the *beracha* (at least enough to not have to repeat the *beracha*). Thus, saying “*zecher*” (the second time) may erase “*zeicher*.” (It would make more sense to say “*zeicher*” second, but that is not the *minhag*.) The idea of finishing the *pasuk* before repeating is that once the *pasuk* is finished, it is ‘money in the bank’ that cannot be ruined.

Those who suffice with repeating the phrase can defend themselves and counterattack. Perhaps erasure happens only if one intends to replace that which was wrong and not if one only wants to add an alternative reading just in case the first reading was wrong. The counterattack is that the Ramban understands Berachot 12a as being unsure about the case of one who said the *beracha* correctly and immediately, upon finishing it, added the wrong ending, whether he is credited for the *beracha* or it was erased. So, even finishing the *pasuk* might be problematic, strengthening those who choose what they believe is the correct reading and do not repeat anything (as *shuls* did for centuries). We have *pilpulim* to support either side (which we leave out for brevity’s sake) but no conclusive proof. We will not share an idea to solve the problem according to everyone (as we do not want to introduce more *chumrot* than already, for better and/or for worse, exist).

In conclusion, we believe that those using any of the many *minhagim* fulfill their *mitzva* of *zechirat mechiyat Amalek* and recommend that each *shul* keep to its *minhag*.

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The Impact of Great People on Their Surroundings

(condensed from Ein Ayah, Berachot 9:20)

Gemara: Rav Yehuda became very sick and recovered. Rav Chana of Bagdad and the rabbis came to visit him and said (in Aramaic): “Blessed is the Merciful One who gave you to us and did not give you to the earth.” [Rav Yehuda] said: You have exempted me from thanking [saying *Birkat Hagomel*]... How could it be, since [Rav Yehuda] was not the one who made the blessing? He answered “*Amen*.”

Ein Ayah: For a great person in the realm of wisdom and ethics like Rav Yehuda, illness and the bitter possibility of his passing from the world did not relate primarily to him but to the people around him. A problem can arise when the great person's associates do not sufficiently appreciate the value of the benefit they receive by having a person of his stature in their midst. In order to awaken them to this realization, Hashem may bring an illness, so that it will result in a fear of losing the great person.

That is why Rav Chana and the others expressed that the main thanksgiving should come from them for not having lost Rav Yehuda [as it was their response that Hashem was trying to elicit]. They purposely made the *beracha* of thanksgiving in a simple language which would have been more appropriate from a simple person. This signified that without a great scholar and *tzaddik* like Rav Yehuda and his spiritual impact upon them, they would sink to a much lower level. They wanted to hint that they would be unable to express themselves on a high level, such as speaking in *Lashon Hakodesh* (the Holy Tongue – Hebrew), which the angels use. Therefore, they gave their thanks in Aramaic, the coarse language of the masses [not normally used in reciting blessings] to indicate that the lowness of Aramaic is what they should expect of themselves without the presence of Rav Yehuda.

They also stressed in the *beracha* that “Hashem gave you to us,” for their purposes and to elevate them and “not to the earth.” This description of death also stresses the simplistic material element of the body returning to the earth and decaying, without getting into the more intellectual/spiritual outlook into death. This, again, indicated the feeling of inadequacy that those who blessed felt without Rav Yehuda. They also meant to hint that the waste of losing Rav Yehuda without having maximized the gain from his influence would be like an object that was covered up by the ground and lost. Now that they showed their recognition of what they should have done, they would be inspired to concentrate on learning as much Torah and ethics from him as they could.

Rav Yehuda expressed that he was aware of the need for a personal expression of thanks for his recovery from illness. However, since he already saw that there was a benefit that came from his illness in the realm of Torah and piety (to the others), he already was able to view the illness as something for which to be thankful. By answering *Amen*, he showed how, with an enthusiastic heart, he was happy with his physical pain since it was the source of blessing to many. As far as his own feelings were concerned, “the cow wants to give its milk more than the calf wants to receive it” (i.e., the teacher wants his students to learn more than they do).

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P'ninat Mishpat

School Recess that Disturbs Neighbors – part I

(condensed from Hemdat Mishpat, rulings of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: A Talmud Torah (elementary school that focuses on Torah studies) (=def) has been operating from the beginning of the year in an apartment building, which shares a large play area together with another apartment building. The plaintiffs (=pl) are neighbors who do not object to the presence of def but to the “unbearable noise” made during recess, when the children play in the outside play area. This is especially troublesome to one of pl, who is on maternity leave and needs the morning for catching up on sleep and regaining strength. Pl demand that the children go to some public playground for recess. Def says that it is not feasible to go to another playground, primarily because it would take extra time and would include crossing streets to get there. Since the halacha is that they are allowed to operate wherever they desire, this must include the ability to give normal recesses to the children, without which it is impossible for them to learn.

Ruling: The *mishna* (Bava Batra 20b) says that while neighbors can protest someone opening a store in their courtyard if it produces noise, among the things to which they cannot object is the noise of schoolchildren at a Torah school. The *gemara* says that an exception was made for schools due to the institution of Rabbi Yehoshua ben Gamla, who said that schools for children to learn Torah must be made in every town, and children should enroll in the schools from the age of six or seven. These ideas are accepted as halacha (Rambam, Sh’cheinim 6:12 and Shulchan Aruch, Choshen Mishpat 156:3).

Should the presence of a new mother change the situation? While the Rama (CM 156:2) says that one cannot prevent someone from making noise inside his own home, sick people who are harmed by the noise can protest. Thus, we see that sick people can prevent some forms of noise that others are not able to. However, most *poskim* (see Pitchei Choshen, Shecheinim 15:(74)) say that this limitation does not apply to schools in which Torah is taught. Furthermore, if any new mother were able to protest, the idea of schools being able to exist throughout a town would effectively be uprooted, as, *baruch Hashem*, new mothers can be found in almost any location. Thus, pl would not have grounds for forcing def to move its operations.

The Nimukei Yosef (Bava Batra, 10b in the Rif’s pages) says that a Talmud Torah cannot be forced to move even if there are alternative locations where they can operate, including *shuls*. The Chatam Sofer (Bava Batra 21) explains that the implication of Rabbi Yehoshua ben Gamla’s institution is that the local populace must contribute to the ability of schools to exist, and this includes by allowing them to use residential areas without requiring them to search for alternatives.

[Next week we will look into the questions of whether outside areas can be used and whether times have changed in these regards.]

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