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HEMDAT YAMIM

Parashat HaShavua

Lech Lecha, 11 Cheshvan 5776

“The Souls They Made in Charan”

Harav Yosef Carmel

Avram left Ur Kasdim and later Charan accompanied by a large camp of converts to his movement of belief in one invisible G-d, Who looks after His creations and rewards those who follow His path (including acts of kindness and other *mitzvot* toward other people). This throng of followers is also hinted at in the end of *Parashat Noach*. It says that Terach took Avram and his family and “they went with them from Ur Kasdim to go toward the Land of Canaan” (Bereishit 11:31). *Rishonim* struggled with this phrase of they going with them, and we can suggest that it is talking about the converts who joined the family.

In the beginning of Lech Lecha, this group is referred to more explicitly as “the souls that they made in Charan” (ibid. 12:5). *Chazal* are explicit here that these are converts, with Avram converting the men and Sarah converting the women (Avot D’rabbi Natan II,26; Rashi, ad loc.). They also picked up on the word “made” and point out that while people cannot so much as make a fly, due to Avram’s influence on them, he is considered as if he created them (ibid. I:12). Midrash Rabba (Lech Lecha 39) likewise says: “It teaches us that whoever draws in an idol worshipper and converts him is as if he created him.”

The Midrash (Shir Hashirim Rabba 1) also tells us how Avram and Sarah ran their “operation,” and these are ideas to remember for all generations: “*Avraham Avinu* would bring them into his house, feed them, give them to drink, cause them to feel love, bring them close, convert them, and bring them under the wings of the Divine Presence.”

The *midrash* continues that Bnei Yisrael argue to Hashem that *geula* (redemption) brings light, and light brings many people to convert. Our generation has been blessed with a great light. The establishment of the State of Israel has hastened the great miracle of the ingathering of the exiles. Millions of Jews have “marched” by land, sea, and air to the same Land to which Avraham and Sarah came as “*olim*” so long ago. Along with these *olim* came a few hundred thousand potential converts, most of whom have family connections and strong feelings toward the Jewish people, but are not halachic Jews until they convert. They come from proud full Jews, most of whom were forced into assimilation and the resulting intermarriage.

Considering the sources we saw about the importance of bringing in people with no Jewish connection, imagine how much stronger it is for those who come from “the seed of Israel.” Israeli society and especially its Torah leadership have to soul search: Do we treat this large group as befits the students of Avraham and Sarah? Did we open our homes and our hearts to bring them closer to Hashem? Did we allocate the necessary resources and time for these national projects? Or did we set aside money for a formal conversion process and agree to show love and warmth only after they complete that process? Have we not wasted precious strength on internal struggles and schisms, even within the observant community, including processes that are related to political maneuvering, which just turn people off from interest in conversion?

It is still not too late. We call on rabbis, politicians, leaders of all sorts, and every individual Jew to follow the path paved for us by Avraham and Sarah.

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Ask the Rabbi

by Rav Daniel Mann

Practicing Saying “V’ten Tal U’Matar

Question: How many times is it required to recite repeatedly “V’ten tal u’matar” (=Vten) until we can assume, when in doubt, that I said the recitation correctly?

Answer: If one is unsure if he remembered to cease saying *Mashiv haruach* ... (=Mashiv), we assume for the first 30 days that he continued the now incorrect recitation (see Shulchan Aruch, Orach Chayim 114:8, based on Yerushalmi). However, the Shulchan Aruch (ibid. 9) accepts the Maharam M’Rotenberg’s (see Tur, OC 114) remedy of reciting the correct version 90 times, after which we assume he got it right. The source that concentrated change is effective like a change over time is the opinion that an ox which goes three times on one day changes its status like one who gored three days (Bava Kama 24a). While many question the comparison’s aptness (see Taz 114:13), this is the accepted practice (see Biur Halacha ad loc.). The Mishna Berura (114:40) says that reciting the new version 90 times is applicable for Vten as well

There are also technical questions about this system. The Rama (Darchei Moshe, OC 114:2) points that 90 times seems an inexact substitute for 30 days, as *Mashiv* is said more than 90 times (due to Mussaf) in 30 days and *Vten* (absent on *Shabbatot*) is said fewer. He says that 30 days is just the average time, but the important thing is the 90 recitations, however long each one takes. (The Rama’s opinion in the Shulchan Aruch is unclear (see OC 114:8 and Mishna Berura 114:37)). The Chatam Sofer (OC 20) posits that often 30 days has 101 sayings of *Mashiv*, and 101 is known to be a number of repetitions which makes a text absorbed (see Chagiga 9b). The Gra (ad loc.) is among those who say that it is the passage of 30 days that creates the change, even though there are more than 90 *Mashivs* and fewer *Vtens* during this time.

The accepted opinion is that one who does not do extra repetitions determines whether to assume that he said the correct text based on a cut-off of 30 days. Yet, the practice of those who do “artificial repetitions” is to do the ostensibly contradictory 90 recitations. The Mishna Berura (114:37) says we accept the lenient opinion in both major questions because of the concept of *safek berachot l’hakel*. In other words, if we are not sure whether there is a need to make additional *berachot*, in this case by repeating *Shemoneh Esrei* or parts of it, we refrain from doing so. (Admittedly, there are cases (e.g., *Mashiv* slightly before 30 days) when we could have been more lenient than the standard practice.) Most (see Mishna Berura 114:42; *Ishei Yisrael* 23:(137)) assume that one can mix and match, achieving confidence about the transition by an appropriate mixture of days and repetitions (e.g., 10 days and 60 repetitions).

Some suggest that it is preferable to avoid the artificial 90 repetition system (see Shulchan Aruch Harav OC 114:11; *Halichot Shlomo*, Tefilla 8:26). The logic is that since it is unclear whether it sufficiently removes doubt that one said the wrong thing, (i.e., it might still be correct to repeat), it is better to leave things with the accepted 30-day guideline. (Rav Yaakov Emdin has a technical issue with the repetitions, as he assumed it required saying Hashem’s Name in vain. However, our practice has us start the recitation after the Name). However, this claim is very surprising. First of all, when not using this system, there are also plenty of doubts (e.g., after 30 days of *Vten*, which do not include 90 recitations; if one missed some *tefillot* or made mistakes in some). More significantly, since the repetition, if done with moderate concentration, certainly helps significantly to get things right faster, we are saving a lot of unnecessary *berachot* by getting ourselves accustomed. It would seem that the approach that one should avoid the repetitions makes sense only for those who rarely make these mistakes anyway.

In summary, doing 90 “artificial repetitions” for *Vten* and *Mashiv*, which the Shulchan Aruch/Mishna Berura and *minhag ha’olam* endorse, is valid and worthwhile (but not obligatory).



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Ein Ayah

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

A Dangerous Lack of Connection Between Forms of Truth

(condensed from Ein Ayah, Shabbat 2:89-90)

Gemara: It was said in the name of Rav: The Rabbis attempted to hide the book of Kohelet, because its words contradict each other.

Ein Ayah: The word of Hashem will always prevail. All matters that bring improvements to the world that emanate from divine sanctity must act both according to the low level of the present and the higher level of the future, and these elements should be connected in some way. The Torah, like Hashem's Name, accomplishes this by having concealed and open elements that are connected. Books of the Torah deal with timeless esoteric matters and also give practical instruction on ethical matters specific to the present condition. These books never need to be hidden because they always give life to those who delve into them.

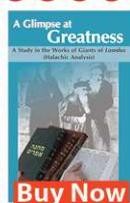
However, it is dangerous for a book to, on the one hand, contain deep and lofty messages, but, on the other hand, be unable to improve lives in the present because the author addresses matters that people of his time are unable to apply. Such a book needs to be hidden until a time when people will be on the level to be positively impacted by it. That is why the Rabbis attempted to hide Kohelet.

The foundation of belief is that the world exists with its physicality and spirituality. We believe in Hashem's unity, from which stems the unity of His actions and of His wisdom which unite all disciplines in the world, which share a source and a goal. We trust in the truth of the ideas that were passed to us in purity by means of the Torah, prophecy, divine spirit, and the traditions of holy people. All G-d-fearers should know that truth and eternal light are constants. They must reject those who cast doubts about these holy words in the hearts of the vulnerable and rob them of their spiritual strength.

Therefore, it is very dangerous for there to be apparent contradictions in a book of *Tanach*, even if, in truth, the contradictions are not internal but stem from their dealing with matters that are so deep that they point outwardly in different directions. Still, the appearance of contradiction to the generation is severe enough. The power that connects the present and the future through these divine ideas are still not strong enough, and present generations can be negatively impacted if they cannot reconcile the contradictions on an external level. If answers to reconcile the contradictions existed, then even if upon going deeper they would not stand, still upon going deeper, new powers to unify the truth would emerge.

Thus, at the time that the Rabbis did not know how to reconcile the contradictions and unite the future with the present, Kohelet was not fit to be an open book for public consumption. It was then liable to pollute and weaken the people's beliefs. It is critical to view Hashem as "I am Hashem, I have not changed" (Malachi 3:6). We should know that the earliest stages of development, like the pregnancy that precedes the birth and certainly precedes childhood, adolescence and old-age, must be connected to the most complete later stage. There must always be unity and true, internal peace. This is as we say in our prayers, "All believe that He creates them in the abdomen; He is all-powerful and includes all together."

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P'ninat Mishpat

An Agent who Gave the Document to the Wrong Person

(based on Shut Chatam Sofer, Choshen Mishpat 140)

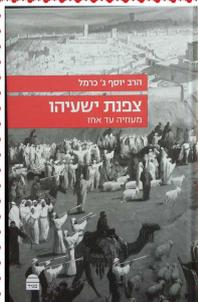
Case: Reuven sent his agent (Shimon) with a loan contract to receive payment from the borrower (Levi). Reuven told Shimon that if Levi does not pay, Shimon should not hand over the contract to his partner (Yehuda). At the end, Levi did not pay, and Shimon did give the contract to Yehuda. Yehuda did extract full payment from Levi and is refusing to give Reuven half the money because of the claim that Reuven owes him money from other transactions. Can Yehuda keep the money? Must Shimon reimburse Reuven for causing a loss by not following his instructions?

Ruling: Some local *rabbanim* argue that ostensibly Shimon should have to pay Reuven and, because of this, Yehuda will not be able to withhold Reuven's half due to the damage it will cause Shimon (see Rama, Choshen Mishpat 58:1). Others say that since Shimon made a mistake regarding what to do with a document, we apply the Rama (CM 55:1), based on the Rashba, that when someone returns a loan contract to the creditor after payment, he is exempt from damage payment because it is *gerama* (indirect damage).

The Masat Binyamin (85) deals with the discrepancy between the Rashba above and the Rosh (Shut 39:2), who says that if a scribe gave a document to the buyer's father rather than the buyer, and the father died and the document was lost, the scribe has to compensate the buyer. There we see that one can be obligated even for a minor mistake made with a document. The Masat Binyamin answers that in the Rashba's case, there is not immediate damage when the creditor gets the document, as he has yet to extract payment. This is different from the Rosh's case where there is an immediate loss to the buyer, who is now without his contract, and the Rashba would agree that he must pay. Therefore, the Masat Binyamin (see Shach 55:4) ruled that if an agent gave the contract to the borrower before he paid, the agent would have to pay. Thus, the Rashba's case is the exception to the rule, and in our case, the agent who gave the contract to Yehuda after being warned not to has far more reason to be culpable than the scribe who delivered the contract to the recipient's reliable father.

While the above analysis fits the Masat Binyamin's approach, this is actually a difficult opinion. Consider that the *gemara* (Ketubot 85a) obligates an agent who paid the creditor before taking the loan contract, which seems against the Rashba. The distinction must depend on who gave the document to the wrong person. A marginally related person can be exempt due to *gerama*, but someone who was given the document as a watchman or an agent and acts against the instructions or the interests of an interested party is considered a *mazik* (damager). Thereby, he is obligated even though the normal obligations of a watchman do not apply to contracts and the damage is indirect for others. [The Chatam Sofer explains why this category does not apply in the Rashba's case, but it is too involved to present in this context.]

Therefore, in this case, Shimon would definitely be obligated to Reuven, and, therefore, Yehuda may not use the document as a tool to seize money that he claims Reuven owes him from a different situation. Rather, Yehuda should give Reuven his half of the loan from Levi, and Reuven should swear that he does not owe Yehuda.



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