



HaRav Shaul Israeli zt"l
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HEMDAT YAMIM

Parashat HaShavua

Vaeira, 28 Tevet 5776

Respect Hashem's Least Expected Partners

Harav Shaul Yisraeli – based on Siach Shaul, p. 202-3

"[Hashem] commanded [Moshe and Aharon] to Bnei Yisrael and to Paroh, King of Egypt" (Shemot 6:13). Rashi provides two explanations of what was supposed to be done in relation to Paroh. The second had to do with the various actions Hashem had spelled out. The first one is actually to treat Paroh with respect.

There is no contradiction between the two. The efforts toward liberation had to go on without fear. They had to tell Paroh to free Bnei Yisrael even if there did not seem to be real hope that he would listen. Efforts proceeded even as Paroh and his advisors scoffed, "I do not know Hashem" (see Shemot Rabba 5:14). Yet, Hashem still referred to him as "Paroh, King of Egypt" and upheld his honor in saying that "all your servants will come to me," (Shemot 11:8) even when it was really referring to Paroh himself (see Rashi ad loc.).

A key to Bnei Yisrael's proper attitude to the emerging liberation is hinted in the code passed on by Yosef, as a harbinger of the redeemer: "*pakod yifkod Elokim etchem*," (Hashem will certainly remember you) (Bereishit 50:25). How was Moshe's use of this language a proof of the veracity of his message, when any number of people had access to it? The important thing was actually the content of the message. When the savior comes, he will invoke Hashem's Name alone in describing the liberation. He will not mention any political, diplomatic or strategic ideas. This is something unique to the savior of Israel.

There were other approaches that abounded at that time, even though they are not mentioned explicitly in the Torah. The Israelite officers adopted an approach of appeasement of the kingdom. They were against expressing the nation's dream and demand of freedom and preferred waiting for a change of heart in the Egyptian leadership. They effectively had the viewpoint of *pakod yifkod Paroh etchem*, as if there could be Jewish freedom along with foreign dominion. They did not realize that the people who schemed the enslavement of their nation and who were using Moshe's demand in a cynical way would not change their tune on their own.

A group of young Israelites, whom we refer to as the Sons of Ephrayim, adopted a very different approach. They reached such a level of despondency that they basically took the suicidal step of leaving forcefully without divine support. They acted with disdain toward the kingdom and denied the dangers which eventually led to their slaughter by the sword.

The reason to treat the kingdom with respect was not out of true regard for the personalities involved. Rather, it is because the Egyptian kings were an instrument through which Hashem chose to bring the troubles that He decreed on Bnei Yisrael. Just as Hashem is extolled by means of the righteous so is he extolled by the actions of the wicked (Shemot Rabba 7:4). Therefore, a monarchy that was chosen by Hashem should not be disdained. It is not due to regard to them but to Hashem who chose them. At the same time, respect for them did not preclude the clear demand that Hashem made of them to let His people go.

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Ask the Rabbi

by Rav Daniel Mann

Reciting *Aleinu* Along with the *Tzibbur*

Question: If I am in the midst of *davening* and the *tzibbur* is up to *Aleinu*, should I stop what I am doing and recite it along with them?

Answer: Let us trace where what you heard about saying *Aleinu* with the *tzibbur* comes from and then try to apply it properly.

The *gemara* (Berachot 20b) says that the reason the *mishna* instructs one who is impure and may not recite *Kri'at Shema* to "think about it" when others are reciting it is "so he should not be idle" at such a time. The Rosh (Berachot 3:14) says that the Behag says that for the same reason one who already recited *Kri'at Shema* and entered a *shul* in which they are reciting it should recite it again. The Shulchan Aruch (Orach Chayim 65:2) rules this way, explaining that "he should not look as if he does not want to accept the yoke of the Heavenly Kingdom with his friends."


The Magen Avraham (ad loc. 3) expands significantly on this idea, saying: "the same is true of other things that the *tzibbur* recites, e.g., *Tehilla L'David (Ashrei)*, that he reads with them, for this is *derech erez*." A few things are not clear in this Magen Avraham. What is it about *Ashrei* specifically that makes it something that the *tzibbur* says (was it said aloud or in unison in his time)? What else meets this criterion? What does he mean by *derech erez* (is that the same as looking like not accepting)?

While it is unclear how he would answer the above questions, the Machatzit Hashekel (ad loc.), cited by the Mishna Berura (65:9) without dissent, says that the same is true of *Aleinu*. Rav Moshe Feinstein (Igrot Moshe OC III:89), without discussing *Aleinu*, gives guidelines for saying parts of *tefilla* along with the *tzibbur*. It is an obligation to answer *devarim sheb'kedusha* (things that require a *minyan*) that do not have a set amount of times per day to say them. The *derech erez* applies only to sections of praise of Hashem, not to sections that are supplication.

The Aruch Hashulchan (OC 65:6) says that the *minhag* in his time was not to be careful to recite *Ashrei* or *Aleinu* with the *tzibbur* but just to bow with the *tzibbur* at the appropriate point of *Aleinu*. He does mention that some recite all of *Aleinu* with the *tzibbur*. While *Ashrei* has a very central place in *davening* (see Berachot 4b) and is recited three times a day, the thrice-recited *Aleinu*, instituted by Yehoshua Bin Nun, is very prominent as well, including in that we stand during its recitation (see Rama, OC 132:2, and Baer Heitev, ad loc. 3; Ishei Yisrael 26:(34)).

The fact that reciting *Aleinu* with the *tzibbur* comes from relatively late sources, is not unanimously held, and is described as *derech erez* rather than an obligation, has an impact. There is a *machloket* whether the practice of reciting *Kri'at Shema* with the *tzibbur* justifies interrupting *P'sukei D'zimra* (opinions cited by Mishna Berura 65:11) or not (Shulchan Aruch, OC 65:2). Regarding *Aleinu*, which is of a lower level, halachic logic indicates that one should not stop during *P'sukei D'zimra* and certainly not during *Shemoneh Esrei* and *Kri'at Shema* and its *berachot* (see Ishei Yisrael 26:14).

We, therefore, summarize as follows. If one is in the last parts of *davening*, he should interrupt what he is reciting, preferably at a good place to stop, to say *Aleinu* with the *tzibbur*. (If he is not up to the post- *U'va L'tzion* section of his *tefila*, he should repeat *Aleinu* when he gets up to its normal place – *Tefilla K'hilchata* 17:16.) If one is *davening* with a *minyan* that says *Aleinu* in a different spot than he is used to, he should say it as the *tzibbur* does (Ishei Yisrael *ibid.*, despite some opinions to the contrary in *Tefilla K'hilchata* 17:(31)). If he is in a place in *davening* at which he may not stop, it suffices to bow like others at "... *va'anachnu korim*..." According to the aforementioned Aruch Hashulchan, this is always enough, and this is parallel to bowing when the *chazan* gets up to *Modim* and one is not in able to say *Modim D'Rabbanan* (Shulchan Aruch, OC 109:1).



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Ein Ayah

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

Gemara: [The man who was trying to upset Hillel asked a total of three questions in as annoying a manner as he could, and still he did not succeed in angering Hillel at all. Finally, the man complained and revealed his motives, this too in an insulting manner.] [The man asked]: “Are you Hillel, who people call the *Nasi* (Leader) of Israel. Hillel answered: “Yes.” He said: If it is you, may there not be many like you in Israel!” He said to him: “Why, my son?” He said to him: “Because you caused me to lose 400 zuz.”

A Name and a Title

(condensed from Ein Ayah, Shabbat 2:129)

Ein Ayah: There are people who hold an important title for which they are naturally fit. In such a case, it is fitting to refer to the person by his title without even needing to mention his name. That is because his personal status is totally overshadowed by his position by means of his capabilities fitting his position exactly.

There are some who, while they do not excel to the point that they are uniquely qualified for their position, are elevated spiritually by the position to the point that they are worthy of it. Then, they are able to do wonderful things for others. Such a person should not be synonymous with his position, as his individual characteristics still play a major role in defining the extent of his capabilities and character. However, it is appropriate to refer to him by his name and position together.

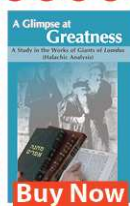
There is also a person who is so lowly in comparison to his title that the position cannot elevate his spiritual level. For such a person, his title will be treated as incidental, and it will not be attached to his name, as if it describes him. The *chutzpadik* man referred to Hillel as “Hillel, who people call the *nasi*,” as if the title did not really describe him innately. He brazenly was insinuating that Hillel remained a simple person with an individual name without having raised himself to a level that could be connected to the important position of *nasi*.

Raising the Level of *Chutzpa*

(condensed from Ein Ayah, Shabbat 2:132)

Ein Ayah: With the *chutzpadik* man's wish that there not be many people in Israel like Hillel, he raised the level of the insult. It showed that there was some external factor that was bothering him and not allowing him to accept Hillel's greatness. He could have said that he had a problem with Hillel's leadership, but that as an individual, he did not have a problem with Hillel. Instead, he wanted to stress that even as a simple member of Bnei Yisrael, Hillel was an unwanted person. This was the highest level of *chutzpa*.

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Offsetting Obligations of a Deceased

(based on Shut Noda B'Yehuda I, Choshen Mishpat 7)

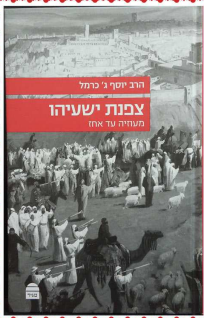
Case: After Leib Segal died, Aharon presented a bill of debt against him for the sum of 10 red coins plus profits. Leib's inheritors claim that, to the contrary, they heard their father bemoan the difficulties of extracting long overdue payment from Aharon. They also found among their father's papers two open notes signed by Aharon, and they do not know what specific claims and defenses to make.

Ruling: There are a few halachic doubts to be considered. The S'ma says that if one possesses a *mamrani* (a note of debt from a specific person without a specific recipient) with the amount left open, the one who possesses it is believed with the claim of any sum he makes. While Leib Segal's sons cannot make endless claims without knowledge of how much Aharon owed their father, they can claim that since their father complained of Aharon owing him, the amount was at least as much as he "owed" Aharon.

One might want to claim that this case is different, in that Leib never told his sons that these open notes were specifically related to Aharon's debt to him. It is thus possible that if Leib were alive, he would admit that the open promissory note was an *amana* (a document prepared for possible future use, held by the potential lender). In such a case, we do not give the holder extra reliability based on the concept of *migo* (since I could have claimed ...). However, the above logic is not a factor because the reason we do not employ *migo* is because we do not say *migo* to extract money (Shach and Ir Shushan, against the S'ma). In this case, Leib's sons only need the possibility of making claims based on the notes for the purpose of withholding payment from Aharon.

Even if Leib's sons had not heard their father's complaints, Aharon might not be able to receive payment based on his contract of debt against Leib. The reason that one who presents a contract of debt can extract payment from the borrower's inheritors, and we do not consider that the debt had been paid, is that we say that had there been payment, the borrower would have taken back the contract. In this case, Leib might not have cared about leaving the contract in Aharon's possession because he had open notes from Aharon which could counteract an attempt at a second demand of payment. Any claim that Leib could have made, we make on behalf of his inheritors. There are other cases where we use subjective logic to determine that the presence of the contract in the hands of the lender does not mean the debt was not paid. The Maggid Mishneh (Malveh 14:10) says that a borrower can claim previous payment against a promissory note that is not signed but is written in his hand writing for the following reason. Since the note cannot be used to extract money from those who bought property from the borrower, we say the borrower is not afraid to leave the note because he can always sell his property to get out of paying. It is easier to apply a parallel argument in our case.

We can also argue that the open notes that Aharon gave Leib were done as a receipt for Leib's payment of debt. This makes sense if, for example, it was written when the parties did not remember how much money had been paid. It is also possible that the notes Leib had were an informal document that some call a *shtar pitzuy*, which are not unusual.



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