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HEMDAT YAMIM

Parashat HaShavua

18 Elul 5777 Ki Tavo
Writing on Stones – Then and Now

Harav Yosef Carmel

Bnei Yisrael were commanded that on the day that they were to cross the Jordan, they should erect large stones, coat them with lime and write on them "all the words of the Torah *ba'er heitev* (literally, explained well)" (Devarim 27:2-8). Some of our greatest minds have toiled to figure out what the exact meanings of these ideas are.

First, what was written on the stones? According to Rashi, exactly what the Torah says – all of the Torah, and, also, it was found in translation into 70 languages. Rabbi Shimon bar Yochai says that "only" *Sefer Devarim* was written. Rabbi Yossi says that only passages that relate to the nations of the world were written, apparently in 70 languages. Ibn Ezra cites Rav Saadia Gaon as saying that there was a succinct listing of the 613 *mitzvot* of the Torah. The Ramban agrees with Rashi that the whole Torah was written but not in 70 languages, and he comments that either very large stones were used or their writing was an act of miracle. Abarbanel cites an opinion that the content was the story of the Exodus and the entry into the Land.

We have a parallel discussion regarding the writing of a Torah scroll for the king to take with him and read throughout his reign in order to help him fear Hashem and know what to do (Devarim 17:18-19). The Torah calls this scroll a *mishneh Torah*, which is hard to translate but has something to do with the number two. The *gemara* (Sanhedrin 21b) says that there were two Torah scrolls, one that he took with him and one that he kept stored away safely. The one that he took with him was made like an amulet that he attached to his arm. The Rashash (ad loc.) asks that it is forbidden to hang a *sefer Torah* from anything, which would be the situation if he tied it to his arm. He suggests the possibility that it was not a full *sefer Torah*, but was like the listing of *mitzvot* that Rav Saadia Gaon talked about regarding the writing of the stones. The Rashash also cites the Maharshal who says that the king's *sefer Torah* had very small letters. This enabled him to carry it easily and not have it constrain his actions. On the other hand, the Maharasha (ad loc.) says that there is no basis for this hypothesis.

In our day and age it is possible to write the entire Torah on a "little stone" (or silicon, as it may be). Every person, not just the king, can carry around with him (six days a week), a full Jewish library and take advantage of every free moment to learn Torah. We thus take this opportunity to thank those responsible for such sites as Hebrew Books and Sefaria, who make it possible to access almost the whole Torah, almost anywhere, for almost everyone. This too is a sign of the *atchalta d'geula* (the beginning of our salvation).

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



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Ask the Rabbi

Ki Tavo

by Rav Daniel Mann

When to Cut the Challa?

Question: Does one fulfill *lechem mishneh* if the bread is cut, or the *matza* is broken, prior to the completion of the *beracha*?

Answer: The basic question you ask is the subject of a *machloket* in the *gemara* (Berachot 39a) in regard to the preference of making a *beracha* on a full loaf of bread throughout the week. According to Rabbi Chiya, one does *betziat hapat* (the breaking of the bread, which, itself, has *halachot*) as he is making the *beracha*. Rava argues that the important thing is that at the conclusion of the *beracha* the bread is still whole, and therefore one should not cut off a piece until after the *beracha* is complete. The *gemara* (ibid. 39b) concludes that we accept Rava's opinion (see also Shulchan Aruch, Orach Chayim 167:1).

As mentioned, the above is referring to weekdays, where the stakes are low, as one is not required to use a full loaf. On Shabbat, when one requires *lechem mishneh*, it is all the more important that the *challot* remain intact throughout the *beracha*. The Rama (OC 167:1) makes a practical distinction based on the heightened level of importance of wholeness on Shabbat. The Rosh (Berachot 6:19) says that although the separating off of the part of the bread to be eaten is done after the *beracha*, one should make a significant although partial cut of the loaf before the *beracha*. The reason is to minimize the delay between the end of the *beracha* and the eating of the bread. (See Bach, OC 167, who explains that it is not a halachically forbidden delay, but *l'chatchila* it should be minimized to the extent possible.) The Rama says that this preferable cutting is justified during the week when the wholeness of the loaf is only preferable, but on Shabbat, when it is crucial, one should not cut it at all. (If one did cut it, but only mildly, so that if one lifted the loaf by the smaller part, the weight of the larger part would not make it break into two, it is fine *b'di'eved* – see Rosh ibid. and Darchei Moshe, OC 167:2).

Poskim (Magen Avraham 274:1; Mishna Berura 274:5) recommend the following compromise, which most people follow, although to different degrees. One scratches a line on the *challa* at the place where he is going to want to cut, thereby saving time for that purpose. Many people do more than scratch but make a small cut, just not a significant one, due to the concern the Rama addressed. (That seems to make more practical sense than scratching, because to have to position the knife exactly at the place of the scratch takes more time than to start cutting from the outset. In any case, any *minhag* along these lines is fine.)

Due to the above, using *matza* for the second "loaf" of *lechem mishneh* can cause challenges. (We are not even getting into the fact that using *matza* is a problem in regard to Sephardim (and, thus, when one has Sephardi guests), as *matza* is not bread for them, and its *beracha* is actually *Mezonot*.) One has to actually hold both loaves during the *beracha* (Berachot 39b; Shulchan Aruch, OC 274:1), and in the daytime the loaf which one is cutting should be on the top (ibid.). It requires some care to hold a nice-sized *challa* on top of a *matza* without the *matza* breaking. (Preferably no part of the *lechem mishneh* should break (Shemirat Shabbat K'hilchata 55:8), although we generally assume that if the piece that broke off is less than 2% of the "loaf," it is not a problem (see ibid. (24)).

Despite the above, those Ashkenazim who want to use *matza* have every right to do so, just that they would be wise to be careful in handling it. Even at *seuda shlishit*, one should be careful to keep the loaves intact until after the *beracha*, as the *poskim* say that one should have *lechem mishneh* then, as well (Shulchan Aruch and Rama, OC 291:4). However, the stakes are much lower at *seuda shlishit* because of the following. There are opinions, cited in the Shulchan Aruch (ibid. 5), that bread is not needed at all. Even if bread is required, the Rama (ibid.) rules that it is acceptable, although not preferable, to have one whole loaf at *seuda shlishit*.



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Ein Ayah

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

A Two-leveled Story

(condensed from Ein Ayah, Shabbat 5:44)

Gemara: Rav Shmuel bar Nachmani said in the name of Rabbi Yonatan: Whoever says that Reuven sinned (to the full extent ostensibly stated by the Torah, by sleeping with Yaakov's concubine), is mistaken. This is indicated by the *pasuk* (following the mention of the ostensible sin): "The sons of Yaakov were twelve (in number)" (Bereishit 35:22). This teaches us that they were all equivalent one to the other. So what does it mean, "He slept with Bilha, the concubine of his father"? Because he "mixed up" his father's bed, the Torah treats it as if he slept with Bilha.

Ein Ayah: Hashem's divine wisdom dictates the holy recordings that must be written in the Torah. He weighs precisely how they should impact those who study that section of the Torah.

Sometimes the internal principle that needs to be conveyed by the story to make a certain impression on the spirit cannot be gained if the story was expressed in its literal manner. From the reader's "distant vantage point," he will not be able to understand the main principle. Then Hashem employs precise and holy measuring instruments to determine how to portray the story so that we will receive it in a manner that will provide the proper impact.

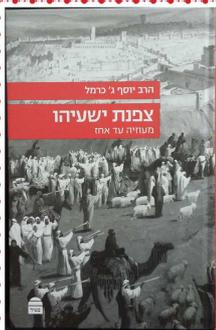
In order to reach this goal, Hashem uses the double holy utensils of the Written and Oral Law in a unified manner. In that way, when the time comes that the concepts portrayed by the written text extend beyond their proper impact, then Hashem reveals the literal truth to us through the light of the Oral Law. Then we discover what actually transpired in the event described in the Torah. At that point, we have together the imprint left by the story as the simple words describe it and give an external message, along with the deeper message that comes from the Rabbinical exposition on the words of the Torah.

Each one has its own impact on the spirit. The simple meaning of the words has the advantage of being simple and that people are used to it from the time of their youth. The Rabbinical exegesis has the advantage of its novelty and the beauty of its analysis. When the two come together, the proper impression is preserved, and there is an appropriate balance that is the Torah of Life that was given to Israel.

The actions of the forefathers have a major impact on Israel. All of the details of their lives affect the nation not only in the past but even in the present and the future. The spirit that existed in the House of Yaakov, upon whose name we are still called, lives with us to this day, and its light illuminates our lives. If an event brought fog to this lighted area in the past, it still affects us today. We suffer, and we try to bring back the full light, with the help of Hashem, Who always looks after His flock.

The great and unblemished spirit of the "stone of Israel," our forefather Yaakov, filled his home and we are still privy to the grandeur that he provided. If there was a negative spirit, due to internal strife, it caused the light to recede somewhat from what it should have been. This lessening of light comes to us, "from a distance" in our days, as an important flaw. Therefore, according to the divine calibration of the significance of events, the change in the power of Yaakov due to the fact that Reuven moved his bed in protest, was so poignant that it was equivalent to Reuven sleeping with Bilha.

On the other hand, if we want to properly view the level of Reuven, based on this story, we need the Oral Law's exegetical tools, which were placed in trustworthy hands, to know that one must not say that Reuven sinned the sin of sleeping with Bilha. Rather, the story was presented in this complex manner so that we will realize the deep message that the impact of what the Rabbis taught actually happened was as great as if that which the Torah described happened literally.



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.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

Buy Now

P'ninat Mishpat

Was Work Properly Done?

(based on ruling 74093 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) bought “on paper” an apartment in a *yishuv* from a contractor (=def). The contract spelled out payment and construction schedules, at the end of which pl was supposed to receive ownership. (In Yehuda and Shomron, the equivalent to ownership is called *bar reshut*, and it represents practical control under the auspices of a department of the Jewish Agency.) Toward the end of the building, pl was supposed to make the last payment (with the use of several post-dated checks), but they have refused to do so with the claim of problems with def's work. Def now wants to cancel the sale due to lack of payment and with the claim that pl's father's tyrannical behavior has caused delays and infighting with other members of the building project. Pl refuses to cancel the purchase and says that def wants it because prices have since gone up.

Ruling: The nature of the relationship between pl and def is that def is a contracted worker, not just a seller of a future apartment. Pl cannot back out of the relationship because the building is being built for several families, and firing def would affect the rights of the others. Although usually a contracted worker can back out of the relationship, the Rama (Choshen Mishpat 333:1) rules that if the sides made a *kinyan*, the contracted worker cannot back out. The Pitchei Teshuva (ad loc. 2) says that a work contract is considered a *kinyan* in this regard.

Although pl had been late in payment in the past, since def did not ask to void their contract at the time, it is too late to cancel due to those violations. Regarding the present late payment, *beit din* appointed an expert to check the apartment, and he determined that it is not fit for occupancy (which is a condition for the last payment). Among other problems, there are dangers from incomplete electrical lines. Def wants to disqualify the expert with the claim that he has a relationship with pl. However, the expert reports that he has the mildest of acquaintances with pl, and since in other elements of the testimony, def wanted to rely on his report, *beit din* does not accept, at this point, that his objection is in good faith. Therefore, the present payment is not late, and it is then obviously not grounds to void the agreement.

Regarding the behavior of pl and his father, def did not bring any credible evidence that there was anything that would justify such unusual grounds to justify voiding a sale. The behavior cited that the representative of *beit din* saw during the visit to the building site was not atypical of the acrimony that often exists between litigants.

Therefore, def should continue construction until fit for occupancy. This stage should be confirmed by the expert. At that point, pl should give def the postdated checks according to the schedule found in their contract.

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

David Chaim ben Rassa

Lillian bat Fortune

Eliezer Yosef ben Chana Liba

Yehoshafat Yecheskel ben Milka

Ro'i Moshe Elchanan ben Gina Devra

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