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HEMDAT YAMIM

Parashat HaShavua

Shemot, 21 Tevet 5779

A Sad Secret – Lashon Hara Brings National Agony

Harav Yosef Carmel

Moshe's first action as an emerging leader was that he saw an Egyptian beating an Israelite and killed the Egyptian (Shemot 2:11-12). This was followed by confronting two Israelites fighting and trying to stop them, only to be scorned, "Who has placed you as an officer and judge over us? Will you kill me the way that you killed the Egyptian?" (ibid. 14). Moshe was then sought by Paroh and slated for execution, but he managed to escape to Midian.

We can identify three stages in the development of Moshe as a savior. In the first stage, Moshe saved one of his brethren from an enemy. The second was that he gave rebuke to a Jew fighting with another Jew, and he did not accept the rebuke. The third stage was that he was forced to flee to Midian, which made him cease his activity, which represented a stage in liberation. Moshe's conclusion from these events was, "Indeed the matter became known" (ibid.).

Rashi explains in two ways. The simple meaning is that it became known that he killed an Egyptian. The second, which Rashi calls a *midrash*, is that it became known why the Israelites, of all nations, were chosen for such slavery and affliction – based on the phenomenon of informers, their lot could be "justified." Baalei HaTosafot claim that this second explanation is not the *midrash* but is the simple meaning, as the existence of informers like these indeed is a good reason for such difficult exile. It can also be claimed that the liberation was delayed by decades by the fact that such people made it necessary for Moshe to be out of Egypt for so long.

Let us look at another example of the great destructive power of *lashon hara* on the national status. After David ascended to kingship, he looked for a remaining descendant of the House of Shaul. Tziva, who was a servant of M'fiboshet, the son of Yonatan, came before David and told David about him. The *gemara* (Shabbat 56a) relates that David accepted *lashon hara* at this point, as Tziva hinted that M'fiboshet was a "nobody," who was ignorant in Torah (Rashi ad loc.). However, when David met him, David saw that he was a man who was full of content. It is for this reason, says the *gemara*, that David was particularly taken to task when he accepted the *lashon hara* of Tziva against M'fiboshet a second time. Tziva, years later, when David was fleeing Yerushalayim due to Avshalom, claimed to David that M'fiboshet was hoping to restore his family's kingdom (Shmuel II, 16). David decreed that half of M'fiboshet's property should go to Tziva.

The *gemara* (op. cit.) tells us that David's accepting *lashon hara* contributed to a national disaster. A divine voice proclaimed that as a result of David's splitting the property, his dynasty would be split between his grandson Rechavam and his non-Davidic rival Yeravam. Rav Yehuda said that there was no idol worship or the like to justify the split (which actually brought Yeravam to put up statues that became idols), but it was due to the *lashon hara* that David accepted.

Therefore, it should not take a lot of convincing that we would be wise to not allow sins such as *lashon hara* endanger the great presents we have received and developed in the last 70 years.

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Ask the Rabbi

by Rav Daniel Mann

Reading before Going to Sleep

Question: Is it permissible to read a book after the bedtime *Shema/Hamapil*? I like to read in bed before falling asleep, but I sometimes fall asleep and, if I have not said them beforehand, it is possible that I will sleep through the night without reciting them.

Answer: Reciting the beracha of *Hamapil* is mandated by the *gemara* (Berachot 60b) and codified as halacha (Shulchan Aruch, Orach Chayim 239:1). We say it in conjunction with *Kri'at Shema* prior to going to bed, which is also an obligation (Berachot 4b; Shulchan Aruch *ibid.*), and there are other *p'sukim* and texts relating to our desire for divine protection during sleep.

The *gemara* says that one makes the *beracha* as he prepares to lie down in bed to sleep. The Rama (OC 239:1) says that one should not eat, drink, or talk between *Kri'at Shema* and actually sleeping. Most assume that this applies as much or more to interruptions between *Hamapil* and sleeping.

A break could be particularly problematic after *Hamapil* for two reasons. First, if one made a break after *Kri'at Shema*, he can repeat *Kri'at Shema* as much as he likes (according to Rama *ibid.*, the more the better). In contrast, one may not recite *Hamapil*, which is a *beracha*, at will (Mishna Berura 239:4). Furthermore, there is a fundamental question as to *Hamapil's* function. The Chayei Adam (35:4) says that the *beracha* is a general thanks to Hashem for providing sleep, and it is appropriate to recite it at night, when people generally sleep. He says that the *beracha* remains appropriate even if one did not end up falling asleep, because other people did sleep. This is similar to the idea of one reciting *Birchot Hashachar* for things from which people benefit in the morning, even if he did not personally benefit that day from those things (Shulchan Aruch, OC 46:8). On the other hand, many cite the Seder Hayom, who says that *Hamapil* should be said very close to the time one falls asleep, as the *beracha* relates to one's personal sleep. The Biur Halacha (239:1) strengthens this opinion by pointing out that *Hamapil* was composed in the first person, implying it refers to the sleep of the one reciting the beracha (see Sha'arei Teshuva 46:12).

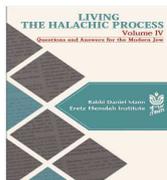
The question then is whether reading is a *hefsek* (a halachic break) between *Kri'at Shema/Hamapil* and sleeping. Reading with one's eyes (without moving his lips) is halachically considered *hirhur*, i.e., thinking about something (see Mishna Berura 47:8). Although the *gemara* cites a dispute on the status of *hirhur*, the consensus is that it does not generally count as speaking (see Shulchan Aruch, Orach Chayim 62:3; 47:4). Therefore, when only a full *hefsek* is forbidden, reading is not forbidden (see Yabia Omer, II, OC 4 regarding learning between *Yishtabach* and *Kaddish*). After *Kri'at Shema/Hamapil* is not a particularly strict time. On the other hand, we have seen that the ideal is to do the recitations as close as possible to going to sleep.

In practice, the best advice depends on the way your reading and sleeping interact. If the reading is relatively short and a part of how you fall asleep, then you can do the recitations before reading; the reading can be considered a part of the process of going to sleep (similar to adjusting the blanket, or at least like setting an alarm that you forgot to do before). If you read at that time because it is a convenient/pleasant time to do so and then put down the book and make the final preparations for sleep, *Kri'at Shema/Hamapil* should be part of those final preparations. If the reading is something in between, where you sometimes finish reading and then get ready for bed and sometimes fall asleep while you are reading, then you should read until you feel yourself getting close to sleep. At that point, you should do the recitations and either put the book down or continue the final minute(s) of reading. If you accidentally fall asleep before reciting *Hamapil*, you are not to be blamed. Only if it is likely that you will fall asleep soundly without enough warning is it better to recite *Hamapil/Kri'at Shema* first.

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Ein Ayah

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

[The gemara continues to look at various Aramaic words, seeing them as (informal) contractions of two words.]

Lest a House Function Like a Hut

(condensed from Ein Ayah, Shabbat 8:19)

Gemara: *Bikta* (a hut) represents *bei akta* (a house of overcrowding).

Ein Ayah: When one creates a place where people join together to spend time in privacy, the goal is to make the special characteristic of the family stand out in a pure spirit of Hashem. This is a source of good fortune that gives light to a multitude of nations and people, and shines the path of life to individuals and families.

Gathering in a home is good when it is done in a healthy manner. However, when it is done in an overly restrictive manner, it is viewed as seclusion that is based on hatred of others and concern for the lowly needs of one's own flesh and self. This is the source of all despair, for the individual and for the masses.

A hut is not considered having the social value of a house. In truth, even a physically spacious house, if it has the mindset of a hut, i.e., its inhabitants do not call others inside to create internal ties, it is treated like a hut. After all, a house has the potential to be a meeting place which brings blessing and spreads the pleasantness of life and the light of earnestness to many groups. In contrast, a hut mentality, which is the source of narrowness and a hateful heart, exists when the evil of a man is from within the man, and the problems of the world stem from him. This is a house of overcrowding.

Building Blocks of the Success of Future Generations

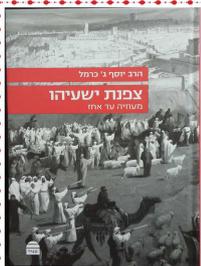
(condensed from Ein Ayah, Shabbat 8:21)

Gemara: *Livnei* (bricks) represents *livnei bani* (for sons of sons).

Ein Ayah: There are two types of love of life in people. One is the love one has for himself. In this regard, whatever applies to others and not him, even if for his future generations, is of secondary interest in comparison to his own needs.

The second love is one's concern for future generations that relate to him. A great person, even when he is focused on himself, can still provide for those who follow him because, as a good person, he takes his obligations seriously. This is as it says, "They will leave that which is left over for the children" (Tehillim 17:14).

However, when one is of a lower level and his limited interests are on his animalistic needs, he can totally forget his future generations, and his resources will be used up in his generation. Divine wisdom saw to it that there would be an increase in the nature of the person pushing him toward concern for his future offspring [even when the person is generally concerned primarily with himself]. When the post-flood generations moved and arrived in the Land of Shinar, they started working with bricks. Using stones, which are all ready for use, does not show as much concern as when using bricks, even though even the former lasts for generations. When there are not enough stones and one has a choice between weak but readily available and stronger but harder-to-come-by building blocks, if he cares about the stronger, such as bricks, he shows that he cares about his children. This is something that does not necessarily depend on a high spiritual level, but on a natural concern for his offspring. In this way, bricks are related to sons of sons.



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.

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P'ninat Mishpat

Undelivered Windows – part II

(based on ruling 71007 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=p) were building a house and ordered custom windows from the defendant (=def). They told him that it was crucial that they receive them by the end of August, as soon thereafter they would be moving in. P/ was to pay half the cost at the time of signing the order and half at installation. P/ worked on finishing the details of the order in late June. Def asked many detailed questions, many of which p/ argue were irrelevant and impossible for them to answer themselves. By the time all of this was worked out, def claimed it was too late for the order to come in a manner that the work would be done in time. Def agreed to install temporary windows to enable p/ to move in, but demanded additional money up front. P/ refused and spent 10,000 shekels on having someone else install temporary windows. P/ demands that def install the windows they are supposed to for the original price and subtract from the money due to him the money they spent on temporary windows. They argue that it was def's failure to handle his responsibilities on time that caused this outlay. They also claim approximately 50,000 shekels for expenses that the delay in installation caused them in finishing up the building project and for their need to extend their previous rental contract. Def demands full payment for the windows that he already installed and compensation for the damage that the lack of payment impacted him in regard to cash flow.

Ruling: *Last time we saw that def was responsible for the delay; now we begin to look at the specific financial obligations.*

When a worker improperly backs out of a job he accepted in such a manner that it causes a loss to the employer, the employer can hire someone to take his place and require the worker to pay for it (Bava Metzia 76b). Although def did not quit, the fact that he was responsible for being late enough to cause major damage makes the cases equivalent.

The question is, though, how much can p/ spend? Rashi (Bava Metzia 78a) says that he can only withhold that which the worker already deserves for what he has done. The Rosh (ibid. 6:6), posits that he can take money "from the worker's pocket" as long as it does not exceed the amount promised for the whole job, and this is the more accepted position (see S'ma 333:25; Shach ad loc. 32). The 10,000 shekel spent on the temporary windows is theoretically acceptable. Our expert concluded though that it was not necessary to spend more than 7,000 shekels on temporary windows, and p/s decision to get more than the most basic windows is not acceptable. Because p/ was acting under pressure though, we feel they are entitled to 7,500 shekels.

Def will have to take out the temporary windows before installing the permanent custom windows. However, def will get to keep the temporary windows, if he likes, for the company's future use.

Next time we will deal with other damage payments.

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We daven for a complete and speedy refuah for:

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Yair Menachem ben Yehudit Chana / David Chaim ben Rassa
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