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HEMDAT YAMIM

Parashat HaShavua

Tetzaveh, 11 Adar 5780

On Nationalism and Sanctity— part VI

Harav Yosef Carmel

We have been dealing for several weeks with the connection between David's improper census and the punishment afflicting the people in its aftermath and between the acquisition of Har Habayit from Aravna the Yevusi and the building of an altar and sacrificing there. We will now take a look at the philosophy behind the punishment of the people.

David turned to Hashem when he saw an angel in a menacing position and said: "Behold, I have sinned and distorted, but these flock (the people), what have they done? Let Your Hand be against me and the house of my father" (Shmuel II, 24:17). The prophet Gad told David to build an altar at the place of Aravna's silo (ibid. 18). David did this and brought several sacrifices on it, and then the plague that was felling people in Israel stopped (ibid. 25).

The story, as told in Divrei Hayamim (I, 21:26-22:1), adds some pertinent details. It says that at that time the *Mishkan*, which had been erected in the desert, was found in Givon, but that David was not able to seek out Hashem there because of the "sword of the angel." Hashem told him that the altar he had erected in Yerushalayim was actually the altar for Israel's sacrifices.

Before coming to some conclusions, we will see some *midrashim*. The Midrash Shmuel (31) says that David was like a son who was being hit by his father and was not sure what the reason was for the punishment. At the end, Hashem informed David that people from the nation died in the plague because they were guilty of not asking for a *Beit Mikdash*.

The Sifrei (Eikev 51) says that David was criticized for having conquered Aram Tzova, which was out of the halachic borders of Israel, while he still left Yevusi areas around Yerushalayim in foreign hands.

We will put the issue of the Beit Hamikdash at the time of David in context as follows. Many in the nation were not enthusiastic about the prospect of building the *Beit Hamikdash*. They were troubled by the *halacha* that when there is a central place for service of Hashem, it becomes forbidden to offer sacrifices in local and private altars. Many were not willing to give up the closeness they felt due to the permissibility to bring sacrifices locally up to that point. Hashem determined that it was hypocritical for the people to be willing to go to great lengths to fight in order to expand the borders of the country and likewise to develop it from an economic perspective and not build the *Beit Hamikdash*. The people needed to be awoken to the positives of building a central place of service, and how this could be critical for the merit of the nation. Hashem demonstrated this with the building of the altar in Yerushalayim, which saved lives.

We will continue to pray that in our day we will merit to understand this idea and that we will see with our own eyes when Hashem returns His Presence to Zion.

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by Rav Daniel Mann

Parashat Zachor with Different Pronunciations

Question: My *shul* has always read *Parashat Zachor* once, with our regular *havara* (pronunciation). Some people now complain that we do not follow other *shuls* and read multiple times with different *havarov* to fulfill the *mitzva* according to more opinions and to do the *mitzva* properly for Sephardim. Should we change our *minhag*?

Answer: Let us start with those Ashkenazim who want to fulfill the *mitzva* according to as many *havarov* as possible. Is there some logic to do this for *Zachor* and not for any other *lainings* and *mitzvot*? Among *lainings*, this is the (almost?) only one with a Torah-level obligation, which may warrant more strictness (see Yabia Omer, VI, Orach Chayim 11).

It may be different from the common Torah-level *mitzvot* involving speech. Most of them may be recited in any language, including *Birkat Hamazon*, *Kri'at Shema*, and *tefilla* (Sota 32a). Reciting a text in *lashon hakodesh* (halachically recognized Hebrew) with a different, recognized pronunciation is no worse than doing so in a different language (Teshuvot V'hanhagot I:154). In contrast, there seems to be an open question whether *kri'at haTorah* (see Berachot 13a), and especially *Parashat Zachor* (see Tosafot ad loc.), may be done in any language or only in *lashon hakodesh*. Thus, perhaps we have to be more careful about pronunciation in *Parashat Zachor* than *Kri'at Shema* for example.

However, besides the possibility that *Parashat Zachor* does not require *lashon hakodesh* at all, there are other reasons for leniency. The Magen Avraham (685, accepted by some), says that one fulfills the *mitzva* of *Zachor* by reading the story of Amalek's treachery from *Parashat Beshalach*. If no exact text is required to fulfill the *mitzva*, it is likely that the *mitzva* does not need to be performed in an exact manner but in one that gets the idea across.

Rav Moshe Feinstein (Igrot Moshe, OC III,5) brings a strong proof that there is fundamental flexibility regarding *havarov* for *mitzvot*. The recitations that are part of *chalitza* must be recited in *lashon hakodesh* (Sota 32a). If the "wrong" *havara* is not a valid recitation, then if a woman did *chalitza*, with, for example, a Polish pronunciation, then a man from another *eida* would not be allowed to marry her. We should then be required to train women to do *chalitza* in many *havarov* to secure her future. Since this idea is not found in the *poskim* or practiced, we must count all *havarov* as *lashon hakodesh*.

The logic is that if this is the way people pronounce the words, it is considered a legitimate expression of the language. It is similar to the *halacha* (Megilla 24b) that one may not appoint a *chazan* who does not distinguish between the letters *aleph* and *ayin* (like almost all Ashkenazim), but it is permitted for the whole community to pronounce it that way (Mishna Berura 53:37). The approach that one is *yotzei* with a *havara* unlike one's own is accepted by the great majority of *poskim* (see Yechaveh Da'at VI:19; Igrot Moshe ibid.; Moadim U'zmanim VI:97; Halichot Shlomo, Moadim I, 18:1; Yashiv Moshe [in the name of Rav Elyashiv] p. 11).

Actually, many of these *poskim* recommend, as a *chumra*, to try to hear *Parashat Zachor* in one's own *havara*. What they suggest, though, is to go to a *shul* of one's *eida*, to make a separate Sephardi *minyan* in an Ashkenazi yeshiva for *Zachor*, and to make sure the *ba'al korei* conforms to the *shul's minhag*. We do not find in writing a major *posek* suggesting doing multiple readings in the same *minyan*. Several (Teshuvot V'hanhagot ibid.; Halichot Shlomo ibid.; Aseh Lecha Rav VI:22) mention hearing of such a new practice and consider it strange. They reject it as being disrespectful to the *tzibbur*, to the rest of our *lainings*, and/or to past generations who did not do such things. I would not criticize a *minyan* that decides to do so anyway (some fine places do), and there are circumstances in which there is a stronger argument (e.g., there is no *minyan* in the area of other *eidot*), but it is wrong to criticize the normal *minhag* for not adopting this innovation.

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Ein Ayah

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

Blood of Life and Destruction

(condensed from Ein Ayah, Shabbat 9:130-131)

Gemara: How do we know that we tie a crimson strip of wool to the head of the scapegoat? It is along the lines of the *pasuk*: “If your sins will be like crimson items (*shanim*), they will become white like snow” (Yeshayahu 1:18). It should have said like *shani* (the singular – a crimson object). What does *shanim* indicate? Hashem was saying to Israel: “[Even] if your sins will be like years (*shanim*), which are set out one after the other from the time of the six days of Genesis until now, they will still whiten like snow.”

Ein Ayah: Life and the strengthening of life forces that are revealed in one’s spirit, which is incorporated into the lifeblood – the red, warm, and bubbly blood – display beauty and glow. However, they are also the sources of destruction and desolation, with all the sinfulness and evil involved in them.

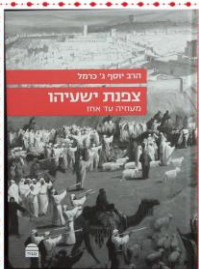
At the end of the process, repentance needs to come and forgiveness to be found. And the excess of the turbulence of life needs to be sent away to a place of desolation, to the center of destruction, for it is this excess that is the foundation of destruction and desolation.

This knowledge and internal realization straightens the spirit and makes it seek a better, balanced life, so that a person can maintain a harmonious grandeur, which is in line with the paths of the Torah. The light that comes from the source of life provides the light of forgiveness for all of the moral distortions of life when they leave their area of restraint.

All of these ideas are represented by the crimson strip of wool that was tied to the head of the scapegoat. When the crimson turns to white, it represents the sturdy foundation of purity and sanctity that is attached to energetic life (represented by the male goat, whose name *eiz*, which shares a root with the word for brazenness).

It is not that repentance works only for “chance” sins, which share more characteristics with unintentional sin than with purposeful sin. The great power of the light of repentance is revealed especially in regard to sins that form a pattern of behavior, which follow a person through his organized daily life. In those cases, the commonness of his behavior in both physical and spiritual matters makes one give up hope for the possibility of repentance.

In such cases, the word of Hashem comes to say that the impression that made one give up hope is incorrect. It is only out of weakness of the heart that a person holds on to that which seems to be his natural order. Repentance stands as a counterbalance to the nature of the individual and the nature of human society. The power of repentance is immense, and it can switch rooted patterns. Even if something remains for many years and for generations, as if in order from the six days of creation, they can be “turned from red into white.”



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

Disagreements Between a Supplier and a Store

(based on ruling 70075 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) signed an agreement with a supplier of produce for a niche clientele (=def) to open a store selling only their produce. There were disagreements about some shipments that def made to pl, and pl was also behind in payments. Def merged with another company (they are joint defendants), and before the merge, pl and def had a meeting to iron out issues, in which pl made certain complaints and gave checks for an amount the sides agreed to. After pl fell further behind in payments, def stopped sending produce. This forced pl to stop his operations; he still had to pay rent. Pl is suing def 100,000 shekels for a unfulfilled promise that he would be def's sole outlet in his area (def denies such a commitment), 5,000 shekels for making pl do his own deliveries a few times, 9,300 shekels for wasted store rental (def – it was pl's fault for stopping payment); 24,766 shekels for deliveries with too little produce (def – one charges for stacks of produce based on average weight; sometimes they are less, sometimes they are more); 9,900 shekels for late-night deliveries that were stolen (def – by contract, pl may make off-hour deliveries). Def is countersuing 54,431 shekels for payment due on deliveries. Def is holding a bounced check from pl and a guarantee that is being processed by *hotza'ah lapo'al*.

Ruling: In general, pl did not provide support for many of his claims. The relevant contract states that pl accepts def's invoices for deliveries as correct. Furthermore, def is correct that any claims that relate to the time before their meeting are not to be accepted. While pl might not have been happy with all of the "understandings," once they gave checks to a certain amount without clear stipulation, they accepted the compromises regarding all previous disagreements. This includes the matter of exclusivity (about which there is also no hint in the contract and was at most a statement made by an agent of def without authority to obligate them).

A middleman between the two explained (although his testimony is not classically valid because of interests) that the industry standard is that the deliveries are based on number of stacks and average weight. In any case, *beit din* accepts the contract stipulation that def is believed on such matters (it is impossible to weigh and prove each element of each shipment). According to many *poskim*, the fact that def is holding a check and guarantee makes them the *muchzak* (the one who is in control, putting the burden of proof on the other side).

Regarding the off-hour deliveries, although the standard contract between def and his retailers allows this, since pl complained during their joint work that in his commercial area, thefts are common, def should not have made such deliveries. As a compromise, pl will only be charged one third for those deliveries. Regarding the lost rent, def does not have to continue supplying produce to pl when payment is far from assured, and therefore pl is responsible for his own losses.

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

Nir Rephael ben Rachel Bracha / Eliezer Yosef ben Chana Liba
Yair Menachem ben Yehudit Chana
Netanel Ilan ben Sheina Tzipora / Netanel ben Sarah Zehava
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Meira bat Esther / Rivka Reena bat Gruna Natna
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