



HEMDAT YAMIM

Parashat Hashavua Vaetchanan, 16 Av 5782

Harav Shaul Israeli zt"l
Founder and President

On Tefilla – part I
Harav Yosef Carmel

Our *parasha* opens with Moshe's *tefilla* ("Va'etchanan") to be forgiven for his sin and thereby allowed to enter *Eretz Yisrael* (Devarim 3:23-24). *Chazal* learned various *halachot* about *tefilla* from here. We should point out that the institution of prayer is very much in the minds of educators these days, as well as older *shul* goers, who wonder how they can improve their *tefilla*. Things certainly became harder in this regard after the uprooting of traditional *minyanim* during the pandemic. How to improve *tefilla* has been on the minds of the rabbis from the time of *Chazal*.

The *gemara* (Berachot 30b) asks how long one should wait between one *amida* and another. Two *amora'im* agreed on the amount of time but used different terms to describe it, one based on our *pasuk* of "Va'etchanan" and one based on the *pasuk* of "Vayecha" (Shemot 32:11), which was Moshe's prayer to Hashem when it became necessary to protect Bnei Yisrael from Hashem's "wrath" after the sin of the Golden Calf. It is not obvious why one is praying two *amidot*, one after the other – the case to which the question applies. Rashi explains that it is either because one made a mistake the first time or when the second *tefilla* is *Musaf*, which can come right after *Shacharit*.

There are two difficulties with Rashi's first possibility, of a mistake, as the question seems to be asked about a standard case, not one that arises only in an exceptional situation of a mistake. Also, how can one learn from Moshe's *tefilla* to such an unusual case?

For that reason, Rashi gives another scenario, which is based on the normal order of *Musaf* after *Shacharit*. Rashi also sees the two answers in the *gemara* as expressing the same idea in two different ways. It is necessary to approach *tefilla* with an outlook that the fact that Hashem invites us to make requests of Him, which he often accedes to, is a unique *chesed*, not something we should take for granted. This is something that Yaakov did before he begged Hashem to protect him: "I am not worthy of all of the kindness and the good that You have done for Your servant" (Bereishit 32:11). Moshe too understood that the basis of the institution of prayer is that Hashem wants it because "His mercy is on all that He created."

It is still a mystery according to Rashi why this lesson should come up specifically in the context of two *amidot* one after the other. Be it as it may, we still need to be thankful that we have the great privilege to approach Hashem and stand before Him in prayer.

Next week we will continue to look into aspects of tefilla.

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



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Ask the Rabbi

by Rav Daniel Mann

Making Changes to Shabbat Clock on Shabbat

Question: May one make changes on Shabbat (and which ones?) to the settings on a Shabbat clock that is connected to electrical appliances?

Answer: The use of Shabbat clocks, even without making changes, used to be debated (see Yabia Omer III, Orach Chayim 18; Igrot Moshe, OC IV:60), but according to the consensus that we may, the question of how is important.

It is forbidden to adjust the clock so that it will change the on/off status of the connected appliance sooner than if it is left alone (Shemirat Shabbat K'hilchata (=SSK) 13:25). According to some (including Igrot Moshe, Yoreh Deah III:47.4) this is a full violation of Shabbat. Explanations include that it is because the Shabbat clock is built to operate appliances in this way or that the nature of some *melachot* makes them apply even for delayed or indirect results (see Orchot Shabbat 29:(25)). However, the consensus is that, considering mainly that nothing of note happens when the change is made, it is considered *gerama* (indirect causation) (Chazon Ish, OC 38:2; SSK 13:(91)). The difference is not only in the severity of the violation (*gerama* is not even a full Rabbinic prohibition), but in the possibility of leniency in certain cases of need (ibid.) and other matters.

What if the adjustment delays the next electrical change? The Chazon Ish (ibid.) says that any adjustment to the settings violates the *melacha* of building. We do not commonly accept that approach even regarding connecting circuits, certainly here where there is no immediate change and this is normal use of a Shabbat clock (SSK 13:(88)). Igrot Moshe (ibid.) says that this too is a full *melacha* violation of what the appliance does. Rav S.Z. Auerbach (article in Hama'ayan (Pressburg), Elul 5714, p. 10) says that this clearly is not even *gerama* but merely delaying a change from occurring as soon as it would have. This is not obvious because one can view it not as a delay but of bypassing one opportunity for a change, to set up a new act of change sometime later. SSK (13:(90), as I understand it) deflects this by arguing that since cancelling the earlier change sets up the later change without new activation for the later time, this is only considered delaying the already planned change.

This leniency is less obvious regarding delaying the appliance's shutting off because one could argue that this is like adding wood to a fire (making it burn longer). SSK (ibid.) prefers comparing it to the permitted closing of a door to prevent wind from blowing out the flame. This is a logical perspective, especially if we view the home electricity flow as, effectively, a constant (unlike adding new wood).

The least problematic adjustment is to have the present state continue indefinitely. If it is on, it will not go off and vice versa. Yet, even that case must deal with the issue of *muktzeh*. After all, much of what the dials and prongs are used for is forbidden on Shabbat. Orchot Shabbat (29:(29)) says that it depends on the previous questions. If a lot of the usages on Shabbat are permitted (or even permitted in case of great need – SSK 23:(68)), it is not *muktzeh*. But Igrot Moshe (perhaps because he is *machmir* in most cases) and the Tzitz Eliezer (I:20:9) consider the Shabbat clock's parts as *muktzeh*. Why this makes it forbidden to move is unclear – if a Shabbat clock is a regular *kli shemelachto l'issur*, it should be permitted to move it in a useful manner. Perhaps in those days electric devices were more expensive and therefore *muktzeh machamat chisaron kis* (=mmck), which is unlikely to be true today. Moving the prongs using a utensil might be permitted even for *mmck* (see Shulchan Aruch, OC 311:8) if moving to use the *muktzeh* is not considered acting for the *muktzeh* (Magen Avraham 279:9; see Orchot Shabbat 19:244).

In short, it is absolutely permitted to make the Shabbat clock not change the appliance from its present state, at least if he adjusts it indirectly. Delaying the change in state is permitted according to most, and according to them, *muktzeh* is also apparently not a problem.

“Behind the Scenes” Zoom shiur

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Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.



Igrot HaRe'aya - Letters of Rav Kook

Questions about Religious Services in Eretz Yisrael – #111 – part IV

Date and Place: 2 Adar I 5668 (1908), Yafo

Recipient: Rabbi Yitzchak Isaac Halevi, author of Dorot Harishonim.

Body: I will do my best to answer your questions. First, I will quote your question, and then I will answer.

Question #5: Will the religious schools teach the language of the land, if it is possible to find religious Jewish teachers who have fear of Heaven “from beginning to end”?

My answer: It is unclear to me if you are asking about the religious schools that already exist in certain settlements or about the future, when such schools will be formed. Either way, you are touching on a painful point, as I will explain.

For at least the last 50 years, those who subscribe to *Haskala* started in different ways to influence Yerushalayim specifically and *Eretz Yisrael* in general. As we know, there is an exaggerated fear of the broadly entrenched *Haskala*, even though there is a basis for fear. There is even a greater than usual negative reaction in Yerushalayim and other places in *Eretz Yisrael*. Due to the abundance of piety that exists here and because of the poverty and the separation from all of the world of practical life and their upheavals, the level of resistance “overflowed.” The scholars of *Eretz Yisrael*, which includes some brilliant and extremely pious individuals, made a prohibition with a severe ban of excommunication on the study of any secular intellectual enterprise and on the teaching of any foreign language. They did not make an exception for the language of the land, and they strengthened their ban with many stringencies, and they especially invoked the personality of the wondrous giant, Rav Yehoshua Leib Diskin, may the memory of the pious be a blessing.

Based on the present situation, this prohibition sits on the shoulders of the people who fear Hashem and follow His ways completely like a yoke of iron, for they have no way to educate their children [in the way they believe is best]. They see clearly that they cannot exist and maintain themselves according to the new conditions of life without languages and science. They see that all of those who throw off the yoke of Torah and *mitzvot* educate their children in schools and prepare their children for the “war of life” to the fullest degree, and only the children of the parents who are connected to the sanctity of the Torah and belief remain behind in the ways of life.

The simple person that I am, once I came here, I expressed my opinion to a special group of high-quality people that it is not good to continue in this manner. We need to see in advance that which is going to occur and to prepare the medicine before the disease comes. I let my opinion be known that we must do for the sake of Hashem that which otherwise be forbidden and to enter a very narrow crack in the rules. This must be done in order to prepare our children, who are being taught by their parents and teachers to follow the path of Torah and *mitzvot*, for the “battle of life,” by teaching languages and the most important topics in science.

[In the meantime,] we are turning a blind eye to those who have started a special religious school and hired teachers who teach languages and critical sciences. They act according to the path of Torah and fear of Heaven, even though what they are doing is against the set approach of the earlier generation of Torah scholars who forbade this. Nevertheless, when the matter becomes practical, when we ourselves will be the ones who found and maintain new schools, we will have to deal with this matter. We will need to give and take in the halachic intricacies of the matter, whether to follow the prohibition adopted by the previous generation and when there are sufficient conditions to permit it to the proper degree.

We daven for a complete and speedy refuah for:

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Yisrael ben Rivka

Arye Yitzchak ben Geula Miriam
Yerachmiel ben Zlotta Rivka

Neta bat Malka
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Together with all *cholei Yisrael*



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

Questionable Promises to Kollel Students – part II

(based on ruling 71063 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: A group of *kollel* students (=pl), formerly of a certain *kollel* (=def), have claims about def's alleged failures to keep promises to them. [We will deal with different claims separately.] Def had pl sign up for the *Kollel Haelef* program, where the *kollel* gets extra money for each *avreich* who promises to serve as a rabbi/teacher after a certain number of years. When some expressed misgivings, concerned it would cause them problems with stipends in the future, a member of def's administration assured them that def "would take care of them." Now pl want tens of thousands of NIS a piece because they have difficulty getting *kollelim* to pay them because the *Misrad Hadatot* will not pay for them anymore. Def argues that pl were aware of and agreed to the program's provisions, and def only promised to try to intervene in cases of difficulties, not to pay for many years of *kollel* studies.

Ruling: The Rashba (Shut V, 77) obligates someone who signs on a document to follow its provisions even if he claims that he did not understand what he signed and it is known he cannot read it, for he relies on those who inform him of its contents. In this case, it is easy to ascertain the provisions of *Kollel Haelef*, which is all the clearer after they expressed their concerns, at which point they should have considered all implications.

What is the impact of def's assurance to deal with pl's problems? The damages of having trouble with future *kollelim* is *gerama* (indirect and/or down-the-line problems). The Mordechai (Bava Kama 115) obligates one who explicitly commits himself to pay for *gerama*. One example is when one sells a field to a dangerous person and promises to pay his neighbors for damages the buyer will make (Bava Kama 114a, see Nimukei Yosef ad loc.). While some understand that the obligation there is even without a commitment (see Beit Yosef, Choshen Mishpat 175), it appears that there is a consensus that when one obligates himself to pay for a *gerama* damage, it is binding.

However, there are a few reasons to exempt def from paying for lost stipend opportunities. First, it is impossible to preclude pl's explanation that they offered only non-monetary or very limited help. The Maharik (129) says that regarding vague commitments that need explanation, *beit din* must estimate what it is logical that people will agree to. Here, not only is it illogical that a *kollel* would give an open promise covering tens of thousands of NIS, but it is unlikely that pl would think they did. Second, endangering the ability to profit (i.e., from future stipends) is weaker than indirect damage discussed by the Mordechai (see Shut Harosh 68:12). While the Sha'ar Mishpat (61:2) posits that this obligation also works, it is unclear that in our case the obligation is sufficiently explicit. Third, this case is less than loss of future profit, as an individual cannot ask *Misrad Hadatot* for a stipend, just that his *kollel* can, and the *kollel* decides how much to give to the *avreich*. Thus, it is only more difficult, not impossible, for an *avreich* after the *Kollel Haelef* years to find a *kollel* willing to pay him as much as they would otherwise.

Because def did not do a sufficient job of clarifying the matter of *Kollel Haelef*, we rule based on compromise that def must pay each member of pl who lost as a result 4,000 NIS.

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