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PARSHA ENCOUNTERS

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Parshas Mishpatim ✍️ Rabbi Chaim Ehrman

Just Deserts

“And upon the nobles of the children of Israel He laid not his hand and they beheld Hashem, and did eat and drink.” (24:11)

Why did the nobles of the *Bnei Yisrael* choose at this time, when they were in the midst of receiving the Torah from *Hashem*, to eat and drink?

The Ramban answers that the nobility of *Bnei Yisrael* ate and drank to celebrate receiving the Torah. Similarly, when *Bnei Yisrael* entered *Eretz Yisrael*, *Hashem* commanded them to bring a sacrifice and rejoice over the completion of the Torah that they wrote on stone. Likewise, King Solomon made a party to celebrate the tremendous wisdom *Hashem* bestowed upon him. In fact, the *Midrash* derives from this *posuk* that one must make a feast upon completing the Torah.

Rashi, however, interprets this *posuk* differently. The words, “He laid not his hands,” imply that they deserved some sort of retribution. It was arrogant of them to gaze at the *Shechina* while eating and drinking. Eating and drinking at that time demonstrated an inappropriate level of familiarity with *Hashem*. The *Kli Yakar* provides support to this explanation from *Parshas Acharei-Mos*. There, the Torah says that subsequent to the demise of Aharon’s sons Nadav and Avihu, *Hashem* told Moshe to instruct the *Kohanim* that they were not to enter the Holy of Holies except on Yom Kippur – a day that there is no eating and drinking. From the juxtaposition of these *pe-*

sukim it is evident that Nadav and Avihu must have died because of this reason – that they had beheld the sight of *Hashem* with arrogance by eating and drinking at the time.

However, because Nadav and Avihu died ten months later, during the inauguration of the *Mishkan*, it must have been a shock to all of *Klal Yisrael*. Their sin of staring at the *Shechina* with arrogance was not a public matter. Only *Hashem* knew of their transgression. Their death during this happy time likely placed the *Emunah* of many in jeopardy. Indeed, in *Mishlei* (19:3) it states, “A man’s sins corrupt his way, and his heart rages against *Hashem*.” Nonetheless, in *Eichah* (3:38-39) it states, “Is it not from the mouth of Most High that evil and good emanate? Of what shall a living man complain? A man for his sins!” We see from the incident of Nadav and Avihu that punishment does not immediately follow a sin’s transgression.

May we be attentive to the consequences of our own deeds and as a result come closer to *Hashem Yisborach*.

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HALACHA ENCOUNTERS

Z'man of Shacharis

Rabbi Pesach Gottesman

After the destruction of the *Beis Hamikdash* when *Avodas Hakorbanos* was no longer possible, *Avodah Shebelev – Tefillah*, became the primary way of serving *Hashem*. Indeed, the *Shulchan Aruch* (98:4) enumerates many ways, such as concentration, location and clothing that *Tefillah* is similar to *korbanos*. Another way that *Tefillah* is like *korbanos* is by the time limitation of the *Tefillah*.

Preferred Time

The optimum time to *daven* the *Shemoneh Esrei* of *Shacharis* is at *Neitz Hachama*, the time when the sun begins to shine on mountain peaks. Although many *poskim* say that natural barriers such as distant mountains affect when the sun could be seen, the common custom is to *daven* at the astronomical sunrise. One should try to begin *Shemoneh Esrei* as close to *Neitz Hachama* as possible. However, it is said in the name of the *Chazon Ish* that one need not begin *Shemoneh Esrei* at the exact second that *Neitz Hachama* occurs. (See *Piskei Teshuva* 58, note 72)

Earliest Time

Although one should not *daven* before *Neitz Hachama*, in the event that a person must travel in the early morning and will not be able to concentrate if he *davens* after *Neitz Hachama*, the *Shulchan Aruch* (89:6) permits that person to *daven* beforehand, provided that it is after *Amud Hashachar* – the crack of dawn. There are various opinions regarding the time of *Amud Hashachar* - ranging from 60 minutes before *Neitz Hachama* until 96 minutes before *Neitz Hachama*. The accepted custom is to consider *Amud Hashachar* as 72 minutes before *Neitz Hachama*.

Hagoan Rav Moshe Feinstein ZT"l (*Igros Moshe* O.C. IV, 6) writes that those who need to go to work early may also *daven* at this time. However, because one may not make a *bracha* on *Talis* or *Tefilin* until after *Misheyakir* (when one can recognize a casual friend at a distance of seven feet – about 35-50 minutes before sunrise), it is better not to begin *davening* until that time. If necessary, one may put on his *Talis* and *Tefilin* before *Misheyakir*, and delay their respective *berachos* until before *Borchu* (provided *Borchu* is after *Misheyakir*). At the time he makes these *berachos*, he should feel his *Talis* and *Tefilin*.

If someone must *daven* very early and *Misheyakir* won't be until after *Shemoneh Esrei*, he should make the *berachos* on his *Talis* and *Tefilin* at that time. In the event *Shema* was recited before *Misheyakir*, *Shema* must be repeated. A Rav should be consulted regarding someone who must *daven* very early and will not have an opportunity to put on *Talis* and *Tefilin* in the proper time.

Davening with a *minyan* before *Neitz Hachama* trumps *davening* alone after *Neitz Hachama*. (*Shut Pri Yitzchak* 2). However, the *Biur Halacha* (58, *Umitzvah*) writes that *davening* alone at *Neitz Hachama* trumps *davening* with a *minyan*. Contemporary *poskim* (see *Halichos Shlomo* 5:27) limit this principle of the *Biur Halacha* for a person that regularly *davens* at *Neitz Hachama*.

Latest time

The latest time for completing the *Shmoneh Esrei* of *shacharis* is at the end of four (4) hours into the day, corresponding to the latest time the Morning Tamid Sacrifice could be offered. The latest time for *Kerias Shema* is at the end of three (3) hours into the day. These hours are not standard 60 minute hours. Rather, they are *shaos zemanijos* – seasonal hours, *i.e.*, each hour is 1/12 of a day. Therefore, in the winter when a day is only eight (8) hours long, each hour is forty (40) minutes long, while on a sixteen (16) hour summer day, an hour is eighty (80) minutes long.

There are two major opinions of the means to calculate the seasonal hours of the day. According to the Magen Avraham, a day is measured from *Amud Hashachar* to *Tzeis Hacoachavim*. According to the Vilna Gaon, however, a day is measured from *Neitz Hachama* to *Shekiah*. Although the hours of the Magen Avraham are longer, because the day begins at *Amud Hashachar*, the end time for *Shacharis* will be earlier than the end time according to the Vilna Gaon. Although many people are *machmir* to recite *Shema* before the end of the Magen Avraham's third hour, Rav Moshe Feinstein (O.C. I:24) writes that the halacha is like the Vilna Gaon that allows the later time. While one may *daven Shemoneh Esrei* anytime during the first four hours of the day, care must be taken to recite the morning *Shema* before the end of the third hour of the day. Some *Poskim* write that it is preferable to *daven Shemoneh Esrei* at a time such that the *Shema* that is recited just before the *Shemoneh Esrei* would discharge the morning *Shema* obligation.

The Aruch Hashulchan (110:5) derives from Tosafos (*Berachos* 7a) that as long as one begins *davening* (*Shemoneh Esrei*) within the first four (4) hours of the day, it is considered *Tefila B'zmana*. However many *poskim* disagree and hold that one should be careful to finish the entire *Shemoneh Esrei* before the *zman*.

Tefila Shel o B'zmana

Although one must *daven Shemoneh Esrei* within the first four hours of the day to fulfill his obligation of *Tefila B'zmana*, in the event this deadline was missed the morning *Shemoneh Esrei* must still be recited before midday. There is a dispute amongst the *poskim* whether one may recite *Bircas Krias Shema* after the first four hours of the day had passed. The *Biur Halacha* (58:6) writes that the *Berachos* may be recited after the first four hours of the day had passed, but before *Chatzos*, only if he was unable to recite the *Berachos* beforehand.

After *Chatzos* (midday), one may not *daven Shacharis*. In the event that he could not *daven* for reasons beyond his control (such as illness or emergency), or he had mistakenly missed *Tefila* (such as by falling asleep, or miscalculating the time), he should *daven* the *Mincha Shemoneh Esrei* twice – the first to discharge his *Mincha* obligation and the second to discharge his *Shacharis* obligation. If someone inadvertently *davens* within one half hour after *Chatzos* he should not *daven* again. (M.B. 89:7)

Rabbi Gottesman is a full-time member of the kollel.