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PARASHAT HASHAVUAH

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Sanctifying Hashem's Name in Life

Harav Shaul Yisraeli - from Siach Shaul, pg. 417-418

How does Hashem describe Moshe's failing, for which he was not allowed to enter the Land? "Since you did not believe in Me to sanctify Me before the eyes of Bnei Yisrael, therefore you will not bring this congregation into the Land that I gave to them" (Bamidbar 20:12). We see that the giant among giants did not stumble by violating an actual sin. Rather, Moshe's failure to reach the level of *kiddush Hashem* that was expected of someone of his stature prevented him from entering the Land.

There are different levels and types of *kiddush Hashem*. There is *kiddush Hashem* before the nations, just as there is *chillul Hashem* in that regard. We see an example of the impression that Rabbi Chananya Ben Tradyon made on the executioner who repented based on his shining example of dedication to Hashem (Avoda Zara 18a). *Kiddush Hashem* makes one rethink that which he incorrectly assumed and contemplate ideas. It is not like propaganda, whose whole purpose is to influence. Rather it reveals greatness and makes people look in awe. This is what can turn people's lives around, bringing them from one extreme to the opposite one.

There is a *kiddush Hashem* that impacts on the nation inward. A classic example is that of Rabbi Akiva, where his students asked him: "How far are you able to go [in your dedication]?" (Berachot 61b). This taught his students and future generations.

Nowadays, too, we are obligated to sanctify Hashem's Name before the nations of the world. When the nations hear that the Jewish people returned to the Land of Israel but did not return to the *Tanach*, this is a *chillul Hashem*. In positive contrast, when an agricultural community is built based on the foundations of religious life, this is a *kiddush Hashem*.

However, the *kiddush Hashem* has to exist internally as well. The Hapoel Hamizrachi (Religious Workers' Party) made a change in the country, as previously, "worker" was seen as a synonym to an irreligious person. Now we know that the two ideas are unrelated, which is a *kiddush Hashem*. [Rav Yisraeli was the founding rabbi of K'far Haroeh, the pioneering religious agricultural settlement.]

However we have to increase the *kiddush Hashem* within Israel and within ourselves. We do not know our internal strengths, which are imbedded in our souls as Jews. We have to learn our potential from great acts of self-sacrifice, which come at times of great inspiration. We have to eternalize these moments in our souls and pass them on to future generations. They must be infectious, shared with others like, *I'havdil*, a communicable disease.

Rabbi Akiva looked for an opportunity to serve Hashem with the ultimate *kiddush Hashem*. We too have to look for the strength in ourselves and expand it – to show it to others ... and to ourselves.

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Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St. POB 8178 Jerusalem 91080

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Ask the Rabbi

by Rav Daniel Mann

Question: What are the rules in regard to teaching children how to observe *mitzvot*? For example, can *Barchu*, *Kedusha* and *Kaddish* be recited when children who are not yet *bar mitzva* daven together?

Answer: There is a *machloket* among *Rishonim* about the nature of the obligation of *chinuch* (education) at the appropriate ages for performing many of the *mitzvot* that they will be fully obligated to perform as adults. Rashi (Berachot 48a) says that the child is not personally obligated, even on a rabbinic level, to perform *mitzvot*, just that his father is obligated to train him to perform them. Tosafot (Berachot 15a) says that the child is personally obligated in the *mitzvot*, albeit on a lower level than an adult is.

There following is an arguably related *machloket*, as to whether the *mitzvot* for *chinuch* need to meet formal or just educationally practical standards. An adult must own the *lulav* and *etrog* that he uses on the first day of *Sukkot* (two days, out of Israel). There is, therefore, a problem sharing a set with a child because if one transfers ownership to him, the child cannot halachically return it (Sukka 46a). The Shulchan Aruch (Orach Chayim 658:6) suggests that the child can use the *lulav* and *etrog* in a way that the father does not lose ownership, thereby saving the father from problems. However, the Mishna Berura (568:28) cites two opinions whether or not, in that circumstance, the child has fulfilled his obligation. Rav Moshe Feinstein (Igrot Moshe III:95) explains that the two opinions depend on the following question. Is a child obligated to perform his *mitzvot* with all the details, including imperceptible ones, that an adult needs, in which case the *mitzva* was not done properly, as a child also needs ownership? Or is it that a child must perform the *mitzva* so that, practically, he will know what to do when he is older, in which case the imperceptible lack of ownership due to his youth will not cause a problem in the future? Rav Feinstein demonstrates that the former, formal approach to the obligation is correct.

In our case, according to the formal approach, without ten adult men there is no *minyan*, and the group is unable to say *devarim shebikdusha* (the elements that require a *minyan*). As opposed to regarding *lulav*, where they are obligated in the *mitzva*, it is not a problem to omit these elements because the children are not formally obligated to daven with a *minyan*. However, even according to the practical educational approach, having the children recite *Barchu*, etc. is not a fulfillment of *chinuch*. After all, the educational element includes a child becoming accustomed to recite *devarim shebikdusha* specifically with a *minyan*.

Perhaps, though, the general idea of getting used to doing *mitzvot*, without fulfilling a formal *mitzva* of *chinuch*, justifies reciting *berachot* and portions of *tefilla* that may not be recited voluntarily. The Shulchan Aruch (OC 215:3) says that one is allowed to have children practice making *berachot* even in a manner that is otherwise *l'vatula* (in vein), and the adult can answer *Amen*. The Mishna Berura (215:14) adds that not only may the child pronounce Hashem's Name in an educational but non-*beracha* context, but so can the teacher who is teaching him. Therefore, it seems that you can teach children all the *devarim shebekedusha* without doing so in the context of a *minyan*. However, that is when this is necessary to actually teach those specific elements to the children. One, though, may not set on a regular basis a "make-believe *minyan*" for the children when they could learn what needs to be done in far fewer times. Better yet, the proper way to get the children used to a *minyan* is to enable them, when they are close to *bar mitzva*, to join up with adults or *bar mitzva* peers. Staging a *minyan* on a regular basis is both halachically problematic (Rav Ovadya Yosef- see Yalkut Yosef, Tefilla, pg. 190) and educationally unsound (Mishp'tei Uziel III, Miluim 2). (Unique circumstances can be discussed on an individual basis.)

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Ein Ayah

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

Chukat

The Interpretation of One's Friend's Dreams and Life

(condensed from Ein Ayah, Berachot 9:71)

Gemara: "The royal baker saw that he [Yosef] had interpreted the dream well" (Bereishit 40:16). How did he know? Rabbi Elazar said: This teaches us that They [the Heavens] showed each one his own dream and the interpretation of his friend's dream.

Ein Ayah: As a rule in regard to a person's spirit, one perceives things that are closest to himself hazily and those that are farther away he will see clearer. This is true in regard to a multitude of matters that have to do with man's life. For example, it is easier to measure the distance between stars than the distance between cities. A person may also be able to appraise his friend's characteristics more truthfully than he will his own. There are advantages for the world that it should be this way. After all, regarding oneself, even if his vision is weak and blurry in this regard, his characteristics will still be of importance to him because of his love of himself. However, if one were not able to have a clear and deep picture of his friend, then there would not be a strong connection between the two.

In the realm of dreams, there is a similar phenomenon. That which relates to oneself, he sees in the riddle-laden form of a dream that lacks an interpretation. In regard to his friend, he sees the clear interpretation. This serves as a teaching regarding society as a whole: one will be able to see that which is spiritually good for his counterpart.

A Small Prophecy

(condensed from Ein Ayah, Berachot 9:72)

Gemara: Rabbi Yochanan said: If one awoke and a *pasuk* fell into his mouth, this is a small prophecy.

Ein Ayah: Prophecy is a godly power that is found in mankind, which finds expression for special individuals within the nation that is most appropriate to serve as the center of the divine Torah in the world. Whatever is found within humanity, even if it is found in its complete form only with a choice minority therein, certainly exists in a potential, lower, basic form within the entire race. Therefore, everyone in Israel has a level of preparedness for prophecy, which is usually not realized due to a lack of intellectual or other crucial pertinent abilities.

The Rambam writes that prophecy requires a developed intellectual side and an imaginative side in a manner that the two complement and do not impinge one on the other. An actual prophet can have a prophetic dream, where the imaginative side is dominant and the intellectual side also remains engaged. In such a format, he can fulfill "in a vision I will make Myself known to Him" (Bamidbar 12:6). He can also receive a prophecy when awake, when the intellect is dominant, yet his deeply developed imagination is able to produce prophetic visions.

One of the shortcomings that prevents prophecy is an inability to connect the intellectual and imaginative powers. During sleep would be the time that prophecy is more likely, but at that time his intellect is inactive. When he is awake and his intellect is active, his imaginative side is unable to get beyond mundane thoughts.

While prophecy ceased in Bnei Yisrael with the canonization of *Tanach*, elements of prophecy remains. There may be a flash of quasi-prophecy at the time of natural connection between man's different states. When one is in between sleep and being awake and the intellectual and the imaginative are most closely linked, he may be privy to a touch of prophecy, which is the lot of his nation. That is why a *pasuk* that falls into his mouth at this time, contains an element of prophecy to it. While true prophecy is called "a great matter" (see Melachim II, 8:4), a partial divine message is called a small thing. It, though, is a significant thing to receive.

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P'ninat Mishpat

The Picture of Competition – part I

(condensed from Hemdat Mishpat, rulings of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendant (=def) photographs weddings and events. A few years ago he sought to expand his business and offered the plaintiff (=pl), a beginner photographer, to be a manager and partner, on condition of pl's commitment not to compete with him in the future. Pl refused but did start working for def as a hired photographer. Months later, def again asked pl to be his partner, and they started the arrangement on a trial basis. Over the next two years, pl played a dominant role in the business, especially in terms of dealings with clients and suppliers. The relationship soured when def bought, against pl's advice, expensive equipment that complicated the work, and soon thereafter pl started working on his own. Def lost money and closed the business, blaming pl's competition in a saturated market. Pl is suing def for pay that was due to him from the time he worked with def, and def is counter-suing, claiming that money pl received was based on false pretenses, as pl had committed not to compete with def. Pl said that the second time the matter of not competing did not come up, whereas def is sure it did and says that anyway it was clear from the past that this was a condition of his. Def also claims that as a partner in the business, pl should assume some of the business' losses.

Ruling: The first question is whether one can bind himself to not compete. While one can make a condition that if he does compete, he will have to pay a sum of money, ostensibly the commitment to not compete is a *kinyan devarim*, a promise to do or not do an action, which is not binding (see Bava Batra 3a). Nevertheless, the Chatam Sofer (II, 9) says that an apprentice's agreement to not compete with his master after learning the trade is binding, and failure to keep the condition is a violation of withholding compensation to a worker (i.e., the master, in his role as a teacher). The Torat Chesed (228) explains that the teacher acquires rights in the "body" of the student, which find expression in his not being free to do as he wants during his time of commitment. There are, though, those who say that one cannot bind himself not to compete (see Divrei Geonim 41:7).

In any case, if there was condition, there would be strong grounds for enforcing it or at least demanding monetary compensation for pl's competition, but def provided no proof. While on one hand, def stated his intention for the condition from the beginning, pl initially refused to accept that condition. Even if pl was aware of def's desires, we must apply the Shulchan Aruch's (Choshen Mishpat 207:4) rule that if one made a transaction with certain things in mind but did not state them formally at the time of the transaction, they are not binding. While the Rama adds that if an unspoken condition is clear, it is binding, in this case, it is only clear that def wanted the condition, not that pl retracted his original opposition. Furthermore, def's idea to preclude competition indefinitely turns the condition into an unreasonable one, which there is no reason to believe pl accepted.

[Next week we will deal with other elements of the conflict.]

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