



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Vayeishev, 24 Kislev 5777

The Land of His Father's Converts

Harav Yosef Carmel

It is well known that Avraham and Sarah converted many to monotheism, as the *pasuk* says: "the people he made in Charan" (Bereishit 12:5). The *midrash* (Bereishit Rabba 84:4) expands on this phenomenon regarding all the forefathers. It demonstrates that Yaakov was also heavily involved in it. Yaakov instructed those around him ("his household and all who were with him") to remove the idols from their midst (Bereishit 35:2-4). They infer from the first *pasuk* of our *parasha* that Yitzchak was also involved in conversions: "Yaakov lived in *eret megurei aviv*." While as written, this means the land of his father's inhabitation, they read it as the land of "*giyurei aviv*" (of his father's conversions). So we see that conversion was something in which our patriarchs and at least one of our matriarchs invested much time and energy.

One of the "time bombs" that lie within Israeli society is the problem of those who moved to Israel based on the Law of Return and received full Israeli citizenship but are not halachically Jewish. At least the second generation of these people consist of fluent Hebrew speakers, and they study in standard Israeli schools (including religious ones) and serve in the Israel Defense Forces – in other words, they are fully integrated into Israeli "Jewish" society.

They encounter a problem when they want to marry according to Israeli law, as the State does not have a solution for them at this crucial moment in their lives. Marriage is a religious act here, and these people are not included in any religion. Estimates of the number of such Israelis vary from 300,000 to 500,000 (including the third generation).

Those who have difficulty in being recognized as Jews can be categorized into three groups: 1. Jews who cannot prove that they are Jews, usually because the Holocaust and/or the wicked Soviet regime erased their ability to prove their Jewish status, whether by means of documentation or by means of behavior. 2. Those who come from Jewish men, who, under the difficult situations that existed, married non-Jewish women. They require full conversion. 3. Distant relatives of Jews, who were granted *aliya* rights due to the Law of Return.

In the coming weeks, we will look into how to deal most properly with each of these groups. We will start with the first. Determining one's status as a Jew is a broad topic, and there are different ways to try to go about it. The State of Israel should spend the resources necessary (which are significant) to do so properly to allow these brothers to feel as full and accepted parts of their national heritage. This is a great *mitzva*, which does not require any religious procedure.

Of course, it suffices for their matrilineal line to be Jewish. We are involved in halachic and scientific research into a genetic test that can help in giving support for the claim of being born Jewish, to up to 40% of the Jewish population of this group. When we have completed our efforts, we will share it with halachic and scientific leaders throughout the world to promote this avenue of assistance to an important segment in our society.

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Ask the Rabbi

by Rav Daniel Mann

Dilemmas of Chazan for Shabbat Kedusha

Question: I am a frequent *chazan*. Someone pleasantly set out at length [*condensed here*] his objections to the way I (like others) do *Kedusha* of *Musaf*. He argued that since the *tzibbur* now recites “*K’vodo malei olam...*,” which introduces “*Baruch k’vod...*,” the *chazan* must not sing *Kadosh* in a way that encourages them to repeat it. He should start his tune with *K’vodo*, demonstrating that *Kadosh* and *K’vodo* are separate, and it is better if the *chazan* says *Kadosh* quietly. Is he right?

Answer: *Kedusha* consists of three introductory statements, each followed by a *pasuk* (from Yeshaya, Yechezkel, and Tehillim) used by the angels and us to sanctify Hashem’s Name. There is a *machloket* and different practices whether only the *chazan* (Tur, Orach Chayim 125) says the introductory passage(s) or even the *tzibbur* (Taz, OC 125:1). The *minhag* is to say the longer introductory passages of Shabbat/Yom Tov (Mishna Berura 125:1).

The Be’ur Halacha (125:1) deals with the dilemma of how the *chazan* should say the *p’sukim* of *Kedusha*. If he waits for the *tzibbur* to finish, he is reciting them “without a *minyan*.” However, he needs to recite them out loud so that those in the midst of *Shemoneh Esrei* can be *yotzei* with him (Shulchan Aruch, Orach Chayim 104:7). Some say that the *chazan* can accomplish both by starting each *pasuk* before the *tzibbur* finishes reciting it (see Be’ur Halacha, *ibid.*). Some say that the fact that those in *Shemoneh Esrei* (*ibid.*) or the *tzibbur* (Emek Beracha, cited by Teshuvot V’hanhagot I:111) are listening to him makes him considered part of a *minyan*. One could even claim that the *tzibbur*’s present *minhag* to sing along actually creates a *minyan* (even though they just finished reciting it, one may answer *Kedusha* multiple times).

Regarding weekdays, practice is set, for whichever of the reasons provided. Shabbat davening, though, is a test case. Teshuvot V’hanhagot (*ibid.*) argues that since the long introductory passage is not an essential part of *Kedusha*, by the time the *chazan* starts *Kadosh*, he cannot connect himself to the *tzibbur*’s recitation. Therefore, he prefers that the *chazan* say *Kadosh* immediately along with the *tzibbur*, loud enough for those in need to hear him. (Igrot Moshe, OC III:4 does not like the prospect of trying to hear the *chazan* over multiple voices; it is unclear if he is talking about Shabbat.) One can also start *Kadosh* soon after the *tzibbur*, who can get used to being silent for *Kadosh* and singing *K’vodo* along with the *chazan*. While these may be the best ideas from a purist perspective, our average *shul* is not the place for purists to go against standard practice when there are reasonable alternatives.

Some have the practice, which is not new (see Ktzot Hashulchan 83:(22)), that on Shabbat the *chazan* says *Kadosh* along with the *tzibbur* quietly and starts aloud only from *K’vodo*. The K’tzot Hashulchan surmises that this is based on the assumption that on Shabbat, everyone has finished *Shemoneh Esrei* by the time of *Kedusha*. If indeed no one need to be *yotzei*, this works well, but this is not the case in many *shuls*.

There is enough to rely upon for the standard *minhag* for the *chazan* to say *Kadosh*, with or without the *tzibbur* singing, after the *tzibbur* finishes everything. It is true that from a purist perspective, it does not make sense for the *tzibbur* to sing *Kadosh* after introducing the next piece. However, while one may not speak during *Kedusha* (Rama, OC 125:1), considering that all of *Kedusha* is interrelated, it is hard to consider the *tzibbur* repeating *Kadosh* along with the *chazan* a *hefsek*. The idea of the tune not making it look like *Kadosh* is part of the same unit as *K’vodo* is a nice one *l’chatchila*. Therefore, there is logic for you, as a talented, learned *chazan* [*ed. note - I know him*], to start your repertoire of songs from *K’vodo*. (There is something nice about “good-old *nusach*” being heard more often). However, we would not deem joint singing of *Kadosh* illegitimate or the reason many people do not understand *Kedusha*’s structure.



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Ein Ayah

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

The Time to Remove Doubts

(condensed from Ein Ayah, Shabbat 2:286-7)

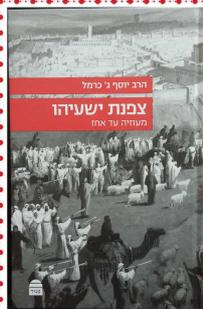
Gemara: [After leaving the cave,] Rabbi Shimon asked: "Is there something that needs to be remedied?" They said to him: "There is a place where there is a *safek* (a question whether there is a halachic problem) of *tumah* (impurity), and it causes the *kohanim* distress to detour around it." Rabbi Shimon said: "Is there anyone who determined places of purity here?" An old man said: "Ben Zakkai (a great rabbi who was a *kohen*) did agricultural work with a *turmos* fruit of *teruma*."

Ein Ayah: The existence of *sefeikot* is among the results of the Torah. They are part of the whole picture, and they complete that which is missing. The actions that are needed to deal with cases of *safek* increase involvement in Torah study, so that the hard work and involvement has the positive impact of sanctifying participants.

However, relating to questions of doubt is necessary only to the extent that there is a lacking in spiritual light, which is combated by the toil of dealing with *sefeikot*. However, when the light of the true Torah and knowledge of Hashem is shining in the most brilliant way, there is no need for the darkness that accompanies doubts. The latter is needed only to encourage the development of a light that comes from within the darkness.

Those who are most appropriate to elevate themselves beyond the need for the positive elements of *safek* are the *kohanim*, who are the ones who approach Hashem and benefit from the light of the divine grace. An institution of *safek*, such as a second day of *Yom Tov* in the exile, is a Torah law that is not as good as the light of being in the Desired Land. This is despite the fact that "the words of the scholars are more beloved to Israel than the "wine of Torah." Removing *safek* was the first action undertaken by Rabbi Shimon Bar Yochai, the possessor of the divine light that shone onto others after elevating himself above the normal conditions of life. He spread a light of definite purity and reduced the need for completing the doubt with Torah toil. Through all of this, the light of dealing with doubts in practice continued, starting with the *kohanim*, taking action so that they would no longer have to circumvent the place that used to be considered possibly *tameh*. "Hashem is our G-d, and He gives light to us" (Tehillim 118:27). "His Name is definite, and so is His praise" (Yamim Noraim prayers).

When the divine light was returned by a towering spiritual giant whom Hashem chose, his first task was to return positive things that had been present in previous generations and deteriorated due to lack of positive influence. Afterwards, it was even possible for later generations to go even further if they merited added connection to divine light. In this case, it was necessary to determine to what extent the practical steps of dealing with *sefeikot* was necessary to deal with areas of spiritual darkness. Rabbi Shimon wanted to know how long the deterioration had been going on. Was it only one generation from the time they did not need to make up the darkness with added involvement in doubt? If so, it was more realistic to return matters to their previous level without needing the cloud of *safek* to hover above them. The old man testified that he had seen a time in which there was clear purity at this place, and thus it was just a matter of a generation that needed to be rectified. Therefore, it was possible that the positive light of Rabbi Shimon would suffice without the help of doubts. This would expand their light in matters of certainty and their accompanying internal light. The time had come to take steps to clarify the mystery as to where there was and was not impurity.



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

Responsibility for Electricity Infrastructure – part II

(based on ruling 73056 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), a company that produces electricity for the electric company (=IEC) from solar panels, rented rooftops to place the panels from the defendant (=def), a settlement. Def supplies electricity for their residents through bulk supply (the electric company is not connected to each home). The same electricity room and closet transfers electricity both ways between def/pl and IEC. The involvement of IEC made it necessary to begin work before the contract was complete. IEC carried out three inspections of the electricity room. After the last, they claimed mortal danger and demanded redoing the electricity closet, with a threat of otherwise rejecting pl's project and shutting down def's electricity. Pl and def disagreed as to who should be responsible for the renovations, and it was decided that pl would perform them, and *beit din* would rule on possible reimbursement. Pl claims that their agreement requires def to provide electrical infrastructure and that def knew this was expected to include layouts of money. Def also benefitted from the replacement of their very dangerous electrical room with a quality one at an under-market price. Def claims that pl should have checked that def's infrastructure was sufficient before beginning work. At the time the agreement was signed, pl, which is in the field and met with IEC, were aware of the expense, while def was not. The improvements are not particularly beneficial for them, as def is in the process of phasing out the bulk supply system and will not need the electrical room. Therefore, the deal, as pl presents it, is unprofitable for def, and they would not have agreed to it.

Ruling: The contract states that def is obligated to fix any problem that arises in the electrical system before construction is complete. It also states that def will allow pl to make use of the bulk supply meter. Pl claim that these provision prove that def was required to provide a reliable infrastructure at its expense. Def responded that it was its responsibility to do the upkeep of what existed, but pl was to check if what existed met its needs. Pl adds that the problem with the electric room was not specifically in regard to pl's needs but for def's own needs. In this regard, *beit din* agrees with pl that the lack of feasibility for even its own purpose was def's responsibility.

On the other hand, it appears that def could get out of its obligations through a different contract provision. One of the agreement's conditions is that IEC will give its approval to the electrical system. The main purpose of the provision was certainly to allow pl out of the rental from def if IEC did not end up buying electricity from them. However, there is no reason the provision should not protect def as well. Therefore, if IEC rejects the electrical system as it stands, def could have backed out of their agreement with pl rather than do major repairs. (Minor repairs would probably be a requirement of def.) While both sides contemplated scuttling the deal, it was probably wise to continue, but the above is significant for determining payment for the repairs performed.

We will finish our presentation next time.

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