

This edition of Hemdat Yamim is dedicated to the memory of **Shirley,**

Sara Rivka bat Yaakov Tzvi

HaCohen z"l

as well as

R' Meir ben Yechezkel Shraga

Brachfeld

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Once a King, Always a King?

Harav Yosef Carmel

Our *haftara* ends (Melachim I, 2:11) with a summary of David's kingship. He was king for 40 years: 7 in Chevron and 33 in Yerushalayim. However, parallel *p'sukim* in Shmuel II (5: 4-5) say that he was king for 7 years and 6 months in Chevron and 33 in Yerushalayim; thus, there is a discrepancy over 6 months. *Chazal* were quite disturbed by the 6 months' "disappearance," and we find several attempts at explaining it.

The Yerushalmi (Rosh Hashana 1:1) gives technical answers: 1) The larger numbers "swallow up" the smaller ones; i.e., the 40 years and the 7 in Chevron are round numbers. 2) David ruled for only 32½ in Yerushalayim, and it was rounded up to 33 to show respect to Yerushalayim.

However, three other approaches see the missing time as criticism of David for different reasons. Rav Yehuda (Sanhedrin 107a) says that David had leprosy for 6 months, and the Sanhedrin distanced themselves from him (a leper is equated with a dead man). This was in response to David's sin involving Batsheva and Uriya. Rav Chuna (Yerushalmi, *ibid.*) said that while David was in flight from the revolt of his son, Avshalom, he lacked the status of a king (the context is that if he had needed to bring a *korban*, it would have been that of a regular person, not a king). This is an indication that the revolt lasted for 6 months, a matter the *p'sukim* do not address. Finally, Rav Yudan (Yerushalmi, *ibid.*) said that the 6 months correspond to the 6 months that Yoav fought on David's behalf against the Edomites (see Melachim I, 11:16). This was arguably against the prohibition to quarrel with that nation (Devarim 2:5). The message was, says Rav Yudan, that when you do not follow the Torah's precepts in leading the nation, your kingship is not counted. (We should note that according to the Bavli (Bava Batra 21b) the war against Edom was justified.)

The question is what we can learn from these various opinions and the difference between them. Is it possible for the nation to banish a king who was appointed by a prophet and approved by the nation? According to Rav Chuna, David was not considered king at the time the people were behind Avshalom instead of him. The nation gave, and the nation took. When the nation no longer accepts the legal king, he even loses his halachic status. This is in line with the Rambam and Rashbam's opinion that the concept of "the laws of the kingdom is the law" depends on the populace's acceptance of the kingdom. According to the other approaches, that which can deprive a king's rule of legitimacy are severe sins. Deposing can only be done by a prophet such as in the case of Shaul and Yerovam, not by a popular revolt. According to everyone, a leader who was chosen by the people can be removed by the rules that the nation's representatives set in law.

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Question: We have at our *minyán* a 27 year-old Russian immigrant (=Reuven) who has become religious. He has been assuming that he is a *levi*, as his late father, a non-observant Jew, once claimed in passing. However, Reuven's only known living relative, an uncle, is confident that he/they are not *leviim*. His father's grave also makes no mention of his being a *levi*. Reuven and I (the *gabbai*) would like to know whether he should continue getting *aliyot* as a *levi*.

Answer: Investigative work might uncover how likely it is that Reuven is a *levi*. The information you provided (which does not even include the slightly helpful family name) does not enable such a determination. Based on the information you provided, it does not appear likely that he is a *levi*. The passing statement of a non-observant Jew, who might not even have known what a *levi* is, which was firmly contradicted by someone who is likely to know as well as he, carries little weight. Thus, Reuven cannot assume that his lineage would exempt his firstborn son from *pidyon haben*. The question is whether, to make Reuven feel more settled by not dismissing his previous assumption, we can allow him to continue getting the second *aliya* reserved for *leviim* when he probably does not "deserve it."

The *gemara* (Ketubot 25b) discusses one who was assumed to be a *levi* due to the fact that his community regularly gave him the second *aliya*. The Ran (Ketubot 10b in the Rif's pages) learns from here that someone who claims without proof that he is a *levi* should not receive the second *aliya*, as this could later be used as proof regarding other matters (e.g., receiving *ma'aser rishon*). The Ran, though, says that the prevalent practice is to believe people without proof. He suggests that since *terumot* and *ma'asrot* are now rabbinic and uncommon, we are not so strict as to refuse giving the special *aliyot*. However, he accepts the Rambam's (Isurei Bi'ah 20:13) opinion (regarding a possible *kohen*) that we do not give the person the special *aliya* without proof.

Are the stakes as high for a *Levi* as they are for a *kohen* that we should withhold the *aliya*? (The matter of washing a *kohen's* hands before *duchenen* is a *minhag* without severe halachic implications (see Beit Yosef, Orach Chayim 128; Mishna Berura 128:21). The Yam Shel Shlomo (Ketubot 2:42), in rejecting the lenient *minhag*, says that even when there is no *teruma*, *nesi'at kapayim* (*duchenen*) is from the Torah and we must also consider the hopefully imminent rebuilding of the *Beit Hamikdash*. The first issue does not apply to *levi'im*, but the *Beit Hamikdash* is relevant. Indeed, a non-*levi* who does a *levi's* work violates a serious prohibition (see Rambam, Klei Hamikdash 3:9 and Kesef Mishneh ad loc.). The Chazon Ish (Shvi'it 5:12) says that nowadays no one really deserves to be called up as *levi*, as people do not have proof, and our doubts on the matter explain why we do not give them *ma'aser*. According to him, one could say that it is not a big deal that Reuven also takes the title of *levi*. However, *pidyon haben* seems to be an issue and, in any case, when even the subject does not really claim that he is a *levi*, he should not get that *aliya*.

If we would incorrectly treat Reuven as a *levi*, would we violate the *takana* that the *kohen's* *aliya* should be followed by a *levi's*, lest we think the *kohen* is not valid (see Shulchan Aruch, OC 135:8)? Logic dictates that if all presume Reuven to be a *levi*, this would not be a concern. To the contrary, one could claim that if we change his presumed status and give him a *yisrael's* *aliya*, then the previous *levi* may look like he was not a *levi* (see this concern in Shulchan Aruch, ibid.:9). Therefore, we suggest that until people get used to the fact that Reuven is a *yisrael*, he should not get the *aliya* directly after *levi* (i.e., he should receive *aliyot* only on Shabbat, from *revi'i* on).

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Ein Ayah

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

Quarreling With Evil People

(based on Ein Ayah, Berachot 1:84)

Gemara: Rabbi Yochanan said in the name of Rabbi Shimon bar Yochai: "It is permitted to quarrel with evil people in this world, as the *pasuk* says: 'Those who leave Torah will praise an evil person, and those who keep Torah will quarrel with them' (Mishlei 28:4)."

Ein Ayah: The prohibition to quarrel would have been because quarreling arouses anger, which is an improper acquisition in the realm of one's character. On the other hand, hatred of evil that quarreling with evil people develops is correct in and of itself, and it is a far-reaching moral/ intellectual acquisition. Therefore, it is better to acquire the far-reaching intellectual level of hating evil, even though it heightens one's power of anger, which is more limited in scope.

Completing the Whole and the Individual

(based on Ein Ayah, Berachot 1:89)

Gemara: About whoever is involved in Torah and *gemilut chasadim* (kindness) and prays with the community, Hashem says: "It is as if he redeemed Me and My sons from among the nations."

Ein Ayah: There is a matter of self-completion by means of attaining knowledge of the truth and a matter of completing a counterpart by acts of kindness. However, neither suffices until he realizes that a person will not reach his final goal unless he attaches himself to society as a whole.

It is true that one who is involved in matters of the community should realize that it is impossible for the whole to be successful without its individual components being successful. It is impossible for the whole to be successful by means of the individuals improving each other unless each one strives also for personal *shleimut* (completeness).

The unity to which we refer is the foundation of Israel. We refer to, "who is like Your nation, Israel, one nation..." (from *Mincha* of Shabbat), which stems from the fact that Hashem is one. The nations of the world are unable to recognize this unity, how all this pleasant unity is nothing but the *shleimut* of the whole, which is worthy to pursue. When the nations form communities of different types, it is because the individual cannot succeed unless the community is able to band together to overcome possible obstacles. However, the goal of each one is his personal welfare...

Alas, as long as, in our great sins, we have not completed the *shleimut* of this unity, we are entrenched in exile. As such, the individual *shleimut* does not reach its desired levels and as a result the *shleimut* of the whole is also lacking.

This is why the gemara discusses one who is involved in Torah, to truly complete himself, and in *gemilut chasadim*, to complete his counterpart, and prays with the community, to impress upon himself that the goal of the personal *shleimut* is only for the *shleimut* of the whole. About such a person Hashem says: "I consider it as if he redeemed Me," as the *shleimut* of the whole itself is related to His Blessed Name. It is also as if he redeemed "My sons," as the individual *shleimut* flows from the pure source of the *shleimut* of the whole on its lofty level. This happens when the individual makes his priority just to see how the whole is successful and can stand on a high level. The concept of divinity among the nations of the world cannot be more than to help them reach individual *shleimut*. The idea of a *shleimut* of the whole can exist only by means of a central nation that will unite all of the world's inhabitants in the light of knowledge of Hashem. This is the unique quality of Israel. By binding together all of the good deeds of the individuals, the general goal will be reached when the individual sets his heart on that goal.

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P'ninat Mishpat

A Deal Arranged Through a Middleman

(based on Halacha Psuka, vol. 50- A Condensation of a Psak by the Beit Din Gazit of S'derot)

Case: The plaintiff (=pl) had special benefits with a cellular phone company, enabling him to buy phones at 900 *shekel* a phone, or for free with the commitment to use their plan for 36 months. Pl did not need the phones but bought four phones on behalf of the defendant (=def). Def was present when pl signed the purchase papers with the company, taking the option of 36 months of use. Def stopped using the phones after three months and returned them to pl after an additional five months. As a result, pl has to pay the phone company for the phones. Two months later, pl worked out a payment plan with the company, which included charges for calls already made, the price of the phones, and interest for late payment, which came out to a total of 6,500 *shekels*. The company did not provide a detailed explanation of how they arrived at that sum. Pl demands that def pay the entire sum. Def is willing to pay 2,000 *shekels* for phone calls he made but not for the other expenses because he was unaware that his lack of use would cause those charges

Ruling: *Beit din* established that it is pl who is obligated to pay the phone company, as the agreement was made and signed between them. However, def obtained the phones from pl with *meshicha*, by physically acquiring the objects in a manner that made him obligated to pay pl for their price. Both litigants agree that the deal was done as a favor by pl for def. Therefore, we view the deal between pl and def as an exact duplicate of the agreement between pl and the phone company. In this way pl neither gains nor loses from his agreement to, in effect (not by law), be the middleman between def and the phone company. It does not make a difference if def was aware of all of the conditions of the sale. If he had wanted to, he could have found out, certainly considering that he was present when the deal was being finalized.

Thus, def obligated himself to pay not only for the calls he made but also for the phones themselves should there be a need to pay for them. Since this payment is one of an accepted obligation, not a damage payment, it is not relevant whether or not def knew that his stopping to use the phones would cause a need to pay for the phones.

That being said, part of the 6,500 *shekels* charge was a result of lack of payment that resulted from pl's delay in acting on the information that def was no longer using the phones. Pl is responsible for those charges.

Since *beit din* does not have access to the information that would enable it to determine the equitable breakup of those charges, *beit din* will estimate based on its authority to employ *p'shara* (compromise) so that the matter can be closed (see Shulchan Aruch, Choshen Mishpat 12:5). *Beit din* decided that def has to pay two thirds of the total charges.

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