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HEMDAT YAMIM

Parashat HaShavua

Vayigash, 11 Tevet 5781

More on the Passage of Time

Harav Yosef Carmel

Last week we saw examples in *Tanach* where a passage of time is mentioned and it is unclear from when we are counting (e.g., the two years until Yosef got out of jail). One of the other cases of an unknown starting point is in regard to Avshalom's rebellion against his father, which began "at the end of 40 years" (Shmuel II, 15:7). The *p'sukim* there tell how Avshalom received permission from David to go to Chevron to fulfill the promise to Hashem which he made when he was in exile in Geshur.

Rashi (ad loc.) explains the dating based on the *gemara* in Nazir (5a), which says that this was 40 years after the nation had appealed to Shmuel to appoint a king. The Radak, based on Seder Olam Rabba 14, specifies that this event took place during the 10th out of 11 years of Shmuel's stint as the leader, which was followed by two years of King Shaul's independent reign. That leaves 37 (out of a total of 40) years of David's reign, in order to get to the 40 years that the *pasuk* says had passed.

The Ralbag suggested other possibilities: 1. The 40 years could have been from the beginning of monarchy in Israel, when Shaul took the throne. 2. It was the beginning of the 40th year of David's rule. 3. Perhaps Avshalom knew of a prophecy that David would rule only 40 years, and therefore he would soon be able to remove David and take over.

Abarbanel attacks the opinion that it was 40 years from the request of a king, as according to his calculation, it was over 50 years since then. Abarbanel posits that the 40 years was almost 40 years into David's reign, as he became king at age 30 and served until his death at age 70. So this took place when David was old and weak. He also suggests that it could be referring to Avshalom's age. Since he was born in Chevron, toward the beginning of David's reign, he could have been turning 40, which is an age of developing leadership. The Ralbag's third possibility is difficult, because there is no known source or logic that Avshalom should have been privy to such a prophecy.

According to all of the above explanations, all of the many events that are recorded in Shmuel II, 15-20 occurred in the last couple years of David's life, which is difficult to picture in the *p'sukim*. Similarly, it is difficult to assume that all of the many events and stages described in Shaul's kingdom occurred in 2-3 years.

Therefore, after "asking forgiveness," we suggest that the mention of 40 years is not meant as an exact number of years but as a hint at a significant period of time. In several places, 40 years represents a period of time, whether it is or is not the precise number of years (see Shemot 16:35; Shoftim 3:11; *ibid.* 5:31; *ibid.* 8:28; *ibid.* 13:1; Shmuel I, 4:18; Melachim I, 11:42; Tehillim 95:10). The idea in context is that Avshalom raised the threat of the spiritual end of the era of David. Only David's return to his proper ways and his exemplary leadership at the time of the rebellion, secured the ability of the dynasty to survive and for proper monarchy to continue. (See more in the upcoming set of *sefarim*, Tzofnat Shmuel on the Kingdom of David.)

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Ask the Rabbi

by Rav Daniel Mann

Finding Out Late about the Presence of a *Kohen* or *Levi*

Question: As a *gabbai*, sometimes I do not realize either that a *kohen* is present and I give the first *aliya* to a non-*kohen*, or that a *levi* is present and I give the second *aliya* to the *kohen*. What do we do when this is discovered?

Answer: It depends. The Shulchan Aruch (Orach Chayim 135:6-7) generally discusses your two cases, when the mistake was discovered after the *oleh* began the opening *beracha*. Both when a *yisrael* began the *beracha* for the first *aliya* before the *kohen* entered the shul (ibid. 6) and when a *kohen* began his second *aliya* when it turned out a *levi* was present, the mistaken *oleh* finishes the *aliya*. The clear implication is that when they had not started, we switch to the correct person even though the wrong one was called up.

The logic of switching is two-fold in the respective cases. Giving a second *aliya* is an exceptional act (needed to protect the reputation of the *kohen* – Shulchan Aruch ibid. 8), as is giving a first *aliya* to a non-*kohen* (Shulchan Aruch ibid. 4). Therefore, we do this only when there is an important reason. We are not depriving the person who is being asked to step aside of something he deserves: The *yisrael* never had claims to the first *aliya*, and we keep him at the *bima* until we can give him the third *aliya* (Shulchan Aruch, ibid. 6). The *kohen* already had his *aliya*, he is just being held back from an unusual *aliya* (and according to some, a *b'di'eved* one – see discussion in Maharam Shick, OC 61), and the *levi* getting the *aliya* after him raises no questions about his standing as a *kohen*.

In the case that a *yisrael* started the first *aliya's beracha*, we stick with the “wrong person” to avoid the serious problem of *beracha l'vatala* (Beit Yosef, Orach Chayim 135, citing the Avudraham). The concern that not switching then will make it look as if the *kohen* is not a *kohen* is not severe. People can understand that he was not present or noticed (ibid. citing the Rashba). We do not call up the *kohen* for the next *aliya* because that would actively make him look like a non-*kohen*, as he follows a *yisrael* who received the first *aliya* (Mishna Berura 135:20).

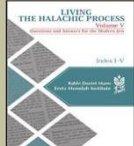
A not simple point becomes evident from the case of the *kohen* not being replaced after starting his second *aliya*. That is that even in the case that he really should not have received this exceptional second *aliya*, that second *aliya* still counts toward the number of required *aliyot*.

What is considered having started the *aliya* is noteworthy. The Shulchan Aruch (ibid. 6) rules that *Barchu* is not considered the beginning, so that the correct person can switch with him after *Barchu*. That is because commanding the *tzibbur* to bless Hashem (which is *Barchu's* role) and their doing so (“*Baruch Hashem Hamevorach...*”) has an independent value (Mishna Berura 135:21). According to most, the correct person who takes over repeats *Barchu* before his *aliya* (ibid.). Although some say this is unnecessary (Aruch Hashulchan, OC 135:15), it is not a problem to do an arguably extra *Barchu* (Kaf Hachayim, OC 135:39).

One point that is not agreed upon is whether the first *aliya* of a non-*kohen* was valid when the *kohen* was present and just was not noticed, as the Shulchan Aruch (OC 135:6) addresses the case when he had not yet arrived. The Pri Chadash (135:6) infers from the *gemara* (Gittin 59b) that passing on the *takana* to have the *kohen* go first renders the *berachot* and the *aliya* invalid even *b'di'eved*. The Magen Avraham 135:11 disagrees, reasoning that since regarding the *kohen* who took the *levi's aliya*, the Shulchan Aruch (ibid. 7) says that the *aliya* is valid even if the *levi* was present, the same is true of the skipped *kohen*. One can argue on behalf of the Pri Chadash that the *takana* to give the first *aliya* only to the sanctified *kohen* is stronger than the *halacha* that a *levi* gets the second *aliya* before allowing the *kohen* to get another one. However, the Noda B'yehuda cites an interesting proof against the Pri Chadash, and this is what is accepted (Mishna Berura 135:20).

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



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Igrot HaRe'aya – Letters of Rav Kook

Introduction

As promised upon finishing our translation of *Ein Ayah*, by HaRav Avraham Yitzchak HaKohen Kook, *zecher tzaddik livracha*, (or just HaRav *zatza*, as he is referred to) we are now beginning a new project on Rav Kook's writings. We will be translating a selection of his letters, as found in Mosad Harav Kook's classic edition of *Igrot Hare'aya*, starting with volume I.

Our introduction to the volume is based in part on the introduction of the work's editor, HaRav Tzvi Yehuda HaKohen Kook, *zecher tzaddik livracha*. Rav Tzvi Yehuda, as he was belovedly called by his many direct and indirect *talmidim*, was Rav Kook's only son and was his successor, both as the head of the Merkaz HaRav yeshiva and as a spiritual beacon in the path of his illustrious father.

The letters in the first volume cover the period from 1888-1910. In the beginning of this period, Rav Kook was a 23-year-old rabbi in Zaumel, Lithuania. Later on, he took up a position in Boisk, and in 1904 he moved to *Eretz Yisrael*, then under Ottoman Rule, to become the rabbi of Yafo (Jaffa), where he remained during the remainder of this period.

Following are some excerpts from Rav Tzvi Yehuda's introduction:


1. "The letter, like the countenance of the face and the pace of the movement of the body and limbs and the manner of speech and the form of one's writing and its style, provides expression, both by subject and by style, of the very essence of its possessor and serves as a proof and a clarifying tool of his direction and his nature. The main characteristic of a letter is that it possesses the internal nature of the 'private domain,' by expressing the ideas of natural spirit in an unadulterated manner from a person to his friend, from an individual to an individual or to several individuals. The relationships of the individuals and the matters [between them] are also aligned and are appropriate to the depths of the 'private domain' of the spirit."

2. Rav Tzvi Yehuda explained that the addressing of the letters' remarks to an individual or a group of individuals, as opposed to addressing all of *Klal Yisrael*, gives the *igeret* a "framework of a relating of the spirit" focused on the one who received the letter.

3. "In other teachings of Torah and wisdom, in all their subjects and the shades of their sanctity, their main purpose is the learning, according to their levels, of the matters at hand, and it is not important who said them. The personal appearance of the author makes almost no difference ..." He goes on to say that it is important to relate teachings in the name of their authors, in part in order to be able to learn from the ways of the individual rabbi. This is along the lines of the concept, *gadol shimusha yoter milimoda* (roughly, it is better to spend time with a great rabbi than to learn his teachings). This is something that letters helps facilitate.

Let us briefly discuss some "ground rules" for our presentations. Translating Rav Kook is always challenging due to the number and complexity of rabbinic play on words with references to Tanach and the teachings of Chazal, poetry, and metaphors. At times, we will remove the literary flourishes for simplicity's sake; sometimes we will translate them and rely on the reader to decipher the intention; and sometimes we will bring the translated original and explain in parenthesis. Parenthesis will also be used to bring the footnotes that Rav Tzvi Yehuda inserted into the edition. Brackets will be reserved for adding implied words to help make the reading of the material easier. When Rav Kook wrote in third person to the recipient of the letter, we will present it in second person to avoid confusion.

It is likely that both the translator and the readers will improve in doing our respective parts as we become more experienced in dealing with this exciting "genre."



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 Israelii 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

The Mouse Guarding the Cheese? – part II

(based on ruling 77007 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendants (=def), the heads of an institution, hired the plaintiff (=pl), who works in the field of construction, to be in charge of building three halls in and around their building. His responsibilities included helping decide on a contractor, forging agreements with him, serving as the building inspector, and overseeing payments. Pl recommended a contracting company (=comp), said to be owned/operated by the contractor (=cont), which he praised and reported to have given the best possible offer. Def hired comp, and they began working, receiving several payments for a subtotal of 1,016,000 NIS, but the work they did, which is now on hold, was estimated by an appraiser as being worth only 230,000 NIS. Pl is suing for unpaid fees for his services of 126,000 NIS. Def claim that pl withheld the fact that pl actually had owned comp while he was supposed to be overseeing them. While he had said that he used to own comp and sold it to cont, it has only recently been transferred. Therefore, def are countersuing for the excess payment of 786,000 NIS, which to a great extent, went to pl, along with other damages he caused. Pl responded that he sold comp to cont before the work began and that he had not approved the early payment to comp (pl/def's contract said that def should wait for pl to instruct them to pay), and since cont now certainly owns comp, def should sue cont if they overpaid.

Ruling: We saw last time that pl was guilty of conflict of interest for supervising his own company. Now we will look into damages from that fact

The main damage is the extra money that def paid comp. Although pl is correct that pl did not tell him it was time to pay, still pl is responsible for the payments. As the person who was in charge of comp's finances and bank accounts at that time, it is implausible that he did not know of the payment of hundreds of thousands of NIS to his small company (one check he deposited personally). Therefore, he had a responsibility to inform def that they should not be paying, as his job included protecting def's money, even though it was not expected to come in this form. Actually, in following the bank accounts, we can see that the early influx of money to comp enabled cont to pay pl for the purchase of comp earlier than he otherwise could have. The question is about the appropriate consequence.

Pl's professional treatment of def, which enabled comp to receive more money than they deserved, is like a paid worker who gives bad advice to a client about his finances (see Shulchan Aruch, Choshen Mishpat 306:6). [Many sources were analyzed to flesh this out, but we will be skipping them.] Therefore, if cont/comp is not willing to complete work until it reaches the value of that which def paid, pl will have to pay the difference. In this regard, the value of the sprinkler system will be evaluated as only 84,000 NIS, not the 400,000 NIS they paid for it.

We daven for a complete and speedy *refuah* for:

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