



### Parashat Hashavua

**Emor, 6 lyar 5782** 

Harav Shaul Israeli zt"l Founder and President

### Shabbat and Holidays in a Jewish State

Harav Yosef Carmel

Is it permitted to violate the laws of Shabbat in the process of sanctifying the new month? In the beginning of the section of our *parasha* that deals with the holidays (see Vayikra 23:2-4), the Torah announces: "These are the *mo'adim* (special days at special times) of Hashem ... these are My *mo'adim*." The next *pasuk* commands to celebrate Shabbat by refraining from work on it. The Torah then reverts to discussing the special times in the Jewish calendar. Why does the Torah repeat the introductory terms about the *mo'adim* and mention Shabbat in the middle?

Rashi answered that the first mention of setting the times of the year refers to the setting of the beginning of the new month (*kiddush hachodesh*), whereas the second one refers to the setting of the leap month on certain years (*ibbur hashana*). We need to make leap years to adjust our lunar calendar for two purposes. One is so that Pesach will always fall in the spring, as the Torah requires. The other is so that when Bnei Yisrael make the sojourn to Yerushalayim for the three major "pilgrimage holidays," this will be not during the rainy season. The former need we can categorize as one to honor Hashem, and the second one is out of concern for national needs. In other words, one is for the Father and one is for His nation.

In order to have a proper *mo'ed*, both the date of the month and the decision of when to add a month are critical. But there is a halachic difference between the two. In the process of *kiddush hachodesh*, those who are involved may violate Shabbat if necessary, for example by traveling on Shabbat upon seeing the new moon. *Ibbur hashana* does not allow the violation of Shabbat. According to Rashi's reading of the *pasuk*, we understand the layout of the *p'sukim*. The *mitzva* of setting the month is written before Shabbat, because the former takes precedence over the latter. The mention of the leap year comes after mention of Shabbat because Shabbat takes precedence over it.

We learn from the precedence of *kiddush hachodesh* to Shabbat that the basic needs of the nation as a nation-state are supreme. There are far reaching rules, to which we cannot do justice in this forum. We will mention, though, that our teacher and mentor, Rav Shaul Yisraeli *zt"l* taught us an important lesson in his *sefer* Amud Hayemini (*siman* 17). When an individual has a critical need for something to be done on Shabbat, we have for centuries looked for a "Shabbos *goy*" to do certain things. However, when it comes to operating a police force or army on Shabbat, it is implausible that we should give over our security to someone else. Rav Yisraeli was in the forefront of setting the halachic rules whereby Shabbat-observant Jews would be able to serve as policemen on Shabbat in the halachically mandated manner. In such a setting, there are times when even in order to keep the peace in regard to personal property and not only direct danger to life, a policeman can at times do what would otherwise be a violation of Shabbat.

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1	Mrs. Leah Meyer z"l Nisan 27, 5782 Those who fell in wars for our homeland. May Hashem avenge their blood!									



## Ask the Rabbi

by Rav Daniel Mann

#### A Minor Doing the Concluding Barchu

Question: At Ma'ariv, a boy under bar mitzvah recited Kaddish Yatom. When he finished, people told him to say Barchu as well. Was that proper? If not, should I have answered?

Answer: A mishna (Megilla 24a) seems to address your question. Whereas a katan may get an aliya, he may not serve as chazan or be poress al Shema. Rashi (ibid. 23b) explains that poress al Shema is reciting Kaddish, Barchu, and the first beracha of Birchot Kri'at Shema (the latter no longer practiced – Rama, Orach Chayim 69:1) on behalf of latecomers. Shuls that recite Barchu at the end of Shacharit and Ma'ariv (Barchu Batra) do a form of this (see Mishna Berura, intro. to siman 69), and thus we see that a katan may not lead it. Rashi (ibid. 24a) explains that because a katan is not obligated in these matters, he cannot do them on behalf of others.

However, there are cracks in the opposition to *ketanim* doing *Barchu*. Rav Yosef Karo (Beit Yosef and Shulchan Aruch, OC 53:10) refers equivocally to a *minhag* to allow a *katan* to serve as *chazan* for *Ma'ariv*. The Rama (ad loc.) is even less enthusiastic about it, and the Mishna Berura (53:32) cites being *motzi* the *tzibbur* in *Barchu* as the main problem. However, the *minhag* and the *poskim* who justify it must have a way to deal with the *mishna*. The Rashba (Shut I:239) suggests that there is not a problem of a *katan* not being obligated in *tefilla/Barchu* because an older *katan* is obligated Rabbinically and *tefilla* is only a Rabbinic obligation even for adults. He proposes then that the reason a *katan* may not be a *chazan* is due to *kavod hatzibbur*, which may allow for flexibility (see Beit Yosef ibid). The Beit Yosef also suggests that since *Ma'ariv* was originally an optional *tefilla*, a *katan* may suffice to lead it (the *mishna* could relate to *Shacharit*).

What can we learn from a *katan*'s ability to recite *Kaddish*? For one, we see that a *katan* can recite for the *tzibbur* something that requires a *minyan*. On the other hand, according to most, a *katan* can only recite the *Kaddeishim* that are peripheral to *tefilla* (Gesher Hachayim 30:8:4). It is actually because a *katan* is incapable of being *chazan* that *Kaddish Yatom* was set aside for mourners, including *ketanim* (Mishna Berura 132:10). In some ways, *Barchu* appears to be less of a problem of being *motzi* than *Kaddish* is, as it seems just like a prompt for the *tzibbur* to bless Hashem with "*Baruch Hashem hamevorach...*" (the *chazan*'s repetition of those words apparently is not to be *motzi* the *tzibbur* – see Mishna Berura 57:3-4).

Additionally, we do find that a *katan* does say *Barchu* when he gets an *aliya*. To explain the dichotomy in the *mishna* we have to say something along the lines that *Barchu* before an *aliya* is a requirement of the *oleh* and it is not reciting something on behalf of the *tzibbur* (Ishei Yisrael 15:(94)).

We have seen some logic and scant sources to allow a *katan* to recite *Barchu* at least at *Ma'ariv*, which we arguably might extend to *Barchu Batra* of *Shacharit*, which is based on only a chance that someone missed *Barchu*. However, *poskim* assume that a *katan* should not be reciting it (Gesher Hachayim ibid.; Ishei Yisrael 15:32; Tefilla K'hilchata 17:).

If a *katan* did *Barchu Batra*, may/should one answer? Answering *Barchu* is important enough to interrupt at almost every juncture in *davening* (Shulchan Aruch, OC 66:3), apparently even for *Barchu Batra* after having already answered *Barchu* (see Mishna Berura 109:5). It is wrong to not respond when the *tzibbur* is answering *Barchu Batra* (Ishei Yisrael 16:(87), citing Rav C. Kanievsky *zt"l*). Admittedly, one must not answer *Barchu* without proper prompting (e.g., nine people did not hear it – Be'ur Halacha to 57:1). However, a *katan* is capable of prompting during his *aliya* and may just be missing the full power to be *motzi* others with it, and we have seen opinions that he can say it as a *chazan* at *Ma'ariv*. Therefore, if the mistake was made to have the *katan* say *Barchu Batra*, we posit that it is better to answer him than to not answer (even in a case where the *katan* will not notice and be embarrassed).

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





# Igrot HaRe'aya - Letters of Rav Kook

#### The State of Education in *Eretz Yisrael* - #98 – part III

Date and Place: 13 Marcheshvan 5768, Yafo

**Recipient**: The rabbis of the Secretariat of "Mizrachi of the Western Countries." They had many questions for Rav Kook about the state of education in *Eretz Yisrael*. The ones he answered, we present in numbered form, as he did.

#### **Body**: Section III (What Needs Improvement)

1. The greatest thing that is lacking is presently in the newer, more modern communities, like our holy city of Yafo and the agricultural settlements. We need to establish schools that have supervisors, and principals, teachers of secular studies, and teachers of religious instruction who believe in Hashem and truly fear Him. They also must wholeheartedly agree that addressing the practical needs of life in *Eretz Yisrael* in the curriculum is a necessity and a *mitzva*. Only in this way can the Jewish People be properly reestablished in *Eretz Yisrael*, with strength and true sanctity. This spirit can also enable the foundation of great *yeshivot*, while adjoining to them workshops, run by those who conduct themselves in the good spirit that Hashem will provide for His nation on their holy mountain.

**2-3.** Improving the situation in *Eretz Yisrael* and thereby the entire Jewish People would be best facilitated by forward thinking. Namely, not only must we improve children's education, but we should also concentrate on the education of young adults. The lack of order in young adults' childish education is still a fault that can be fixed, and this group in a short time will develop young families, which will leave a serious mark on society in *Eretz Yisrael*.

Let me explain in brief. We suffer from two opposite sides. The old approach to education has a nucleus of good, i.e., the sanctity of belief and the development of fear of Hashem. However, it also has many shortcomings. One is the lack of external order displayed by educators and students. One of its main causes is poverty. However, even if we remove this problem, there is still an issue that the traditionalist camp possesses a tendency to negate any attempt to beautify externals, whether it is the edifice, its cleanliness, teachers' attire, code of behavior, students' attire, etc.

Another general, internal problem encompasses everything. While it exists all over, it is especially felt in *Eretz Yisrael*, where it can especially be fixed well. The process of education is disturbed by an emotion that many people believe is related to fear of and belief in G-d, and when people are raised with it, they become good Jews as Hashem wants. The misconception comes from the fact that people lack a clear understanding of Hashem. They do not study broadly matters that bring true fear of G-d on a consistent basis at any age. Therefore, these important elements of religious life are being taught in a manner that is not aligned with the proper way of acquiring them.

In countries in which society dictates that people live orderly lives from an external perspective, the following is not a noticeable problem. However, in *Eretz Yisrael*, where poverty, living on hand outs, and a neglectful government all have their impact on people's lifestyle, less appropriate manners of living people's spiritual lives damage social life noticeably. Therefore, we need religious schools for different ages and of different types to teach the fear of G-d, in a manner that the Torah's spiritual side is taught in an orderly fashion so that knowledge in this realm will be straight.

In this way, the clear majority of people will, over time, be respectable. Their approach to the Torah will not be destructive to [the rest of the elements of living]. Rather, true Torah and clear intellectuality using the light of Hashem [will reign supreme]. This will encourage people to embrace everything that is good, i.e., good for the Jewish People and *Eretz Yisrael*. They will interface with all of those who seek that which is good for Jews and Judaism, in *Eretz Yisrael* and throughout the world, and raise the nation's stature.

We continue with other elements of Rav Kook's report next time.

We daven for a complete and speedy refuah for:

Nir Rephael ben Rachel Bracha Yisrael ben Rivka Arye Yitzchak ben Geula Miriam

Neta bat Malka Meira bat Esther

Together with all cholei Yisrael



## P'ninat Mishpat

#### Disappointment with Arba Minim Sales Provisions - part III

(based on ruling 74082 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: [We will deal with this case's two elements of dissatisfaction separately.] The defendants (=def) are, respectively, suppliers of arba minim (def2) and the organizer of a "buyer's group" (def1) to rent the courtyard of a public building (=buil) for selling arba minim. Pl are two friends who sold at buil, who ordered 300 sets of arba minim including 160 "preserved" lulavim, which are common for high-quality sets. They claim to have received only 80 high-quality lulavim, which made it unrealistic to sell expensive sets, causing a loss of 2,000 NIS between them, which they want reduced from the money they owe for the sets, which they took without paying. Def2 says that they were out of additional preserved lulavim but they offered an alternative package consisting of other high-quality species, which pl refused to take. Def2 claims that it is common, in the great confusion of such a market, that wholesalers cannot provide exactly what was ordered and retailers accept the best alternatives and the sides make an accounting after Sukkot. By not accepting alternatives, pl caused losses for themselves and def2 and must pay for what they ordered. The two sides disagree if pl received 40 or 80 lulavim less than ordered.

Regarding the factual question of how many *lulavim pl* received and must pay for, we accept *pl*'s claims for the following reasons. First, they are defendants in this matter who are saying definitively that they did not become obligated in more of the payment than admitted. In contrast, *def2* seek to receive payment and also do not sound as confident that they gave all but 40. We also expect *pl* to remember better, as they were dealing only with their small orders, as opposed to *def2* who sold 40,000 sets to many dozens of retailers. Whether or not it was customary or wise to do so, *pl* have a right to accept only the merchandise they ordered, and so they are exempt from paying the 16 NIS each that the 80 *lulavim* cost, for a savings of 1,280 NIS.

Based on the prices discussed in *beit din*, *pl* is claiming that the lack of preserved *lulavim* caused 20 sets to not be sold (11% of full sales). This is not an exaggerated claim, but the burden of proof is still on *pl* that the shortage of preserved *lulavim* caused them to sell significantly less to the degree of certainty to obligate for damage in the form of preventing gain. It is also not clear that *pl* did not have alternatives to have prevented the damage, such as accepting the alternatives or buying the extra *lulavim* from a different supplier (*pl* claimed that *def2* repeatedly promised they would provide what was ordered). Therefore, according to strict Halacha, we cannot obligate *def2* in damages. On the other hand, *def2* themselves said that when an order is not delivered as promised, the buyers and sellers work out a compromise. It is also possible to give a reduction to *pl* on the other elements of the sets that they bought and did not use. The *dayanim* disagreed whether and how to calculate a small compromise on this point [*the details of which are too technical for this forum.*]

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#### 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 seeked 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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