



HEMDAT YAMIM

המדת ימים

Parashat Hashavua

Vayikra, 13 Adar II 5784

Harav Shaul Israeli zt"l
Founder and President

Mikdash and Jewish State Go Together – part I

Harav Yosef Carmel

At the end of *Sefer Shemot*, the Torah ends the story of the construction of the *Mishkan* with the divine cloud that descended onto it. However, we see already in the beginning of *Sefer Vayikra* that the job of inaugurating the *Mishkan* was not yet complete, and it actually continues into other *sefarim*.

Parashat Naso includes the process of consecrating the *Mishkan* and its vessels (Bamidbar 7:1). Right thereafter, the Torah tells that the *nesi'im* (the heads of each of the tribes) began giving their offerings for the *Mishkan* (ibid. 2). This raises the question: what is the connection between the *Mishkan* (and, later, the *Beit Hamikdash*) and the nation's political leadership?

Rav A.Y. Kook, zt"l, who founded the Chief Rabbinate of Israel well before the State of Israel was established or could be fully expected, taught us that an independent Jewish political entity is an inseparable part of the existence of the Divine Kingdom in the world. This too makes it all the more imperative to analyze what the place of the State is in the *Mikdash*.

The prophets were very engaged with the kings of Israel and their courts. Their exhortations were most commonly addressed to these leaders. The lessons they tried to teach found expression not only in their content but in the order of their prophecies, as we will now develop. We will first look at the sections in *Melachim* that deal with King Shlomo's building of his kingdom's edifices and the building of the *Beit Hamikdash*.

It is clear that Moshe was in charge of the building of the *Mishkan*. He oversaw everything, even if he appointed as head artisans, Betzalel (from the Tribe of Yehuda) and Ohaliav (from Dan). Because of Moshe's unique persona and level, he led all three branches of government, parallel to Hashem's complete control in leading the world. The reason he was in charge of the *Mishkan* was that he was the political ruler. That is also the reason that he served like a *kohen* during the seven days of consecration. On the eighth day, he handed the reins over to his brother, Aharon.

During the building of the *Beit Hamikdash*, Shlomo (from Yehuda) was the main person in charge of the building, along with Chiram (from Dan). In many places in the *navi*, it calls the *Beit Hamikdash*, "The house that Shlomo built for Hashem" (see *Melachim I*, 6:2). Shlomo was the one who offered *korbanot* and recited the prayers (see *Melachim I*, 8).

This is also what will be in the time of the building of the Third Temple. Yechezkel prophesied that the *nasi* (the equivalent to the king) will bring the sacrifices for the consecration (Yechezkel 46:4-5). The Rambam (*Ma'aseh Hakorbanot* 2:15) posits as well that the special offerings and arrangements during this week will be done by the *nasi* in the future.

We have thus proven that the executive branch of the nation has a special place in the building of the spiritual center of Bnei Yisrael. We will continue developing this thesis next week.

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Ask the Rabbi

by Rav Daniel Mann

Purim on Motzaei Shabbat

Question: What should we know about the transition from Shabbat to Purim this year (outside Yerushalayim)?

Answer: There are no major issues, but there are a few that are worthwhile to raise.

Normally, it is forbidden to eat a half hour before the time for *Megilla* reading (Mishna Berura 692:15; see Shulchan Aruch, Orach Chayim 235:2), which is *tzeit hakochavim*. However, since *seuda shlishit* is a *mitzva* and it freezes, in some ways, the coming of the next day, one may continue to eat until *tzeit hakochavim* (Mikraei Kodesh (Harari), Purim 4:5 in the name of Rav Mordechai Eliyahu). Using one's standard assumption of when *tzeit hakochavim* is (not including the extra time for ending Shabbat), he might have to finish slightly before usual. There may be also be a slight advantage to finishing eating by sunset or at least *tzeit hakochavim* to avoid the question about whether he should be saying *Al Hanissim* in *Birkat Hamazon* (see Mishna Berura 188:33). In any case, one should not recite *Al Hanissim* even if he *bentches* after *tzeit hakochavim* (ibid.).

It is generally forbidden to prepare (*hachana*) on Shabbat for *Motzaei Shabbat*, even for a purpose of an after-Shabbat *mitzva* (see Mishna Berura 667:5). However, one may prepare the *laining* on Shabbat even from a *Megilla* scroll (it is therefore not *muktzeh* – Mishna Berura 688:18). It is forbidden to bring the *Megilla* to *shul* on Shabbat, even if there is an *eiruv*, due to *hachana* (Chayei Adam II:155:10), unless he will read/learn from it before Shabbat ends (Sha'arei Teshuva 693:2; see Machazei Eliyahu 58).

Rishonim debate whether to read *Megillat Esther* in *shul* before or after *Havdala* (see Darchei Moshe, OC 693:2). The opinion accepted both by Ashkenazim (Rama, OC 693:1) and Sephardim (see Chazon Ovadia, Purim p. 68) is to read the *Megilla* before *Havdala*. The Levush and Gra (to OC 693:1) say the reason is to delay the exit of Shabbat (based on Pesachim 105b) despite the preference that we usually do the more common *mitzva* first. This is one of the factors in the *machloket* whether to light Chanuka candles before or after *Havdala* (see Mishna Berura 681:3 and Be'ur Halacha ad loc.). Some say that the matters are fully equivalent, and in both areas, in *shul* one does *Havdala* after the present *mitzva*, whereas at home there is more reason to do *Havdala* first (Da'at Torah to 693:1). Some say that *Megilla* reading has a special status of *pirsumei nisa* that exceeds even that of Chanuka candles (Imrei Esh, OC 53).

Another *machloket* is, given that *Havdala* is done after the *Megilla*, whether one should at least make the *beracha* on fire before that. The Kolbo's (41) first opinion is that we should thank Hashem for light before benefitting from it during the reading, and this is the *minhag* of most Sephardim (Chazon Ovadia ibid. p. 67). Ashkenazim follow the Kolbo's second opinion, that there is no problem with using light before the *beracha*, as that requirement is fulfilled every morning, and here it is a general praise for Hashem's introducing fire to Adam (Pri Megadim, MZ 693:1, based on Maharsh Halevi, OC 28).

There is an apparently relatively recent practice, with significant upside in many communities – to hold *Ma'ariv* on *Motzaei Shabbat*/Purim well after its regular time. This gives families the time to prepare for *Megilla* reading (including driving, getting kids' costumes on, etc.). It is possible to make *Havdala* before *Ma'ariv*, including the *Havdala* candle, after making a declaration of ending Shabbat, at the proper time (see Mishna Berura 294:1). Under these circumstances that many people will be doing significant *melacha* before *Ma'ariv*, it is likely also worthwhile to do full *Havdala* (see Shulchan Aruch, OC 299:10). There is no problem here doing *Havdala* before *Megilla* reading, considering that the communal reading is not ready to be done yet (one should not eat other than drinking the "*Havdala* wine"). In *shuls* that never do *Havdala* on *Motzaei Shabbat*, there should be no need on Purim. For those *shuls* that recite *Havdala*, it is best that one who has not yet recited *Havdala* do so.

“Behind the Scenes” Zoom shiur

Eretz Hemdah is offering the readership to join in Rabbi Mann's weekly Zoom sessions, analyzing with him the sources and thought process behind past and future responses. Email us at info@eretzhemdah.org to sign up (free) or for more information on joining the group.

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



Igrot HaRe'aya - Letters of Rav Kook

Cooperation between Rabbis of the New Yishuv – #200

Date and Place: 20 Iyar 5669, Yafo

Recipient: Rav Todros Hakohen, the rabbi of Rosh Pina, one of the first *moshavot*.

Body: I received your dear letter. We should be thankful to Hashem that although we know the difficulties of the New Yishuv, we also know its value to the Nation of Israel and to the Holy Land, despite all the shortcomings. We can apply to it the *pasuk*, “His Land has atoned for His nation.” The Holy Land’s sanctity shall purify and elevate all of the holy nation’s souls, from small to great, to hasten the liberation (may it come speedily).


Let me get to the point. I have written, what I believe to be the true Torah perspective, that farmers must ask a personal question of a rabbi before ploughing during *Shemitta*. This is a necessary matter, according to the situation regarding the matter of the workers, which has become much more acute than in the past (ed. note – I do not know what this refers to). The entire nation must see that the rabbis of the Holy Land desire that the Holy Land be built under all conditions, whether it be by the farmers or their workers. As long as they will not plow without asking a rabbi, we hope that it will not need to come to this in practice.

(Ed. note – I skip a line I do not understand in context). I am very grateful to you for involving yourself in this holy matter (the *Heter Mechira*), as you are obligated to do. The honorable Baron (who was the major patron and landowner of Rosh Pina) signed himself on the printed letter of authorization I have, in addition to Mr. Frank. Nevertheless, I am very desirous that you take responsibility that all of the Galilee’s *moshavot*, including Zichron Yaakov, sign the form. May you be blessed for this!

You, my beloved, should know that the reason I want to have a connection with the *moshavot* of the Galilee has nothing to do with my honor, Heaven forbid. I am not one who desires honor. Rather, I very much desire that all of the *moshavot* and the whole New Yishuv should be connected in one bond. If we will all be connected, we will accomplish several good things, with Hashem’s help, both in the realm of raising, throughout the Yishuv, the stature of religion, in Torah and belief in Hashem, and regarding the material situation in our holy settlements, which is also related to sanctity for Hashem.

Heaven forbid that there be a lowering of the regard for settling our Holy Land, upon which Hashem sets His sights, just because some young people act corruptly. Even this corrupt behavior of the young is because of the confusion of the times, as no one succeeds in shining toward them the light of Torah and love of belief and the sanctity of Hashem’s Name. I am confident that eventually everything will return to a good state, and all will add to the sanctification of the Holy of Israel, with truth. “The redeemer shall come to Zion and to those from Jacob **who return from sin**” (Yeshayahu 59:20). It is specifically the rebels in the nation who will return and merit to be builders of the ruins of Hashem’s Nation and Holy Land. They will be those who are afraid to lose connection to Hashem and His goodness (see Hoshea 3:5).

That which you said about fences around the Torah is very true (i.e., to beware of too many stringencies). It is as Avot D’Rabbi Natan (1:5) says on the *mishna* that encourages fences. While fences are good, “It is better to have a fence of only 10 *tefachim* that stands than one of 100 *amot* that falls...” It is very necessary to be careful to show everyone that Torah scholars use the power of the Torah to build the holy Yishuv, not destroy it. This sanctifies Hashem’s Name regarding people’s outlook on the whole Torah. Fortunate is one who walks on Hashem’s path with wisdom. May Hashem help you put up fences that enable people to live according to His will without making the Land desolate (see Yeshayahu 58:12).



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 z"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

Back Pay for a Junior Lawyer – part I

(based on ruling 81064 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) worked for the defendant's (=def) law firm, first as an intern and then as a lawyer, from 2014-2020, for a very low salary. After leave due to the pandemic, pl's employment ceased. Pl is suing for being paid less than the minimum wage for full-time work, for insufficient and delayed pension and other entitlements, and for an improper firing. Def counters that pl was a part-time worker and thus was paid sufficiently. Def also denies firing pl. Rather, pl refused to take on new cases, to which def commented that those who do not work cannot stay on, prompting pl to take his things and leave.

Ruling: Beit din's policy (we omit details here) is that the nation's labor laws, including minimum wage requirements, are halachically binding. Since def received monthly 2,000 NIS as an intern and even as a regular worker, 3,500 NIS, which are under the minimum wage for a full-time worker (43 hours a week), we must determine how much pl worked.

Both sides admit there was never a formal document stipulating pl's work commitment, which is regrettable and even unlawful. Pl says that there was not even an oral agreement, but def claims that it was agreed that pl would work part-time. Def signed a letter for the bar association, when pl was an intern, stating that pl worked full-time. Def claims that he did this as a favor upon pl's request, to further pl's professional accreditation. While we do not condone misleading others (i.e., the bar association), previous interns testified that def did the same for them, and since pl admitted making the request, we do not see the letter as admission of the amount of time that pl worked.

The pay stubs refer to 93 monthly hours, approximately half of full-time hours. While def did not regularly give pl the pay stubs, they were generated as a formal document, and pl received them whenever he requested them. In general, we assume that official documents, such as this, are not falsified until it is proven otherwise (see Rashba, Bava Batra 171a). The pay stub is also correct regarding the amount received. Also, the witnesses who held pl's position all said that they did part-time work. While this is not a proof that this was the situation for pl, it does strengthen that possibility.

To prove that he put in full-time work, pl presented 222 emails that he sent from work (he did not have email at home) during afternoons and 218 legal documents spanning 826 pages he produced. However, this is not proof of full-time work, as the number of emails comes just to about one a week and the legal documents were for the most part, standard forms into which one just puts in basic client information. Pl also admitted that there were times when even during the morning, he worked on private portfolios.

The fact that pl worked for six years without complaining he was paid under minimum wage is significant. Although silence does not always indicate agreement, the fact that pl continued to act under these agreements (by coming to work – see Netivot Hamishpat 81:5), seems to indicate that the salary fit the actual number of hours.

Based on compromise that is close to judgment, we will credit pl with 28 hours weekly.

Comments or questions regarding articles can be sent to: info@erezhemdah.org

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

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 Ori Leah bat Chaya Temima

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