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Founder and President

HEMDAT YAMIM

Parashat HaShavua

Vayikra, 9 Adar II 5776

Closeness

Harav Yosef Carmel

There are so many types of *korbanot* (sacrifices or offerings; it is a word that cannot be accurately translated along with its nuances). Some are private, and some are communal. Some are for sins, and some are to celebrate holidays. Some are to offer personal thanks, and some deal with complex personal situations of a variety of types (*sota*, *metzora*, *nazir*).

Rav Shimshon Raphael Hirsch points out that *korbanot* are described as brought for and before Hashem (the main Name, Yud-Keh-Vuv-Keh). The Name of Elokim is never used in this context. As we know, the former represents the more merciful side of Hashem, whereas the latter represents His side of *din* (strict judgment). He explains that Hashem did not introduce the *korbanot* to demand that which is coming to Him but to present an opportunity. A person brings forth an object that relates to him and presents it toward Hashem in a manner that represents the person's desire to himself draw closer to Him.

The first of the *korbanot* presented in *Sefer Vayikra*, where the personal *korbanot* are listed and the rules and categories are taught, is described as follows: "Should a person bring forth from amongst you a *korban* to Hashem" (Vayikra 1:2). It is appropriate and telling that this is referring to a *korban nedava* (voluntary) (Rashi, based on Torat Kohanim ad loc.). After all, the whole concept starts with the desire that one draw close to Hashem, and this is accomplished best when one does so in a voluntary manner.

The Torah continues (ibid. 3): "To the opening of the Tent of Meeting shall he bring it forth, according to his will." On the one hand, the Torah seems to cling to the idea of volunteerism and personal desire. However, the *gemara* (Arachin 21a) says that it is actually referring to forcing the person to bring the *korban* that he accepted. In order to be able to reconcile coercion with "his will," the *gemara* explains that we force him until he declares that it is his will. The *gemara* (Bava Batra 48a, although the idea is usually quoted from the Rambam, who expounds slightly) explains that a person wants to do the right thing and the coercion helps him combat those elements that are keeping him away from doing so.

The picture we receive of this entire *korban* process is the following. The point of the *korban* is for it to be an expression of one's desire for closeness to Hashem. As such, there is little point of doing it as a technical act that does not capture a person's sincerity. Nevertheless, while such a matter can start as one's own voluntary idea, it cannot remain voluntary forever. Once he becomes obligated, it is enforceable. Yet, the desire to go through with the *korban* is a basic truth that relates to a person's inner nature, which we can assume yearns to cling to Hashem (Tehillim 42:3). One needs to know that when he makes the promise to bring a *korban*, it will be done according to the strict rules that apply and that his promise will not be dismissed easily.

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Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
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POB 8178 Jerusalem 91080
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Ask the Rabbi

by Rav Daniel Mann

Early Reading of Megillat Esther

Question: I am working on a *Megilla* reading program to attract families with children (not consistent *shul*-goers) for Purim evening (the children attend public school in the morning). Due to daylight savings time and our geographic position, *tzeit hakochavim* will not be until around 8 PM, a time that would discourage families from coming. May we read the *Megilla* from *plag hamincha* (1^{1/4} hours before sunset)?

Answer: The *gemara* (Berachot 27a) says that one may accept the opinion that *Ma'ariv* can be prayed after *plag hamincha*. Rabbeinu Tam (Berachot 2a) says that the same is true of *Kri'at Shema* of the evening. Based on these opinions, the Terumat Hadeshen (109), accepted by the Shulchan Aruch (Orach Chayim 692:4), says that in a case of need, one may read *Megillat Esther* from *plag hamincha*. Since you describe a case of significant need, this seemingly gives you permission to make the reading from *plag hamincha*.

However, not everyone accepts the Terumat Hadeshen/Shulchan Aruch. The Pri Chadash (ad loc.) strongly disagrees. He argues that we do not accept Rabbeinu Tam's opinion about reading *Kri'at Shema* from *plag haminchan* (see Shulchan Aruch, OC 235:1). Also, the *gemara* (Megilla 4a) derives the night reading from, "I will call out to You in the day ... and at night" (Tehillim 22:3). The Pri Chadash says that since night is needed, *plag hamincha*, which is only close to night, is insufficient, and the time begins with *tzeit hakochavim*. The Gra (to Shulchan Aruch ibid.) cites the Pri Chadash, and the Chayei Adam (155:5) and the Aruch Hashulcan (692:8) rule like him.


The Mishna Berura (692:14 and Be'ur Halacha) does not clearly decide between the opinions but says that in a case of great need (not the moderate need the Shulchan Aruch refers to), one can read before nightfall. Rav Ovadia Yosef (Yabia Omer I, OC 42) ruled to rely on the lenient opinion, under the following fascinating circumstances – the British placed a strict dusk-to-dawn curfew in Yerushalayim on Purim of 1947, making reading *Megilla* from *plag hamincha* the most feasible option. One of the factors he weighed was that according to prominent (although far from unanimous) opinions, the main reading, as mandated by the *Megilla* itself, is in the daytime, with the night reading being only Rabbinic and thus more lenient.

From a purist halachic perspective, it is hard to quantify what number of extra people coming for early *Megilla* reading (with more *pirsumei nisa*) over at the classic time justifies the change. However, your community has a strong *kiruv* element, which is an overriding consideration, certainly when the lenient position you want to rely upon is accepted by no less than the Shulchan Aruch. You should consider such things as the extent to which, if at all, this leniency affects the community in other ways (e.g., will it dampen the resolve to continue keeping *mitzvot* carefully if practices that were not previously practiced locally are now accepted?).

Is reading after sunset (a little after 7:30) preferable to *plag hamincha*? From a purist perspective, it is unclear, as the Pri Chadash's approach requires *tzeit hakochavim*. However, we, to a certain extent, treat *bein hashemashot*, starting with sunset, as a *safek* of night. There may also be significant communal/educational advantages to changing in the least noticeable way. So you should consider whether that is early enough.

From a purist perspective, there is ample halachic basis to do an early reading without a *beracha*, as the fulfillment of the *mitzva* at that time is uncertain. However, the correct desire to have the reading carry its full spirit and impact presumably includes the *berachot* (see Rav Ovadia's formulation, ibid.), and the lenient opinions include making them. It is appropriate for you to reread the *Megilla* at the normal time, without a *berachot*. Subjective communal/educational factors, which you know better than we, should determine if and whom you should invite to join you.

May you continue to bring "*ora v'simcha sason v'iy'kar*" to your community.



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Preserving, Widening, and Perpetuating Goodness

Gemara: At the moment that they make a man enter his judgment [after his death], they ask him: "Did you do your dealings with honesty? Did you set time for Torah study? Did you involve yourself in procreation? Did you look forward to salvation? Did you delve into wisdom? Did you understand one thing from another?"

Ein Ayah: (condensed from Ein Ayah, Shabbat 2:162)

One can be considered as embracing knowledge of Hashem if he pushes himself to live a life of truth and seek the light of life that emanates from Hashem by means of the light of justice and kindness. Therefore, the first recognition one should come to is that of natural morality, which is epitomized by the question, "Did you do your dealings with honesty?" It is true that an upright person naturally recoils from dishonesty, but the force of physicality can remove him from that paved path.

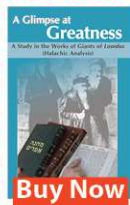
After confirming matters of basic justice, the demand comes for a higher level, as that which comes just through a person's natural proper tendencies is insufficient. After all, there are many thousands of detailed elements of proper behavior that are too complicated to be handled by a person's simple dedication to the desire to be a good person. There must therefore be a resolve to delve into all the steps a person has to take in order to fulfill the gamut of moral obligations. This can only be done by studying Torah on a consistent basis. Therefore, the next question is, "Did you set time for Torah study?"

Admittedly, setting a certain amount of time for Torah study is insufficient to develop a deep knowledge of all the relevant elements of proper behavior. Still, the emotional dedication to the ideal is strengthened when the intellect has engrained in the person the need to set times to advance in knowing the ways of Hashem. That reinforces the idea that he will have to continue adding on consistently until he reaches the goal of full knowledge.

Ein Ayah: (condensed from Ein Ayah, Shabbat 2:163)

After this level has also been ascertained, it is necessary to determine whether beyond his doing what is incumbent upon him, he has ensured that this inspiration will continue into further generations. Therefore, a person is asked, "Did you involve yourself in procreation?" Included in this question is whether a person sees the generations developing toward increased light until they reach the final goal that Hashem placed before mankind. They should be able to see that every good thing continues to produce fruit for itself and for the person's future and those of his offspring. Therefore, one learns a lot about the nature of the actions that a person performs by seeing if they are connected to the idea of perpetuating them by also being involved in procreation.

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Compensating a Cellphone Owner for Damage Caused During a Repair Attempt

(based on Beit Din Eretz Hemdah-Gazit Archives – Case 75004)

Case: The plaintiff (=pl) bought an i-Phone abroad, spending 2,800 shekels. After a few months, the owner damaged the phone's display. He took it to the defendant (=def), a cellphone repair lab. When pl received it back from def, the phone did not work at all. Pl took the phone to the importer, who determined that a piece connected to the screen was missing. Pl then sent it to the US, where someone fixed the screen for \$125. Now, though, one cannot hear the person to whom he is speaking. Pl is demanding 2,800 shekels for the no-longer-viable phone, plus 550 shekels for money wasted trying to fix it. (Def did not charge pl for their attempted repair.) Def acknowledges it is possible that they lost a piece from the screen, but claims that regarding the hearing problem, it is just as likely that one of the others who tried to fix it damaged it. Def also says that pl's numbers are exaggerated. A working used phone of this model costs appr. 1,200 shekels; the phone in question, which is salvageable is worth appr. 800 shekels. An imported new phone now costs 2,000 shekels. In court, def offered, for the first time, to pay 2,000 shekels, or to give a new phone of this type and receive the broken phone. Pl refused the offer.

Ruling: The Rambam (Chovel 7:15, based on Bava Kama 11a) states that when one damages his counterpart's object, he has to pay the difference between its value right before and after the damage. In this case, the starting value of the phone was not 2,800 shekels but the price of a used, partially damaged phone, and the finishing value is that of a more severely damaged phone.

Sometimes, there is logic for the damager to pay for fixing the object rather than just pay for depreciation. The Chazon Ish (Bava Kama 6:3) says that this applies to objects that are not slated to be sold but to be fixed. It certainly, though, does not make sense to charge both for the value of the phone and for the expense of fixing it. In any case, since the price to fully fix the phone is unknown, it is feasible only to estimate the damage to it. As such, def is not obligated in the 550 shekels.

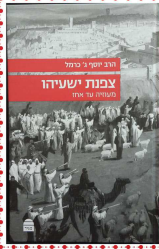
It does not make sense to have an expert give his appraisal of the price depreciation because the cost of the expert is unjustified in a case with a relatively small amount of money to be determined. Readily available information indicates that second hand i-Phones in good working order cost 1,200-1,500 shekels. We estimate that the depreciation due to the mistake def likely made is 700 shekels.

However, this seems to be unnecessary because in *beit din*, def offered to give pl enough money to buy a new phone if he gets to keep the old one. Considering that we have rejected the full scope of pl's claim, there is no logic for pl to reject this offer, enabling him to have a phone that is no worse than what his old one would have been after proper fixing.

Because def did not make any such offers to pl before coming to *beit din*, def has to reimburse pl for the *beit din* fee.

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