



HEMDAT YAMIM

Parashat Hashavua

Emor, 6 Iyar 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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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 *minyán*. 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.

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