



# HEMDAT YAMIM

חֵמְדָּה יָמִימִים

## Parashat Hashavua

Balak, Tamuz 14 5784

Harav Shaul Israeli zt"l  
Founder and President

### The *Teru'ah* of the King Harav Yosef Carmel

During his second attempt at verbally attacking Bnei Yisrael, Bilam instead said: "Hashem, its G-d, is with it, and the *teru'ah* of the king is within it" (Bamidbar 23:21).

There is a great schism in Israel, within the broader populace and even within the religious community. Some see a contradiction between full dedication to Halacha (as they see it) and being subject to governmental law. Others claim that it is impossible to be a citizen of a law-based state and not see himself as obligated to follow all the laws (even when many are not in line with Halacha). We will analyze that dispute based on the expression "the *teru'ah* of the king." What is a *tru'ah*, and to which king is Bilam referring? *Tannaim* (Rosh Hashana 32a) disagree on this matter. Rabbi Yossi says that this *pasuk* can be used on Rosh Hashana as one of the ten *p'sukim* that relate to *shofar* blowing. Rabbi Yehuda says the *pasuk* is not related to either the *shofarot* or *malchiyot* (Hashem's dominion). What is behind this disagreement?

The Tzlach (Rosh Hashana 32b) posits that Rabbi Yossi understood *tru'ah* to refer to a pattern of *shofar* blasts. Rabbi Yehuda understands that *teru'ah* means friendship (between Hashem and Bnei Yisrael), and therefore it unrelated to the *shofar*.

The *Tannaim* also disagree who the king is. According to Rabbi Yossi, the king is Hashem, whereas Rabbi Yehuda says it refers to a human leader. Each approach has support elsewhere in *Chazal*. Unkelus translates the phrase as the "the Divine Presence of their King was among them," obviously referring to Hashem. In contrast, the *midrash* (Bamidbar Rabba 20:20) explains Bilam's thought process as follows. You will not be able to harm Bnei Yisrael while Moshe is their leader, and even his successor will be difficult because he will blow the *shofar* to take down the walls of Jericho. Thus, the king is Moshe and later Yehoshua.

Another, fundamental disagreement is also related to these approaches. One approach is that Hashem leads the nation directly by means of His Presence dwelling among them. This leaves little room for a human king, and the *shofar* blasts in His honor, for there to be closeness (i.e., friendship) with Hashem. On the other hand, such a system comes with a price - there will be no army, police, social protections, or even a *Beit Hamikdash* (see progression in *Birkat Hamazon's* second *beracha*). This is the way things were in the times of the *Shoftim*. Because the prophet Shmuel thought that this set up was ideal, he objected to the request for a king (see Shmuel I, 10:19), although it is not clear he was correct.

The second approach is that Bilam referred to a successful and prominent human monarchy, symbolized by trumpet blasts. It would have a standing army and effective governmental agencies, dedicated to defense, Torah-based justice, etc.

The Rambam rules that there is a *mitzva* to make a Jewish monarchy. He also rules like Rabbi Yossi regarding our *pasuk*. When we have the merit to unite behind a ruling government that provides governmental services and interacts properly with the Heavenly Kingdom, then even those who are skeptical about its place in our liberation will become full partners with it.

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# Ask the Rabbi

by Rav Daniel Mann

## Accepting Shabbat Early during Army Service

**Question:** I am on reserve duty and wonder whether it is better to accept Shabbat early or whether I must be concerned that I may need to do *melacha* during *tosefet Shabbat*?

**Answer:** It is an honor to learn Torah with people, all the more so with a soldier for whom Halacha is front and center. We will discuss principles and address some scenarios.

The *gemara* (Shabbat 19a) says that one may embark on a sea journey that will continue into Shabbat only if: A. He sails before the last three days of the week; **OR** B. His trip is for a *mitzva*. *Rishonim* (see Beit Yosef, Orach Chayim 248) present different possibilities about the relevant problem of being on the ship. These include: 1. Seasickness harms *oneg Shabbat*; 2. The violation of *techum Shabbat*. 3. The Rabbinic prohibition of sailing. 4. The Ba'al Hama'or (ad loc.) says that we presume that the danger will make it necessary to do *melacha* on Shabbat, and that it is forbidden to enter such a situation without a legitimate need at the time of the week that Shabbat should be on his mind. The Rivash (Shut 101), accepted by the Shulchan Aruch (OC 248:4), reasons that even those who explain the *gemara* differently, agree that there needs to be sufficient justification to put oneself into a situation that requires violation of Shabbat for *pikuach nefesh*.

Logically, making Shabbat early when the need to do *melacha* is expected during *tosefet Shabbat* is like setting up the need by entering the ship. It is unclear how high the chance of doing *melacha* needs to be for this to apply. In most cases, it depends if one has a shift or an operation at that time.

One pertinent question is why you are considering accepting Shabbat early. On a weekly basis, few men actively accept Shabbat early, in the way that [Ashkenazi] women do with candle lighting (see Shulchan Aruch and Rama, OC 263:10). Men do not accept Shabbat at that time (and must not if they need to *daven Mincha*). Some make a declaration of accepting Shabbat after *Mincha*, but this is not mainstream practice or required according to most *poskim* (see Yabia Omer VII, OC 34; Living the Halachic Process III, C-4). Rather, *tosefet Shabbat* is fulfilled by refraining from *melacha* at least a few minutes before *bein hashemashot*. It is detrimental to actively accept Shabbat when there is a good chance one would need to do *melachot* in those minutes.

The question is if soldiers want to accept Shabbat early to enable *davening Ma'ariv* (with a *minyan*), *Kiddush*, and/or a *seuda* before a shift? Based on the above, entering the situation requires that it includes facilitating a *mitzva*. What counts as a *mitzva*? The Tur (OC 248) cites Rabbeinu Tam that a business trip counts as a *mitzva*, whereas a pleasure trip is a non-*mitzva*. Many require a real *mitzva*, such as traveling to making *aliya*. The Shulchan Aruch (OC 248:4) rules like the stringent approach, but the Rama says that some follow Rabbeinu Tam, and they should not be criticized.

According to the approach that one needs a real *mitzva*, it is unclear whether doing the *mitzvot* of Shabbat during *tosefet* in a case that he can do the *mitzvot* in a non-optimal way (e.g., later, without a *minyan*, with cold food, while tired) counts. The policy of the IDF Rabbinate is that one should not accept Shabbat early if he can fulfill the *mitzvot* of the night after the shift. If not, one should eat his meal before the shift as a weekday meal and have a minor meal after returning from the shift. This reflects the correct general approach that one being exacting in avoiding *melacha* on Shabbat, even under extenuating circumstances, is more crucial than ideal fulfillment of the positive *mitzvot* of the day under such circumstances.

Such a general policy is for standard cases. Circumstances vary, both concerning halachic distinctions and practical concerns of the "army-on-Shabbat experience." We would expect an expert army chaplain (as a high-ranking one told me) to weigh the specifics of a given case to determine if it fits the general guidelines or whether accepting Shabbat early might be worthwhile.

### "Behind the Scenes" Zoom shiur

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



# Igrot HaRe'aya - Letters of Rav Kook

## Halacha Digging its Heels in Face of Pressure – #237

**Date and Place:** 24 Marcheshvan 5670 (1909), Yafo

**Recipient:** : Zvi Henri Frank, a lead administrator of the Jewish Colonization Association, the conduit for Baron Edmond De Rothschild's support for the development of the *Yishuv*. This a follow-up to the letter we presented last week regarding those who did not want to rely on the *Heter Mechira*.

**Body:** I am honored to thank you for your dear words in your letter, and I want to ask you to notice my present words. I am compelled to present [an analysis] of one of the foundations of our holy religion, which is connected to the matter at hand.

The Torah has severe and "light" *mitzvot*. The obligation to keep the severe and the light are identical. Only when pressing and greatly extenuating circumstances in the "path of life" occur, the scholars of the religion concentrate to clarify the situation. If they deem the subject to be a severe *mitzva* (i.e., "of Torah origin"), they are not pushed off by the situation's difficulty, even when there is a doubt whether there is an obligation [in a certain case]. This is because we do not treat matters of our religion lightly, but with great care and seriousness.

If a *mitzva* is included in the light *mitzvot* (i.e., Rabbinic), we can rely in pressing circumstances on the lenient opinion when there is a doubt whether in a given case there is an obligation. Obviously, regarding our religion, like any intellectual discipline, there is place for differences of opinion. Some matters are, according to some scholars severe *mitzvot* and according to others, light *mitzvot*, about which in case of necessity one can act leniently in a case of doubt.

However, the following is an important rule. The above distinction between light and severe *mitzvot* applies only to situations where there are peace of mind and freedom, i.e., each individual is allowed to do as he sees fit. Then, individuals ask religious scholars how to act. In contrast, when a "power," Jewish or gentile, forces and coerces, then there is no difference between stringent and light, and all the *mitzvot* have the status of severe ones. Our history is full of cases like these – people desired to force Israel to violate even a small matter of religion, and Israel stood up with all of their strength, including by giving their life, against the coercers.

From this you should know that it is possible to solve the question of *Shemitta* in *Eretz Yisrael* only if authorities outside the realm of religion will not coerce at all. Then I can agree with the scholars who categorize *Shemitta* as a light *mitzva*, as it is of Rabbinic origin in our days and there is some question as to whether it is obligatory. This allows for leniency, such as the sale of the Land. However, if any authority applies any type of coercion to prevent those who want to fulfill the *mitzva* due to their inclination or faith in the scholars who consider *Shemitta* a severe *mitzva*, then it leaves the category of light *mitzvot* to become severe. This can make the whole leniency [of selling the land] collapse, which would be a great hardship for the whole *Yishuv*. This would contradict the wonderful principles of the Jewish Colonial Association and the administration of the Rothschild organization, to improve and develop the *Yishuv*.

I must give a religious ruling to the farmers who are asking me [about relying on the sale]. The answer depends only on whether you lift the coercion. Then only a handful of pious people will accept stringency on themselves and not use the *Heter Mechira*, whereas farmers will generally work calmly based on the leniency. But if the coercion will remain on all the individuals, against an approach of liberalism, which every sensitive person applauds, all our efforts to arrange the sale will be valueless. Since I know you to be a gentle spirit who respects religion, and one with the ability to look at life objectively even outside of his own professional activities, I request of you: Give respect to the G-d of Israel and His Torah. Do not give fuel to those who say that the administrators are making an inquisition against religion.

I end with an impassioned plea to acquiesce for the sake of our nation and Holy Land and on behalf of the association, which does so much good for the House of Israel. I wait impatiently for your answer, orally or in writing, as you decide with your wisdom and gentle elevated spirit.

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

Nir Rephael ben Rachel Bracha  
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam  
Tal Shaul ben Yaffa

Neta bat Malka  
Meira bat Esther

Together with all *cholei* Yisrael

# P'ninat Mishpat

## Conditions of the Leasing of a Community Supermarket

(based on ruling 83035 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def) won a tender to run the local supermarket in a *yishuv* (= the plaintiff =pl). The store's previous operator (=po) refused to leave until he would be paid 450,000 NIS for the appreciation in the store's value (*monitin*) during his tenure. During negotiations, po's claims became appreciated, and def paid po at pl's urging. Subsequently, pl and def drew up a new agreement, compensating def, with different terms depending on how long def remained, but not enabling him to receive *monitin*. For some reason, the new agreement signed was not the final draft that the sides had shared. Years later, pl demanded of def to vacate the store, and since he refused to move out in a timely manner, charged him \$100 a day as a penalty as prescribed in the contract. Def argues that the waiving of the right of payment for an increase in *monitin* should not be valid, considering def agreed to pay po for it. Although draft agreements after the payment still contained that clause, def claims he did not sign them for that reason. Although def ended up signing such an agreement, def claims to have done so by mistake because of the agreement's focus on the update in the rental rates and because a representative of pl tricked him by promising to provide benefits for def, such as the ability to keep rights to the supermarket indefinitely, which pl is now not honoring. The latest draft of a new agreement allowed def to stay on through the end of 2024. Finally, def should be able to demand *monitin* from his replacement, just as pl expected him to pay po.

**Ruling:** Pl admits that there was serious talk of greatly compensating def for paying po, which had not been envisioned. However, their original agreement states that changes to the agreement must be in writing. While in practice, oral agreements were implemented, that does not invalidate the clause, and certainly not regarding such a big-ticket item as *monitin*. Also, pl did indeed compensate def in significant ways other than payment for *monitin*. Finally, def did end up signing an addendum to the agreement which again confirms the lack of right to demand *monitin*, and def did not reach the very high bar needed to demonstrate he signed an agreement without being aware of one of its clauses (see Shulchan Aruch, Choshen Mishpat 45:3).

We will apply an exception to the rule of following what was signed to the question of which addendum to accept. Based on the give-and-take between the sides. in addition to the statements of the sides in *beit din*, all indications are that def should have been sent the most updated addendum to sign. That agreement gave def a total of ten years to operate the store, as opposed to the eight years the signed version gave him. Therefore, pl's demand of a penalty against def for not vacating the store is rejected, as def has the right to continue through Dec. 2024. If def will not vacate it then, the payment of \$100 a day should be enforced because it is not overly exaggerated, and therefore it is a valid penalty clause.

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