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HEMDAT YAMIM

PARASHAT HASHAVUAH

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Why Do Children Start With Vayikra?

Harav Shaul Yisraeli - from Siach Shaul, pg. 313

For many generations there has been a custom to begin a child's learning of *Chumash* with Sefer Vayikra, which *Chazal* call *Torat Kohanim*. The explanation is found as far back as the *midrash* (Yalkut Shimoni, Tzav 479): "Why do young children start with *Torat Kohanim*? Let them start with *Bereishit*? Since the *korbanot* (sacrifices) are pure and the children are pure, let the pure come and deal with the pure."

Vayikra is not a book whose purpose is just to provide practical instructions on the way to bring sacrifices. Rather, it deals, on a fundamental basis, with Bnei Yisrael as a *mamlechet kohanim v'goy kadosh* (kingdom of priests and a holy nation). There is no more appropriate time to inculcate these values into children as when they have the freshness and purity of young age.

The bringing of *korbanot* is the essence of *avoda* (service of Hashem), which along with Torah and *gemilut chasadim* (acts of kindness) are the pillars that keep the world standing (Avot 1:2). The Torah represents the thought-related element of Judaism; *gemilut chasadim* is the active part between man and his fellow man. However, these two are insufficient without *avoda*, the active part of our proper connection with Hashem, which also must exist in order that the proper behavior between man and man will have its full meaning. We need to use the hand (action) and the heart (thought) in making our relationship with Hashem complete. The *avoda* must come from within a person, as *korbanot* should not be offered as some sort of external donation but as a gift from one's essence. The prophets (see Yeshaya 43:23, for one example) spoke very strongly against the phenomenon of people offering *korbanot* without the correct frame of mind or actions, which Hashem said He has no interest in.

On the other hand, we must reject that which some say that since the main thing is what is in a person's heart, it is enough to serve Hashem with one's heart. This reminds us of the *gemara* (Yevamot 109b) that says that whoever says that he has only Torah does not even have Torah. The heart does not have real value if it is in a manner that is disconnected from action.

Rabbi Shimon Bar Yochai said that the *pasuk*, "This is the Torah of the *olah* sacrifice" refers to the atonement for the thoughts to sin (Vayikra Rabba 7:3). This is because the heart itself needs protection. Therefore, actions are needed to protect the heart from going into morally dangerous thoughts. On one hand, the *korbanot* are given as if from our very essence, by means of the thought process. In practice, though, they are brought from the cattle and the flock of sheep.

This matter of *avoda* has to be learned well and from an expert teacher. That is why Moshe, who thought he had finished his leadership role after the Exodus and the giving of the Torah, was told that he had a greater role still ahead of him: to teach Israel the laws of purity and of *korbanot* (Tanchuma, Vayikra 4).

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Ask the Rabbi

by Rav Daniel Mann

Question: The Shulchan Aruch (Orach Chayim 90:9) rules that one who cannot make it to a *minyan* should try to *daven* at the same time as a *minyan*. Given the multiple *minyanim* we find in one town, how does one fulfill that obligation today?

Answer: There are many sources on the idea of connecting one's *tefilla* to that of the *tzibbur* (congregation). Not only do important sections of *tefilla* require a *minyan* and it is more respectful to Hashem to join a group when turning to Him (the larger the better- Mishna Berura 90:28), it is also more conducive to the *tefilla* being accepted favorably (Berachot 6a). The matter of *davening* at the time the *tzibbur* *davens* comes up within the latter context. The *gemara* (Berachot 7b) tells that Rav Nachman told Rav Yitzchak that he had been too weak to come to *shul*. Rav Yitzchak asked why he did not have someone tell him when the *tzibbur* was up to *tefilla* (apparently *Shemoneh Esrei*) so that he could benefit from the *eit ratzon* (time of good will) at that time to help his *tefillot*. Tosafot (Avoda Zara 4b) says that there are different levels of advantage: together with the *tzibbur*, one's *tefillot* are "heard"; at the same time in different places, they are "not pushed away." These levels of acceptance probably depend on other factors, and we are not able to comprehend such Divine matters' exact meanings.

In any case, following this guideline is not a full halachic requirement but something one should try to avail himself of (see Shulchan Aruch, Orach Chayim 90:9.). It is related to the idea of *davening* in a *shul* even if one cannot do so together with a *minyan* (ibid.). The latter matter is a double-edged sword, as the one real prohibition in this regard is *davening* in a *shul* ahead of the *tzibbur* (Berachot 28b).

Let us now address your question. The closest source we have found in the *Rishonim* is in the Semag (Aseh 19, p. 102a, cited by the Rama, OC 90:9), who says that if there is no local *minyan*, one should follow the time that "communities of Israel" *daven*. This implies that, ideally, one follows the local *minyan* but that there could be some type of official average time. We do not know the extent to which there was a uniform time in his days, but we cannot identify such a time nowadays. (There is a general preference for *vatikin*, but if the Semag had that time in mind, he would have said it.)

The Mishna Berura (90:31) seems to say that in places where there are many *minyanim*, all times are good. However, he and his source, the Chayei Adam (16:3), is talking about refraining from *davening* before the right time, and says that it does not apply when there are many *minyanim*. One can still ask whether there is something to do if one specifically wants to avail himself of the positive element. *Ishei Yisrael* (8:(32)) seems to say that all times are good. *Avnei Yashfe* says in the "name" of an unnamed *gadol* that in such a case there is no preference (sounding like nothing is particularly good). However, we prefer the following compromise approach. Rav S.Z. Auerbach is quoted as saying that the *gemara* implies that this matter requires one to focus on a specific *minyan* (*Ishei Yisrael*, op. cit.). While it is not clear to us where Rav Auerbach saw this in the *gemara*, it leads in the logical direction of his disciple, Rav Neuwirth (cited *ibid.*). If one usually *davens* with a specific *minyan* but cannot make it on a certain day, he gets the positive element of *davening* when he *davens* at the same time as they do even if there are many other *minyanim* in town. (This makes particular sense if this matter depends more on psychology than on mysticism.) Rav Neuwirth brings an interesting precedent from the Sha'ar Hatziyun (551:56) that if one is eating *fleishig* at *seuda shlishit* during the Nine Days, he should stop when his regular *shul* has *davened Ma'ariv*. If one is not connected to a specific *minyan* and there are many *minyanim* in town, then there is apparently neither anything positive nor any requirement to try to correspond to some random *minyan*.

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The Element of Hashem's Name Needed for a Bracha

(condensed from Ein Ayah, Berachot 6:35)

Gemara: Rav said: Any *beracha* that does not include mention of the name of Hashem is not a *beracha*. Rabbi Yochanan said: Any *beracha* that does not include mention of Hashem's *malchut* (kingship) is not a *beracha*. Abayei said: Rav's approach makes sense based on the following *baraita*: The *pasuk* says [regarding the bringing of *bikurim* (first fruit)]: "I did not transgress Your *mitzvot*, and I did not forget" (Devarim 26:13). We interpret it as follows: I did not transgress by not blessing You, and I did not forget to mention Your name upon it. The *gemara* notes that it does not mention Hashem's kingdom.

Ein Ayah: The hinge upon which the matter of *berachot* swings is the *shleimut* (completeness) that they help one acquire regarding true theological understanding, as the Rambam mentions (Berachot 1:3-4). This knowledge causes one to act in a manner of straightness, specifically by doing that which is good and straight in Hashem's eyes.

The most basic of all pure elements of knowledge is to know about Hashem, which is represented by the mention of Hashem's name in our *berachot*. However, the knowledge that causes one to act in a totally proper manner is the knowledge of Hashem's dominion in the world, which obligates people to follow in the strength of the laws of the King.

The *Amoraim* argue as to what the main focus of a *beracha* should be on. Rav says that it is the basic theological truth that is the main thing at the heart of the *beracha*, and that suffices, in the final analysis, to cause one to act properly. Rabbi Yochanan feels that it is impossible [ed. note- perhaps it should say "possible"] for one to know about Hashem yet leave the path of proper actions. In general it is a matter of debate whether it is enough for one to know the truth in order for him to act in a totally moral manner. That is why Rabbi Yochanan requires one to mention in a direct manner that which causes him to act as he should, which is knowledge of Hashem's *malchut*. Thereby he realizes that Hashem is particular about how he acts and will use His power to punish those who do not stray from the straight path.

It is logical to say that there is a difference in this regard between a *birkat hamitzva* (a blessing before fulfilling a *mitzva*) and a *birkat hanehenin* (a blessing before benefiting from the world, most classically before eating). A *birkat hamitzva* is done at the time that one is involved in an action of straightness that shows the person's acceptance of Hashem's dominion. Then it is enough to just mention Hashem's great name and indicate that he is doing the action for the sake of Hashem. Regarding *birkat hanehenin* there is more of an intrinsic reason to mention both His name and His *malchut*. On the other hand, there is a halachic concept that we want *berachot* to be as uniform as possible, as we find halachically that when a certain *beracha* needs to be made after a *mitzva* in certain cases, we do it afterward for all cases of that *beracha* (for example, the *beracha* on washing hands and immersing). For this reason, Abayei felt only that Rav's opinion had a preference (as opposed to a proof) because his source for not needing *malchut* was regarding a *birkat hamitzva*, where *malchut* is of less importance, as it is clear from the context that he is aware about *malchut*. Therefore that source is only an indication, not a proof, that *berachot*, as a rule, do not require *malchut*.

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Use of Harchaka D'Rabbeinu Tam

(based partially on Shurat Hadin, vol. VI, pp. 480-484)

When a woman asks *beit din* to help her to obtain a *get* from her husband, there are a few halachic possibilities. In some cases, the husband's obligation to give a *get* is strong enough that *beit din* may take powerful punitive/coercive steps such as floggings and curses. In stark contrast, there are cases (e.g., she falls in love with someone else) where *beit din* should tell the woman that she has no right to demand a *get*. There is a third possibility in between the extremes. That is that *beit din* determines that he has a moral responsibility to give a *get*, but the level of obligation does not warrant using full force.

What "teeth" does *beit din* have to stand behind their determination in this middle case? Rabbeinu Tam is one of the *Rishonim* who is less inclined to use coercion. Yet, he is quoted by many sources as saying that in some cases where *beit din* cannot coerce, they can declare a *harchaka*, an order for people to stay away from the husband. Among the many manifestations of the *harchaka* are that no one should do him any favors, do business with him, or even do a *brit mila* for his son (see Rama, Even Haezer 154:21). The limitation the Rama mentions is not to put him in *niduy*, a form of excommunication that includes an element of curse.

What is the difference between coercion and the strong steps of *harchaka d'Rabbeinu Tam*? Rav Yosef Goldberg, in complementary articles in Shurat Hadin, vol. V and VI, champions the following thesis, which greatly reduces *harchaka d'Rabbeinu Tam's* efficacy. Besides *niduy*, *beit din* should not do anything that is likely to force the husband to give a *get*, just encourage him (based on the Rivash, Maharik, Beit Ephrayim and others). One of the factors that play a role is whether the person can move to another location where people have not been instructed to distance themselves. This makes the Israeli law that empowers *beit din* to use such steps as withholding a driver's license and banking rights problematic, as these apply throughout the country. According to this approach, though, if one does not use too powerful a sanction, then even if *harchaka d'Rabbeinu Tam* should not have been used, it will not render the *get* invalid because it is not considered force.

The more accepted approach to the logic of *harchaka d'Rabbeinu Tam* is justified by Rav Ovadia Yosef (Yabia Omer VIII, EH 25). That is that it is not the level of pressure on the person that is the issue, but the question of whether anyone is doing anything to him. All of the things mentioned deal with withholding things that while usually available to neighbors, are things that people do not have to provide. Thus, by virtue of *beit din* informing everyone that the husband is *persona non grata*, their agreement to not extend various courtesies is a fair act of not giving. It is not a case of taking from him or withholding absolute rights. Since this is a form of legal coercion, if one invokes it when it is not justified, the resulting *get* may be invalid as an improperly coerced *get*.

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