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PARASHAT HASHAVUA

Emor, 3 Iyar 5774

Choosing the Right Time for Independence

Harav Yosef Carmel

This week we will joyfully celebrate *Yom Ha'atzmaut* and thank Hashem: "The stone that the builders despised became the cornerstone. From Hashem this came to be; it is a wonder in our eyes. This is the day that Hashem made; we shall rejoice and be happy in it" (Tehillim 118:22-24).

We will follow in the footsteps of Rav Tzvi Yehuda Hakohen Kook and explain what happened on 5 Iyar 5708 and why it was correct to set the day of the declaration of independence as the time to thank Hashem for the beginning of our salvation.

In successive *perakim* in Shmuel II, the *navi* describes how David first turned Yerushalayim into the political capital of the first State of Israel and that afterward he attempted to bring the *aron* to the city and turn it into the nation's eternal spiritual center. Let us try to understand the unfolding of the process.

When Israel, as led by Shaul, fell to the Plishtim in battle at Emek Yizrael and Har Gilboa, the latter took control of the entire western section of the Land. The only survivor among Shaul's sons was Ish Boshet, who was apparently too weak to take part in the battle. Avner ben Ner fled with him to the eastern side of the Jordan, from where they tried to rule over Israel. At the same time, David moved from Tziklag to Chevron, after consulting with the Divine Presence. In Chevron, David ruled, primarily over Yehuda as a vassal of Achish, King of Gat, his patron from the time David fled from Shaul. At that time, David was king only over the Tribe of Yehuda, which had been subservient to the Plishtim for centuries. After Ish Boshet's death at the hands of officers from his own army, David moved his kingdom to Yerushalayim as the king of all twelve tribes of Israel.

A good look at the *p'sukim* raises a serious problem. On one hand, it says that Ish Boshet ruled for only two years, and on the other hand that David ruled in Chevron over Yehuda for seven and a half years (Shmuel II, 2:10-11). If Ish Boshet was David's only rival, why did David wait five and a half years to assume his position as king in Yerushalayim over the whole nation (see Radak, Ralbag, and Alshich ad loc.)?

The move to Yerushalayim, turning it into a unified capital, had not only national but also international significance. It was a declaration of independence and an announcement of intentions to throw off the rule of the Plishti occupation. For this reason, the move drew an immediate Plishti response, as they attempted to destroy David and his new state (see Shmuel II, 5:17 and further). This declaration of independence required a lot of preparation in government building and international connections, and the decision of the exact moment to do it required great Divine Assistance. Premature action could be dangerous; needless delay could cause a missed opportunity to be regretted for generations. David determined that after an additional five and a half years, conditions were ripe, and he declared independence.

In our generations as well, David Ben Gurion's decision to declare independence on 5 Iyar 5708 was a dangerous one, but it turned out to be opportune despite the difficult war launched by a slew of Arab states. It is through Divine Assistance that we succeeded, after some 2700 years without sovereignty over such large sections of western *Eretz Yisrael*. Let us pray that just as we witnessed the beginning of the liberation, so will we soon experience the *geula shleima*.

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Ask the Rabbi

by Rav Daniel Mann

Coin Collection on Shabbat

Question: Is it permitted to handle my modest home-based coin collection on Shabbat?

Answer: This question reminds us of a similar one we answered years ago – whether a rock collection is *muktzeh* (see Living the Halachic Process, vol. I, C-15). We will summarize our discussion there and then see how a coin collection compares.

Rocks are *muktzeh* (Shulchan Aruch, Orach Chayim 308:21) because generally they do not have a use that would make them considered a *kli* (utensil). However, if one prepares them for a given purpose or if their owner decides to use them for a specific permitted purpose, they are not *muktzeh* (ibid.:21-22). Thus, rocks that were incorporated in a rock collection need not be *muktzeh* because they are to enjoy looking at.

The question we had was regarding a case where the rocks are on display in a manner that the arrangement remains untouched over long periods of time. Does that turn the collection into *muktzeh machmat chisaron kis*, something one is careful not to use for various uses that may come up? While the usual cases of *muktzeh machmat chisaron kis* are utensils that are basically for forbidden purposes, where other uses are ruled out, does it extend to an object whose purpose is permitted but one is careful to rarely move it (e.g., wall clocks and paintings)? Rav Moshe Feinstein (responsum #13 in "Tiltulei Shabbat") said such things are not *muktzeh*; Shemirat Shabbat K'hilchata (20:22) said they are *muktzeh machmat chisaron kis*.

Coins are *muktzeh* (Shulchan Aruch, OC 310:7). This is not only because their use is related to a prohibited activity (commerce), for then their *muktzeh* status would be only partial. Rather, they are not considered utensils (see introduction of Mishna Berura to OC 308) because their value is not intrinsic but based on convention. However if one uses coins as something of interest they would not, on the basic level, be *muktzeh* (see Shemirat Shabbat K'hilchata 20:38, regarding coins incorporated into jewelry, which are not *muktzeh*).

In some ways, a standard coin collection is more likely to not be *muktzeh* than a rock collection, if we are correct in assuming that the coins are made to be handled. One keeps them in books, whose pages are turned to look at coin after coin. While they are nestled within plastic coverings, turning the pages is still considered moving the coins, as the pages and the plastic serve the coins. Therefore, the Shemirat Shabbat K'hilchata should agree the coins are not *muktzeh* unless one keeps locked in a safe and rarely handle. If the collection is slated for sale and the owner is careful not to use it in the meantime, the coins would be *muktzeh* (see Rama, OC 308:1). However, we understand that you are talking about a collection for the owner's personal interest.

The one remaining issue is the Chazon Ish's opinion. The *gemara* (Shabbat 65b) says that if one attaches a stone to an article of clothing for a purpose of utility, it is permitted to move the stone along with the clothes, as long as he intended to use the stone for that purpose before Shabbat (Shulchan Aruch, OC 303:22). The *gemara* says that, as opposed to a stone, intention for that purpose would not suffice for a coin. Most understand that this is only if the coin was not permanently set aside for the use before Shabbat (see Beit Yosef, OC 303, Mishna Berura 303:74). Thus, if coins are permanently on display and no longer act as "money," they would be permitted. However, the Chazon Ish (OC 42:17) says that coins cannot be considered as set aside for another purpose, as they are always candidates to be used again as money and remain *muktzeh*.

You, though, do not have to be concerned with the Chazon Ish's opinion. Firstly, we follow the majority lenient ruling (Shemirat Shabbat K'hilchata 20:38). Secondly, the Chazon Ish's logic seemingly does not apply to a coin collection. Since the coins involved have a special collectors' value that exceeds their value as money, there is no reason to suspect they will revert to use as money.



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Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

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Fruit and *Avodat Hashem* for Those Close and Far

(condensed from Ein Ayah, Bikurim 28)

Mishna: Those who were close [to Yerushalayim] would bring figs and grapes [as *bikurim*], and those who were further away would bring dried figs and raisins.

Ein Ayah: The bringing of *bikurim* (first fruit) to the place of the *Mikdash*, the eyes and heart of Israel, should guide the individual and his activities to closeness to Hashem and His light. In this context, the different fruit in the *mishna* have meaning.

Figs and grapes are moist and fresh and are tastier than dried figs and raisins. They are best for those who are close, who do not have to worry about the toil and effects of travel. When it is necessary to preserve the fruit to enable one to come from a distance to the mountain of Hashem, it is worthwhile to give up a little pleasantness.

The above distinction is parallel to different approaches to spiritual life – the power of Torah and the power of prophecy. Torah, as expanded by the Oral Law, collects many detailed laws and inferences in the depth of *halachot*. These appear “dry” in relation to matters related to prophecy, which deal with Godliness and lofty philosophy. Offshoots of prophecy include thoughts of the heart during prayer and knowledge of the Torah’s hidden meanings.

When we had access to the light of Hashem that was “planted” in *Eretz Yisrael*, the light of prophecy played a big part in our world. We are promised that this element will be even greater in the future, when the special light of Hashem within our souls is the grandeur of Israel. We will then be able to securely receive the spirit of prophecy, close to the *Beit Hamikdash*, planted in our Land, and protected from tempests and confusing ideas.

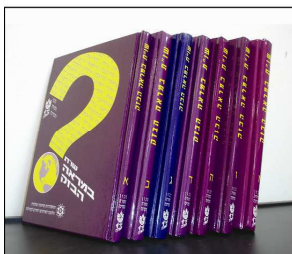
However, under the yoke of being distanced from our coveted Land due to our sin, suffering a bitter exile, we need to connect to things that persevere under pressure – the four *amot* of halacha, which is all Hashem has in His world since the *Beit Hamikdash* was destroyed. Someone who looks superficially at technical *halachot* sees dry ideas, but a fresh power of life is hidden within them, which has allowed us remain a holy nation within a difficult exile.

Therefore, in the Second Temple period, which was primarily a preparation for the subsequent long exile/dispersion, prophecy had already ceased. The nation’s spiritual powers were thus focused on developing the Torah, making it very specific and exact, rather than on prophecy. This enabled the nation to exist in that setting through excellence in the extensive Torah. About this time we say: the words of the Rabbis are dearer than the words of the Torah.

Bikurim symbolizes this idea. Fresh figs and grapes are dear to those who can bring them, but for those who come from a distance, drier fruit are specifically more capable of surviving the long trip while keeping their taste. They are holy fruit with which to praise Hashem, and they join together with the fresh fruit which are all brought to the *Mikdash*. Obviously spiritual experiences join with the detailed *mitzvot*, together bringing stability to form a strong, glorious unit.

This idea can also relate to different people. Some people want a palpable feeling of spiritual closeness with Hashem. They emotionally need to spill out their soul in prayer with joy and light, while they may be far away in regard to actions. In difficult physical, commercial, or political settings, they will be unable to survive with their personal tendencies intact. These are the close people who bring figs and grapes. On the other hand, there are people who follow the straight path and are full of fear and love of Hashem and His Torah, but they are of a more subdued emotional style. They are made for bearing the burden of a life of fulfilling *mitzvot*. One may not see their hidden light as they are involved in a world of material activity. These are the distant people who bring long-lasting dried fruit. About them the *pasuk* says, “A pure fear of Hashem stands forever” (Tehillim 19:8) and “The Torah of his G-d is in his heart; he will not stumble in his steps” (ibid. 37:31).

How beautiful it is to see the glorious Yerushalayim in which Jews of all types and styles join in unity, as each sees the positive in the other’s nature. There will be “peace to the close and to the distant” (Yeshaya 57:19).



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Long-Term Rental to a Guardian's Relative

(based around Shut Hamaharit, Choshen Mishpat 1)

[The Maharit, Rav Yosef MiTrani, was born in Tzfat in 1573 to a very illustrious family. His father, the Mabit, Rav Moshe MiTrani, was old when Yosef was born and was not able to teach him for many years. Due to various plagues in Tzfat, Yosef left the city for Egypt and Yerushalayim and returned several times. When he was a young rabbi, he was sent to Turkey to raise money for the community of Tzfat, which was suffering from famine. The community of Constantinople (Kushta) embraced him, and he ended up staying there until his death, serving as chief rabbi (chacham bashi) for a few decades. Only a few of his several books have been published, the most prominent among them being a collection of his responsa (Shut Hamaharit), from which we will now begin to summarize rulings on monetary issues.]

Reuven and Shimon were brothers who jointly owned property. Before he died, Shimon bequeathed some of his wealth toward establishing and operating a yeshiva. A few questions arose regarding dealing with what was once the property of Reuven and Shimon as partners and was subsequently totally under Reuven's control, serving as guardian in regard to Shimon's part whose rights had been transferred to the yeshiva. Reuven rented out for an unlimited period one of the houses to the son of Levi, a third brother, with the rent, part of whose proceeds were for the yeshiva, to be determined by three appraisers.

The renting of the house to Reuven's relatives was improper in a few ways. One is that regarding property that needs to be used to pay someone else, part of the process is announcing the availability of the property (usually for sale) during the course of 30 days (see Bava Metzia 35b). This is preferable to simply asking for an appraisal because it is possible that through competition, a better price will be attained. In this case, where the house was set aside for Reuven's nephew, no one will inquire into renting it, knowing it is spoken for by someone whom Reuven favors. In this way, the yeshiva loses.

Also, if some future issue arises, Reuven will not pursue the matter against the renters as he should. Thus, just as a guardian should not sell property to himself due to a conflict of interest (see Pesachim 13a) or even an appearance of impropriety, so too he should not sell it to relatives who are close enough to him that he cannot serve as a witness in their affairs.

Another problem is that the renter is also a relative of the deceased Shimon and is among his inheritors. Thus, we can apply the halacha that one does not allow a relative to take care of the property owned by a minor out of fear that in the course of time, he will claim that the property is actually owned by him, as his inheritance portion of their joint relative (see Bava Metzia 38a). Even if one wants to write a document that states that the field is only being given to him as a guardianship, we are afraid that the document will be lost and people who know about the arrangement will die.

Therefore, the rental is void, and the house should be rented out to someone else.



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