



HaRav Shaul Israeli zt"l
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HEMDAT YAMIM

Parashat HaShavua

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Zera Yisrael

Harav Yosef Carmel

We have been dealing, over the last few weeks, with ideas to help integrate *olim* from the Former Soviet Union into Israeli society as full Jews. A group with a real obstacle is children of Jewish fathers and non-Jewish mothers.

They are, of course, not Jewish unless they undergo conversion. Yet, it is our opinion that we should not look at them as if they have, in the meantime, no connection to the Jewish People. The great majority were treated as Jews in the Soviet Union, where a citizen's nationality is determined by his father, not his mother. As a result, they suffered from anti-Semitism. How shocked were many, upon arriving in Israel, to find out that halacha does not view them as Jewish and that they cannot get married here?

Many of these people declared, by making *aliya* and by the way they integrated into Israeli society, that they view themselves as Jews. "Your nation is my nation," as Ruth declared, they fulfilled. Yet, before them still stands the demanding process of conversion, which includes the acceptance of "your G-d is my G-d."

Let us try to understand what the difference is between those with a matrilineal and a patrilineal link to Judaism. The *gemara* (Kiddushin 68b) learns from the *p'sukim* "Do not marry them [non-Jews]," followed by "for he will remove your son from Me" that one's son from a Jewish woman is considered his son, whereas his son from a non-Jewish woman is not the son of his Jewish biological father. This is the unanimous ruling of all halachic authorities.

Rav Moshe Isserles, the preeminent codifier of the Ashkenazi community, taught us the following novel idea on the matter in his notes to the Tur, Darchei Moshe (Even Haezer 156). He cites the Ohr Zarua, a great, early Ashkenazi *Rishon*. He raises the possibility that the idea that a Jewish male's child from a non-Jewish woman is not considered his is true only on the level of Torah law, but that Rabbinically he might be considered the Jew's son. What does it mean to be his son Rabbinically? We certainly cannot let him or her marry a Jew! We can't count him for a *minyan*! Rather, one prominent ramification is that the father has the responsibility to try to bring him into the fold by arranging for him to accept the Torah and convert.

Based on this and other sources Sephardic Chief Rabbi Rav Uziel came to the conclusion that there is a concept of *zera Yisrael* (the seed of Israel), which gives responsibilities to the Jewish father of the non-Jewish child. Arranging for the conversion is a form of atonement, so that his biological son does not stray further from Hashem and certainly does not come to hate Hashem and His *mitzvo*t, including those in which even a non-Jew is commanded. We rely on the training he should receive under his father's tutelage to cause him to uphold the commitments accepted with conversion.

We certainly should not create unnecessary obstacles and push away the candidate, as we often do for other candidates, regarding the child of a Jewish man. To the contrary, the State of Israel should try to bring close all the members of this group to avoid further assimilation and distress. If they are ready to undergo a serious conversion process, let us welcome them with open arms and a warm smile.

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Those who fell in wars for our homeland. May Hashem avenge their blood!



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Ask the Rabbi

by Rav Daniel Mann

How Many People Together to Start *Shemoneh Esrei*? – part I

Question: I *daven* at a small *minyan* at which some people *daven* slower than the rest and others come late. We do not always have ten to start *Shemoneh Esrei* with the *chazan*. Should we wait for ten, or is six enough?

Answer: [We will divide our discussion into two. This week we will analyze the main sources and logic of the competing positions.]

There are two classical sources that are cited as the source that six men reciting *Shemoneh Esrei* in the presence of another four men in the room is considered *tefilla b'tzibbur* (davening with a *minyan*). The Rambam (Tefilla 8:4) describes *chazarat hashatz*, with everyone listening to a *chazan*, as the main element of *tefilla b'tzibbur* and then says that it is sufficient for six of the participants to be people who have not yet *davened*. We apply the rule of following the majority to set the character of the whole, and thus this is considered a *minyan*. Many see this as evidence that the Rambam holds that six people *davening* in the presence of ten is *tefilla b'tzibbur* (see Yechaveh Da'at V:7).


The Magen Avraham (69:4) says that while *chazarat hashatz* can be done for even one person who has not *davened*, it is preceded by a silent *Shemoneh Esrei* only if six men are presently *davening*. Several *Acharonim* (including Minchat Yitzchak IX:6, based on Shulchan Aruch Harav 69:5, and Mishna Berura 69:8) understand that the reason the silent *Shemoneh Esrei* before *chazarat hashatz* is justified is because it is considered *tefilla b'tzibbur*. Again, we ostensibly see that six is enough in this regard.

Apparently supporting the other camp, the Chayei Adam (19:1) says that the main element of *tefilla b'tzibbur* is having ten men *davening Shemoneh Esrei together, as opposed to the misconception that a *minyan* for *Kaddish*, *Kedusha*, and *Barchu* suffices. This seems to indicate that six *daveners* plus four others present is not a fulfillment of *tefilla b'tzibbur*. Perplexingly, the Mishna Berura cites without comment both the Magen Avraham/Shulchan Aruch Harav (69:8) and the Chayei Adam (90:28). Members of the "lenient camp" explain the Chayei Adam as stressing that *Kaddish/Kedusha/Barchu* is not enough; by ten, he meant a majority of the ten men *davening* in the presence of the others.*

The stringent camp is perhaps best represented by a compelling (in my humble opinion) set of arguments by Rav Moshe Feinstein (Igrot Moshe, Orach Chayim I:28-30). We start with halachic logic. The idea of six counting as a *minyan*, based on a majority, makes sense when there is a full quorum involved in the matter at hand, but a minority is lacking in some regard (e.g., they already fulfilled their obligation). Then we say that since the majority of the group is valid, the missing element can be overlooked. We turn to the prototype of following majority, in a court, as an example. While when three *dayanim* arrive at different decisions, we follow the two, when there are only two *dayanim* or one of the three *dayanim* is unable to arrive at any decision, majority cannot be used. So too, when six people are *davening Shemoneh Esrei* and four are taking off their *tefillin* after the early *minyan*, there is no *minyan* involved in *tefilla* and thus no *tefilla b'tzibbur*.

Rav Moshe (ibid. 28) points out that the Rambam is not relevant to our discussion, as he refers to *chazarat hashatz* in which all ten are actively involved. After all, listening to the *chazan* constitutes full participating in *chazarat hashatz*. Following the majority just solves the issue of the weaker connection of those who already *davened*. (Shulchan Aruch, OC 124:4 supports this distinction.) The Magen Avraham (/Mishna Berura) can be understood as being based on the quality of *chazarat hashatz*. If six obligated plus four others are doing so, it is complete enough to justify it being preceded by a preparatory silent *Shemoneh Esrei*, even though its participants are not credited with *tefilla b'tzibbur*.

Next week we will put things into halachic and philosophical perspective and give basic recommendations.



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

(condensed from Ein Ayah, Shabbat 2:192)

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