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Parashat HaShavua

Vayishlach, 14 Kislev 5778

Chevron – Holy but Still Secondary

Harav Yosef Carmel

The Torah tells us in our *parasha* that Yaakov, upon returning to *Eretz Yisrael*, lived in Kiryat Arba/Chevron, and described it as the place where Avraham and Yitzchak lived before him (Bereishit 35:27). The first formal acquisition of land by our forefathers was there some 4,000 years ago. In contrast, Yerushalayim is a Jewish city for only 3,000 years.

These points were behind the steps taken by the Jewish leadership of Chevron a little more than a hundred years ago. They declared that they did not need to be under the guidance of the general Jewish administration that was seated in Yerushalayim. This found most practical ramifications in their desire to raise money for the needy in their community independent of the Va'ad Hakelali (which was on the street that is now called Rav Kook Street), which raised and distributed the "*chaluka*" money. The Va'ad Hakelali sued the community to cease its independent, competitive activities, and Rav Avraham Y. Hakohen, then Chief Rabbi of Yafo, adjudicated (see Igrot Hareiyah 39).

Let us view some of the claims of the Chevron community. 1. Yehoshua bin Nun killed Adoni Tzedek, King of Yerushalayim and then burned the city (Shoftim 1:8), yet Jews did not inhabit the city until David captured it from the Yevusim. 2. According to Kabbalistic sources, the entrance to the Garden of Eden is at the Me'arat Hamachpela in Chevron, which is the reason that Adam buried Chava there (Zohar Chadash to Megillat Ruth). In contrast, the opening to Gehinom is, according to several sources, in Yerushalayim (see Eruvin 19a). Thus, the forefathers and Adam and Chava before them, had good reason to choose Chevron as their burial place. 3. Chevron was the first place purchased by our forefathers and therefore maintains a status as the key to the acquisition of the Land. 4. David chose Chevron for his capital before he chose Yerushalayim.

Rav Kook rejected the claims to giving Chevron prominence when compared to Yerushalayim. He said that anyone who minimized the greatness of Yerushalayim in comparison to anywhere else even in *Eretz Yisrael* is tantamount to one who sacrifices on an altar outside of the city. Any choice of the forefathers relating to Chevron had special reasons, but these do not preclude the special status of Yerushalayim. Me'arat Hamachpela's presence in Chevron does not take away from Yerushalayim, as the special level of Chevron is included in the special status of Yerushalayim. (I will further develop this topic in Tzofnat Shmuel, which will hopefully be published soon.)

Let us pray that the connection of our entire nation to the Holy Land will be strengthened and all will rally around Yerushalayim as the unified and unifying city.

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Ask the Rabbi

by Rav Daniel Mann

Chazan Starting with Chazarat Hashatz

Question: As we were finishing up silent *Shemoneh Esrei*, an *avel* came in and wanted to take over as *chazan* before doing silent *Shemoneh Esrei*. He *davened* until *Kedusha* and planned to continue silently. People told him to continue *chazarat hashatz* out loud. Was it possible to do this?

Answer: The idea of a *chazan* starting *chazarat hashatz* without silent *Shemoneh Esrei* is discussed in the Shulchan Aruch (Orach Chayim 124:2), based on the Kol Bo (127). In short, it can be done, but it is not ideal. Understanding why it is not ideal helps guide people what to do in different circumstances.

The Mishna Berura (124:4) assumes that the Shulchan Aruch allows the *chazan* to do *chazarat hashatz* without silent *Shemoneh Esrei* in a case where no one else is capable of being *chazan*. He does not, though, state why it should not be done otherwise. The Kol Bo identified two issues that need addressing.

1) If this *chazan* is reciting *Shemoneh Esrei* for others (the *tzibbur* and/or one who cannot *daven* himself), how does he fulfill his own personal obligation? The Kol Bo says that if his *tefilla* helps others, it certainly works for himself; therefore, he does not need to repeat *Shemoneh Esrei* after his *chazarat hashatz*. Despite the strong logic, the Mishna Berura may imply that this is true only after the fact, but that it is better for him to do his own *Shemoneh Esrei* for himself, independent of *chazarat hashatz*.

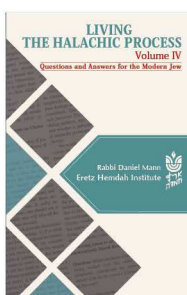
2) How can that which is also serving as a personal *Shemoneh Esrei* be done out loud, which is usually forbidden because it makes the *davener* look like one who does not believe Hashem hears silent prayers (see Berachot 24b)? The Kol Bo says this is not a problem here because he is doing so due to pressing circumstances. The Eliya Rabba (OC 124:3) says that due to this issue, one with better alternatives should not make his *chazarat hashatz* his first *Shemoneh Esrei*.

The Magen Avraham (124:3; see Machatzit Hashekel ad loc.) says that the main problem is based on the *gemara* in Rosh Hashana (34b). The *gemara* says that the reason to have a silent *Shemoneh Esrei* even though people can fulfill the *mitzva* with *chazarat hashatz* is to give the *chazan* an opportunity to familiarize himself with what he will be reciting. While this is not crucial during a standard *tefilla* (see Shulchan Aruch, OC 100:1), it is still a reason to prefer that the *chazan* does not start with *chazarat hashatz*.

Is switching to the late-coming *chazan* justified because he is an *avel*? We did not find classical sources on this. Among less-known *Acharonim*, Birkat Habayit (Einhorn 42:2) allows within *shloshim* and on a *yahrtzeit*, but not the rest of the year. Ishei Yisrael (24:31) says that any *chiyuv* of *aveilut* suffices.

Who gets to decide which opinion to follow? According to the Eliya Rabba, it is a matter of a proper *tefilla* for the *chazan*, and thus up to him (*his posek*). According to the Magen Avraham, the issue is the *chazarat hashatz's* quality, which is the *minyan's* call (see interesting application in Igrot Moshe, OC IV:33). Certainly on a matter that is about no more than preferability, this is not the type of thing to fight about (which, we hope people have learned, we are never fond of).

We guess your story occurred at Mincha (i.e., he was only a few minutes late), and this is the Kol Bo's context as well. Regarding *Shacharit*, if one was able to get up to *Ga'al Yisrael* on time, it is possible to do the same thing; otherwise, it is complicated (see Bi'ur Halacha to OC 124:2). Regarding your question of continuing out loud after *Kedusha*, the sources are clearly assuming that he will be doing so, as he "fills the shoes" of the *chazan* for *chazarat hashatz*. In any case, he has no justification to drag the *minyan* into a less than ideal *chazarat hashatz* (known as *heiche Kedusha*) or worse (analysis is beyond our present scope). After all, there is not an obligation to let an *avel* be *chazan* (Mishna Berura 53:60); *Kaddish* is enough. In any case, once the *avel* started *chazarat hashatz*, there was not due cause to revert to silent mode.



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Ein Ayah

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

Complete Heart, Complete Head

(condensed from Ein Ayah, Shabbat 5:71)

Gemara: Rabbi Shmuel bar Nachmani said in the name of Rabbi Yonatan: Whoever says that Shlomo sinned is mistaken, as it says: "His heart was not complete with Hashem, his God, like the heart of his father, David" (Melachim I, 11:4) – his heart was not like his father David's, but he did not sin either.

Ein Ayah: When the kingdom was first established, it had to spiritually contain everything that would have to grow out of it for the complete leadership of the future generations of the nation.

For an individual person, the main part of the heart is the emotion or the understanding of what he needs to do. It is not possible for it to be totally complete to the extent that he will not be missing any inclination or feeling of any level of significance in both the good and bad feelings. Actually, it is not good for the heart for negative feelings to find expression in his consciousness. These bad feelings should only exist in the potential recesses of the personality so that he can use them as necessary for good actions. Another point for latent negative emotions is so that he can have the moral accomplishment of using his intellect to choose a path of good instead of bad.

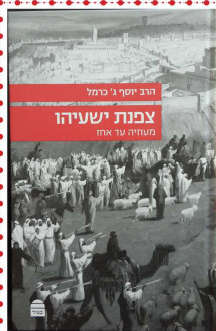
A complete intellect of a thinking mind is different. The mind has to be all inclusive. When it comes to the elevated mind of the king, it has to encompass all paths of thought in breadth and depth. Only in this way can the practical wisdom that can lead all be complete in all ways. It is not enough for the element of wisdom for negative ideas to exist only in the subconscious realm of potential. That is because if they were so distant, one would not be able to negate the bad ideas before they are acted upon. That is the reason that all-inclusive wisdom deals openly with all different types of approaches to life. This includes the light of Israel and the wisdom of Hashem along with the wisdom of ancient nations and of Egypt. Only when they are dealt with openly can one remove their impurities and have the bad surrender to the light and truth of Torah. With this in tow, leadership can be based on truth and can persevere forever.

David and Shlomo, the foundations of the Davidic dynasty, each built the base of an element of the kingdom. David, the pleasant poet, established the element of the heart and the lofty emotion and spirit of sanctity that dwelled over Israel and its kingdom. Shlomo followed and built the foundation of all-inclusive wisdom – the wisdom of the Jewish kingdom, the wisdom of Shlomo. David's great activities were built on a complete heart, whose completeness included no need for anything negative or lacking sanctity. That which was not good could remain deep in the recesses and be totally subjugated to the good. Wisdom, in contrast, has to openly deal with improper ideas. Therefore, Shlomo had to develop the special existence of incompleteness and of that which contradicts light and goodness. Under those circumstances, light and goodness show their greatness by removing that which is false.

In this context, we must understand the *gemara's* statement that Shlomo's heart was not as complete as David's. That is because the heart was not his main field of endeavor; the intellect of the mind was his main field. If his heart had been complete, he would not have been able to shine light on all the dark places and banish darkness by means of divinely produced light, which is brought to the world by the divinely ordained kingdom. That's what the *gemara* means by saying that Shlomo was lacking David's heart but did not sin.

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Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

Not Hiring Someone After Causing Him to Quit Job – part II

(based on ruling 76077 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) worked in a senior position in a store and wanted to switch jobs to work at the defendant's (=def) store in the same field. After general agreement on salary (10,500 shekels a month) and other conditions (including use of a company car), def asked pl to start work on Jan, 1, 2016. In order to not anger his present employer, from whom he hoped to receive severance pay, pl agreed to stay on a little longer. Def pressured pl to give him a set day, and pl met with his employer and they decided on Feb. 1; this gave def only a few days warning. Def was going abroad but started a process of having pl meet workers and take a graphology test, and he started working on a contract, but the process stalled, and def decided not to hire pl. It took pl a few months to find another job, in a different field with similar pay but worse conditions. He is suing for lost income and future earning power (he reduced his claim to 33,000 shekels on technical grounds). Def claims that he rejected pl because pl made a bad impression on several workers by improper actions, which confirmed the graphologist's warning. He never formally hired pl, as they did not sign a contract, and so pl was silly to quit his previous job. In any case, he could have fired pl with minimal notice.

Ruling: Last time we determined that def had to pay for offering employment in a manner that caused pl to give up his job. Now we discuss the amount of payment.

One rule of paying for terminating employment prematurely is that the amount is reduced to reflect the fact that the employee enjoyed vacation during the time he would have been working. Usually, the amount reduced can be quite high. However, in this case, pl did not have full benefit from the time off for the following reasons: 1. During most of the time, he was not aware how long he would be in that state and could not plan his time; 2. He had to spend time trying to get def to allow him to start working, looking for a new job (later), and arranging unemployment benefits. 3. He was without a car, which work was supposed to provide. Thus, from the 10,500 shekel salary, we are reducing only 500 shekels.

We have to reduce the amount that pl received from unemployment insurance (close to 11,000 shekels). Although receiving unemployment insurance can reduce future eligibility, this is an unknown and somewhat unexpected possibility; we will factor it into the following compromise.

Def had agreed to start working a week into February, even though he stopped working for the previous employer at the end of January. Yet, we will credit him for compensation from February 1 because it is apparent that he agreed to delay receiving payment only on the assurance that he would be working thereafter. Since he was not hired, the damage started when he stopped working for the previous employer.

We are crediting pl with 3,500 shekel per month for the value of the use of a car and free gas. Pl also deserves money set aside for pension. The possible damage to pl's long-term employment prospects is too indirect and uncertain to receive compensation for it.

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

David Chaim ben Rassa

Lillian bat Fortune

Yafa bat Rachel Yente

Eliezer Yosef ben Chana Liba

Yehoshafat Yecheskel ben Milka

Ro'i Moshe Elchanan ben Gina Devra

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