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HEMDAT YAMIM

Parashat HaShavua

Emor, 13 Iyar 5778

Israel is a Nation of Holy People

Harav Yosef Carmel

The matter of *kedusha* (sanctity) is very much stressed in the *parshiyot* of Vayikra. *Parashat Acharei Mot* starts with the service of the *kohen gadol* on Yom Kippur, whose pinnacle is in the *Kodesh Kodashim* of the *mikdash*. The *parasha* ends with the prohibitions of *arayot* (illicit relations), which is followed with the charge, "Be holy, for I, Hashem your G-d, am holy" (Vayikra 19:2). Rashi explains this to mean: "separate yourself from *arayot* and sin, for whenever you find separation from *arayot*, you find *kedusha*." *Parashat Kedoshim* also ends with the commandment: "You shall be for Me holy, for I am holy, and I have separated you from the nations to be for Me" (ibid. 20:26).

The *kohanim* are commanded to have an even higher level of *kedusha*: "They shall be holy to their G-d and shall not defile the name of their G-d, for they offer the sacrifices of Hashem ..." (ibid. 21:6). The *kohanim*'s extra level also obligates the regular Jew to preserve the *kohanim*'s status by treating them preferentially (ibid. 8). The second section of *Parashat Emor* deals with a different kind of *kedusha*, that of the day of Shabbat and the holidays, which are called *mikraei kodesh*.

Let us understand the term *kedusha* a little better. When we use it in regard to Hashem, it clearly means that He is elevated and separated from us. He is not part of our material world. Even though "the whole world is full of His glory" and "there is no place which is devoid of Him," Hashem is the "place of the world, and the world is not His place." We can also understand that Shabbat is *kadosh*, as Hashem sanctified it. However, what does it mean that a person is holy, considering that we originate from the earth and are part and parcel of the material world? Our name *adam* is even based on the word *adama* (earth). How can we be holy and sanctify the times (in creating the calendar for holidays)?

The answer is apparently connected to the *parshiyot* discussing *arayot*. The novel idea about *Am Yisrael* is that we show that it is possible to sanctify the material world. We can give spiritual significance to life on the face of the earth, even when one was "created from earth and will return to earth." The basic condition for this is to be "separated from *arayot* and sin."

In the context of the section dealing with *arayot*, the Torah warns us to avoid the actions of the people of Egypt and Canaan (ibid. 18:2-6). There the default situation was of violating the laws of *arayot*. It is not that the "path to the tree of life" runs through a life of abstaining from worldly pleasures. Rather, what is required is an abstinence from the abominations of the people of Egypt and Canaan and a desire for putting spiritual content into our physical body.

This is the way people can become holy! This is the way the Jewish nation can become a kingdom of priests and a holy nation! This is the way we became able to sanctify the days of the calendar! May we succeed in sanctifying the material world and making it subservient to the life of the spirit in a manner that truly liberates us.

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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

Birkat Kohanim for a Kohen who is in Shemoneh Esrei

Question: A *kohen* often comes to my *minyan* and even if he is early, he says *Shemoneh Esrei* together with the *chazan* and does not perform the *mitzva* of *Birkat Kohanim* (=BK). I understand that he is allowed to break his prayers to do BK and then to return to his place. He claims that what he does is fine according to a different opinion. Who is correct?

Answer: The question of BK during *Shemoneh Esrei* is a complex one that can depend on several factors. The *mishna* (Berachot 34a) states that a *chazan* should do BK if he is the only *kohen* there and he is confident that he can return to complete *chazarat hashatz* without confusion. The implication, as the Shulchan Aruch (Orach Chayim 128:20) rules, is that if there were another *kohen* available, the *chazan* would not recite BK. The Radbaz (IV:293) reasons that the same thing should be so for one in the middle of his personal *Shemoneh Esrei* – if and only if he is the only *kohen* should he go up. The Magen Avraham (128:40) accepts the Radbaz, and this is the first opinion cited in the Mishna Berura 128:106).

However, many disagree with this Radbaz and Magen Avraham. The Rav Pealim (III, OC 4) points out that in the *mishna's* case, the *chazan* is up to the point of *Shemoneh Esrei* in which BK is recited. If he is anywhere else in *Shemoneh Esrei*, we can say that BK is a *hefsek* (improper break). Indeed, a second opinion in the Mishna Berura makes this distinction, ruling that only if the *kohen* is up to the correct place for BK does he recite it, and this is the opinion that seems prevalent today (see Tefilla K'hilchata 14:35; Yalkut Yosef, Birkat Kohanim 21).

Your question implies that since the *kohen* says *Shemoneh Esrei* "along with the *chazan*" (a system that has certain advantages for some somewhat slow *daveners* – beyond our scope) he would be up to the right place. Then, almost all agree that he should do BK when he is the only *kohen*. If so, we do not know why he is reluctant to do this. However, there are two factors that impact whether he is required to do so.

First, one whose *tefilla* will be confused by doing BK (see aforementioned *mishna*, Berachot 34a), does not recite BK (Sha'ar Hatziyun 128:83). (Admittedly, it is hard to know what qualifies as being confused). Yalkut Yosef (ibid.) does cite an opinion that confusion applies only to a *chazan*, as everyone will be waiting for him to resume *tefilla*, and not to an individual. However, the Pri Megadim (Eshel Avraham 128:40) is among the more accepted opinions that confusion plays a role here as well.

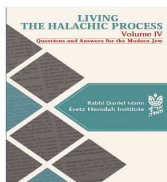
Another factor is that the obligation to do BK has to be activated in a timely fashion. One violates his obligation for BK only if he has been called to do so, based on the *pasuk* in this context "*amor lahem*" – say to them (see Beit Yosef, OC 128). There is another halacha that a *kohen* can do BK only if he stepped toward the *duchan* during the *beracha* of R'tzei (Sota 38b). So if this *kohen* failed to move forward at least a little bit at that time (he may do so during *Shemoneh Esrei*, but the *kohen* in question presumably does not), he is disqualified. Realize that usually a *kohen* is not called until right before BK (if he is the only *kohen*, he will not be called at all – Shulchan Aruch ibid. 10.). So for those who did not step forward, it will be too late to obligate them. It is strange, then, that some *poskim*, including the Radbaz (ibid.) discuss a Torah obligation of BK superseding the Rabbinic *mitzva* of *Shemoneh Esrei* even before he is called (Halachot Ketanot I:64 points out this difficulty). It is difficult to say that the *kohen* violates his obligation if he does not prepare himself for BK on time. In theory, someone could force the issue by telling your *kohen* earlier in *chazarat hashatz* to prepare himself (based on Magen Avraham 128:40). However, we do not think that this is appropriate behavior.

So, one might encourage the *kohen* to find the best way to make BK possible (see Living the Halachic Process vol. IV, A-16). However, we do not think he should be shamed into doing so when he might have a reason not to.

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

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Ein Ayah

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

The Times of *Mashiach* and Beyond

(condensed from Ein Ayah, Shabbat 6:47)

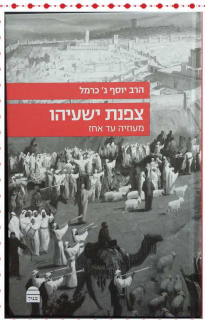
Gemara: Rabbi Chiya bar Abba said: The prophecies of the prophets related only to the times of *Mashiach*, but in the World to Come, “The eye did not see from another anything like that which Hashem will do for those who wait for Him” (Yeshaya 64:3).

Ein Ayah: There are two ways to describe Israel’s rise from the lowness of exile to the high pedestal for which they are fit.

One way is for them to be elevated as an individual nation, separate from any connection they may have with the rest of the world. Under such circumstances, the world will continue to function along the rules of nature that have always existed. The nations will lead their lives, and Israel will inhabit its Land and live its national life in a manner appropriate for their honor. Israel’s special status will be open and clear, and slowly their influence over the nations of the world will have a significant impact. Additionally, there will be elements that connect Israel to the nations that will have to be included in the national life of Israel in order that it will not be totally separated from the rest of the nations. That will enable the nations to view Israel as a part of humanity from whom they are to accept certain lessons. Israel will take part in the universal “concert” of the dealings of the kingdoms.

The second, higher level model of emergence from exile is different. Israel will be elevated to its natural internal character based on its special divinely ordained power, which will enable it to give the whole world a new, refined form of existence. In such a case, it is not just Israel that will be fundamentally elevated, but the whole world will be. Then, an era of special times and a rejoicing in the connection with Hashem will emerge. Godliness will bring happiness and sweetness to every element of life. There will no longer be an incorporation of moral filth into world matters. Anger and depression will have no foothold in life, and there will not be concern about the possibility of dangerous national conflict. There will no longer be an interest in the military strength of nations, so that the sword will lose any standing of importance and will be considered an embarrassing object to possess. This is the glorious period of *Mashiach* about which the prophets spoke, even though at that time the basic principles of physicality will remain intact. Therefore, there will still be a need to relate to prophecy that references matters that we can discern with our senses and our imagination, as they are impacted by the light of intellect and divinity that exist within humanity.

In the World to Come, there will be a change from the manner of life as we know it, which is limited to matters of the senses, even when it is of a high level. Life will be connected to an infinite light, which will profoundly expand the human soul in a way that we cannot imagine with our senses, imagination, and intellect as they presently exist. About this, Yeshayahu said: “The eye did not see from another anything like that which Hashem will do for those who wait for Him.”



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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Lack of Participation

(based on temporary decision in case 76084 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) sued the defendants (=def) in our *beit din*. They sent a claim sheet stating that they bought an apartment, including paying for it and moving in years ago, but *def* have refused to have their ownership registered. (The apartment is in a neighborhood in which individual ownership is not registered in the Tabu; owners are members of a group ownership of the land). The sales contract between the sides states that all adjudication related to the sale will be at Eretz Hemdah. The claim sheet was sent by registered mail to *def*, and someone who called and presented himself as one of its members asked for information about the *beit din*. After a period in which *beit din* received no correspondence from *def*, *beit din* set a date for a hearing. The *beit din* secretary called the listed number of *def*'s main member multiple times and left messages about the hearing with a wife and a daughter. On the day of the hearing, someone who identified himself as *def* called to say he would not take part and that *beit din* could not rule in his absence. *Pl* came to the hearing and asked that *beit din* rule without hearing *def*'s claims and charge for legal expenses.

Ruling: When *beit din* is presented with an authentic-looking arbitration agreement or clause in a contract which sets it as the arbitrator, it assumes that it is indeed charged to act as such. If one of the sides questions the appointment's legitimacy, *beit din* is not authorized to decide the matter; by law, the decision is made by the regional court. Unless and until *def* turns to the regional court with a complaint, *beit din* will assume it has authority. What is *beit din* to do when *def* is unwilling to come and present their case?

Acharonim debate to what extent *beit din* is prevented from ruling without hearing one of the sides. According to the Bach (CM 13:8), Tumim (13:4), and K'tzot Hachoshen (13:1), under certain circumstances it is possible to hear the case from one side. According to the S'ma (18:13), Shach (CM 13:8) and Netivot Hamishpat (Chiddushim 13:8) it is never possible to do so.

Classically, when one refuses to come to *beit din*, he is to be put in *niduy*. But since we cannot do *niduy* in our times and there is little *beit din* can do to force someone to adjudicate even if he committed himself to that *beit din*, the question of adjudication in abstentia resurfaced.

Our mentor Rav Z.N. Goldberg ruled that one may rule under such circumstances in abstentia, just as at times it is possible to accept witnesses not in front of a litigant (Rama, CM 28:16). The sides' contract states that Eretz Hemdah will rule according to *din Torah*, which nowadays includes *peshara*, and this allows *beit din* to rely on opinions such as that of Rav Goldberg. Therefore, we have the right to rule even if *def* does not come.

The refusal of *def* to come to adjudicate caused *pl* damage. As of now, we obligate *def* to pay 2,000 shekels for not coming to the hearing. We give *def* the opportunity to come and claim that their missing the hearing was justified. In the meantime, *pl* should provide evidence to support their claim, and if *def* does not contact *beit din* to arrange another hearing, *beit din* may rule based on the evidence that *pl* presents.

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