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HEMDAT YAMIM

Parashat HaShavua

Vayeira, 18 Cheshvan 5780

A Second Look at Beit El

Harav Yosef Carmel

Last week we looked at the *machloket* between the supporters, in the time of the kings, of Yerushalayim as the center of Judaism and those who saw Beit El, which was featured prominently in Bereishit, as an alternative.

Yeravam ben Nevat, the first king of the Northern (Israelite) Kingdom of the Ten Tribes and a notorious sinner, who caused others to sin, championed the cause of the Beit El devotees. He built a major altar and also erected a statue of a calf, all too reminiscent of the Sin of the Golden Calf at Sinai. Yeravam apparently felt that the calf was a good *mitzva*, as is hinted at by the fact that he named his sons Nadav and Aviya, reminiscent of the first sons of the builder of the first calf (albeit, reluctantly), Aharon.

The first one who tried to stop Yeravam's sin was the prophet from Yehuda (Melachim I, 13:1). *Chazal* identify him as Ido, one of the important prophets of the time. Unfortunately, he was unsuccessful in having Yeravam do *teshuva* because of the old false prophet from Beit El, part of the city's religious apparatus.

More than 150 years later, we find out indirectly that the prophet Amos also was involved in a struggle against the distorters of Hashem's word in Beit El. Amos was a prophet who came from the Judean town of Tekoa. His main activity was with the Northern Kingdom, whose capital was Shomron, and the king in his time was Yeravam ben Yoash, or Yeravam II. Amos prophesied about the execution of members of the House of Yeravam and the destruction of the temples of the Israelites (Amos 7:9). These temples were situated in Beit El, and their priest, Amatzia, felt threatened and turned to Yeravam with the claim that Amos was rebelling against him (ibid. 7:10-11). We should point out that Yeravam refused to accept the *lashon hara* against Amos.

Amatzia urged Amos to return to Judea, join the religious apparatus there, and receive a salary from them (ibid. 12). Amos responded: "I am neither a prophet nor the son of a prophet, but I am a cattle breeder and a tender of sycamore figs." In other words, Amos rejected the idea that he become a salaried member of the religious establishment (see Avot 4:5, which speaks against using Torah as a "spade with which to dig"). A true prophet does not take money for his prophetic activity, and he does not allow anyone to impact the way he thinks or expresses himself based on financial considerations. His prophecy is given by Hashem, and the prophet answers only to Him. Amos was a laborer with his hands and maintained his independence.

This type of language reminds us of what Chief Rabbi Yitzchak Nissim did when he thought that the State of Israel gave too much leeway to the pope, who visited Israel during his time. Rav Nissim refused to take part in a ceremony that he considered disgraceful. When someone threatened to fire him, Rav Nissim said that he was not dependent on his salary and refused to be programmed by others.

Let us pray that we will succeed in avoiding having the Torah become a "spade with which to dig" and follow instead the lead of Amos and Rav Yitzchak Nissim.

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Ask the Rabbi

by Rav Daniel Mann

Kohen Serving as *Chazan* in Israel

Question: I am a *kohen* who comes from America, where a *kohen* does not *duchen* (do *Birkat Kohanim*) if he is *chazan*. At the *yeshiva* I am at, even the *chazan duchens*. What should I do if I am asked to be *chazan*?

Answer: A *mishna* (Berachot 34a) states that a *kohen* serving as *chazan* should not *duchen* even if he is the only available *kohen* unless he is confident that he will be able to return to his place in *chazarat hashatz* without undue confusion. The Tur (Orach Chayim 128) cites the Maharam MiRuttenburg as saying that the ability to not get confused does not erase the problem totally but only allows *duchening* when the *chazan* is the only available kohen. The Shulchan Aruch (OC 128:20) and the Rama (ad loc.) follow this ruling. The logic is that the slight endangering of the quality of the public *tefilla* is warranted only if it is needed to ensure *Birkat Kohanim* will take place at all.

Some later *poskim* present ways of coming to a different policy. The Pri Chadash (ad loc.) reads the *mishna* differently. In practice, whether or not there are other *kohanim* makes no difference. The *mishna* starts by saying that even if there is no other *kohen*, a *chazan* who might have a concentration problem may not *duchen*. Once it introduces that this problem depends on the person, there is no reason for any capable *kohen* to forgo his *mitzva* of *Birkat Kohanim*.

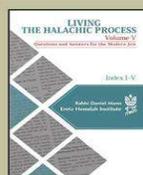
The Magen Avraham (ad loc. 31) tries to explain a *minhag* he was aware of for a *chazan* to *duchen* even if there are others based on a societal change since the time of the *gemara* that many note. Nowadays, the *chazan* uses a *siddur*, in which case we can assume that he will be able to continue *chazarat hashatz* properly. While according to the Tur and Shulchan Aruch, this broad confidence in today's *chazanim* is only enough to justify *duchening* when he is the only *kohen*, one can argue that it removes any effect of the problem and allows *duchening* in all cases. The Magen Avraham disagrees with this approach, because the *poskim* during hundreds of years of *siddurim* use did not write that the halacha had changed. However, he reasons that it is legitimate to follow it if this is the local *minhag*. The Mishna Berura (128:76 and Sha'ar Hatziyun 64) takes a similar approach to that of the Magen Avraham. This is also the practice of most Sephardi communities (see Ohr L'tzion II, 8:5; Yalkut Yosef, OC 128:62). However, the majority of Ashkenazim in Israel (especially, in Yerushalayim) follow the Pri Chadash and allow the *chazan* to *duchen* even if there are others who are doing so (see Dirshu 128:(84)). (*Az Nidberu* XIII:34 advocates a compromise. A *kohen* who is serving as *chazan* when there is only one other *kohen* should also do *Birkat Kohanim*, because many hold that *Birkat Kohanim* is a *mitzva* from the Torah only when there are two *kohanim*. However, he was unable to find a previous *posek* to **explicitly** make such a distinction.)

There are times when one whose *minhag* is to not *duchen* should do so. The Rama (ibid.) says that if someone calls him to *duchen*, which turns him into one who is obligated from the Torah to *duchen*, the obligation overpowers concerns of confusion. *Poskim* explain (see Yalkut Yosef ibid.) that generally when the *kohanim* are called, they do not intend for the *chazan*. One can argue that in *shuls* with the *minhag* that the *chazan* does *duchen*, the *kohen chazan* will thus be bound based on the Rama. However, in our *shuls*, the *kohen* is called too late, as a *kohen* who has not begun to approach the *duchan* before *Modim* may not do *Birkat Kohanim* (Shulchan Aruch ibid. 8). Nevertheless, just the fact that you are in a *shul* which has the *minhag* for the *chazan* to *duchen* is enough to follow the *minhag*. This is ostensibly so even for someone who has not joined the community in a manner that he should personally adopt all of their *minhagim*. Still, it would be best for someone like you to avoid being *chazan* at *tefillot* that have *Birkat Kohanim*, which is anyway a practice that many suggest for any *kohen* (see Birchot Horai 10:7).

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Ein Ayah

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

It is Fine to Feel Insulted

(condensed from Ein Ayah, Shabbat 9:83)

Gemara: Those who are insulted and do not insult, who hear their disgrace and do not respond, act with love [of Hashem] and remain happy through afflictions, about them the *pasuk* is said: “And those who love Him are like the sun as it emerges in its strength” (Shoftim 5:31).

Ein Ayah: There are moral guidelines whose nature is to weaken the power of life. This is not the desired manner of true completion of the person that we should embrace according to the Torah of life, which comes from the light of He Who lives forever. The highest personal attributes, which emanate from a holy source, are those that are full of the vigor of life. They are full of the power of human spirit, with its grandeur and fullness, and it is specifically the light of sanctity that refines them and gives them their glorious charm.

The *gemara* does not refer to one who people insult and he does not feel insulted. That would include people whose spirits are so downtrodden that they have been effectively killed. Such a person may not feel enjoyment when he is honored, and his feeling of pain when he is disgraced is dulled.

[For a person to reach such a lowly state] is not the approach of the Torah. Rather, one’s soul should be strong, and he should have the full vigor of life. The positive feeling from honor and the natural pain over disgrace should be a full part of the spirit a man has built for himself. This should be to the degree that is proper for a person who has the *tzelem Elokim* (likeness to G-d) within him. The *tzelem Elokim* in a person’s soul is what gives him his honor.

The proper response is that despite the clear feeling of insult, still his feeling of ethics and love of his fellow person, even of a person who acted improperly toward him, is so strong that he does not insult in kind. He should actually use the great pain that his spirit feels from the insult, to stop his instinct. He does not want to inflict on others this same pain that he feels, including on the very people who insulted him. This is the bravery of sanctity of life.

Just as there is awakensness of the spirit and dullness of the spirit in the matter of feelings and reacting to insult on the emotional plane, there are also various levels of sensitivity on the intellectual plane. There are those who hear their disgrace, i.e., hear it intellectually and recognize the content, which penetrates his mind. Each type of inflammatory statement, even the most subtle one, can be used by all sorts of cruel people to damage their subjects. Praiseworthy is one who does not respond, due to the greatness of his spirit and the sanctity of his thoughts.

Such people, with a sharp emotional state and a glowing thought process, are capable of containing within them the sweetness of love and the ability to take it to the highest levels of sanctity. These are people who act with love. They feel the pleasantness that those who possess the most developed physical and spiritual feelings feel. They feel all the pain of afflictions in all its bitterness. No stab that they experience evades their grasp of life. Nevertheless, they remain happy through the afflictions, as they know that the afflictions are agents of the merciful Hashem, who is good and does good, and leads the world with kindness. He raises His creations up and polishes their soul from impurities so that they can give them the great light of absolute truth.

The *pasuk* says about such people: “Those who love Him are like the sun as it emerges in its strength.” These are people who love Hashem without being weak in life and in strength. It is not like those who look like they are modest and have good attributes, but really react based on weakness rather than love of Hashem. It is one who acts out of love who is like the sun in its strength; the sun has heat and glow and gives life and light, making things grow and give blessing.



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

How to Calculate Interest on Investment

(based on ruling 71067 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) lent the defendant (=def) \$50,000 in shekels for def to use in a high-gain, moderate-risk real estate project. Def was to pay within two years with the plan of receiving 100% profit to be paid from profits (with the use of a *heter iska*). If there would be no profit, only the principal would be returned. In the case of early or late payment, the calculations would be prorated. After a year and a half, def returned to pl \$50,000 in shekels and promised to give interest prorated for that period of time; he paid that much later. All agree that at the time of the first payment, there were not yet profits. Five years later, when it became clear that significant profits had been realized, pl sued def for additional interest. Pl claims that the \$50,000 already returned should be considered in part payment of principal and in part payment of interest, with some principal remaining. Interest on the remaining money should be calculated based on the fact that it was for much longer than two years. The interest should also be compounded. Def responds that the whole loan was paid early at a time that there was no profit and therefore no obligation of interest, and that his agreement to pay interest with the assumption of future profit was beyond the letter of the law.

Ruling: In order to be able to claim compounded interest (which is possible even with a *heter iska* – Taz, Yoreh Deah 177:31), there would have to be some indication from the language of the contract. There is no such indication.

Regarding whether there is an obligation to pay as if there was profit when there was not, ostensibly since the money was given for one purpose, there should not be payment if it did not see profit. It is clear from pl's claims that he understood it this way as well. *Beit din* was able to determine that indeed there had not been profits from the investment at the time the \$50,000 was returned. Although the standard *heter iska* requires an oath to the effect of no profits (and def is not going to swear), the *poskim* (see Brit Yehuda 38:(6)) rule that if the investor knows there was no profit, there is no oath requirement. It is a question here whether the later profits that were facilitated by the opportunities created by the original loan, should obligate def. However, since def agreed to pay that interest, there is no issue.

Should we consider the \$50,000 payment as returning the whole principal? Usually the recipient determines what the payment is for (Shulchan Aruch, Choshen Mishpat 83:2), but here there are clear indications that it was for the principal. First, the amount is precisely for the amount of the loan. Def also claims that he stipulated that this is what it was for and that pl was quiet. Two *dayanim* say that he can determine the purpose of the payment only when the two obligations apply at the time, whereas here, the payment for profit did not yet apply at that time. According to the third *dayan*, since pl claims that there is payment for compounded interest, it thus makes no difference if the payment was for principal or interest because interest turns into principal. Thus, pl admitted that he had no reason to care.

According to all *dayanim*, def is not required to pay any more.

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