



HEMDAT YAMIM

Parashat Hashavua

Emor 15 Iyar 5783

Harav Shaul Israeli zt"l
Founder and President

Who Are the *Kohanim*?
Harav Yosef Carmel

Unquestionably, the *kohanim* who are discussed in the beginning of *Parashat Emor* are the descendants of Aharon the *Kohen*. However, this is not the case for all of the "*kohanim*" who are mentioned in *Tanach*. One clear example is the words of Shmuel II:8:18: "The sons of David were *kohanim*." It is impossible that the sons of David, the son of Yishai, from the descendants of Peretz, the firstborn son of Yehuda and Tamar, were patrilineal sons of Aharon!

So what does *kohanim* mean for those who do not descend from Aharon? In the parallel *pasuk* in Divrei Hayamim (I:18:17), it says that "the sons of David were the first ones, next to the king." In fact, the Targum Yonatan to Shmuel says that the sons of David "were powerful officers," and Rashi, Mahari Kara, the Radak, and the Ralbag follow this approach. Interestingly, Rashi and the Rashbam (his grandson) explained the reference to Bnei Yisrael as "a nation of *kohanim*" (Shemot 19:6) as *sarim* (officers); they invoke the *pasuk* in Shmuel as corroboration. The Ralbag adds an educational, ethical lesson. The fact that David made his sons powerful was a contributing factor to Avshalom's decision to rebel and to the killing of Amnon and Adoniyahu. In general, he claimed that David was not sufficiently successful in his moral supervision of his sons.

The Ri of Trani explains that generally *kohanim* refers to a governmental position more than a religious one. He brings as support the fact that Yitro was called the *kohen* of Midian (Shemot 18:1). [Of course, there is a strong current in *Chazal* that Yitro was a religious figure in Midian and that contributed to the fact that Moshe's descendant was a priest for idol worship (see Shoftim 18:30).

The Radak explains that *kohanim* can refer to Torah scholars, based on the following statement of *Chazal*. Rava says that a Torah scholar can ask to have his monetary case adjudicated ahead of his position on line in honor of his status (Nedarim 62a). The source that this is reasonable is the *pasuk* about the sons of David being *kohanim*, from which they derive that just as a *kohen* receives the first portion, so too a Torah scholar deserves to be prioritized. (We caution that in our days, such a request is liable to cause a desecration of Hashem's Name. We strengthen this with a story about our mentor, Rav Shaul Yisraeli, an outstanding Torah scholar by any measure. When assuming the shopping duties when his wife was sick, he would not agree when people offered him to skip their place on line.)

We also suggest that those of David's sons who were the firstborn of their mothers had leading roles in the service of Hashem in public altars (after the *Mishkan* was destroyed and before the *Beit Hamikdash* was built). In that way, they could have been like *kohanim* in terms of their work. We can also take a step forward and suggest that when David was described as "being fastened with an apron of fabric" (Shmuel II:6:14), when he was bringing the ark to Yerushalayim, it was referring to him acting in preparation for the eventual building of the *Mikdash* (by his son). Only after the *Beit Hamikdash* was built, did wearing a *kohen*-like garment become problematic in a service-promoting context.

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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

Removing Dirt from a Sefer Torah on Shabbat

Question: During *laining* on Shabbat, I noticed dirt of some sort that distorted a letter of the *sefer Torah*. I pushed it with my *tallit*, and it readily came off. Did I violate Shabbat?

Answer: The classic case of the *melacha of mochek* (erasing) is to erase letters or a form in order to afterward write two letters in its place (Shabbat 73a). The *tosefta* (Shabbat 11:11) says that removing ink or wax that fell on paper in a way that enables writing two letters is a full violation of Shabbat. The Rosh (Shabbat 7:9) learns from this that *mochek* is not necessarily erasing letters/forms, but any substance in a way that enables writing. The Bach (Orach Chayim 340) extends it beyond enabling new writing to erasing substances that cover letters, where the erasure makes them visible again (Rabbinically, even one letter).

The Shulchan Aruch (OC 340:3) codifies the *tosefta's* ruling, and important commentaries (including Taz 1; Mishna Berura 11; Aruch Hashulchan 22) accept the Bach. On the other hand, there are significant opinions (Shvut Yaakov II:4, discussed in Bi'ur Halacha to 340:3; see more opinions in Piskei Teshuvot 340:(82)) that this is not erasing (some suggest other problems) but it is similar to removing a cover from letters sitting in a box.

A *halacha* regarding *tefillin* seems to support the Shvut Yaakov. The letters of *tefillin* must be written in order, so a mistake cannot be simply fixed later once one has gone on to subsequent letters (Shulchan Aruch, OC 32:22). However, if wax fell onto properly written *tefillin*, when the wax is removed, the writing is *kosher*, as the wax did not undo the covered letter (Mishna 32:61). The Bi'ur Halacha (ibid.) deflects the proof, claiming that while the letter still exists regarding *tefillin*, regarding Shabbat, we are interested in the practical point of whether it is visible, so that if it is not, removing is equivalent to erasing in a way that facilitates writing (here, the already existing writing).

(In a case in which it is forbidden to remove the covering, it is a good question what one does about reading done from such a *sefer Torah*. The Mishna Berura (340:10) and others (see Dirshu 340:10) discuss the matter (with a few permutations), but it is beyond our scope.)

Despite the above, we presume that what you did was fine. The Orchot Shabbat (15:(72)) says that if the covering consisted of some sort of food or dirt that does not cling tightly to the parchment/writing, the way that wax does, it is permitted to remove it. The Mishna Berura (340:13) seems to disagree with this distinction, as he writes that if ink or another liquid falls on top of a letter, one may not rinse it off. However, the Orchot Shabbat argues that this is referring only to writing substances or those that adhere tightly. Chut Shani (Karelitz, Shabbat 21:(1)) distinguishes between that which is already stuck on and that which will stick only if left alone. However, it seems that he too requires somewhat tight adhesion. According to this approach, all agree with the Shvut Yaakov's principle, that something can be considered an external covering, and the question is regarding the degree. Your description makes it seem that you did not reach the level of problematic.

One can ask on the thesis that serious adhesion is needed concerning *mochek*. We rule that sprinkles or frosting that spell out letters, etc., on cake may not be cut because of *mochek* (Shemirat Shabbat K'hilchata 11:7), despite their low level of adhesion to the cake. However, that misses the point. It is not that there is no *mochek* when the writing and its base are not tightly connected. Rather, it is that in order for an already existing letter that is covered to be considered temporarily non-existent, that which neutralized it must be strongly connected.

While other questions, especially *muktzeh*, are not trivial (see Shvut Yaakov ibid.), it is permitted to remove dirt from a surface (when not considered laundering), with the help of something or even by hand (see Shemirat Shabbat K'hilchata 15:27; Orchot Shabbat 19:205).

“Behind the Scenes” Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

The Study of *Machshevet Yisrael* in Yeshiva – #149 – part I

Date and Place: 4 Menachem Av 5668 (1908), Rechovot

Recipient: Rabbi Yitzchak Isaac Halevi. As mentioned, we have featured many letters between the two. The ideological negotiations between the two, around the question of Rav Halevi's help with Rav Kook's proposed yeshiva, focus this time on the study of *Machshevet Yisrael* (Jewish Philosophy).


Body: I want that the upper echelon of the institution, the full-time yeshiva, will learn Torah in the broadest sense, consisting of all its parts, both from a practical perspective and a more theoretical, spiritual perspective. You apparently do not agree, and what I desire to include in the set Torah study, you apparently call "old investigations, which do not make a difference in our days." I must clarify matters, so that hopefully we can agree on this fundamental point.

When I say that we need to learn the Torah's spiritual side on a regular basis, as it is the generation's salvation, I do not at all mean to limit my aspirations to studying a set list of books, classic or more recent ones. I do not intend to promote study of Rav Saadia Gaon's *Emunot V'de'ot*, the *Moreh Nevuhim*, the *Kuzari*, or the like, so students will know what they say and use their ideas in our philosophical battles. I agree that much of what they wrote is outdated because the world no longer accepts the old philosophical foundations. We still have interest in studying these works, because they contain eternal ideas that cannot be nullified by the time's prevalent scientific assumptions.

The world has moved on from the whole approach, because they have left the realm of spiritual ideas and have embraced the study of life and activity instead. In truth, [the world] is very negatively affected by the absence in its thoughts of the "oil of spirituality." It robs them of all the grace and gentleness of the circle of life. Therefore, clearly, they will eventually return to search with candles for the spiritual treasure the world abandoned in favor of briskly adopting life's material side.

In any case, this applies only to special individuals, and therefore these are not elements [I look to teach students because of its practical value], but rather because it is included in the obligation of Torah study in its most complete degree, and the value will eventually be reached. Therefore, I do not remove any element of such study, which are part of the Torah's spiritual treasure house, whether in the Written Law or Oral Law, from the medieval or more recent thinkers, whether those with a philosophical approach or those who research, Kabbalists, experts in aggadic literature and homiletics or those who focus on ethics and lessons in service of Hashem. They all represent a major area of Torah, and therefore there is a major obligation to know the works.

Included in [topics for the yeshiva curriculum] is inquiry into all elements of history, of which your books are the main contemporary resource. We know that the richness of Halacha is enhanced by knowing all the opinions on a topic, even those that are rejected in terms of practice. Greater knowledge and recognition of the multitude of shades make the learner more creative and versatile and capable of new ideas and wise decisions. This is also true regarding the richness of homiletics, not in its superficial perspective, as the German scholars and the members of the seminaries practice, but rather in its deep, internal perspective. This is acquired only by hard work and study on a regular basis, when one is connected to the sanctity and pure fear of Heaven of those who study Torah for its intrinsic value. This prepares a person to live a spiritual, holy life, enabling him to think of new, powerful approaches to spread the light of Torah in all the ways the present generation needs, just as previous generations of great thinkers did for their times.



**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 seeked 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

Who Breached the Contract? – part III

(based on ruling 81087 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) owns a chain of eateries, who made a franchise agreement with the defendants (=def) to open a branch in a region in Israel. Def was to receive, among other things, use of the chain's trademarks and experience and pl's commitment to rent a place to open the branch and receive a license. Pl and def were each to own 50% of the branch. Def were to pay 300,000 NIS under a payment plan, including 25,000 NIS to be paid directly and 100,000 NIS put into an escrow account, both soon after signing. The contract stated that any side who would breach the contract would have to pay 150,000 NIS. Def did not make the initial payments. Each side is suing based on the breach of contract clause, pl, because def did not pay, and def, because pl did not rent a place for the branch. [We will deal with various claims in installments.] Def claim that when pl explored with them the alternative of taking over the branch in Gush Dan, before payment, he showed that he waived the right to receive payment **before** finding a branch for def. Also, def's lawyer told pl that he had until January to complete his side, after which def would not be bound to the check they gave him to hold.

Ruling: The claim of learning from the Gush Dan offer breaks into two: 1. It can be a waiver of early payment. 2. Since it is a departure (at least based on location) from the original agreement, it causes a reset of the whole agreement.

We see that as soon as the Gush Dan idea fell through, pl sent email demands about the money due. Apparently, pl saw the Gush Dan possibility as a different situation – a branch that already existed, making it easier to give over and more important to keep. When the franchisee there decided to stay, pl went back to the original deal with def. Regarding def's lawyer's ultimatum, changes in the agreement cannot be made unilaterally, even more so since the agreement states that any changes must be done in writing with the sides' signatures. Therefore, according to the majority, def have to pay for breach of contract.

According to the minority opinion, while formally def breached the contract, from the record of the communication between them, it is apparent that the delay of payment was not the reason for pl's retreating from the deal. One can infer from the contract, that it is only when the breach of contract was the cause of the undoing of the agreement, that the significant penalty is called for. According to the majority, the lack of payment did indeed set into motion the dynamics through which the agreement ended.

What remains to be determined is whether the full penalty amount found in the contract is to be applied, and, if not, how much should def pay.

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