



# HEMDAT YAMIM

חֵמְדַּת יָמִימִים

**Parashat Hashavua**

**Ki Tavo, 16 Elul 5783**

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**Publicizing those who Perform Mitzvot**  
Harav Yosef Carmel

In *Parashat R'ei*, the Torah commands to tithe agricultural produce (Devarim 14:22). In our *parasha*, the Torah teaches a *mitzva* to, twice during a *Shemitta* cycle (*Erev Pesach* of the 4<sup>th</sup> and 7<sup>th</sup> years), finish dispersing various tithes (ibid. 26:12). As part of the process, the landowner declares that he performed all of the obligations correctly (ibid. 13-14).

Such an explicit declaration of apparent self-congratulation requires explanation, as it appears to be going on a limb and being boastful. Can/should a person really announce that he did everything he was supposed to?

Rashi, commenting on one of the declaration's elements ("I have done according to all that You have commanded") lends insight. He explains that the person is saying: "I was happy and made others happy." It is thus not a matter of boasting about keeping the *mitzva* but of reminding oneself what he needs to do. (We know from the *tochacha* that failure to perform *mitzvot* with joy is a serious matter – ibid. 28:47). This teaches us: 1. Giving makes one happy; 2. There is no real *simcha* if one does not make others happy.

The Sefer Hachinuch (#607) takes a different approach. Because speech is so fundamental to a human being's uniqueness, some people are more careful about what they declare than what they do. Therefore, making a person declare that he tithed properly helps ensure that he actually will do these *mitzvot* properly. Therefore, the point is not self-congratulation but self-prodding to do the *mitzva* well.

Abarbanel has a novel approach, which has an interesting practical side. In order to make it easier to fulfill this costly *mitzva*, a person gets to publicly announce his proper performance of contributing to those who deserve to receive. According to him, we allow and recommend positive publicity as an incentive for doing the *mitzva*.

There is a parallel discussion in a halachic context. The Rashba (Shut I:581) ruled that a community may not prevent one who donated for a *shul's* expansion from putting his name on the wall. He reasons: not only is it the *minhag*, but it is the way of the Rabbis and even the Torah to publicize those who do good things, which shows it is the "way of pleasantness." The Rashba proves this from the story of Yossi ben Yoezer. He bought a fish in honor of a child's birth, and they found a pearl in its stomach, which he donated to the *Beit Hamikdash*, and the donation was publicized.

Public praise can encourage donations (see Bemareh Habazak II:17). This idea is also inferred by the *pasuk* in the context of giving tithes: "they shall eat in their gateways and be satisfied." What guarantee is there that giving tithes will be enough to satiate the needy? Perhaps, the *pasuk* is hinting that the ability to publicize donations encourages a situation in which people will give more than a tenth, thus resulting in sufficient funds.

We point out that generosity has a long history in our nation. Yaakov Avinu promised to give 10% from everything he received (Bereishit 28:22) even though the Torah requires it only from certain agricultural produce. So too in our days, fine Jews give 10% of their income to charity without first subtracting their necessary expenses. It is permitted to publicize, in this way, that we emulate Avraham Avinu, the ultimate granter of favors.

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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

## The Chazan's Pre-Birkat Kohanim Practice

**Question:** In *chutz la'aretz*, I was taught that the *chazan* says the whole *Elokeinu Veilokei Avotainu* prayer quietly except for calling out the word “*kohanim*.” In Israel, someone else says “*kohanim*.” Does the *chazan* still recite the whole prayer quietly? What is the logic of the two practices?

**Answer:** The main point of the prayer of *Elokeinu Veilokei Avotainu* (=EVA) is to beseech Hashem for the benefits of the *berachot* that constitute *Birkat Kohanim* in lieu of the *kohanim* carrying out their *mitzva* (Rav Amram Gaon, cited in the Tur, Orach Chayim 127). Although EVA is apparently a post-Talmudic institution (see Tosafot, Berachot 34a), it is accepted that this is not a *hefsek* in *chazarat hashatz*. Realize that *Birkat Kohanim* is supposed to be incorporated in *chazarat hashatz*, with the *gemara* (Megilla 18a) explaining its appropriateness at that exact juncture. The *chazan* is expected to recite the *berachot's* words to prompt the *kohanim*, and that too is not a *hefsek* (Rashi, Berachot 34a; Rambam, Tefilla 14:8). Similarly, the *Birkat Kohanim* stand-in is appropriate for the *chazan*. Tosafot (Berachot 34a) also infers from the *mishna* (ad loc.) that were it not for concern that he might confuse himself, the *chazan* could have answered *amen* to the *Birkat Kohanim*.

The disagreement begins in regard to the *chazan's* involvement when **there is** *Birkat Kohanim*. Rabbeinu Tam (cited by Tosafot, *ibid.*; Rosh, Berachot 5:17) posits that despite the fact that leading *Birkat Kohanim* is not a *hefsek* for the *chazan* and that someone needs to call the *kohanim*, a *gabbai* should call them instead of the *chazan* (note that in the *gemara* and other early sources, the word *chazan* is what we call a *gabbai*).

The Rosh (*ibid.*) cites the argument of the Ri that the objection to the *chazan* calling the *kohanim* may have disappeared once the prayer of EVA was instituted. That is because now the *chazan* can use the recitation of the word “*kohanim*” within the text of EVA to call them. The Tur (OC 128) and others report that the Maharam MeiRutenberg used to do this, and that he said all of EVA silently except for “*kohanim*.” Perhaps when only that word is said out loud, it is more discernable as a call to the *kohanim* in addition to part of a prayer. (When someone other than the *chazan* prompts, he immediately says that one word, so that the Maharam's system slightly delays the beginning of *Birkat Kohanim*). On the other hand, others report (see Hagahot Maimoniot Tefilla 14:7) that the Maharam changed his practice, and as *chazan*, no longer recited EVA or called out to the *kohanim*.

Concerning practical Halacha, the Shulchan Aruch (Orach Chayim 128:8), following the Rambam (*ibid.*), has the *chazan* calling out *Kohanim* without EVA, and this is the Sephardi *minhag* (Yalkut Yosef, OC 127:2 and 128:35). The Rama (ad loc.) cites as the *minhag* the earlier practice of the Maharam, that the *chazan* says EVA quietly, except for “*kohanim*” out loud. This is the *minhag* that you grew up with in *chutz la'aretz*, where it is still prevalent for Ashkenazim. The Gra (Ma'aseh Rav 168) follows Rabbeinu Tam – a *gabbai* should call out *kohanim*, whereas the *chazan* just recites the *Birkat Kohanim* itself before the *kohanim*. As not infrequently happens, the *minhag* of the Gra became the *minhag* of the Ashkenazim of Eretz Yisrael.

It is theoretically possible to posit that even according to the *minhag* that a *gabbai* calls out *kohanim*, the *chazan* still says EVA quietly. One can even argue that this has an advantage in making the *chazan's* word-by-word prompting of *Birkat Kohanim* less of a *hefsek*, as it is incorporated into the text of EVA. However, since the consensus is that in the time of Chazal, before the prayer of EVA was used at all, the *chazan* led the *kohanim* in *Birkat Kohanim*, it must not be a problem of *hefsek* at all. Such a practice does not fit in with any of the three main *minhagim*. (Perhaps, some *chazanim*, especially those who are used to the *minhag* of *chutz la'aretz*, say all of EVA quietly before *Birkat Kohanim*. However, this is a mistaken practice, albeit, not a critical one.)

### “Behind the Scenes” Zoom shiur

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

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# Igrot HaRe'aya - Letters of Rav Kook

## The Need for Torah Devotees to Write on Jewish Philosophy – #164 – part I

**Date and Place:** 26 Tishrei 5669 (1908)

**Recipient:** Moshe Zeidel, a protégé of Rav Kook. In earlier years, there were several letters to him.

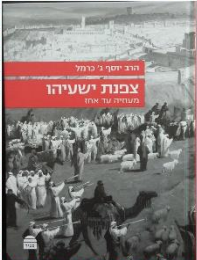
**Body:** Affection for you, which does not leave my heart, always reminds me about my obligation to write. However, am I able to fulfill my obligation, as my heart pulls me to do? I must respond in the negative. I am involved in many types of work, and each one creates feelings that contradict those created by the other involvements. I am always forced to jump from one to another, to the point that when I want to “pay a debt,” which my heart greatly desires, there is usually not enough time to do so. When I am able to extricate myself from my constrictions and “pay,” I have to carry it out in haste, so that I do not find a full sense of satisfaction in the manner I write. Nevertheless, true love covers up all shortcomings.

In truth, I very much desire that there should be friendly conversation between people in our peer group, between the elite few who understand and feel that we have a powerful spiritual task, which is new and extensive. We must engage in the spiritual subjects of the Torah with the same vigor with which we rightfully engage the practical subjects of the Torah. This is my old, favorite idea. Give and take and questions and answers on matters of Jewish philosophy and belief need to be written, with clear logic and with a spirit of intellectualism and boldness, specifically by Torah scholars who are fixtures in the “tents of Torah.” This is despite the fact that in this generation, most of those who wrote on such subjects are those who learned Torah and then strayed from its observance. These are people who live a haphazard life, at least in regard to recognition of the light of Torah, and by so doing, have sealed off the path to the freedom of recognizing the hidden light, which lives and exists eternally, in the treasure house of the life of Israel.

Therefore, I would very much desire to set up an ongoing correspondence among all of the remaining wise young people, who know and love Torah, remain faithful to it and follow its commandments, while at the same time are involved in academic pursuits in a proper and diligent manner. With people like that and like us, we can come out with serious intellectual writing, creating a proper genre of spirituality and innovation, in the nearly abandoned field of Jewish Philosophy and belief. We can do it in a successful manner, “like fatty meat on a gold table.”

According to the importance of the matter so are the obstacles to setting up such a framework, formidable. Nevertheless, I have not given up hope, and I look to Hashem, Who gives us the light of the world in the treasure house of life, that He may still give me the privilege to fulfill my desire. With your help, my beloved brothers (you and Rav Binyamin Moshe Levine) and a group of your friends from there (they were in the university in Bern, Switzerland at the time) and here; everyone who is diligent to act, who has a spirit of Hashem in him, will rise up and lend you a hand. There should be between us a flow of letters full of the goodness of Hashem, encouraging the increase of analysis of the truths of intellectuality, which is appropriate in our days in order to reinvigorate our nation’s spirit and reveal its light and grandeur to its children.

We should fulfill that which I wrote in a recent poem: “From the points in my thought, they should be gathered in their masses; I will take my letters, and they shall turn into articles; the articles shall become books, and the books shall be circulated in every place.” Together we shall sing these songs in practice, and from the corners of the world songs will be heard, and the joy of being close to Hashem shall be our strength.



**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

## Disagreement on Length of Rental Commitment – part II

(based on ruling 83043 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def), which provides communal medical services, has been renting part of the building of the plaintiff (=pl), an educational institution, for over 20 years. There have been various rental contracts (=rc) for different lengths of time; the last one, written in 2012, includes a clause enabling pl to remove def with one month's notice. Since then, some draft contracts were exchanged (including one, in 2016, rejected by def), and the sides continued the rental based on general oral agreements, with some rent increases. In May 2022, pl told def to vacate their rental area by October because pl expanded their operations and needs the space themselves; def refuses to leave. One solution raised was for the two sides to use the area at different hours, but def claimed it was illegal to do so. Def requested a restraining order to prevent pl from moving in. Def argues that only one agreement includes the clause of early removal of def, and it is unfeasible for a medical provider to relocate in a month. Rather, that contract was a formalistic piece of paper that did not represent the parties' essential agreement (the sides ignored many of its provisions).

**Ruling:** [We saw that the "removal clause" is binding.]

Even if there were a doubt whether the clause was intact, *chazaka* is in def's favor because pl is the owner and a doubt whether def can extend renter's rights over the property for additional time is a doubt for changing the basic status (Shulchan Aruch, Choshen Mishpat 312:16).

What if the clause were not intact? At the end of a set rental period, a landlord can remove a tenant with no warning (ibid. 8), as a tenant can leave with no warning (S'ma ad loc. 13). The Shach (ad loc. 10) implies that this is even if the landlord had continued living there thereafter. In the latter case, some say (see Chochmat Shlomo ad loc. 1) that if a long time passed, the tenant cannot be removed suddenly, because at that point, he had no reason to suspect the need for sudden relocation. However, Chochmat Shlomo says that 30 days is sufficient warning. The Aruch Hashulchan (ad loc. 24) says that the warning period could be no longer than the contract's duration. In this case, the sides had yearly agreements, and at the "anniversary" of renewal (in this case, June 2022) pl could have stopped it then; thus, pl's warning in May sufficed.

Israeli law (Law of Renting, par. 19a) requires "reasonable" warning. Pl says that three months is plenty, and def says a year is needed. Although it is not clear that the law is halachically binding, in any case, when the agreements were on a yearly basis, a full year of warning could not be needed. Therefore, three months definitely suffices.

At this point, when many months have passed since the warning, but the ruling is being given only now, we might apply the ruling that generally 30 days are given to implement a ruling (see Netivot Hamishpat 100:1). The Chikrei Lev (CM I:62) says that this is not so regarding continuing rentals because the landlord is *muchzak*. However, we decide that without 30 days to move out, def would be caused hardship.

Comments or questions regarding articles can be sent to: [info@erezhemdah.org](mailto:info@erezhemdah.org)

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Nir Rephael ben Rachel Bracha  
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam  
Yerachmiel ben Zlotta Rivka  
Together with all *cholei* Yisrael

Neta bat Malka  
Meira bat Esther

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