



# HEMDAT YAMIM

## Parashat Hashavua

Vayikra, 9 Adar II 5782

Harav Shaul Israeli zt"l  
Founder and President

### The Leader Sinned

Harav Yosef Carmel

"Asher nasi yecheta (should the nation's top leader sin) and violate one of the *mitzvot* ... unintentionally and be guilty ..." (Vayikra 4:22). The *Tosefta* (Bava Kama 7:5) and Rashi expound upon the *pasuk*: "Ashrei (fortunate) is the generation whose *nasi* sins and brings a *korban*."

In *Tanach*, *nasi* classically refers to the king, who is the person who is elevated above everyone, except Hashem. The very possibility to demand of a king to acknowledge his sin is a great novelty. All the more so, we would never expect that there would be someone with permission to rebuke the king or to demand of him to admit that he sinned.

Until around 200 years ago, anywhere in the world where a man of conscience would have the nerve to stand up with rebuke before whoever was the sovereign leader, he would immediately disappear from the face of the earth. (That is if he were lucky. He could live out his life under conditions of torture so that others could "hear and fear.") Even in our days, there are places in the world where any criticism, even the most mild, about the king, will bring its speaker a very serious reaction, like in the past.

In contrast, according to *Tanach* and the words of *Chazal* and early commentators, one of a prophet's responsibilities was to rebuke the king and demand of him to reset his course if he strayed from the path. True, doing so did not always bring a prophet a bed of roses, as the thorns often took the place of the roses. In the Kingdom of Israel (10 Tribes), prophets were persecuted for their criticisms of the king, such as Eliyahu in the days of Achav and Amos in the days of Yeravam II.

Even in the somewhat better Kingdom of Judea, prophets paid a steep price for their rebuke, sometimes even when the king was righteous. Let us recall the fate of Chanani, who rebuked the righteous Asa for relying on Aram. Asa put him in jail as a result, and some of his followers were killed (see Divrei Hayamim II, 16:7-10; see also Yirmiyahu 20:2; ibid. 29:26). So too, the prophet Zecharia, son of the saintly *kohen gadol* Yehoyada, who saved and raised King Yoash, was killed in the *Beit Hamikdash*, by order of that same Yoash, an overall good king (Divrei Hayamim II, 24:20-22). Even in the case where the prophet was a close relative of the king, immunity was not ensured. Amotza threatened the life of Amotz (ibid. 25:15-16), even though *Chazal* tell us that the two were brothers.

We need to look within this context at the actions of David Hamelech. He received strong rebuke at the hand of the prophet Natan and fully accepted it. This was a unique quality of David, the teacher of repentance and of proper humility as a king.

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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

## Listening to the *Megilla* with Limited Concentration

**Question:** It troubles me that I often daydream and/or doze off for a few words during *Megilla* reading. Do I fulfill the *mitzva* under those circumstances?

**Answer:** You sound like most people. While almost impossible to pinpoint the level of concentration one needs to fulfill the *mitzva*, sharing what we do know gives a reasonable picture.

The *mishna* (*Megilla* 17a) states that one who reads the *Megilla* while *mitnannem* (dozing) fulfills the *mitzva*. The *gemara* (ibid. 18b) describes it as one who is neither sleeping nor awake, answers when addressed, cannot explain something that requires logic, but when reminded, he remembers. While this seems to solve your problem leniently, the *poskim*, based on the *Yerushalmi*, limit this to one who is reciting the reading in this manner. (Reciting something while semi-asleep is demonstrated by many people during *Shemoneh Esrei*. While it seems unlikely to read with one's eyes from the *Megilla* in this state, *b'di'aved* one may read up to half the *Megilla* by heart (*Shulchan Aruch, Orach Chayim* 690:3).) In contrast, one who only listens in that state does not fulfill the *mitzva* (ibid. 12). After all, verbalizing a text, even by rote, involves the mind to a greater extent than having sounds go into one's ear without their being processed (*Eretz Tzvi*, I, 45). Of course, there are different levels of drowsiness, and it is hard to know how much more awake than *mitnannem* a listener must be.

The more common problem is daydreaming/mind wandering. In two places, the *Magen Avraham* disallows listening to someone else to be *yotzei* a *mitzva* because one cannot trust himself to listen to each word: 1) 124:16 – One who forgot Ya'aleh V'yavo should repeat *Shemoneh Esrei* rather than try to be *yotzei* with *chazarat hashatz*; 2) 193:2 – We prefer reciting *Birkat Hamazon* over being *yotzei* with the *mezamen*. In contrast, regarding *Megillat Esther*, the *Magen Avraham* (693:15), citing the *Rashba* (*Shut I:467*), proves that one does not need first-rate concentration from the *halachot* that a passerby who hears *Megilla* reading from a shul and stops to listen is *yotzei* and that even one who does not read or understand Hebrew can be *yotzei* by listening. Experience teaches that it is hard to decipher to the point one can parrot a string of words he hears in a foreign language, and yet that is halachically sufficient. We suggest another source that indicates that a normal person, with a wandering mind, likely concentrates enough. Although usually one cannot follow two people reciting something together, we assume that for *Megilla*, he can concentrate (*Shulchan Aruch* ibid. 2; see proviso in *Mishna Berura* 690:4).

The *Magen Avraham*'s stringencies of not assuming one will listen well are in contexts when there are natural alternatives. In contrast, when most of us listen as well as we can and still our mind wanders or if one does not understand the *Megilla*, we will assume he fulfilled the *mitzva*. *Acharonim* disagree about the level of concentration the *Magen Avraham* said sufficed (see *Levushei S'rad ad loc.* and *She'arim Hametzuyanim Bahalacha* 141:13). If one is following along with a *sefer* (as he should) and after breaking out of the lapse is up to the *ba'al korei*, he can assume he concentrated sufficiently (*Eretz Tzvi* ibid.; *Dirshu* 690:35, citing *Rav Elyashiv*). A wandering mind, while better avoided, can still basically follow a familiar text. Consider that people can simultaneously drive, listen to music and a passenger, and worry about being late.

The way to navigate failure or doubt about concentration is to read over with lips the words he may have missed (*Shulchan Aruch* ibid. 3-4). People with severe concentration problems may need to read along with their lips (see recommendations in *Living the Halachic Process III*, D-14 in different circumstances). One who really cannot follow the *ba'al korei* effectively will likely need to read the whole thing from a kosher scroll after *shul*, and if he is not proficient, the special recording we made for people who cannot make it to shul can be helpful (contact our office).

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



# Igrot HaRe'aya - Letters of Rav Kook

## Study of Spirituality – #95 – part I

**Date and Place:** 8 Tishrei 5668 (1907), Yafo

**Recipient:** R. Nachum Kahana Shapira and R. Shlomo Rabb, young rabbanim or yeshiva students in Jerusalem.

**Body:** You have asked me to “satisfy” you, through letters, on matters that occupy the loftiest ideals in the world about knowledge of Hashem and the depths of the spiritual matters of the Torah. This realm has been abandoned terribly in a manner that upsets everyone who loves Hashem and His nation. We know that this abandonment is the source of our lowly standing and that when we return to it, Hashem will show us the light of His salvation, which will glow over Zion.

A young man like me would love to fulfill the desires of such pure spirits as yours. My dear brothers, you know that if I had the strength, I would not stop for a moment to call out in a booming voice to all the true servants of Hashem, especially the Torah scholars of *Eretz Yisrael*, to hurry with great strength to rectify the horrible crookedness and to return to the neglected part of the Torah, which is the source of our life. This spiritual study will be that which will give vitality to the tree of life, which is the broadest involvement in Torah and service of Hashem. The reason we are now so lowly and that the exile has lasted so long is that we have made the Torah “dry.”

However, I will never agree that I am the one who, with words alone, can awaken the sleeping and beleaguered hearts and spirits. What can an idea or ideas that are publicized once or twice be able to do if those who hear them return afterwards to their normal state of darkness? Therefore, what I write and try to inspire people to do is to rise up and take action to help our individual souls in a way that the national soul will be influenced. Namely, by making set allotments of time to study the special books, written by classical and more recent giants of ethics and fear of Hashem, both those that are based on “open” texts and those that are in the realm of the hidden world of *Kabala*. After learning book after book, one must strive to reach the heights of analysis and careful reading of the texts. One should not view the fear of Hashem in the accepted way, for this is just a shadow of a shadow of true fear of Hashem, which is acquired when one learns on a regular and organized basis without taking a break for even a day.

So, no, by means of writing letters, I have nothing to add (apparently the addressees asked Rav Kook to inspire them to spiritual growth with letters). However, if dear Torah scholars (like you) will listen to my advice, they will be able to open the door of those who are dependent on hope, to return to the spiritual fortress. In that way, they can increase the honor of Heaven and the power of love of Hashem by means of the light of the wisdom of true spirituality. Then, there will be a flow of life-giving light and power along with pure humility that elevates all the strength man can obtain. Torah will then become more uplifting in all of its realms of study, with honor, wealth, and wisdom emanating from the divine wellspring. This will bring grandeur to the beautiful Land and glory to the true Torah and Hashem's Name will be sanctified from the Land throughout the world, when the faces of all of the Land's Torah scholars will shine.

This can happen only based on the conduit of the study of “internal Torah” on a regular basis, which is nourished by the glow of the honor of such Torah.

*We will continue next week with advice and inspiration along these lines.*

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

Nir Raphael ben Rachel Bracha  
Yisrael ben Rivka

Rivka Reena bat Gruna Natna  
Arye Yitzchak ben Geula Miriam  
Together with all *cholei Yisrael*

Neta bat Malka  
Meira bat Esther



### 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

## Receiving One's Due in a Joint Building Project – part I

(based on ruling 80010 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendants (=def) are neighbors who are building a column of reinforced rooms as an extension to their apartments. The ground-floor apartment owner (=sel) signed his agreement to plans presented to the municipal planning board before entering negotiations to sell the apartment. During negotiations to buy sel's apartment, the plaintiff (=pl) demanded that sel renege on his agreement to the plans, which he did. In the meantime, the planning board rejected the plans to build at location A and recommended location B. Pl, now an owner, rejected location B because of its impact on his garden, but agreed in principle to location C, in return for 45,000 NIS for using his ground as the column's base. The sides decided to not hold up the building and signed an agreement for a parallel process of arbitration in *beit din*. Pl is suing for the 45,000 NIS. Def claims that pl may not object to the building since he bought the apartment after sel approved the plans; pl had no right to pressure sel to renege. Def is countersuing, in addition to expenses, for the value of his work to design and promote the project with the planning board, as pl is also benefitting from the new room and having his apartment's building violations rectified. Pl say that he accepted *beit din* just for his own claim and not for def's counterclaim.

**Ruling:** The first issue to decide is whether sel/pl were bound by sel's agreement to the plans. The agreement was not to transfer rights to an object (including property) because the land would remain owned by sel. Rather, it was an agreement to do something or act in a certain way (*kinyan devarim*), which is not binding according to Halacha (see Bava Batra 3a). On the other hand, some poskim posit that an action that is widely accepted in society to obligate oneself (*situmta*) is binding even for *kinyan devarim*, and therefore we might have wanted to examine whether signing building plans falls under that category. However, in this case, it does not make a difference because sel only agreed to building in location A, which has been rejected by the planning board. Certainly, every location has its plusses and minuses, and therefore agreement to one place is not a carte blanche.

Regarding payment for using pl's land, one cannot deny pl's rights by arguing that he does not lose overall by the building, because in some ways he does lose. Nevertheless, *beit din* agrees with def that the appraisal that pl presented is illogical. First of all, land that is slated for a garden does not cost 45,000 NIS for a small patch. Secondly, the appraisal refers to the price for buying the property outright. In contrast, here we are dealing just with using it as the base to build upon, with ownership still belonging to pl, who will be using that area as an extension of his apartment. While one can demand whatever price he wants for real estate (Shulchan Aruch, Choshen Mishpat 227:51), the sides entrusted *beit din* to provide them with the appropriate price, which is not the inflated one.

We continue next time.

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

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