



HEMDAT YAMIM

Parashat Hashavua

Shelach 21 Sivan 5783

Harav Shaul Israeli zt"l
Founder and President

Big, Small, and Giant
Harav Yosef Carmel

The spies put a lot of stress on the size of the people waiting to resist Bnei Yisrael in the Land of Canaan and the families of giants from which they came. The spies claimed that they felt and were perceived in the eyes of the people of the Land as grasshoppers (Bamidbar 13:32-33).

The most famous warrior against the giants was King David. After all, he killed the fearsome Goliath when he was still a youngster. It is interesting that David was referred to as the *katan* (little one). When Shmuel came to find a replacement for Shaul as king and arrived at the home of Yishai, where Hashem had sent him, Yishai passed seven sons before Shmuel, who told Yishai that none of them was the chosen one. When Shmuel asked if there were any more sons, Yishai responded: "The *katan* is left, and he is shepherding the flock" (Shmuel I, 16:10-11). The seven sons that were mentioned did not include David. Although David was actually the seventh out of eight children (see Divrei Hayamim I, 2:15), he was still called "the little one."

Another time he is called the *katan* is when Yishai's "three big sons" went with Shaul to battle the Philistines, who came with their intimidating giant, Goliath. In that context, it says that David, the *katan*, was not among the sons who went (Shmuel I, 17:12-14). We stress again that David is deliberately contrasted with the big sons as THE little one even though he was not the youngest.

A similar contrast can be made with other competitors of David. The reigning king when David was anointed, Shaul, was described as a head taller than the next tallest person in the nation (ibid. 9:2). But due to his mistaken actions, Hashem lost His high regard for Shaul and was disgusted by the prospect of Shaul's staying on the throne (ibid. 16:1).

When Shmuel and Yishai thought that the best candidate for replacement was David's oldest brother, Eliav, Hashem told Shmuel not to be attracted by his appearance and height and that Eliav was despised in His eyes (ibid. 7). While Yishai intended that one of his older sons would kill Goliath, Divine Providence had it that they would not, but that their younger and less physically impressive brother would do so. It was specifically the "smallness" of David that made him fit for the task of kingship. The *midrash* (Midrash Tannaim, Devarim 1:17) says that the reason Yishai viewed David as unfit to be king is that when he was young, he prophesied that he would destroy Philistine places and kill a giant named Goliath and that he would build the *Beit Hamikdash*. Because of this attitude, Yishai put David among the sheep. When Shmuel asked Yishai to present the "other" son, Shmuel was not impressed by David. Hashem was angered by Shmuel and chided him for sitting in the presence of the one who would be the anointed king. About overcoming these attitudes toward him, David sang: "The stone that was despised by the builders was chosen as the cornerstone" (Tehillim 118:22). The referenced builders were Shmuel and Yishai.

We will keep on reminding our readers that the more a person makes himself "small" the more he is fit to be chosen as a leader.

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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

Kiddush in the Middle of *Davening*

Question: We are making a private bar mitzva *minyán/seuda*. Due to family dynamics, we want to have a *milchig Kiddush* with a long break before the Shabbat lunch. May we make the *Kiddush* before *Kri'at Hatorah*?

Answer: The *gemara* (Berachot 28b) reports that Rav Huna forbade any amount of eating before *Musaf*, but it concludes that the *halacha* is not like this opinion. However, *Rishonim* infer from the *gemara* (Ta'anit 26b) about not doing *Birkat Kohanim* at a time when people could be drunk that we assume that people do not have a meal before *Musaf*. In fact, the former *gemara* only rejects Rav Huna, who forbade *te'ima* (lit., tasting). The limit on eating is out of concern it will cause one to forget to *daven* (see Taz, OC 286:2; Shemirat Shabbat K'hilchata 52:(54)). Therefore, the simple answer is that it is permitted if one is careful about what/how much people will eat.

As the distinction between eating and tasting appears elsewhere (see Shulchan Aruch, Orach Chayim 639:2, regarding eating outside the *sukka*) the Shulchan Aruch (OC 286:3) allows up to a *k'beitza* (size of an egg) of bread and any amount of "fruit." *Poskim* posit that a *k'beitza* is the limit for *pat haba'ah b'kisnin* (baked grain-based foods, e.g., cake). There is less certainty regarding limits on grain-based cooked foods (e.g., *cholent*) (see Shemirat Shabbat K'hilchata 52:(52); Ishei Yisrael 36:76). There is no limit on non-alcoholic beverages (*ibid.*).

The *mitzva* to make *Kiddush* before eating starts after *davening*, (Shulchan Aruch, OC 289:1), which prevalent practice takes to mean *Shacharit* (a less accepted position is that it is after *Musaf* – see Tzitz Eliezer VI:7). This complicates matters somewhat. One needs to eat at least a *k'zayit* of bread or the like (see more in Living the Halachic Process II, C-3) to fulfill the *halachot* of *Kiddush* (Shulchan Aruch, OC 273:5; Mishna Berura ad loc. 21). Since an egg is only twice or three times larger than an olive (see Shulchan Aruch, OC 486:1), and considering the many opinions on these measurements, it is a feat to eat a food with confidence that it is between a *k'zayit* and a *k'beitza*. So without significant care, and cooperation of the participants, the *Kiddush* may violate either the *halachot* of *Kiddush* or of eating before *Musaf*.

There are indeed times when the *minhag* of many is to make *Kiddush* before *Musaf*, specifically on Simchat Torah and Rosh Hashana (on the latter, some justify the *minhag* in favor (Tzitz Eliezer *ibid.*) while others oppose it (Mateh Ephrayim 588:2). To compare to our case, Rosh Hashana has a special *mitzva* we prefer not to precede by eating – *shofar* blowing. On the other hand, on Rosh Hashana and Simchat Torah, there is a special need, as people will otherwise fast into the afternoon, which is difficult physically and is perhaps (beyond our scope) a halachic problem as well (see Teshuvot V'hanhagot V:175). Some explain that since the problem is forgetting to do the *mitzva*, if people eat as part of a congregation, there is no realistic concern that everyone will forget (see Minchat Yitzchak V:111).

In your case, the matter of **objective** need appears missing, but since you refer to a *minyán* of people, the decreased concern does. Thus, there is room for leniency even if some may eat more than the *poskim* otherwise allow (especially women and children, whose obligation in *Musaf* is less clear/weaker – see Shemirat Shabbat K'hilchata 52:(54)). Another thing in your favor is that this is a unique situation; we would not want to create a new *minhag* regarding regular Shabbatot. (We do not consider the practice of "Kiddush clubs," opposed by the rabbinic community, a *minhag*, or a model to follow.)

Our practical guidance is that early *Kiddush* is proper only for significant need, which we, from afar, leave to you to ascertain. You mention *Kiddush* before *Kri'at Hatorah*, which can be considered if that is part of the practical need. However, due to indications of *Kri'at Hatorah* being somewhat connected to *Shacharit*, it is preferable to do the *Kiddush* only after it (see Piskei Teshuvot 286:8).

"Behind the Scenes" Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Weddings in Shuls – #154

Date and Place: 18 Elul 5668 (1908), Yafo

Recipient: The council of Zichron Yaakov and especially Rabbi Y. Wolfert (spelling unknown). Rabbi Wolfert was apparently some type of spiritual leader in Zichron Yaakov, but I have not found him in lists of its rabbis or found other information on him.


Body: My dear, beloved friends, I am allowing myself to speak to you, honorable people, relying on your good characters and the fervor for pure Judaism that burns in your pure hearts. I have heard the heart-warming news that a new spirit of purity has come to the holy faction in your *moshava*. In the past, you had no religious guidance, and certainly when there is no “prophecy,” the nation will become undisciplined. Indeed people who are far away from religion and Judaism ruptured the walls of observance. These are damaging obstacles for the holy path we must follow based on the Torah’s instructions to Israel, as the Divine Presence has never abandoned us as we wandered through foreign lands. This is even more objectionable when Hashem has arranged the wondrous beginning of our salvation, returning a portion of the remnant of Israel to their Holy Land. The national bastion, which is connected to the sanctity of the holy religion and the light of Hashem, will be a special element of the personal and, all the more so, the national way of life. In this way, we will be a sign of salvation for all the House of Israel and humanity. Hashem’s Name will be upon us (those who live in *Eretz Yisrael*) to uplift us to the status of the beginning of the emerging salvation of the whole nation.

However, accidentally, some customs have been corrupted, as foreign shoots and customs of foreign nations have become mixed in among the holy congregation. Now that the light of Torah has returned to the *moshava*, with the presence of a set religious leader, who teaches wisdom well and knows how to communicate pleasantly, we can all hope that all will return to better times. Zichron Yaakov will be a jewel among the *moshavot* of the Holy Land, as is appropriate for it.

One of the worst customs that I have heard has become entrenched in the *moshava* is having wedding ceremonies in *shuls*, along with other customs at the ceremony that are not in line with Jewish spirit and the sanctity of the Torah. This includes matters of modesty between the genders, which has been the holy nation’s hallmark of acting with great sanctity as is appropriate for pure people. In any case, all of the greatest rabbis in Israel have already decreed that the ceremony should be specifically under the open sky in the courtyard of the *shul* or the like. Therefore, I hope that this will now become the set practice in the *moshava*, without exceptions, thereby returning to the strength of the holy Torah. Practices that violate the ways of Jewish modesty should be changed. Then we will know that the spirit of Hashem has started to frequent His nation in the Holy Land and give new life to the nation, whereby the light of the Torah of life will be a crown for our heads.

I am confident about your reliable hearts and good attributes, especially the venerable rabbi, who is your spiritual leader, who improves the way Hashem is served in the *moshava*. May you all rise up, peacefully and calmly, with love and grace, to remove stumbling blocks in this area and others in which you identify need. All those who love Hashem’s nation, land, and legacy will be pleased with and praise the *moshava*, which will be elevated to a source of pride in the Gallil region, when the disgrace of foreign practices will cease to exist within it. The glory of Judaism will be felt with a light of Torah and good attributes.

It is known that there are, in the *moshava*, wonderful people in various fields of intellectual attainment and good personal attributes befitting our nation. It is time, though, that these people should be more visible and take on more of a leadership position. May He Who chose the Desired Land and foresees good things for Israel, spread a canopy of peace and glory. May He give you success and prominence in the Land, as we rejoice together in His salvation.



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

Did He Leave the Elevator Work “Between Floors”?

(based on ruling 81060 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl) represents the residents of a building, who hired the defendant (=def) as a contractor to build a shaft and install an elevator for 390,000 NIS, including payment (166,000 NIS) for the elevator. After quickly finishing most of the work on the shaft and receiving most of the money, there was a half-year stoppage due to other renovations in the building, including an additional floor; def was to receive extra money to extend the elevator to it. After a meeting with the residents, def decided unilaterally to stop working on the project. Pl is suing for a partial refund of the money paid, as the money paid to def plus to others to finish the job and buy a (different) elevator far exceeded 390,000 NIS. Def responds that he finished the work on the shaft, as evidenced by the fact that pl paid him in full for his work, and all that remained were things he was not required (and would have gotten paid extra) to do. He also said that pl should not have bought a different elevator from the one agreed upon, as this made adjustments necessary. Def denies leaving pl in the lurch, as he still advised pl. Def explained that he left because the residents' hostile attitude made him fear they would discontinue payment.

Ruling: Beit din's expert reported that the list of jobs the elevator company provided that needed to be done before the elevator could be installed included things that were within def's obligation to provide. Thus, def had not finished his originally obligated work. Def did not even inform pl that he thought the shaft was ready for the planned elevator and did not order it from the company, which he could have done easily, even if he wanted to be phased out.

Because it is considered that def backed out of the job without justification, he has to return the amount that pl paid that goes beyond the promised price for the whole job (390,000 NIS). (*Beit din then went into detail about how much should be subtracted for each element that pl had someone else complete. We will see just a smattering.*) The electric boxes needed to be moved but not to the extent that pl did it, and therefore there is only partial reimbursement for this.

Regarding the change in elevators, the price quote that def got for the first elevator is 33% cheaper than its market value (per expert). Since def backed out of the agreement, he is obligated to pay according to what it would have cost pl to finish off the purchase (at full price). In that way, pl saved money for def by buying a cheaper elevator than envisioned (by 80,000 NIS), even if it is more expensive than the price def could have gotten it for. Therefore, even though buying the new elevator required extra work to prepare to install it, that still came out to be less than the 80,000 NIS saved.

After many calculations and technical analyses, *beit din* obligated def to return 72,450 NIS.

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