



HEMDAT YAMIM

חֶמְדָּת יָמִים

Parashat Hashavua

Pinchas, Tammuz 23, 5785

Harav Shaul Israeli zt"l
Founder and President

Yehoshua Bin Nun – A Torah of Life

Harav Yosef Carmel

We have been dealing for weeks with the Chatam Sofer's thesis that agriculture in *Eretz Yisrael* is "like putting on *tefillin*," which one does not refuse to do. It is even more certain that we should not turn down the holy *mitzva* of defending *Eretz Yisrael* and the nation who lives in it, from the enemies who seek to destroy us.

We have also proven that during the periods of the forefathers and Moshe Rabbeinu, Torah leaders were highly involved in war. We now mention that it is Yaakov Avinu, the symbol of one who is immersed in Torah (see Bereishit 25:27), who stood up to and fought the angel of Eisav (see *ibid.* 32:25 with Rashi). This encounter earned him the name *Yisrael*, which indicates independence and ascendancy. When preparing for the physical attack of Eisav and his 400 troops, Yaakov was at the head of the defense forces, buoyed by the merit of his diligence in the tents of Torah study.

Now we will look at Yehoshua's army. He was commanded to prepare "swords of stone" (Yehoshua 5:2) to circumcise the nation so they could offer the *Korban Pesach* and conquer Yericho. While in the encampment before the battle, Yehoshua encountered a "man with a drawn sword" and asked the man whether he was friend or foe. The man answered: "I am the officer of Hashem's army, and I have come now" (*ibid.* 13-14). The *gemara* (Megilla 3a) explains that he came to rebuke Yehoshua because the soldiers were not studying Torah at night, when battle was not being fought. This clearly indicates that during the day, it was fine for the soldiers to be at their posts and not learning. Thus, we see precedent for the phenomenon of Hesder student/soldiers. There was no protest against the drafting of students of Torah, and we do not find any such statement of *Chazal*. Those who want to keep Jewish tradition should emulate these historical Torah leaders.

The prophet Shmuel was equivalent in spiritual level to Moshe and Aharon (Tehillim 99:6), and he was the Torah teacher and spiritual guide of the first two kings, Shaul and David (see Shmuel I, 19:23-24 and Zevachim 54b). When Shmuel led the army of Israel against the Plishtim, Hashem smote the Plishtim, and Shmuel pursued them until they left the borders of Israel for good (Shmuel I, 7:13-14). There is no separation between Torah leadership and defense.

David was a great warrior on the field of battle, and *Chazal* see him and some of his top warriors as major Torah scholars (see Shmuel II, 23:13 and Psikta Rabbati 11). One of the *p'sukim*, that seems to describe a warrior who killed 800 enemy soldiers in one day (*ibid.* 8), Adino Ha'etzni, who was also the head of the Sanhedrin, is understood by the *gemara* (Mo'ed Katan 16b) as being a moniker of David. The name meant that he could be gentle, when involved in Torah study, and hard like wood, when at war. David was indeed thankful to Hashem for giving him greatness in battle (Tehillim 144:1), and this is something that the prophetess Avigail saw as particularly praiseworthy about him (Shmuel I, 25:28).

May all parts of the Torah community embrace the possibility and necessity of emulating the great religious figures who were also great physical defenders of the nation.

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Ask the Rabbi

by Rav Daniel Mann

Wearing a *Kippa* in Today's US Social Atmosphere

Question: Some of my students (American young-adult *shomrei mitzvot*) who are in college and the workplace have asked me if they should wear a *kippa* there, since it can expose them to discrimination or verbal or physical attack. What do you recommend?

Answer: We will look at classical sources and recent discussion of *kippot* in the workplace before discussing today's situation.

There are three **main** Talmudic contexts of men's head covering. One *gemara* (Shabbat 156b) implies that one must cover his head for *davening*, and the Shulchan Aruch (OC 91:3 applies it to uttering Hashem's Name and entering a *shul*. Another *gemara* (Kiddushin 31a) tells of an *Amora* who would not walk four *amot* with his head uncovered, as an acknowledgement that Hashem is "above our head." The *gemara* (ibid. 33a) says that it is disrespectful to stand before a *talmid chacham* with an uncovered head. The implication is that it is not Talmudically **required** to wear a *kippa*, except in the context of things related to holiness, but it is appropriate for those who act with special *tzniut* (see Rambam, De'ot 5:6),

Nevertheless, the Shulchan Aruch (Orach Chayim 2:6) codifies not walking four *amot* without a *kippa* as standard guidance. Indeed, it is not unusual for behavior of the elite to be accepted by *Klal Yisrael* as expected of the general populace. It then is taken seriously but often with more leniency than a Torah law and even a Rabbinic law.

However, things became more complicated. The Mahari Bruna (Shut 34) notes that in his time (15th century Germany) non-Jews viewed uncovering one's head as a religious value, and he therefore compared a Jew doing so to *chukot hagoyim* (a Torah-level prohibition against "copying" practices of other religions or perhaps of non-Jews in general). The Taz (8:3) agrees that *chukot hagoyim* applies, whereas the Magen Avraham (91:3) apparently does not. *Chukot hagoyim* is societally dependent, and was not applicable in Muslim countries, as they do not make a point of removing head coverings as a sign of respect for religious matters.

In contemporary times, some say that *chukot hagoyim* does not apply because removing a covering is now more societal than religious (Igrot Moshe OC, IV:2). On the other hand, since wearing a *kippa* has become an observant Jewish man's "uniform," not wearing one seems to disavow that affiliation (see Otzar Hakippa p. 431).

Practically, the more accepted approach in America is Rav Moshe Feinstein's (see Igrot Moshe ibid.). He says that in certain cases of need, one can assume like the Magen Avraham that wearing a *kippa* is a matter of *middat chasidut*, which is not stronger than a positive *mitzva* for which one does not have to lose significant money (Rama, OC 656:1). His context is when being bareheaded is needed in his place of work. One would also need to cover his head for a *beracha* and put one on in contexts in which it is possible (e.g., they mind when meeting with clients, not with office staff). College settings are rarely discussed, and there is much less room for leniency. It is rare for one to need to go to a place where he cannot wear a *kippa* in order to get good professional training. Also, it is usually acceptable to wear a baseball hat, and at worst take it off after being seated in the classroom (see Mahari Bruna ibid.).

Your question about antisemitic atmosphere is a good one. On the one hand, there has always been antisemitism in the US, even as the identity of the perpetrators and their "motivation" changes. On the other hand, through the 1960s, most observant Jews did not wear a *kippa* at work outside our community, avoiding outward signs of their observant Judaism although less frequently their Jewish identity (or family names). One who is in a setting where he has real concern for damaging or upsetting encounters, can ask his rabbi for his blessing to not wear a *kippa*. A person's "makeup" and size are among factors. However, the consensus of my rabbinic colleagues in the US is that there is not a general plan to act more submissive now in this regard compared to before October 7.

"Behind the Scenes" Zoom shiur

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Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

Thoughts on the Blessing on Torah

Based on Siach Shaul, Pirkei Machshava V'Hadracha p. 17 (from 5712, 5711, 5713)

As we mentioned last week, Rav Yisraeli's son-in-law, R. Yisrael Sharir, recently published an important three-volume set of *Si'ach Shaul*, which presents Rav Yisraeli's teachings and addresses on various topics of Torah thought. This publication has inspired us to once again share Rav Yisraeli's Torah insights with English-speaking readers. Thus, as of this week (and for a considerable amount of time forward, b'ezrat Hashem), this column has resumed its original title: *Moreshet Shaul*.

The sin of the Tree of Knowledge needs explanation. It seems that one might think that he can set for himself, according to his own judgment, what is good and what is bad, based on intellect. This is false because the intellect can only use and apply previous precedents.

In this case, when Adam and Eve took from the Tree of Knowledge, they already set the precedent for themselves – a person has a right to decide for himself what his values are. However, this is already the sin, as the Torah determines, "Do not add on to the matter that I am commanding you today, and do not detract from it" (Devarim 4:2).

The blessing we make on Torah study is: "... Who chose us ... and gave us His Torah." In the blessing before *Kri'at Shema*, we add and request: "Our father, the merciful father ... put wisdom in our hearts, to understand and be enlightened." This impassioned prayer is specifically that which can serve as the blessing for Torah, as this is what is required for there to be Torah.

At the end of the morning prayers, we add: "He shall open our hearts to His Torah, and He shall place in our hearts love and fear of Him." If the heart is not opened by the Torah, it is not possible to reach any significant level of love and fear, because the basic principle is that there is a need for Torah. In other words, the divine principle of free will does not allow one [after doing the basics of service of Hashem] to follow that which he desires to do.

On the contrary, why was the Torah given to Israel? It is because they are brazen (Beitza 25a). In other words, if they were not so, then their personal traits would have turned out to be destructive. That is why the fact that Bnei Yisrael did not make the blessing on the Torah caused the destruction [of the Second Temple] (Bava Metzia 85b).

"... Who chose us ... and gave us His Torah." When an important person turns to me, I feel satisfaction if I can fulfill his request. This satisfaction is so much more evident when the Creator of the World Himself turns to us with requests, and not privately but with thundering sound and powerful flashes. What an honor it was! Imagine the contentment we have if we can fulfill His request.

"... and He planted the eternal life in our midst" – We see so clearly, from the earliest of historical times, that we are an eternal nation who have that which gives us eternal life – the Torah. This idea is brought home by Rabbi Akiva's parable of the fish (Berachot 61b). A fox tried to convince a fish to come on to land to protect himself from the fisherman, and the fish responded and that if in the place it is capable of living, it is in danger, imagine what would be in the place where it is incapable of living. This is what Rabbi Akiva did with his life. He was killed by the Romans for teaching Torah, and through his death bequeathed us life.

We daven for a complete and speedy refuah for:

Itamar Chaim ben Tzipora

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P'ninat Mishpat

Reducing Amount Owed Due to Interest Taken

(based on ruling 84057 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=p) sold a home, and much of the money paid by the buyers went through the defendant (=def), the sale's real estate agent. Pl agreed for def to keep 250,000 NIS of the proceeds indefinitely, and def was to pay 2,500 NIS a month of interest for the arrangement's duration. Def paid pl 72,500 NIS of interest. After a few years, pl asked for the principal, and def was able to return only 15,000 NIS. Pl requests the remaining 235,000 NIS from the sale. Def agrees to pl's claims but says that since the time of their agreement, he has become destitute and is unable to return the money.

Ruling: Beit din does not have resources to make a determination on def's claim that he lacks the ability to pay, and pl may turn to *Hotza'a Lapo'al* (the arm of the government that enforces the payment of debt), which has access to information on earnings and assets.

Beit din raised the issue of the *ribbit* (interest) that pl received from def over the course of the loan (there was no *heter iska* or other reason for it not to be prohibited by Torah-level law). The two sides indicated that they had not thought about the matter, and def did not demand that pl return the interest or reduce it from the amount due.

Beit din certainly will not require the payment of further *ribbit*. The question is what to do about the 72,500 NIS that was already taken as *ribbit*. The *gemara* (Bava Metzia 61b) cites a *machloket* among *Amoraim* whether interest that is set from the time of the loan (*ribbit ketzutta*), which is forbidden as a Torah-level violation, is to be returned. The *halacha* is that the *beit din* enforces its return to the borrower (Shulchan Aruch, Yoreh Deah 161:5).

The Taz (ad loc. 3) infers from the language of Rashi that *beit din* takes action to return the *ribbit* only if the borrower requests this. The Beit Meir (ad loc.) agrees and explains that the borrower's silence is understood as *mechila* (relinquishing of rights) of the return (although he also cites opinions that *mechila* does not work regarding *ribbit*). Shut Sh'eilat Yaavetz (I:147) agrees with the Taz and says that once *mechila* has been assumed, the borrower can no longer demand the money. The Knesset Hagedola (to Tur 161:19) disagrees with the Taz and learns Rashi differently, and the K'tzot Hachoshen (Choshen Mishpat 9:1) agrees that the borrower deserves the *ribbit* back even without a request.

The majority of *beit din's dayanim* rule like the Knesset Hagedola and therefore, without def's request, reduced the amount due to 162,500 NIS. The dissenting opinion relied not only on the Taz and those who agree with him, but also on the *halacha* that a *dayan* must not rule on behalf of a litigant more than he asked for (Rama, CM 17:12). Although this does not apply when the litigant did not know his halachic rights, in this case, def learned that the interest paid was forbidden and still did not feel it was his place to ask for it back. The minority opinion agrees that pl has a moral obligation to return (/deduct) the *ribbit* received.

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