



Harav Shaul Israeli zt"l
Founder and President

Closeness and Combat on the Way to the Divine

Harav Yosef Carmel

After Nadav and Avihu tragically failed to draw close to Hashem through incense, our *parasha* teaches that the closest man can get to Hashem is the *kohen gadol* on Yom Kippur. He brings the incense into the Holy of Holies – but he must follow the rules precisely. Even then, it does not bring atonement for sins between man and man. We learn from Aharon's sons' mistake that it is not enough to "want to draw close" to Hashem.

The Jewish People know that *Eretz Yisrael* is the ideal place to draw close to Hashem, but this was close to impossible for 2,000 years. 250 years ago, the Vilna Gaon exhorted his disciples to build *Eretz Yisrael*, physically and spiritually, and hinted about a historical window for this, which would close in Elul 1939. Hundreds, including R. Menachem and R. Yisrael of Shklov, heeded the call; most of our nation did not.

Around 150 years ago, Herzl started expounding the idea of political Zionism. Few followed the practical plan he set forth at the first Zionist Congress. In the religious camp, most saw him as delusionary and his ideas as weakening the Jewish future. On the other hand, the true visionary and independent-thinking giant of Torah, Rav A.Y. Kook zt"l, emerged, after moving to *Eretz Yisrael*, as a supporter of political Zionism.

There are mainly three religious grounds to reject Zionism: 1. Herzl and other secular Zionists act as a Satan. 2. The Talmud (Ketubot 111a) forbids organized Jewish mass-settlement in *Eretz Yisrael*, which should occur through miraculous divine steps. 3. Cooperative work with secularists is spiritually dangerous and contradicts closeness with Hashem.

The first two grounds, which we link to Satmar Hasidut, have been disproven by the blessing in the spiritual as well as physical success of the State of Israel. We have seen that the path toward the divinely ordained liberation employs a "reawakening from below." The halachic claims against mass settlement are rejected by almost all halachic authorities after the foreign mandatory authorities left the Land (see Rav Zevin's L'or Hahalcha Hamilchama I:7). However, such greats as the Chofetz Chaim and the Chazon Ish opposed Zionism based on the grounds of partnership with irreligious groups, and this has been the accepted Charedi approach for many years. The Chazon Ish led this community in the efforts to build the "world of Torah" in *Eretz Yisrael*, rather than the physical/political infrastructure, including service in the IDF.

However, in the past few decades there has rarely been an Israeli government without significant Charedi participation, and Charedi communities have taken major parts in building the Land. The disconnect continues primarily in regard to army service. The main complaint is about the religious difficulty of serving and the long-term impact on religious life.

However, these objections are overpowered by three points: 1. All are required to take part in a defensive war. 2. The Chashmonaim Brigade now gives a perfect response to the religious needs of Charedi soldiers. 3. The requirement to join in defense of the Jewish community is a *mitzva* between man and man, in a way that one cannot get close to Hashem without it. We hope that the Charedi young men will learn from the example of Rav Kook's spiritual descendants and sanctify Hashem's Name by distinguished service in the army.

Hemdat Yamim is dedicated to the memory of Eretz Hemdah's beloved friends and Members of Eretz Hemdah's Amutah:

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Those who fell in wars for our homeland. May Hashem avenge their blood!



Ask the Rabbi

by Rav Daniel Mann

Sefirat Ha'omer of Someone Who Does Not Understand

Question: In our *shul*, the *chazan* leads *sefirat ha'omer*. Now, the set *chazan* is an *avel* with a very weak background, and I believe that he does not know what the words of *sefirat ha'omer* mean. Is he capable of doing the *sefira* for those who want to be *yotzei* with him?

Answer: Your concern has some basis, but we will see that it is misplaced.

The general rule is that *mitzvot* of recitation, even those that can be done in any language (see list in *mishna*, Sota 32a), require the reciter to understand the language (Mishna Berura 62:3). However, if he is reciting in *lashon hakodesh* (biblical/rabbinic Hebrew), then one does not need to understand it (*ibid.*). Although one might thus think that your concern lacks merit, the Magen Avraham (489:2) says: "If he does not understand *lashon hakodesh* and counted in *lashon hakodesh*, he did not fulfill his *mitzva*, as he did not know what he counted, and this is not counting; so it seems to me." The Mishna Berura (489:5) accepts this ruling.

Rav Yaakov Emden (Mor U'ketzia to Magen Avraham *ibid.*) disagrees, and his opinion is cited, with different levels of acceptance, by the Birkei Yosef (489:7), Sha'arei Teshuva (489:3), and Kaf Hachayim (489:20). He bases himself on Tosafot (Sota 32a), who implies that in the list of recitations in that *mishna*, they can be done in languages other than *lashon hakodesh* only if one understands them, implying that comprehension is not needed in *lashon hakodesh*. But the Mishna Berura (Sha'ar Hatziyun 489:6) argues that this misses the point, as *sefirat ha'omer* is not on the list, and the Magen Avraham was positing that it is a unique *mitzva*, as I will explain in my words. *Sefirat ha'omer* is not fundamentally a *mitzva* of recitation, but of cognitive counting, just with an additional condition of vocalization. If one parrots the words of the *sefira*, he has not fulfilled the spirit or the letter of the law. This dovetails with the opinions that one who is unsure of the day of *omer* cannot count multiple times to cover his bases (see Living the Halachic Process II, D-18); guessing is not counting.

If our explanation of the Magen Avraham is correct, it is unlikely there should be concern in your case. It is safe to assume that the *chazan* knows what day of the *omer* it is and that he is expressing that with the words he is saying, just that he **might** not know how the words correspond to the content. In that case, he is cognitively counting and regarding the recitation requirement, it is valid in *lashon hakodesh* even without specific understanding of the words. The Maharil Diskin (Kuntras Acharon 55) indeed assumes that the Magen Avraham agrees in such a case. Admittedly, apparently not all *Acharonim* make this distinction within the Magen Avraham (see Kaf Hachayim 489:20), and it is unclear what level of coordination between words and content is required. The Maharil Diskin also says that the matter is more complicated during the period of counting weeks also, as, if there are two countings, one might need to know with which words he is accomplishing each counting.

On a practical basis, your concern is based on the assumption that people are being *yotzei* their *sefira* through the *chazan*, which is actually not advisable. There is a *machloket Acharonim* whether one can fulfill *sefirat ha'omer* by listening to someone else's count, and the *minhag* is not to rely on others (Mishna Berura 489:5). Even if one missed a day of counting and needs to rely on the "leader" due to the *beracha*, he should **count himself**, and is *yotzei* only with the other's *beracha* preceding his counting. Regarding the *beracha*, the rule that it is valid in *lashon hakodesh* without understanding applies. Even if one does rely on the *chazan* for the whole thing, halachic logic dictates that if the listener understands the words, it should not matter that the reciter does not (beyond our scope).

So, while it is wonderful if a rabbi is able to help anyone whose lack of understanding endangers his fulfillment of *sefirat ha'omer*, it is not a specific issue if that person "leads the *tzibbur*."

"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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Moreshet Shaul

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

Character Refinement – part V

Based on Siach Shaul, Pirkei Machshava V'Hadracha p.154

We continue to see Rav Yisraeli's practical ideas on education, this time focusing on Torah education. This final piece deals with the impact of Eretz Yisrael on education and the Jewish mindset at that time in history.

This is also the place to speak directly about the special place of the Land in the life of the nation. To speak to children [on this topic], the best time is Shabbat and the holidays, with everything that goes along with them. It is worthwhile from time to time to put the individual holiday in the full perspective and consider its impact throughout the generations. Pesach, for example, can serve as a good example. You should go over the practice of the bringing of the Pesach offering, as occurred in Egypt on the night of liberation, which they ate when they were dressed to leave on a moment's notice. It is worthwhile to make use of the knowledge the child has amassed. You then should add to the discussion the image of the celebration of Pesach, as it took place in the Land of Israel when the *Beit Hamikdash* was still standing. One can compare this to the way Pesach was celebrated in Inquisition-time Spain, in cellars, and at the time of blood libels. And then finally we have Pesach as it is celebrated in our times.

This is part of the education focused on the fulfillment of *mitzvot*. "Cover your head, so that you will have fear of the Heavens upon you" (Shabbat 156b). It is very important that the child become accustomed to have his head covered. This is the constant symbol of accepting the yoke of the Kingdom of Heaven.

There are times that people allow themselves to do things that are forbidden on Shabbat by having a child do it. Besides the fact that this is still a prohibition, it is difficult to fully appreciate how much negative influence this has on the child. He gets used to seeing himself as different from those [like his parents, who must fully keep the *mitzvoth*]. This leads him to justify for himself to do things that are forbidden by the Torah. I heard the following tragic way of looking at things by a child: "What do people want? This is the way the world operates! My father was an outstanding Torah scholar, whereas I am not able to reach such heights! It will also not be surprising if my son will not be like me." We would want to ask such a father, if he views his son with this same indifference.

Mitzvot need to be accompanied with proper explanations. One must have very clear discussions about Hashem, reward and punishment, the World to Come, the resurrection of the dead, divine providence, and His open eyes to that which the individual and the nation are doing. Every *mitzva* requires its reasoning. There is a need to explain the actions we do in the performance of *mitzvot* as an expression of our thanks to Hashem for all the good He has done for us and for the whole Nation of Israel.

We daven for a complete and speedy refuah for:

Itamar Chaim ben Tzippora
Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Arye Yitzchak ben Geula Miriam
Neta bat Malka

Avraham ben Gitel
Tal Shaul ben Yaffa
Meira bat Esther

Together with all cholei Yisrael

P'ninat Mishpat

Tuition Payment after Withdrawing Student

(based on ruling 85142 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff, an organization led and funded by *pl*, which operated a school, seeks payment from *def* of remaining tuition (11,500 NIS). *Def's* son, a student at the school, was involved in roughhousing with *pl's* grandson and caused the latter to break his hand. *Pl's* family notified *def* that their son was suspended for three days. In response, *def* removed him from the school and stopped payments. *Pl* claims that all parents at the school, which had to close some classes due to small class size, signed a contract obligating them to pay full-year tuition regardless of early withdrawal. *Def* counter that they never signed the contract, that the principal (= *prn*) absolved them of further payment during a phone call with *def*, and that the school created a hostile environment through a hasty suspension and public badmouthing of *def's* son, which made continued enrollment untenable. *Def* also seek reimbursement of tuition paid, compensation for emotional distress, and legal costs, totaling 7,990 NIS.

Ruling: While *def* never signed the contract obligating themselves to pay even if they take their son out, *prn* sent the mother a WhatsApp asking if they were sending their son and had just not gotten around to signing the contract, and she responded positively. Whether they saw the contract, as *prn* claims, or were just aware there was one (see Aruch Hashulchan, Choshen Mishpat 45:5), their agreeing to send their son is an acceptance of the established terms. Normally, one needs to pay his son's educator until year's end. Although *def* claim the *minhag* is that if the child stops going to the educator/school, the parents can stop paying, the fact that *pl* demonstrated that the situation in this small school is different would make such a *minhag*, if it exists, irrelevant to this case.

Beit din rejects the claim of *mechila* by *prn*. *Beit din* accepts *prn's* testimony that his authority is only in the educational realm, not the financial. Therefore, he could do no more than recommend to *pl* to relieve *def* of payment. (*Def* admitted to not knowing if *prn* had authority.)

The main question is whether *def* had grounds to decide that their son could not continue at the school. While *beit din* understands that *pl* and/or the school made mistakes in dealing with the disciplinary matter, there was no proof or strong claim of grievous actions. *Prn* spoke to classmates about the violence that occurred, but most of the students witnessed the event, and even according to *def's* description, *prn* was correct to urge avoiding violence. In addition, there is no evidence that *def's* son would have found a hostile environment at the school. Since *def* also made mistakes in dealing with the situation and did not return their son on a trial basis, they did not demonstrate that their dissatisfaction with the school reached the level that the school broke its contractual obligation.

Therefore, *def* must pay the remaining tuition. However, since the sides agreed to not exhaust the testimonies, *def* can reduce payment by 500 NIS as a compromise to reflect the small chance further testimony would have vindicated them. Because *pl* essentially was correct in its claim, *def's* counterclaims are not feasible.

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