

Seeing Double: Two Adars in Halacha

**HOW AN ADDITIONAL MONTH IMPACTS YAHRZEIT
OR BAR-MITZVAH CALCULATIONS AND MORE**

By Rabbi Moshe Pinhasi

Having a double-month twice every seven years (or seven times every nineteen) does not keep things too simple. Just ask summer-camp directors who need to configure the constantly changing *Elul/August* equation, as well as city synagogues trying to properly prepare for the High Holidays.

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From the Editor

"משכננס אדר מרבין בשמחה." (תענית כט)

What better way to increase our joy in the month of Adar, in which we reaccepted our Torah (שבת פח.), than by engaging in the study of Halacha, which the Ram" a defines as a Simha unto its own – the truly appropriate happiness with which to approach Purim (או"ח סי' צג ס"ג, ע"פ הגמ' בברכות לא ע"א, ע"ש). In our feature article "Seeing Double", Rav Moshe Pinhasi שליט"א – a Posek for the SHC – examines the intricate details involving a double Adar in Halacha. Our business Halacha article discusses some relevant employment issues and their subsequent Halachic applications. We've also included Q&A's on the laws of Adar, a discussion of Eruv Hatzerot as it pertains to hotels, as well as inspiration from the life of the saintly Ribbi Yitzhak Abulafia זצ"ל. Recently, we've launched our E-Journal which continues to bring relevant topics in all areas of Halacha to our dedicated readers on a weekly basis, and hope to soon celebrate the inauguration of our website, theshc.org (please contact the SHC to subscribe or for dedication and sponsorship opportunities). We thank all our readers for the tremendous support we've received thus far. Our greatest pleasure and hope is that this journal enhances our readers' understanding and commitment to Torah study and Halacha, and that we continue to have the Si'atta DiShmaya to serve the Sephardic community nation-wide with excellence.

B'Virkat HaTorah,
Rabbi Ariel Ovdia
The Sephardic Halacha Center

This month's issue is dedicated by

Dr. & Mrs. Morris Antebi

*in loving memory of Ezra & Grace Antebi
a" h and in memory of Yacub Bilmen o.b.m.*

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Needless to say, the astounding accuracy of the Jewish calendar has only been confirmed by the advanced measuring techniques of modern science, none of which were at the disposal of ancient civilizations [1]. This not only attests to the authenticity of the *Mesorah* of our *Hachamim* from Sinai, but also fulfills the verse [2]: כי היא – for this wisdom and insight (of astronomy, as the *Gemara* explains [3]) is evident to all of the nations. The lunar and solar cycles blend in startling harmony, proving that the entire universe is the handiwork of one Master [4].

In *Halacha*, there are many issues that are impacted by a double *Adar*, such as setting *Yahrzeit* anniversaries and *Bar Mitzvah* dates, as well as writing *Ketubbot* and *Gittin*, and interpreting contracts and vows. In this article we will review the basic rules in this matter, along with some practical applications.

Which is the Main Adar?

Regarding all of the *Mitzvot* relating to *Purim*, the *Mishna* in *Megilla* [5] clearly states that they are to be kept only on the second *Adar*. The *Gemara* [6] derives this from the verse in *Megillat Esther* [7] which equates all of the calendar years to one another: "בכל שנה ושנה – מה בכל שנה ושנה אדר הסמוך לניסן, – just like on a non-leap year, *Purim* would be kept in the month adjacent to *Nissan*, so too, on a leap year, *Purim* is to be kept on the second *Adar* which is adjacent to *Nissan*.

However, there is a disagreement between *Ribbi Yehuda* and *Ribbi Meir* in *Nedarim* [8] with regard to other laws, such as writing the date in a contract, or interpreting a vow which did not specify which *Adar* was intended. According to *Ribbi Yehuda*, the main *Adar* is the first, whereas according to *Ribbi Meir* the main *Adar* is always the second.

Following the general rule that the *Halacha* is like *Ribbi Yehuda* when


he disagrees with *Ribbi Meir*, most *Rishonim* – such as the *Ramban*, *Rosh*, *Ran* and many more [9] – indeed rule that the first *Adar* is the main one. In their opinion, the second *Adar* is the principal one only with regards to *Purim* and its laws, because the two redemptions – from *Haman* and from *Mitzraim* – are to be adjacent [10]. For all other purposes we follow the first *Adar*.

Tosafot [11] disagree, viewing the fact that *Purim* is kept on the second *Adar* as a clear indication that in this instance we follow *Ribbi Meir*, who considers the second *Adar* to be the main one. They also point to the fact that the first *Adar* consists of 30 days whereas the second has twenty-nine days. Following the general calendar rotation (one 30-day month, one 29-day month), *Adar* should consist of 29 days, leading the *Tosafot* to conclude that the 29-day *Adar Bet* is indeed the main *Adar*. This seems to be the *Rambam's* opinion as well [12].

The Opinion of Maran

We must now determine what is the opinion of *Maran* in *Shulhan Aruch*. The *Poskim* point out a seeming contradiction in *Maran's* rulings: on the one hand, with regards to the custom to fast on a parent's *Yahrzeit*, the *Shulhan Aruch* rules [13] that the second *Adar* is the main one, and if the date of the passing was on a plain *Adar*, then – on a leap year – the *Yahrzeit* is to be observed on the second *Adar*. On the other hand, with regards to interpreting a vow and writing a *Get*, *Maran* rules that one should specify which *Adar* he is referring to. If no *Adar* was specified – then the first *Adar* would be the default *Adar* [14]. The *Rama's* opinion also seems to contradict itself on various issues [15].

The *Maharam Ben Haviv* in his work *Get Pashut* [16] understands that *Maran* surely holds like the majority opinion that the first *Adar* is the main one. Nevertheless, when it comes to *Nedarim* and *Gittin* – which are both very severe issues



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– Maran chooses to be cautious for the opinion of the Tosafot and the Rambam, requiring one to keep the vow into the second Adar and to specify which Adar is the Get being written on [17].

With regards to fasting on a Yahrzeit, there is another reason why the Shulhan Aruch follows Adar Sheni, in departure from his official stance. The Hatam Sofer [18] explains that a Pur'anut – a sorrowful observance – or any painful observance such as Tish'a B'av and the like, is always postponed rather than moved ahead. Therefore, when choosing when to observe a Yahrzeit fast, Maran rules that the one would wait for the later Adar.

An Adar Bar-Mitzvah Boy

It would follow, that according to the Shulhan Aruch, a boy born on Adar of a plain year must observe his Bar Mitzvah on the first and not the second Adar, unlike the Rama's opinion [19]. However, the Mishna Berura writes [20] that since Maran's opinion [21] is that a leap year is considered to be a "13-month year", then, just as a boy born on Nissan must wait 13 months for his Bar Mitzvah if it falls on a leap year, so too a boy born on Adar must wait 13 months before his Bar Mitzvah date, thus observing his Bar Mitzvah only on the second Adar. Indeed, most Aharonim maintain that a boy born on a plain Adar would celebrate his Bar Mitzvah on the second Adar [22].

A Leap Year Birthday

With regards to a boy born on the first Adar of a leap year, the Magen Avraham [23] writes that the Bar Mitzvah should still be on the second Adar, if it were to fall on a leap year. However, most Aharonim [24] disagree and rule that if both the birth and the Bar Mitzvah are on a leap year then surely those born on the first Adar would also celebrate their Bar Mitzvah on the first Adar. The same would be true for a Yahrzeit observance when the passing and the Yahrzeit are both on a leap year [25]. A boy

born on the 30th day of the first Adar, would celebrate his Bar Mitzvah on Rosh Hodesh Adar, should it fall on a plain year [26]. A boy born on the 30th day of Shevat on a plain year (which is considered to be Rosh Hodesh Adar), and will turn 13 on a leap year, must be cautious to start observing all of the Mitzvot on the 30th of Shevat yet not be included in a Minyan until Rosh Hodesh Adar Bet [27].

Sources:

- [1] The difference in the calculation of an average lunar month between modern astronomers and the Jewish calendar is less than two tenths of about a half-second, adding up to a mere 10 minutes per century. [2] דברים, ה' [3] שבת ע"ה ע"א [4] Hachamim point out that the calendar gains approximately an hour and a half every 19-year cycle. There are still more than 3500 years left before an entire month adds up – obviously an issue that the Sanhedrin, established with the coming of Mashiach, would be equipped to resolve.
- [5] פ"א מ"ה [6] ו' ע"ב [7] ט', כ"ז [8] ס"ג ע"א [9] רמב"ם בהל' נדרים סוף פ"ח, הראב"ד (פ"י מגדרים ה"ו), הגמ"י (שם), רא"ש (נדרים פ"ח ס"ב), ריטב"א ור"ן (נדרים שם), ר"י (מישרים נ"ד ח"ד) ועוד. [10] ע"ע שו"ת מהר"ם הלוי (או"ח סי' טז) שכתב דמהא דנתנו כמה טעמים לתיקון קריאת המגילה באדר ב' משמעו דהפשוטות היא דאדר א' הוא עיקר. [11] שם ע"ב [12] פ"י מגדרים ה"ו, וכן פ"י דבריו בתה"ד (סי' רצד) ומרן בכס"מ (שם) ובב"י (יו"ד סי' רכ) ועוד, ואנ"ג דבכ"מ הלכה כר"י, שאני הכא דטרחה ליישב המשנה כר"מ משמע דהכי קי"ל. [13] או"ח סי' תקסח ס"ז [14] יו"ד סי' רכ ס"ח, ובאה"ע סי' קכו ס"ז פסק שבשנה מעוברת יש לפרש אם הוא אדר א' או ב', ומ"מ אם הוא אדר א' וכתב אדר סתם כשר. וכן לענין שטרות בחו"מ סי' מג סכ"ח. [15] דבאו"ח סי' תכו ס"א ואה"ע סי' קכו ס"ז פסק דהראשון עיקר, וגבי תענית ביום פטירת אביו (או"ח סי' תקסח ס"ז יו"ד סי' תב ס"ב) כתב שיתענה באדר א' ויש מחומרים להתענות בשניהם. אמנם גבי גדול פסק (או"ח סי' נה ס"י) דנולד באדר פשוט, אינו נעשה בר מצוה אלא באדר ב'. וביישוב דבריו עי' אג"מ (יו"ד ח"ג סי' קס). [16] סי' קכו סקל"ב, וכ"כ הב"ש שם סק"ט. [17] ומה שהכשיר בדיעבד אף דלהרמב"ם יהיה גט מאוחר, כ' בשו"ת חת"ס (או"ח סי' קסג) דמאחר שפסק בדיני שטרות דסתם אדר היינו אדר א', א"כ כשיבוא גט שנכתב בו אדר סתם לפני ב"ד, ידעו שהוא אדר א' שכן הדרך לכתוב. [18] שם [19] או"ח סי' נה ס"י [20] שם סקמ"ה בשם האחרונים [21] שם ס"ט [22] החיד"א במחזיק ברכה (שם קו"א סק"א), ובה"פ פלאגי (סי"ג ס"ב), שו"ת רב פעלים (ח"מ ח"ב ס"י), כה"ח סופר (שם אות ס"א) ויחוד"ד (ח"א סי' פג) ועוד. [23] נה סק"י [24] החיד"א (מחב"ד שם סק"ד), מואמ"ד (שם סק"ג) כה"ח פלאגי (שם) משנ"ב (שם סקמ"ג) כה"ח סופר (שם אות נט) ועוד רבים. [25] ולפ"ז צ"ל דמה שפסק השו"ע (סי' תקסח ס"ז) שבשנה מעוברת מתענה על אביו באדר ב', מיייר שאביו נפטר בשנה פשוטה. [26] כן הוכיח בשו"ת מנחת יצחק (ח"ו סי' נח"ח ס"ז) משו"ת הלק"ט (ח"ב סי' קעד) ומהר"י מינץ (ס"ט) ועוד, וכ"פ בהלכ"ב (ח"ד עמ"ק סא). [27] שבת הלוי (ח"י סי' קה אות א), אישי ישראל (פ"טו הע"ב) בשם הגרשו"א זצ"ל, הלכ"ב (שם).

Ask the Rabbi / דברי חכמים

FEATURED QUESTION ASKED TO THE SHC:

Carrying in a Hotel on Shabbat

Q: I recently stayed in a hotel for Shabbat with a few other Jewish families. Do I need to set up an Eruv Hatzerot to allow me to carry?

A: Ideally, one should set an Eruv without a Beracha. The Halacha is that one may not carry on Shabbat in a domain which is shared by multiple dwellers – such as a shared courtyard – without first setting up an “Eruv Hatzerot”. This Eruv consists of an amount of bread (a box of Matzot is commonly used) that is communally owned by the inhabitants of the shared domain, combining them into a single entity. If a non-Jew has rights to the domain as well, their property must be rented prior to the placement of the Eruv, as per the specifications of the Shulhan Aruch [1]. In the case of a hotel, one can rent the rights to the hotel from the manager or clerk by giving them a small amount, and consequently set up the Eruv. However, because there are many reasons to be lenient with regards to hotels [2], one should not make a Beracha. If one forgot to make an Eruv, one may carry [3]. There may be many other issues involved with staying at hotels for Shabbat and it is therefore advisable to consult with one's Posek before your stay.

Sources:

[1] או"ח סי' שפב [2] חדא, דהרהיטים שייכים לבעה"ב והוי תפיסת יד ונעשים כולם כאורחים אצלו כדעת מרן בשו"ע (סי' ש"ע ס"ב, וגם להרמ"א שם דהתפ"י היא בכל החדרים), ואף שהשכיר את החדר עם כליו לאורה, ובשו"ת דבר אברהם (ח"ג סי' ל') נשאר בצ"ע אם יש להקל בזה, חלק עליו הגר"מ זצ"ל באג"מ (ח"א סי' קמא), ואף נראה דבמלונות דידן מסתבר שיש רשות לבעלי המלונות להיטיב שלהם בכל עת וזמן, אפילו כשהאורח שוהה שם וגרע ממשכיר כליו. שנית, דאם אינם נשארים ליותר מל' יום או חשבוים אורחים לדעת מרן (שם ס"ח, ולכא"פ אפי' הרמ"א שם יודה אם השכירו ולקטנו דר שם). ועוד אמר לי מו"ד הגר"ר פיינשטיין שליט"א שיש להקל משום דבתי מלון חשוב מצי' לסלוקי (דלדעת המ"ב שם סקל"ג ושעה"צ אות כט מועיל אף ליותר מל' יום. אמנם עי' ביה"ל ד"ה אינם אוסרים שהסיק בצ"ע, וכן בחו"א סי' צב לא רצה לסמוך ע"ז. ועיני' בשו"ת חיים שאל ח"ב סי' כב דמשמע שסמוך ע"ז, אלא ששם מטעים דלא חשוב מצי' לסלוקי אם צריך ליתן לו דירה אחרת באותו חצר. אמנם אפשר דבעלי המלון אף רשאים לסלקו ולהניחו במלון דכוותיה ע"י איהו סגדקי). ועוד הוסיף הגר"ר שליט"א שאפי' שוהה ב'פריזידינשל סוויס' שאין כנוגמתה בשאר המלון, מסתבר שעדיין יכולים בעלי המלון לסלקו לשם תיקונים או אם איקלע לשם אורח יותר חשוב וכו', ולהשיב לו את כספו. ולפ"ז אמר דיותר קל מתשובת אביו באג"מ (שם) לגבי בתי דירות – חדא דלאו דוקא שיש רשות לבעל הדירות הכללי ליתול את התנור, וב' דהם שם ליותר מל' יום ולא מצי' לסלוקי. ואם כולם אוכלים בחדר אוכל אחד אי"צ לכל זה כמבוא בשו"ע (שם ס"ד), אך בס' ארוחת שבת פרק כח הערה קמט החמיר בוה ע"ש בנימוקיו וצ"ע). וכן אכלו המלון בכלל הע"ח של העיר הרי הוא בכללם (מ"ב שם סק"ט וביה"ל ד"ה קבוע, עיני' ספר הלכות שבת בשבת עמ"ק טסו). ומ"מ הרבה פוסקים ששאלתי אמרו לי שמהיות טוב ישכור ועיברם אפטר. [3] בצירוף כל חני"ל, וכן שמעתי ממו"ד הגר"ר פיינשטיין שליט"א, ומהגר"ש פגעלדער שליט"א.

Month of Adar Q&A

By Rav Moshe Pinhasi שליט"א

Q: Are women obligated to hear *Parashat Zachor*?

A: Some *Poskim* maintain that women must also hear *Parashat Zachor* as the *Mitzva* of *Zechirat Amalek* is not considered to be time-bound [1], and because the victory over *Amalek* pertained to women as well. However, the *Hinuch* reasons that because women are exempt from fighting in battle [2], and the main purpose of reading *Zachor* is to wage war against *Amalek*, therefore women are exempt from *Parashat Zachor*. Some even consider this *Mitzva* to be time-bound because it can only be fulfilled during the day [3]. To satisfy all opinions, the *Poskim* suggest [4] that women should make an effort to hear *Parashat Zachor* in the synagogue. If that is not possible, they should at least read it from a *Humash* at home. It is also permissible to hold a special *Zachor* reading just for women (without a *Beracha*), as is the custom in *Eretz Yisrael* [5].

Q: Do a *Hattan* and *Kallah* have to fast on *Ta'anit Esther* during their *Sheva Berachot*?

A: Most *Poskim* follow the opinion of the *Ritva* [6] that a *Hattan* and *Kallah* are obligated to observe the four fasts commemorating the *Hurban*, citing the verse [7] which requires us to be mindful of *Yerushalayim* – particularly during our times of joy [8]. However, in the case of *Ta'anit Esther* the *Poskim* are lenient [9], because it is observed in commemoration of the miracle of the *Purim* battles, not the *Hurban*, and because it was instituted as a *Minhag* and not a *D'Rabannan*. According to *Hacham Ovadia Yosef* זצ"ל it is even forbidden for them to fast [10].

Q: Does one recite a *Beracha* over reading the *Megilla* for women, if he has already heard the *Megilla* himself?

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Fringe Benefits: Company Leads & Kickback

דבר המשפט / Business Halacha

Adapted from an article by

Dayan Dovid Grossman | Rosh Bet HaVa'ad, Lakewood

Jobs often involve much more than the plain job description. Over the course of one's employment they will build relationships, be entrusted with confidential information, and hold positions of power and importance to others. We must inquire, what rights does an employee have to benefit from these assets according to *Halacha*.

The *Gemara* [1] rules that an employee's earnings during working hours, in many cases, belong to the employer, following the rule of "yado k'yad ba'al habayit" – the "hand" of an employee becomes the "hand" of the employer. There are many applications of this *Halacha*, some of which we will discuss in this article.

Competition and Company Leads

One common issue often surfaces upon the termination of a typical employment relationship. The parties are often faced with questions as to what are the employee's rights to continue operating in the same field as their former employer and whether or not the former employee may make use of previous contacts acquired during his terminated employment.

Many employees feel that they should be able to continue to service clients that they have invested time and effort to obtain and maintain. The employer's position might be that the clients are theirs, since they were obtained while the employee was working for the company.

As a matter of *Halacha*, unless a valid non-compete agreement was executed prior to the commencement of the relationship, which limits the employee's ability to compete with the company upon his employment's termination, it is usually permitted for a former employee to compete

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Many employees feel that they should be able to continue to service clients that they have invested time and effort to obtain and maintain...

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with his former boss in accordance with the general rules of competition that apply to the rest of the market.

However, with regards to leads and customers which were generated while working for the previous company, there would be a *Halachic* issue for the employee to solicit clients to follow him to the new job. Since these relationships were cultivated and nurtured on the former employer's "dime", the rule of "*yado k'yad ba'al habayit*" dictates that these relationships are considered to be the company's property and the employee would therefore not be able to take them with him when they leave.

Only with regards to specific accounts which can be directly accredited to the employee – such as a relative or close friend of the employee – may there be grounds for the employee to be entitled to continue pursuing those clients.

Loyalties, Royalties, and Kickbacks

Whenever an employee is acting as an agent or put into a position of authority to make decisions on behalf of his employer, it is important to ensure that those decisions are made solely to represent the best interests of the employer, without letting any other considerations influence the decision. Therefore, one must be very careful when offered any type of perk or kickback, by potential customers, clients, or vendors, in an attempt to "earn" the company's business. After all, the employee is being paid to look out for the best interests of the company. Taking personal benefit into consideration will inhibit him from doing that job correctly, thus putting in question the permissibility of taking his salary.

In addition, many times, when a specific vendor is offering a kickback, the added "expense" inhibits the vendor from offering the company any type of reduction or discount which they would typically offer the average buyer. Thus the employer's interests are further compromised.

Furthermore, by allowing one's decision to be influenced by a potential perk, the employee may be transgressing the prohibition of "*Lifnei Iver Lo Titen Michshol*" [2] – do not

place a stumbling block before a blind person – which includes the prohibition of giving an "*etza sh'eina hogenet*"; unsuitable advice. *Rashi* quotes *Hachamim* in *Torat Cohanim* [3] expound on this stating: "lest you justify yourself and claim that you are genuinely giving good advice, behold the [truth] is in the heart, as the verse says [following the prohibition of placing a stumbling block] '*V'Yareta Me'Elokecha* – and you should fear your God [who knows the truth in your heart]". The *Torah* even issues a harsh curse over the head of one who misleads the blind [4].

Another prohibition which would apply to one who is taking kickbacks that may impair his ability to seek out his employer's best interest is that of "*Lo Tikah Shohad*" [5] – do not take a bribe. The prohibition of taking a bribe in its simplest form is directed towards the *Dayanim* – judges in a *Din Torah*. However, the *Poskim* understand this prohibition to include anyone who has been put in an authoritative position to make decisions for, or in relation to others.

As the *Pilpula Harifita* [6] writes: "... I write this as an instruction to those that have been placed in a position of authority over the general population, even though their decisions are not [involving] *Din Torah*, and they were not appointed for that reason, they should be careful not to accept presents that may affect their decisions..."

As a general rule, any perk or kickback that one feels they must hide from their boss is likely one that should not be received. One should disclose such an offer to one's boss or at the very least speak it over with a competent authority in *Hoshen Mishpat* – Jewish monetary *Halacha* – before accepting such an offer.

Sources:

[1] דברים טז, יט [6] דברים כז, יח [5] פ"ב, יג [4] ויקרא יט, יד [3] ב"מ י"א ע"א [2] סנהדרין פ"א.

A: Although some *Poskim* worry about reciting a *Beracha* at a women's reading, because of the possibility that the *Megilla* is not being heard properly [11], many *Poskim* [12] do require the reader to recite the *Beracha* – as per *Minhag Yerushalayim* – especially in our days that most women follow the *Megilla* properly. According to the *Sefaradim*, the first *Beracha* would be the usual “*Al Mikra Megilla*”, followed by “*She’asa Nissim*” and “*Sheheheyenu*” [13]. However, the *Beracha* following the reading of *Ribeinu* should only be recited if there are ten women present [14] (if one has a clear custom otherwise, please see footnote below [15]).

Q: Should one only send *Mishloah Manot* through an emissary?

A: Some *Poskim* derive from the *Megilla's* expression: “*Mishloah Manot* – which means to send, that it is preferable not to deliver the *Mishloah Manot* yourself but rather send it through an emissary [16]. Some even maintain that this is the only way to fulfill the *Mitzva* [17]. However, the custom is to rely on the *Poskim* that allow one to deliver the *Mishloah Manot* themselves [18].

Q: Can one fulfill the *Mitzva* of *Matanot La'Evyonim* by sending money to the poor of *Yerushalaim* on their *Purim*, which is on the 15th of *Adar*?

A: The *Aharonim* rule that as long as the recipient is receiving the *Tzeddaka* on their *Purim*, the giver has fulfilled his obligation [19].

Sources:

[1] הגר"נ אדלר בשו"ת בנין ציון החדשות (ס"ח), שו"ת מהר"ל דיסקין (קו"א סי' קב), ועוד. [2] ס' החינוך (מצוה תרג), דכל כבודה בת מלך פנימה, ותמה ע"ד במנ"ח. ועי' בי"א (ח"ח סי' נד אות א) מש"כ ליישב. [3] מרחשת (סי' כב אות ג), וע"ע באב"ז (סי' תקט) ובמה שהעיר ע"ד ביבי"א (שם אות ה). ועי' מט"ה יהודה (סי' רפב סק"ז) שהוכיח מנדלא מצינו שחייבו את הנשים אלא בפ' הקהל, מכלל שבשאר קריאות פטורות, אפי"ן הן מה"ת. [4] יבי"א (שם אות כב), יחוד"ח (ח"א סי' פד), אול"צ (ח"ד עמ' רחצ), ועוד. [5] יבי"א (שם במילואים) וחזו"ע (הל' פורים עמ' ז). [6] תענית (ל: ד"ה חתן), הו"ד בבאה"ל (סי' תקטמ) ד"ה חייבים), דאתי אבילות דברים דהוי רגל דרבנן דיחיד [7] תהלים קל"ג, ו' [8] ואע"פ שהבאה"ל (ש"א פר' שופטים ס"ז) כ' שמנהג בגדאד שאין החתן מתענה, וכ"כ בשו"ת בית דוד (או"ח סי' תענ), כבר דחה החיד"א את דברי הב"ד (ברכ"י סי' תרפו סק"ו) ע"פ הריטב"א הנ"ל, וכ"פ שאר האחרונים. [9] ערך השלחן למהר"י טייב (סי' תרפו סק"ד), יחוד"ח (ח"ב סי' עח), אול"צ (ח"ד עמ' שח), ועוד. ודלא כהור"ע אמת (ח"ג סי' עז). [10] יחוד"ח (שם בהע), דיו"ט שלהם הוא. [11] כנה"ג בס' דינא דחיי (דף רכת), פלא יועץ (מע' פורים), בא"ח (ש"א פר' תצוה ס"א), זכרונות אליהו (מע' מ אות ה בשם הזבח"צ), אול"צ (ח"ד עמ' ש"ב) [12] מהר"י אלגאזי בקונ"ג חוג הארץ (הל' פורים דף ה), מנחיק ברכה (סי' תרפט סק"ד), מאמר"ד (סי' תרצב סק"ו), יבי"א (ח"א סי' מד) ע"פ המב"ז במגילה (זח), ואין לחוש שלא יכוונו בקריאתה שלא חששו לזה חכמי הש"ס והפוסקים, וכ"ש ברכת שעשה ניסים ושהחיינו שנתקנו על עצם יום פורים. [13] כדעת מרן ודלא כהרמ"א (סי' תרפט ס"ב) שלנשים הברכה היא "שלמוגע מגילה". [14] מכיון שאינה אלא מנהג (מגילה בא), אלא בירושלמי שאין מברכים ברכה אחרונה אלא בצבור, ודלא כהרמ"א (שם סעי' ד) שפסק שאף יחיד יכול לברך ברכה אחרונה, אפי"ן יש י' נשים דשפיר מקרי ציבור. [15] בענין אם אשה תברך, הבאה"ל (ש"א פר' תצוה ס"א) וכן הכה"ח (סי' תרפט סק"ט) בשמו כתבו שלא תברך, ובמחבר"ד (שם סק"ד) הביא שיש נוהגים שהאשה תברך והאיש יקרא, אך המנהג הטוב שהקורא גם יברך, ובאול"צ (ח"ד עמ' ש"ב) כ' שאם האשה אומדת את עצמה שיכולה לכוון בכל הקריאה שהיא תברך ואחר יקרא בשבילה. אמנם מרן הראש"ל צ"ע וש"א כתבו שהקורא מכרך כנ"ל. ואם אף היא קוראת את המגילה יש לה לברך, אך אין זה מן הראוי שהיא תקרא את המגילה כמב"ש במושב"ב (סק"ח) וכן המנהג (מחבר"ד, בא"ח, יפה ללב, כה"ח, חזו"ע) [16] שו"ת בנין ציון (ח"א סי' מד), משנ"ב (סי' תרצה סק"ח) [17] יפה ללב (שם סק"ט), שו"ת יען אברהם (פלאגי, סי' מוח), שד"ח (אס"ד מע' פורים ס"ו) ועוד [18] מהרש"ק בשו"ת האל"ש (סי' שפג), כה"ח (שם אות מא), יבי"א (ח"ח סי' ע) וחזו"ע (הל' פורים עמ' קמג), אול"צ (ח"ד עמ' שמא) ועוד [19] יד אהרן (סי' תרצד הגב"י), באה"ט (סי' תרצה סק"ז) ועוד. וכן מוכח ממה שפסק השו"ע (סי' תרצו ס"ו) שהאבל חייב לשלוח מנות, והוסיף הרמ"א אבל אין שולחין לאבל, והיונו דהעיקר תלוי במקבל, וכ"כ בנדו"ד בשו"ת אהלי יוסף (מוהר"י מולכו סי' טו), חזו"ע (הל' פורים עמ' קסב) ועוד.



Highlight on SHC Services

WHAT IS RIBBIT?

- A Jew may not charge or pay another Jew interest on a loan.
- There are six separate prohibitions of *Ribbit*.
- The *Gemara* tells us that one who transacts with *Ribbit* his assets will dwindle.
- The lender, borrower, guarantor, and even the lawyer that drafted the loan document all violate *Ribbit* prohibitions.
- Anyone assisting the parties will violate *Lifnei Iver*, by aiding and facilitating a *Ribbit* transaction.

Common Ribbit Issues

Although the classical prohibition of *Ribbit* involves borrowing or lending with an agreed interest payment, there are many other transactions which are prohibited and which one would not have realized at first glance.

► **Buying a home for someone else.** Someone with a poor credit rating who is unable to obtain a mortgage may elect to purchase a home under the name of a close friend or relative. The friend, who has a better credit rating, buys the house under their name and takes out a mortgage. The real owner then makes the mortgage payments to the bank. While this seems to be an innocent arrangement as the financial institution is typically owned by a non-Jew thereby negating the problem of *Ribbit*, since the payments are made on behalf of the Jewish lender there may be a serious violation of *Ribbit*.

► **Acting as a guarantor.** Not only is it prohibited to actually borrow with interest, it is also forbidden to guarantee an interest bearing loan in many instances. This is true even when guaranteeing a loan from a non-Jewish financial institution. There are a number of types of individual guarantee arrangements some of which are forbidden and some which are permitted.

► **Co-signing on a mortgage.** Co-signing for a Jewish borrower is often subject to the abovementioned concerns.

► **Factoring and Selling Receivables.** Any type of payment for “*Time on Money*” needs to be analyzed to avoid any *Ribbit* concerns.

► **Car lease.** Many car leases are also set up as loans and can be subject to the above *Ribbit* concerns.

► **Partners.** One partner taking responsibility for a business loan on behalf of the partnership usually will have serious *Ribbit* issue.

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The Master of Damascus Ribbi Yitzhak Abulafia זצ"ל

A BIT OF HISTORY / דברי הימים

Golden Roots

Among the most ancient and illustrious families in *Am Yisrael*, the Abulafia family prominently stands out, tracing its roots back to the Golden Age of *Sefarad*, through *Torah* giants such as *Ribbi Meir Abulafia HaLevi* זצ"ל of Toledo, the first *Ribbi Hayim Abulafia* זצ"ל of Tiberias, and many more *Hachamim* and authors.

Ribbi Yitzhak was born in 1830 to his father, *Ribbi Moshe* זצ"ל, one of the leading *Hachamim* of the Damascus Jewish community. Young *Yitzhak* was quickly recognized as an exceptional prodigy and was summoned by his grandfather, *Ribbi Hayim Nissim Abulafia* זצ"ל – known as *Rav Hinn"a* – to study *Torah* under him in Tiberias, where he served as the *Rav*.

Joining his scholarly uncles and cousins, the young boy was held to very high standards. It is told, that he was once teased by an uncle for misreading a *Gemara*, which prompted *Ribbi Yitzhak* to increase his diligence and *Torah* study. He subsequently earned a great deal of esteem from the saintly *Ribbi Hayim*, who would not allow the other *Hachamim* to ever slight the honor of the budding scholar. *Ribbi Yitzhak* quickly joined the rank and file of Tiberias's *Hachamim* and stood out for his great scholarship and sharp wit.

From Tiberias to Damascus

In 1862, *Ribbi Yitzhak* was sent out to the Diaspora to help ease the difficult financial state that crippled the community of Tiberias. As he journeyed through Lebanon, Lybia, Livorno and other communities, he was asked by many *Hachamim* to bestow his approbation on their *Sefarim*, to which he obliged. He returned to Tiberias with an international reputation as a first-tier *Posek*, and soon enough he was answering the *halachic* questions of great *Hachamim* around the world, including the *Ben Ish Hai*, *Ribbi Hayim David Hazan* and the *Yis"a Beracha* (both of which were *Rishonim L'Tzion*), *Hacham Haviv Sitehon* זצ"ל and many more.

In 1873, the community of Damascus – where *Ribbi Yitzhak's* father and many ancestors served as *Poskim* and *Dayanim* – asked *Ribbi Yitzhak* to serve as the city's *Rav*, a position which he accepted and held with tremendous strength and dedication for forty years.

It is told that the butchers of Damascus once banded together to raise the price of meat beyond the reach of many of the city's lower income families. Defying *Ribbi Yitzhak's* order to lower the prices, the butchers held on to their stance well into *Erev Yom Tov*. *Ribbi Yitzhak* warned the head of the butchers that he would become severely ill if he does not obey the *rabbi's* orders, which is indeed what happened. The head of the butcher's quickly beseeched *Ribbi Yitzhak's* forgiveness and lowered the prices, and the entire city was able to properly honor and celebrate the *Yom Tov* without worry.

Torah and Derech Eretz

Ribbi Yitzhak's ingenuity and knowledge, combined with his humility, allowed him to put to rest many *halachic* disputes among the great scholars of Damascus. He was never too proud to rescind a *P'sak* if the other *Hachamim* were able to disprove his position, as is evident from the many volumes of his *Teshuvot*, "*Pene Yitzhak*". Many years into *Ribbi Yitzhak's* rabbinic, of the Ottoman empire appointed the *Saba Kadisha* (*Hacham Shemuel Eliezer Alfandari* זצ"ל) to serve as *rabbi* of Damascus as well. Despite his wife's and relatives' efforts to try and dissuade him from taking the position, fearing that *Ribbi Yitzhak* would defeat him in *Halacha*, *Hacham Alfandari* accepted the challenge, declaring that for this reason alone it is worth it to move to Damascus, to study from this venerable sage. Yet, despite his seniority and



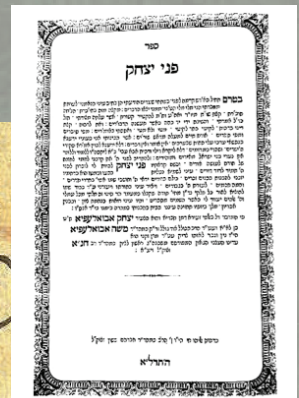
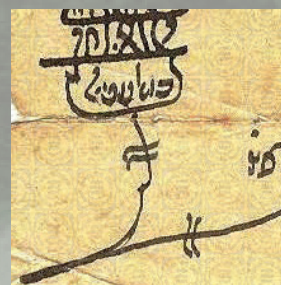
power, *Ribbi Yitzhak* did not hesitate to accept many of the *Pesakim* of the younger *Hacham* and treated him with tremendous *kavod* and admiration.

Returning Home

In 1909, when *Ribbi Yitzhak* reached the age of 79, he felt that it was time for him to return to the city of his forefathers, the holy Tiberias, where he was welcomed with great respect and joy. The following year on the 16th of *Adar Bet*, the *Pene Yitzhak* passed away and was buried alongside his legendary ancestors, members of the Abulafia family. [Adapted from introduction to *Teshuvot Pene Yitzhak*, *HaMa'or* edition and other sources]

Teshuvot Pene Yitzhak
(Smyrna, 1861)

Ribbi Yitzhak Abulafia's
Autograph



A Testament to the Creator

A Final Word / סוף דבר

Parashat VaYakhel opens with the reiteration of the *Mitzva* of *Shabbat*. Although the concept of *Shabbat* was just mentioned in the previous *Parasha*, there is a special significance to its mention in *VaYakhel*, following the sin of the golden calf. The *Hid"ra*, in his work *D'vash L'Fi* [1], cites the *Gemara* in *Shabbat* [2] that states that one who observes the *Shabbat* is absolved of his transgressions – even if he had worshipped *Avoda Zara* like the generation of *Enosh*. What sort of *Avoda Zara* did the generation of *Enosh* worship? The *Rambam* in the beginning of *Hilchot Avoda Zara* writes, that although *Enosh* (the grandson of *Adam*) and his generation did not doubt *Hashem* was the Creator and Master of the universe, they mistakenly assumed that one cannot have a direct relationship with the Almighty, only with his emissaries.

The commentaries explain that a similar mistake led to the construction of the golden calf. The nation feared that with the loss of *Moshe* they will not be able to have a relationship with *Hashem* and so they devised an intermediary to whom

they can relate. When one observes the *Shabbat*, one attests to the fact that the universe was created by *Hashem* alone, and that humans too, can emulate the Creator and have a direct relationship with Him, dispelling the mistaken notion of the generation of *Enosh*.

Hacham Yehuda Tzadka זצ"ל, the venerable Rosh Yeshiva of *Porat Yosef*, comments on the unique setting in which the *Mitzva* of *Shabbat* is reaffirmed in this *Parasha*: the assembly of the entire congregation of *Am Yisrael*. The *Rosh HaYeshiva* explains, that this is because the observance of *Shabbat* is only complete if it includes the participation of the entire nation [3]. One can add, that although much of *Am Yisrael* did not sin with the golden calf, nevertheless, the wholesomeness of the *Torah* acceptance at *Har Sinai* – which was the ultimate testament to *Hashem* on this Earth – was now broken. Only when the nation as a whole join to testify: *כי ששת ימים עשה ה' את השמים ואת הארץ* – then, our rectification of what was lost at the sin of the golden calf, and the true testament to the Creator and our relationship with Him, is finally achieved.

Sources:

[1] ק"ח ע"ב [3] מערכת ש' אות ד' [2] קול יהודה פר' ויקהל



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