



A collection of
Torah thoughts
produced by the
Kollel

חידוש Chiddush

אין בית המדרש בלא

KOLLEL UPDATES

AVOS UBONIM

Avos Ubonim has just moved... and we may need to move again!

Having outgrown the Kollel and lunchroom, nearly 60 boys and their fathers (including quite a few new faces) packed the hall at 99 Hotham Street for the first 2 weeks of Term 3 Avos Ubonim.

It was a beautiful atmosphere with a real buzz of Kol Torah as the boys learned through a selection of mishnayos, gemoras and sichos learning booklets carefully selected and prepared by director Rabbi Reuven Centner.

Delicious refreshments and all sorts of raffles and prizes made the night complete.

The fun continues this Motzai Shabbos at 7:45pm.

SEFORIM CAMPAIGN

The Kollel is looking to expand our library. We have a list of Seforim which we would like to acquire. We are looking for sponsorships and dedications.

To sponsor a sefer or a set of seforim in celebration of a simcha, memory or zechus of family members, Yartzeit or just because, please contact Rabbi Johnson or Rabbi Stern in the Kollel.



On Fear of Kings

The position of a king is a key feature in early Jewish history; starting with Shaul and then the great king Dovid, whose dynasty extended until the end of the first Beis Hamikdash. Appointing a king is discussed in this week's Parsha: *When you come to the land the Lord, your G-d is giving you, and you possess it and live therein, and you say, "I will set a king over myself, like all the nations around me." You shall set a king over you, one whom Hashem, your G-d, chooses.*

Whether this passage represents an obligatory Mitzvah to appoint a king and whether appointing a king is a positive thing, is debated in the Talmud. Rabbi Yehuda maintains that the verse is the source of a biblical requirement to crown a king over the Jewish people once they had settled into Eretz Yisrael. Rabbi Nehorai claims that there is no Mitzvah and that appointing a king is actually undesirable. Rather, the Torah is making an allowance for the people's weaknesses; that should they desire a king, then these are the rules which should govern his appointment.

The Ohr Hachayim explains that the diverse opinions arise from ambiguity in the wording of the text. Introducing the laws with *and you will say 'I will appoint a king over myself like all of the nations around me'* indicates that it will be the people, rather than Hashem's Commandment that suggests the appointment. However, the next verse uses the double expression *שום תשים עליך מלך* - *you shall surely appoint a king over you*, suggesting that a Mitzvah does exist. By listing the crowning of a king as one of the 613 Biblical Commandments, the Halachic authorities follow the view of Rabbi Yehuda.

The Sfas Emes puts this discussion in a philosophical light. The role of the king is taught in Pirkei Avos; *were it not for the fear of it (the monarchy), each man would swallow his fellow alive.* i.e. a king is necessary to uphold the moral fabric of society. Hence, if the nation is

upright and G-d fearing, the position of a monarch is redundant. However, when there is no fear of Heaven, the appointment of a king of flesh and blood becomes necessary, to instil a respect for authority and to maintain social order. In this climate appointing a king is a Mitzvah and his presence serves to exemplify the fear of Heaven. If we fear our mortal king and obeys his laws, how much more so should we feel awe in the constant presence of the King of kings.

Learning fear of Hashem through appreciating earthly kingship is not exclusive to a Jewish king. Even from a non-Jewish sovereign we learn the significance of authority and for this reason a blessing is recited when seeing a non-Jewish king. However, there is a difference. There are 2 types of fear of Hashem, the lower type being *יראת העונש* the fear of His punishment (which the Rambam describes as a juvenile perspective). A higher form of fear - *יראת הרוממות* - is the feeling of awe attained through reflecting on Hashem's greatness. From the non-Jewish king who rules through his own power we learn the fear of punishment. Through the Jewish king, who must write a Torah scroll and *read it all the days of his life, so that he may learn to fear Hashem*, we are inspired with the higher order of fear. Since this is only achieved through a Jewish sovereign, the Torah is careful to instruct us not to appoint a foreigner as our king.

It is quite paradoxical that a king's subjects do not only experience awe, they also have a powerful love towards their king. In our relationship with Hashem we also have this dimension of love. During the month of Elul we concentrate on our preparations for the Yomim Noraim, when we crown Hashem as our king and pledge renewed acceptance of His Commandments. Yet the flavour of the month is primarily of love as alluded in the acronym *אני לדודי ודודי לי* - *I am to my Beloved and my Beloved is to me.* During Elul, the King leaves His palace to visit His subjects in the field, greeting each of us with a loving smile, open to fulfil our requests for a New Year filled with blessing.

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Shiurim Schedule

ELUL 5773 - TISHREI 5774

Once again the Kollel will be presenting a full schedule of Shiurim to help you prepare for the month of Tishrei and the Yomim Noraim.

A full schedule can be found and printed from our website www.kollelmenachem.com.au/tishrei

Some of the highlights of the program are featured below

Inspiration from the Haftorah

A 2-part series for men and women analyzing and finding inspiration in the haftorahs of the Yomim Noraim with **Rabbi Yossi Gordon**

Part 1: Tefillas Chana

Monday Aug 20, 8:00-9:00pm

Part 2: Maftir Yonah

Monday Sep 9, 8:00-9:00pm

In the Multipurpose Building

Eiruv Tavshilin in Halocha and Avodah

We do it 3 times this year. Refresh on the halachos and discover the deeper mystical message of Eiruv Tavshilin

With **Rabbi Yonason Johnson**

Wednesday Elul 22 ~ Aug 28 from 8:00-9:00pm

In the Goldhirsch Hall, 1 A'Beckett Street, St Kilda East

All I Ask of You

What should be the focus of our Rosh Hashona and Yom Kippur Davening?

A feature lecture with

Rabbi Yonason Johnson

Sunday Elul 26 ~ Sep 1 from 8:00-9:00pm

In the Goldhirsch Hall, 1 A'Beckett Street, St Kilda East



Q. I am going to be serving as the Chazzan in a Shule this year for Rosh Hashona and have the following question: Isn't there a problem being paid for work performed on Shabbos or Yomtov and how should this be addressed because it seems common practise to pay Baalei Tefillah and Baalei Tokeia?

A. You are correct in your understanding that there is a problem being paid for work or services performed on Shabbos, even if the work activity is not of a forbidden nature itself. This is referred to as *Schar Shabbos* (Shabbos earnings) and is categorically forbidden *Miderabanan* unless it is paid in a halachically permissible manner as we will discuss. This Rabbinic prohibition is an extension of the *Gezeira* against doing business on Shabbos, which may lead to writing on Shabbos which is a Biblical violation¹.

Other cases that this may apply is when paying a babysitter or Jewish domestic cleaning help or for any other service performed on Shabbos. The prohibition of receiving *Schar Shabbos* also applies where no work is actually being done, for example payment for daily-rate car rentals or hotel rooms.

There is a discussion whether this prohibition is against the paying of *Schar Shabbos* or is only on the recipient not to receive payment for work or services performed on Shabbos. The practical difference would be paying a non-Jew for services performed on Shabbos. Most authorities rule that the prohibition is only on receiving payment and is limited to Jews. The Mishna Berura writes that a Jew who pays *Schar Shabbos* would be in violation of לפני עור by causing someone to transgress by accepting *Schar Shabbos*².

The uniqueness of your case is that it is for the fulfilment of a Mitzvah. This would also be the case for a Baal Koreh, Kashrus Mashgiach or Youth Director who works on Shabbos. We find that certain Rabbinic Shabbos injunctions were not applied in the case of a Mitzvah. Whether this applies to *Schar Shabbos* is a debate amongst the Rishonim and Halachic codifiers.

Paying a Baal Tefillah or Baal Tokeia

Rabbi Yonason Johnson

The Talmud³ says that a *Meturgeman* (the one who would broadcast the shiur delivered by a sage on Shabbos) will not see a sign of blessing from his payment.

There is a dispute whether the Talmud is ruling that his *Schar Shabbos* is technically allowed because the work is for the purpose of a Mitzvah, but since it is not ideal he won't see any blessing from it. Or is the Talmud's intent to rule that the *Meturgeman's* payment is actually forbidden. In the laws of Shabbos, the Shulchan Aruch⁴ brings both opinions.

In the laws of Rosh Hashona, the Shulchan Aruch quotes the Gemora that one who receives payment for blowing the shofar will not see a sign of blessing from his payment⁵.

In hilchos Shabbos, the Alter Rebbe also brings both opinions without making a conclusion. However in the halachos of Rosh Hashona, the Alter Rebbe rules that it is forbidden to take payment for blowing the shofar on Rosh Hashona, even if he was hired to do so before Yomtov⁶.

The Tur laments how the Sefardim would shy away from the Mitzvah of Tekiyos leaving them with no choice other than to hire and pay someone to blow for them.

One of the ways in which a person may receive payment for Shabbos services, is if it paid *Behavlaa* by being included together as a package with payment for weekday services. For example, if someone is paid for a month's or week's work which would naturally include Shabbos. This payment method would be affective in circumventing all *Schar Shabbos* issues, even according to the stringent opinion above. Since the Shabbos payment is not recognisable on its own it is permissible⁷. Based on this, *Havlaa* would be allowed even if the primary work, or the bulk of work was on Shabbos⁸.

The proviso on the *Havlaa* arrangement is that it must be genuine. For example the worker would be paid for a full week if contracted per week, even if they pulled out from the Shabbos job. Additionally one cannot specify a daily rate or the Shabbos proportion. For example one cannot say "I will pay you \$700 per week which is \$100 per day", since the Shabbos payment is now being specified by itself.

To apply *Havlaa* in the case of a Yomtov Chazzan, the Shulchan Aruch advises that the Chazzan also be hired to daven at other times during the year (obviously referring to weekdays since Shabbos or Yomtov davening

would not help) and be paid a total all-inclusive figure.

The Acharonim⁹ qualify that the weekday davening must be a *Tefillah Chashuva* which is worthy of being paid for, for example the first night of Selichos. Similarly, a Rosh Hashona Baal Tokeia should be paid *Behavlaa* for also blowing the Shofar during the month of Elul.

A variation of the *Havlaa* arrangement is to pay the Chazzan or Baal Tokeia for their practising time¹⁰.

The Tehillah LeDavid¹¹ makes the following suggestion instead of *Havlaa*. The Shul should give a loan to the Chazzan before Yomtov. Instead of payment for Davening on Yomtov, a deduction is made against the loan. This is based on the Magein Avraham¹² who suggests that this would be permissible. Since no salary is actively being paid, it does not appear as *Schar Shabbos*.

Shaarei Teshuvah¹³ recommends that the payment be given in the form of a gift of thanks. This would only work where no payment arrangement was agreed to in advance of the services being performed.

The Zohar teaches that a Mitzvah is more cherished when it is paid for and the Shulchan Aruch¹⁴ prefers a paid Chazzan over a volunteer. It is recorded¹⁵ that many Gedolim would be careful to ensure that the Chazzan receive payment for their davening.

So you have a few options in how to work out your payment. Good luck with your davening and may all of your Tefillos be received Above and answered favourably.

¹ Shulchan Aruch Harav 306:8 and 306:4

² This appears to be the view of the Alter Rebbe in Simon 306:11, where he writes that the reason it is forbidden to hire a Chazzan is because he is forbidden from taking *Schar Shabbos*.

³ Pesachim 50b

⁴ Orach Chayim 310:5

⁵ Orach Chayim 585:5. The Magein Avraham understands the Mechaber to be following the lenient view that technically it is permissible. Others dispute this interpretation.

⁶ In 526:14 the Alter Rebbe rules that since there is the lenient opinion to rely on, one should not protest someone who does accept payment.

⁷ Shulchan Aruch Harav

⁸ This is based on the rationale as explained by the Alter Rebbe in 243:11. The Aruch Hashulchan remains with a question whether *Havlaa* would work in this situation.

⁹ Shemiras Shabbos Kehilchaso 28:(145)

¹⁰ Aruch Hashulchan 306

¹¹ 306:7

¹² OC 306:7 as explained by the Machtiz Hashekel. See Rabbi Akiva Eiger who limits the leniency of deducting from a pre-existing obligation to the case of a monetary penalty (Knas) but not to a normative loan.

¹³ Orach Chayim 306:5

¹⁴ Orach Chayim 53:22

¹⁵ Teshuvos Vehanhagos 2:279