

- **An Individual Donation** - A Glimpse from the Parasha
- **Observing Yahrzeit in a Leap Year** - Ask the Rabbi
- **Religion and Science – part I** - from the works of Rav Yisraeli zt"l
- **A Worker Who Completed a Job With Permission** - from the world of Jewish Jurisprudence

An Individual Donation

The Torah relates: "Every man and woman whose heart volunteered (*nadav*) them... brought a donation (*nedava*) to Hashem" (Shemot 35:29). The *midrash* (Shemot Rabba 48:8) says that the donation was a remedy for the spiritual destruction brought on by the sin of the Golden Calf. It connects the good will that flowed from this event to the *pasuk* from the *haftara* of *Shuva*: "I will forgive their iniquity; I will love them voluntarily (*nedava*)" (Hoshea 14:5). The *midrash* says that Moshe pleaded to Hashem to hold off on destroying the nation and let them prove themselves with donations to build the *Mishkan*, as they redeemed the sin of giving *nezamim* (nose rings) for the Calf by giving *nezamim* for the *Mishkan*. What is the significance behind the *nezem* that makes its use such a fitting atonement?

The following approach to the issue is based on Assufot Ma'arachot, by Rav Chaim Y. Goldwicht. The Sefat Emet has an important explanation of the *mishna* in Avot: "If I am not for me, who is for me, and when I am for myself, what am I?" Every person has a unique role that only he can play. Thus, if he is not himself, no one will be him. On the other hand, when he focuses his efforts only on his own development, he misses the point. A person's service of Hashem should be focused on the joint development of the nation, all of whose members are focused on the one goal of serving Hashem, even as their methods differ.

When sinning, one focuses on personal desires. People team up only to maximize the desire. Idol worship appears to be an exception to this phenomenon, as one gives of himself to a perceived deity. In truth though, one chooses an idol and views it in a manner that appeals to him. Thus, when Bnei Yisrael stumbled through idol worship, they desired many forms of idolatry. The basic purpose in making the Golden Calf was to find an alternative way to serve Hashem. However, they did it in a way that showed their individual desires rather submitting to serve Hashem as He prescribed.

The solution that brought out the proper approach was symbolized in the giving of their jewelry. Jewelry's function is to accentuate a person's individuality. They had given it up before, but with an intention to serve their personal desires. Now they took the opportunity to give *nezamim* to nullify their personal desires and follow Hashem's specific designs.

Another *pasuk* in Hoshea (2:1), which the *midrash* brings in relation to this repentance, brings home this idea. "The number of Bnei Yisrael will be like the sand of the sea, which cannot be counted, and it will be at the place that it will be said to them, 'you are not My nation,' it will be said to them, 'the sons of a live G-d.'" In other words, the nation is made up of countless individuals. When they sin, they lose national unity; when they refocus, the multitudes will at once all be sons of Hashem and will not be counted as separate units but as a unified force

Ask the Rabbi

Question: If one's parent died in the month of Adar in a simple year (with one Adar), when does he observe *yahrtzeit* in a leap year? Is the answer the same for the *bar mitzva* of a boy born in a simple year who turns 13 in a leap year?

Answer: The two questions should be answered together, although the answers may differ. *Bar mitzva* (we refer to becoming obligated in *mitzvot*, not to the celebration) depends on the passage of 13 years. Although this occurs on one's birthday, it is the passage of time, not the date per se which is critical. Regarding *yahrtzeit*, the date is the factor. A related distinction is that one can become *bar mitzva* only once, whereas it is possible for two days to commemorate a *yahrtzeit* some years.

The Rama (Orach Chayim 55:10) rules clearly that in the situation you describe, a boy becomes *bar mitzva* in Adar II. (The Shulchan Aruch agrees- see Mishna Berura, ad loc.). Several sources support this claim. The Yerushalmi (Megilla, ch. 1) and Tosafot (Nedarim 63b) say that the leap month is Adar I, whereas Adar II corresponds to the regular month of Adar. The Mahari Mintz (Shut #9) points out that when one rents a house for a year and there is a leap year in the interim, the renter gets the extra month (Bava Metzia 102a) even if the rental is from Adar to Adar II.

Regarding *yahrtzeit*, the situation is more complex. The *poskim* discuss the matter primarily in regard to the custom that some accept upon themselves to fast on the *yahrtzeit*. The Shulchan Aruch (ibid. 568:7) says that here too, the *yahrtzeit* is in Adar II. However, the Rama (ad loc.) says here that the preferred day is in Adar I. Why the change? Most seem to understand that Adar I is also Adar, and the question is which Adar to give precedence to. *Tanaim* debate this question in Megilla 6b. R. Eliezer says that we should perform the *mitzvot* of Adar in Adar I, because we do not pass up the opportunity to do *mitzvot*. Rashbag, whose opinion we accept, says that we perform them in Adar II because they should be in proximity of Nisan, which is related because it is the month of redemption. The Terumat Hadeshen (#294) derives from that *gemara* that in relation to a *mitzva* that it is not related to redemption, we do the *mitzva* at the first opportunity, namely in Adar I. The Rama prefers this opinion (see also Yoreh Deah 402:12). However, he mentions that there are those who are stringent and fast both days. The Shach (402:11) seems to accept that stringency.

One could understand the Rama's stringency as an attempt to "cover our bases" in regard to a doubt as to which opinion is correct. However, the Magen Avraham (568:20) and Gra (on 568:10) posit that when there is no special reason to prefer either Adar, we consider that there are actually two *yahrtzeits*, one in each Adar. Although the Magen Avraham points out that one can accept the *minhag* of fasting however he wants, he advises to keep both days. The Mishna Berura (ad loc.: 42) seems to concur, as does Igrot Moshe (YD III, 160). It appears that most Ashkenazim's *minhag* is like the Rama's main ruling (Adar I) and Sephardim follow the Shulchan Aruch (Adar II). Those who want to keep both days or come from a place with that *minhag*, are invited to act in that way.

What about other practices of *yahrtzeit*? The same opinions are basically pertinent, but one can decide to keep two days as far as visiting the grave, learning, and/or saying *kaddish*, but perhaps not fast twice. We should note that even the Magen Avraham says that one has the right to say *kaddish* only once. He refers to the times when only one person would recite a Mourner's *Kaddish*, and a *yahrtzeit* would uproot a mourner during his year of mourning. This situation exists in relatively few *shul's* these days, but the principle precludes one from asking to get an *aliyah* or to be *chazzan* because of the *yahrtzeit* in both months of Adar.

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Religion and Science – part I

(from Perakim B'Machshevet Yisrael, ch. 30)

Vayakhel 5768

Rav Yisraeli gathered classical and more contemporary rabbinic views on the interaction between religion/belief and science. We present his sources in an abridged, free translation form.

1. The Intellect Teaches the Correct Understanding of the Torah(from *Kuzari* I, 67 - Rav Yehuda Halevi)

... Heaven forbid that the Torah should contain something that contradicts a proof or a clear sign, but the Torah does bring miracles, changes in the way things are created, and one object turning into another. This comes to demonstrate the Creator's wisdom and His ability to do what He desires when He desires it. The question of whether the world started with creation or whether it preexisted is deep, and the two sides' proofs are equal. It is decided in favor of creation from new by the tradition from Adam, Noach, and Moshe, through prophecy that is more reliable than any comparison.

2. The Intellect Was Meant to Expound the Torah (from *Moreh Nevuchim* II, 25 - Rambam)

Our avoiding the matter of the world's pre-existence is not because the Torah's *p'sukim* indicate that the world is created, which in truth they do not indicate more than that Hashem has a body. The "gates of commentary" are not sealed before us ... we could have explained these *p'sukim* like we do the others. We do not do so for two reasons: 1) Since it can be proved that Hashem has no body, it is necessary to deviate from the simple meaning of the *p'sukim* that are contradicted by that which is evident. Pre-existence of the world, even if logical, is not evident, and therefore there is no need to interpret the *p'sukim* to support that thesis... 2) The belief that Hashem has no body does not contradict any Torah principle or prophetic statement, and we only have the intention of the *pasuk*. However, the belief in the pre-existence of the world, which Aristotle thought is correct ... contradicts the basics of religion, calls in question all signs, and negates everything that the Torah begins with ...

3. Religion and Science – Two Separate Areas (*Be'er Hagolah*, pg. 37- Maharal MiPrague)

The sixth complaint is the claim that the Rabbis lacked human wisdom, namely, the disciplines that follow human intellect ... not that it was missing from them but they spoke in a very distant manner. This phenomenon, should it be correct, would demonstrate a lack of knowledge and distance from the truth, which is the opposite of what the Rabbis warned us (Shabbat 155b): "Say to wisdom, you are my sister" – if the matter is clear to you like the fact that your sister is forbidden to you, say it; otherwise, do not speak in it." Alas, they warned that the wise should not say unclear things and certainly not things that are strange and distant...

We have already explained that people think as they do about the Rabbis because the Rabbis provided reasons for natural phenomena that seemed too far-fetched to people that these are the natural causes. They, therefore, concluded that the Rabbis grossly lacked wisdom in these areas. But this is not at all true because the Rabbis did not come to their decisions based on natural reasons, which are small and insignificant and are fitting for scientists and doctors, not scholars. They spoke rather about the cause that would "obligate" nature. Whoever denies this denies belief and the Torah. ... The Torah said that the sign of the rainbow represents, "I shall see and remember the eternal covenant." The scholars of nature gave a natural reason for the rainbow. However, the matter is as follows: the reason that the Torah gave is the reason for the reason. Each thing has a natural reason that makes it happen, but for that natural reason there is a Divine reason, the reason of the reason, and in reference to that element the Rabbis spoke.

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A Worker Who Completed a Job With Permission

(based on Halacha Psuka, vol. 39, condensation of a *p'sak* of Beit Din of Itamar)

Case: The defendant (=def) hired the plaintiff (=pl) to do excavating and dirt filling work at a building site for a set price. Def told pl that he should follow the architect's instructions regarding all elements of his work. After doing arguably a complete job, pl asked the architect if he was finished with his work; he replied that he had, and so pl left with all of his heavy equipment. Therefore, he demands to be paid in full. Def claims that after measuring the site, it was clear that pl had not completed the job. The architect said that he had not been aware that pl was to follow his instructions and thus he had not meant to determine that pl had completed his responsibilities. Def had to make other arrangements to have the work finished and therefore wants to reduce the amount coming to pl.

Ruling: Since pl and def agreed that the architect would determine what needed to be done and he dismissed pl, def cannot complain about his work, even though the architect was unaware of this arrangement. He was def's authorized representative, and the Shulchan Aruch (Choshen Mishpat 308:7) says that if an employer overloaded his worker and the worker became injured as a result, the former has to pay and cannot claim that the porter should have realized himself that the load was too heavy. Similarly, it was not pl's responsibility to determine whether he had worked sufficiently but it was def's through the auspices of his representative. The Ritva explains that the worker is allowed to rely on the employer's judgment, for which he is responsible. If this is true in the case where the employee is himself carrying the load, it is all the more so regarding pl in our case.

One might want to claim that even if pl was not wrong for walking off the job, he still did not complete the job for which he was paid. However, the Shulchan Aruch (CM 335:3) says that if one was hired to bring certain food to a sick person and he died or recovered before the delivery came, the employer still has to pay, even though the goal of the job was not reached. Rather, the important thing is that the worker needs to do that which he was told to do, regardless of whether it ended being of full value.

The final question is whether the architect has to pay for damages caused by his early dismissal of pl. The Shulchan Aruch (CM 306:6) says that if one shows coins to a coin appraiser to verify its value and he over-estimated them, he has to pay damages to the person who relied upon him only when he was paid for the job. If he did it for free and he was a craftsman who could have been expected to do a proper job, he does have to pay. Since the architect was not assigned to his face to make these decisions nor was he paid for it, he is not responsible to pay for the mistakes that were caused when pl trusted his judgment.

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