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חֵמָה יָמִימִים

## PARASHAT HASHAVUA

Korach, 23 Sivan 5774

### Sticks, Almonds, and *Machloket*

Harav Yosef Carmel

Even after Korach and his cohorts were punished, the “fire of dispute” was not extinguished, and the people complained to Moshe and Aharon that they had killed the “nation of Hashem” (Bamidbar 17:6). In response, Hashem commanded Moshe to prove his/His point with a test, involving the staffs of the tribal heads of all the tribes including the staff of Aharon as the leader of the Tribe of Levi. Aharon prevailed in the test, as his staff grew almonds (*shekeidim*) overnight (ibid. 17-23). This proved that Hashem had chosen Aharon for his special mission as *kohen gadol*.

This episode can also shed light on another section of *Tanach* – the opening prophecy of the book and the career of Yirmiyahu (Yirmiyahu 1:11-12). Yirmiyahu saw a vision of a stick growing almonds, which was interpreted through an etymologically significant play on words as Hashem’s message that He would diligently act to bring doom upon the nation (according to Rashi and the Radak’s translation of *shaked*). The next vision that Yirmiyahu had to interpret was of a cauldron that was open to the north (ibid. 13-14). This foreboded the coming of the doom from the north of the country. We will deal with two questions. Why was there a need for two visions? What in the appearance of almonds on a staff is an indication of the coming of tragedy?

A comparison to the parallel from our *parasha* can give us clues. Yirmiyahu was very young and lacked social standing when he began receiving prophecies. Many people asked vociferously why they should believe that this youngster was the messenger of Hashem. Yirmiyahu’s first vision reminded the people of the historical parallel. Members of the nation had, hundreds of years before, scoffed at Moshe and Aharon and denied that Hashem was the one who chose them for their responsibilities. This is what we can learn from the use of the same symbol, the almonds on a staff, in the two contexts.

We will conclude our words with a warning to people in our time. The fire of dispute can consume sacred and cherished “valuables” within the fabric of our nation. It does not help that the combatants hide behind claims that they are acting on behalf of the correct cause for the welfare of Hashem. The underlying spiritual phenomena and lessons seem to always be true, even as the specific debates change periodically. As Rav Tzvi Yehuda Kook said about the different approaches of different segments within society: “Differentiation does not require there to be separation.”

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# Ask the Rabbi

by Rav Daniel Mann

## Relighting Shabbat Candles that Went Out

**Question:** Soon after my wife lit Shabbat candles and made a *beracha*, they went out for no obvious reason. Did she fulfill the *mitzva*? Should she have relit them (with or without a *beracha*)?

**Answer:** When the above occurs when a Sephardi woman or an Ashkenazi man lights, for whom Shabbat prohibitions do not begin after lighting *me'ikar hadin* (see Yalkut Yosef, OC 263:7 and Mishna Berura 263:42), he or she should certainly relight the candles. This is because (as opposed to the *mitzva* of Chanuka candles), the *mitzva's* action of lighting is not a replacement to the heart of the *mitzva*, the benefit from them on Shabbat. However, what does an Ashkenazi woman, who generally accepts Shabbat through the lighting (Rama, Orach Chayim 263:100), do.? Could a failed lighting preclude her from relighting?

There is a basis to say that candles that go out quickly are as if they were never lit. While the K'tzot Hashulchan (Badei Hashulchan 74:(14), cited by several *poskim*) makes this claim, it may not apply to our case. First, he is talking about a case where the flame never took hold of most of the wick (your description is unclear on this point). Second, he refers to a case where the *beracha* was not yet recited. Then, since the acceptance of Shabbat comes from the lighting, this does not occur until the lighting is completely over, including all planned candles and when it is clear they are properly lit. In fact, there is significant debate (see Shemirat Shabbat K'hilchata 43:(179)) as to whether it is the lighting or the subsequent *beracha* that ushers in Shabbat. Rav S.Z. Auerbach leans toward the "*beracha* approach," and Mishneh Halachot (VIII:31) who agrees, therefore permits blowing out the match before making the *beracha* (as opposed to letting it go out itself – see Shulchan Aruch, OC 263:10). Thus, since your wife already made the *beracha*, which includes an indication that she is finished lighting, she should not have relit the candles (Shemirat Shabbat K'hilchata 43:37).

However, there is a (usually) simple solution – to ask someone else to relight the candles, as one who accepted Shabbat significantly before sunset can ask those who have not done so to do *melacha* for him (Shulchan Aruch *ibid.* 17). In general, members of the household are not bound by the wife/mother's acceptance of Shabbat (Rama, OC 263:10). They may (re)light as many as is desired to get to the normal number. If no Jews are available, one may ask a non-Jew to light, and this can be done up until the time of *tzeit hakochavim* (at least 13 minutes after sunset) and even when there is sufficient electric lighting (Shemirat Shabbat K'hilchata *ibid.*; see Mishna Berura 263:21). In the case of a non-Jew's lighting at twilight, it is not clear whether more than one candle should be lit.

In the various cases where candles are relit, one does not make another *beracha* (Shemirat Shabbat K'hilchata 43:37; see Chovat Hadar, p. 87; Yalkut Yosef *ibid.*). (The explanation is beyond our scope.)

If all the candles went out and you did not have any relit, your wife apparently did not fulfill the *mitzva*. The Shulchan Aruch Harav (263, KA 3) goes as far as to say that the benefit (which you were missing) one receives is the *mitzva*, and the lighting is just a preparatory act. Even if the lighting is the *mitzva*, it still appears that the benefit is a necessary condition for the *mitzva's* completion (see Shulchan Aruch, OC 263:9). In a case that none of the solutions were feasible, it is not one's fault, and she is credited for at least doing the right Friday actions (lighting and refraining from desecrating Shabbat). (We, of course, would not suspect your wife of gross negligence in the lighting.) Thus, the "penalty" of having to add an additional candle for the rest of one's life does not apply (Mishna Berura 263:7). The Shemirat Shabbat K'hilchata (43:(35)) is unsure on this point when no candles remained lit and one did not avail herself of the above solutions, but if this occurs because she did not know the halacha, we do not believe the penalty applies.



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# Ein Ayah

(from the writings of Harav Avraham Yitzchak Hakohen Kook, z.t.l.)

## Relying Only on the Rules of Reliable Answers

(condensed from Ein Ayah, Shabbat 1:1)

**Gemara:** Rabbi Chiya said to Rav: “*Bar pacht* (son of important people), didn’t I tell you that when Rabbi (R. Yehuda Hanasi) is involved in one *massechet*, do not ask him a question from a different *massechet*, as the matter may not be on his mind! Had Rabbi not been a great man, you would have embarrassed him, for he might have given you a not good answer, although now he has answered you well.”

**Ein Ayah:** There are set rules of the intellect, by which when all the conditions are fulfilled, the fruit of the mind are reliable, just like other elements of nature, which are dependable. However, there are occurrences that are by chance, without a set foundation in nature, and these should not be relied upon. Even if one time the matter worked out favorably, one should not extrapolate from one case to another.

As an example of this concept, when a scholar is involved in a certain intellectual realm, his mind will certainly produce a complete and appropriate idea. However, when one is involved in a different topic, then as a general rule, he cannot be confident that his intellect will produce good results in a different area. This is because focus on a topic is one of the crucial factors that is needed to ensure intellectual success, and its being missing is likely to be significant.

It does happen that an exceptional mind will be able to use an all-encompassing multi-disciplinary look and accurately arrive at the truth on a topic in which he is not involved at the time. That is because, for a great intellect, the many specific topics are interconnected and form one intellectual unit, turning everything into one *massechet*. However, such a phenomenon is rare enough that it does not create a rule of intellectual nature. Rather, it is a chance event that occurs in the spirit of a unique, exceptional individual.

Whenever something exists as an exception, it is possible for factors to arise that preclude its consistent recurrence. It is incorrect to base a behavior on anything other than a reliable natural phenomenon. Therefore, it is correct to act with the expectation that a scholar will be able to answer a question on a matter in which he is involved. It is not moral, though, to put him in a position where, naturally, he will be unable to answer (i.e., a different topic) and that it is only because he is an exceptionally great man that he will have a good chance of escaping embarrassment. As we have said, it is possible that the situation will be such that even the great scholar will be unable to answer accurately, as exceptions to the rule do not always occur.

In addition to the moral issue of causing embarrassment, there is also a concern of a mistake in the world of scholarship. After all, he may give a wrong answer, and it is possible that the one who asks will not pick up on the weakness of the answer and will rely upon it. This teaches us that we should not rely on a pattern of behavior that defies the logic of the intellect. Even if it worked out once, there is no guarantee that it is any more than a chance occurrence that will not repeat itself. Thus, even though this time, Rabbi’s answer was good, Rabbi Chiya told Rav not to repeat his behavior of asking on topics which, naturally, Rabbi would not be expected to know. Good fruit comes when nature says that the intellectual process is complete, which is when the one who answers is focused on the topic at hand.



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## A Creditor's Seizure of an Orphan's Inheritance

(based on Shut Hamaharit, Choshen Mishpat 35)

[Reuven died, leaving a son, Chanoch, with little known inheritance and with debts to Shimon. Chanoch was raised and supported by his mother's family. When Chanoch grew up, he received an inheritance upon the death of his father's nephew. Shimon seized this inheritance, with the claim that Chanoch's family certainly hid assets from Reuven's estate, which should have been used to pay Reuven's debt to him. Does Shimon have a right to seize Chanoch's inheritance from estates other than his borrower, Reuven?]

If Shimon claims to know that Chanoch and his mother acted in collusion to hide Reuven's assets, he can make Chanoch swear that this is not the case. If he is unsure, he can only make a general *cherem* on him to apply if indeed he is guilty.

However, if the claim is that Chanoch's family has withheld Chanoch's inheritance of his father from him, which impacts Shimon because when Chanoch inherits his father, Shimon will get his part based on liens, Shimon cannot force Chanoch to take actions against his mother's family. The *gemara* (Ketubot 86a) says that, in general, a creditor cannot force his debtor to take steps to make his assets available for the former to have the easy ability to receive them. Only a worker can make his employer sell his assets in order to have cash to pay the worker (see Tosafot, Bava Kama 9a), whereas other creditors may have to go themselves through the legal steps of acquiring the assets from which payment can be extracted.

The matter is even clearer in this case, as Chanoch does not personally owe Shimon money, just that Shimon has the ability to receive assets that Chanoch inherited from Reuven. We do find that a firstborn can refuse the right to his double portion of inheritance to prevent his father's creditor from recovering his loan from it, whereas he cannot do so from his regular inheritance (Bava Batra 124a). However, this just means that the inheritor cannot sell his rights to someone else to obviate the creditor; it does not obligate him to make the efforts to find and make the assets available to the creditor. Although the Ri Migash seems to say that the inheritor does have to make the efforts, we accept the opinion of the Rashba and others that this is not so.

Actually, even the Ri Migash seems to be talking only about the case of a group of inheritors of whom some are under age and cannot be sued. In that case, we require the older brothers to take care of the payment. In our case, it would appear that the Ri Migash would agree that Chanoch can tell Shimon that if he has claims against Chanoch's mother's family, he should sue them rather than seize the inheritance that Chanoch received from his father's side of the family,

The one thing that needs to be discussed is the possibility that since this new inheritance came to Chanoch because he is Reuven's son and, so-to-speak, through Reuven, Reuven's creditor should thus have rights to those assets as if they were Reuven's. Such an opinion appears in the Sefer Haterumot in the name of the Re'em. However, almost all authorities say that the idea of applying the creditor's lien to that which "went through the father in the grave" in regard to his son is rejected by the *gemara* (Bava Batra 159a). Therefore, Shimon cannot seize the assets in question.



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