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HEMDAT YAMIM

PARASHAT HASHAVUA

Beshalach, 11 Shvat 5775

People, Trees, and the Divine Presence

Harav Yosef Carmel

One of the strong tools for *Tanach* study is the identification of special expressions that appear in multiple places that link sections of *Tanach* to each other. This makes it possible to see a broader picture than any individual section would give us. This approach to textual analysis appears in *Chazal's* exegesis of halachic elements of the Torah, and even more so regarding *aggadic* matter. This week we will look at the usage of an uncommon word: in our *parasha*, in our *haftara*, and in *Parashat Shelach*.

The end of our *parasha* tells of Bnei Yisrael's complaint about lack of water. The Torah summarizes the episode as follows: "He called the name of the place Masa U'Meriva (Questioning and Quarrel), about Bnei Yisrael's quarrel and their questioning of Hashem, saying: 'Is Hashem amongst us or *ayin* (nothing)?" (Shemot 17:7). This *pasuk* shows that the issue behind Bnei Yisrael's complaint about water was an underlying lack of faith in Hashem's constant assistance, which is an outgrowth of the prevalence of the Divine Presence.

This language is reminiscent of an incident in the *haftara* involving Yael and her invitation to the enemy general, Sisra, to enter her tent. After Sisra filled himself with milk, he commanded Yael to stand by the tent's entrance and tell anyone who would ask if a man was inside: "*Ayin*."

A third *pasuk* using the word "*ayin*" is in preparation to the spies' evil mission. Moshe told them to report on whether the land was fat or lean and whether there was a tree there or *ayin* (Bamidbar 13:17-20). *Chazal*, followed by Rashi, explain that the tree refers to an upright person in whose merit the people could receive protection from the arriving Israelites. Where does this innovative idea come from that the tree was a person? It is true that in the context of the prohibition on cutting down fruit trees, the Torah writes, "for man is the tree of the field" (Devarim 20:19), but it is difficult to see this as a prototype for other places in the Torah, that a tree refers to a person.

Putting these three *pasukim* together, we can suggest the following. Moshe was not asking the spies to investigate something physical but something spiritual. He wanted to know whether the Divine Presence rested on the Canaanites. In other words, did they have noble people of a high moral standing to protect them through the shadow of the Divine Presence (see Tehillim 91:1) that accompanied them. The question of our nation's chances against the inhabitants of the Land hinged on the relative level of Divine Assistance. The word *ayin*, when compared to the word in the context of our *parasha*, relates to the issue of recognition of the Divine Presence, thus indicating Moshe's interest in the spiritual element. The *pasuk* from the *haftara* illustrates that *ayin* can also be a hint at the presence of a person, which, by association, can mean that the tree could be referring to a person. (During the upcoming Tu B'Shvat, we can contemplate the significance of this connection as well.)

Thinking forward, we can also realize the spiritual message for our time – the question of our rights to *Eretz Yisrael* also hinges on the question of whether we have a society in which people show the type of good *midot* that will make us worthy of Divine Protection.

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by Rav Daniel Mann

Joining Pieces of Dough for Obligation of *Hafrashat Challa*

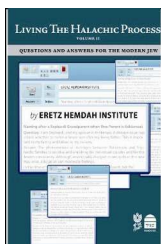
Question: If I make cookies and cupcakes one evening, do the different pieces of dough combine to form an amount that obligates *hafrashas challa* (the removal of a piece to, in theory, be given to a *kohen*)?

Answer: First we should point out that you appear to be aware of that which not all know – cookies and cake may need *hafrashat challa*. Even though the Torah refers basically to bread, cookies and cake made from the classic types of grain (especially, wheat) are closely enough related to the bread family to be obligated in *hafrashat challa* if either the dough is thick or the batter is baked rather than cooked (Shulchan Aruch, Yoreh Deah 329:1).

The Torah describes the giving of *challa* as something which is taken from dough (*arisoteichem* – Bamidbar 15:21). Classically, the requisite amount of dough (over 2lbs./ 1 kilo of flour – we will not get into all the opinions of the exact amount needed for *hafrasha* with and without a *beracha*) is present at the time there is one dough. One big dough can indeed be made into many cookies or loafs of bread afterward without affecting the obligation. However, we will briefly see that a big piece of dough does not always require *hafrashat challa*, and many smaller pieces of dough are not always exempt. A lot has to do with the plans one has for what to do with the dough in the baking process. For example, if the big piece of dough was made with the intention to be given out to different people before being baked, each one of which was to be less than the requisite amount for *challa*, *hafrasha* is not required (Shulchan Aruch, Yoreh Deah 326:2). On the other hand, if one makes smaller amounts of dough at different times and then brings them together at a later time, then under certain circumstances the existence of an obligation of *hafrashat challa* is determined by the combined amount (ibid. 325:1). What the physical situation needs to be in order for the smaller pieces of dough to be joined is slightly involved (see ibid.). As we will see, that point is not necessary to answer your question, which we will now address.

The *mishna* (Challa 4:1) says that if two women make loaves of dough of the same type (i.e., from the same grain) and each one is not big enough to require *challa* taken, then even if the loaves touch each other, they do not combine to create an obligation of *hafrashat challa*. If one woman owned the two loaves, then they do combine to obligate her to give *challa*. The Yerushalmi (ad loc.) explains that it is not the ownership per se that is the issue, but the feasibility of the two pieces of dough being combined without anyone's objection. One woman would usually have no issues about mixing between the two pieces of dough, whereas regarding two people, the assumption is that each one will want to keep that which is their own. The Yerushalmi goes on to give examples of when we can expect that even one owner would not want to mix the pieces of dough, e.g., if one piece is from "clean flour" and the other from unprocessed flour.

Indeed, when the Shulchan Aruch (Yoreh Deah 326:1) codifies these concepts, he says that if an individual does not want the two pieces of dough to be mixed one with the other, then they do not combine to be obligated in *challa*. Regarding cookies and cupcakes, it seems self-evident that one would not want to mix the two, as they are quite different one from the other. In fact, it is not really feasible to do so as the former is dough and the latter is batter. Therefore, it is clear that if neither the cookie dough nor the cupcake batter has a sufficient amount of volume to be obligated in *challa*, then even if you want to connect them in a manner that would work for two similar loafs of dough, in this case there would not be an obligation of *hafrashat challa*.



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Ein Ayah

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

Beshalach

The House of Preparation

(condensed from Ein Ayah, Shabbat 1:69)

Gemara: 180 years before the destruction of the [Second] Temple, the Kingdom of Rome spread over Israel.

Ein Ayah: In general, the situation in Israel during the Second Temple was set as a preparation and a gathering of strength in expectation of the long exile that lay ahead. The preparation must be complete to have the necessary great powers so greatly needed for the terribly bitter exile.

If the nation is totally in a tranquil state, even its great people, who need to make the preparations for exile and destruction, cannot possibly absorb the perfect impact of the positive influence. Therefore, the Roman Kingdom spread over them for a long period of 180 years during the time of the Second Temple, when the nation was “armed” with all the physical and spiritual weapons. Anyone with deep perception and feeling already expected that the Israelites’ status in the Land was temporary and would end with destruction and exile. Therefore, while time and sanctity abounded with a functioning Temple serving as a national spiritual center, a plan to preserve the spiritual state was put into action to enable them to survive the long, dark path.

Steady Spiritual Leadership

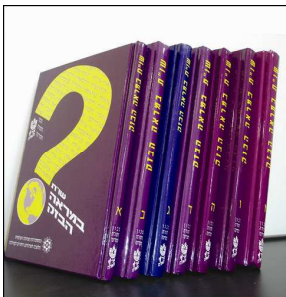
(condensed from Ein Ayah, Shabbat 1:72)

Gemara: Hillel, Shimon, Gamliel, and Shimon held the presidency of the Sanhedrin for 100 years during the time of the Temple.

Ein Ayah: Consistency in the path of morality makes a great positive impact in the paths of Torah and of life. When the nation takes a set, paved path over a long period of time, it enables it to persevere long, tumultuous times of troubles. For this reason, Divine Providence arranged that for a long period before the destruction of the Temple and the nation’s dispersion, one exalted family would hold the post of the *nesiut* (presidium) uninterrupted. These leaders, with a common genealogy, caused the nation’s moral approach to follow one path for several generations. This is because the familial commonality had a unifying effect, regarding attributes, opinions, and even approaches to the study of Torah and halacha. Certainly joint lineage causes similarity in the Rabbinical injunctions that the *nesi'im* institute regarding national life of Torah day-to-day matters.

The transfer of the *nesiut* between dynasties could weaken the extent to which the *nesi'im*’s teachings are entrenched in the heart of the nation, for the educational approach of one counters that of the other. Under such circumstances, the storminess of exile could uproot the holy things that had been planted and guarded as it “grew in the orchard” for generations. That is why Divine Providence, which protects Israel, decreed a consistent Torah leadership (i.e., the chain of *nesi'im*) over a long dynasty (100 years of Hillel, Shimon, Gamliel, and Shimon), enabling a spirit of sanctity to be established and entrenched through consistency. This took place during the time of the Temple, which helped ensure that the *nesiut* was fully effective. The resulting impact continued even after the Temple’s destruction, during the course of the dynasty. The dynasty will return (Hillel was also of Davidic decent) with Hashem’s kindness with the kingdom of Yishai’s descendants. That family maintains leadership through Divine Providence for eternity as befits one nation in the Land – “My servant, David, will be *nasi* for them forever” (Yechezkel 37:25).

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P'ninat Mishpat

Sanctions Against Overchargers Against the Rabbi's Will

(based on Shoel U'meishiv II:IV:89)

A talmid chacham who was not the rabbi of the town in question asked for Rav Nathanson's guidance and/or permission in the following sensitive halachic and "political" question.

Request: In our city, the prices of kosher meat are unjustifiably high. One of several indications is that the prices are much higher than those in other communities in our region. The community banded together to threaten that if the butchers do not lower the prices, we will halachically ban meat consumption. The great majority of the townspeople and lay leaders agreed to this step. The local rabbi did not, but since we felt that he is an interested party, since the number of kosher animals sold is one determinant of his salary, we went through with the ban without his permission. He is now claiming that the ban is not binding, and his family and some others in town have continued to eat meat, which endangers the effort to lower prices. The rabbi's two claims are that a ban is invalid without the local rabbi's agreement, and that it is invalid if signed by different people at different sittings. Can you support our position against the local rabbi?

Response: I will not fight with the local rabbi and cannot say anything definitive, but I will discuss the merits of the two issues you raised.

The Rama (Choshen Mishpat 231:28) says that not only do the bans made by trade groups need the approval of the local rabbi, but even those made by the townspeople as a whole need it. While the S'ma (ad loc. 45) cites the Maharam Alshaker who argues, the Shach (ad loc. 4) sides with those who require the rabbi's approval in both cases. However, all opinions should agree that if the rabbi has an interest against the ban, then his acquiescence is not necessary. In fact, the financial welfare of the townspeople is one of the rabbi's responsibilities. Also, although the Rosh (Bava Batra 1:33) says that even decision of all the townspeople requires the rabbi's agreement, the *gemara* (Bava Batra 9a) works well with the Rambam (Mechira 14:9-11) and others who say that while craftsman's bans are valid only with permission, the entire populace does not require it.

If I understand the local rabbi's intention correctly regarding the need for all to be together, that is true in regard to a *beit din* ruling based on logic, in which case they need to be present together to discuss the indications. However, concerning agreeing to institute new rules, as long as there is agreement, even if people are approached separately, their agreement is valid. Another factor that makes it possible to make the ban is that one is not taking money from anyone, just that the decision is that people will not eat meat, which results in a lack of profit, which is different from loss.

The type of agreement you need is, if not unanimous, then at least a clear majority of the taxpayers. It is also required that the intentions of those who institute the ban are noble, and not connected to quarreling. Since I am not familiar with your local dynamics, I instruct you to consult with Rav Yaakov Nathanson, as well.



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