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Founder and President

HEMDAT YAMIM

Parashat HaShavua

Ki Tisa, 18 Adar I 5776

A Dangerous Fissure

Harav Shaul Yisraeli – based on Siach Shaul, p. 289-290

There are many basic questions to consider when analyzing the sin of the Golden Calf. How is it that Bnei Yisrael changed their approach so quickly when Moshe came down from the mountain? After all, when Chur rebuked the people, they killed him (Sanhedrin 7a), and here Moshe destroyed their idol and enlisted the Tribe of Levi to fight the sinners without opposition!

Another difficulty: why did Moshe break the Tablets? While the Rabbis tell us that Bnei Yisrael were like apostates (Yevamot 62a), this is hard to understand considering their statements that only the *Eirev Rav* (Mixed Multitude) actually sinned in making the Golden Calf. Why did the rest of the people not deserve having the Tablets? It is even harder to understand why there was a thought of destroying the rest of the nation and starting again with Moshe (see Shemot 32:10)!

It appears that even those who made the Golden Calf were disappointed with it. They demanded a “god that would walk before us” (ibid. 1) – an ideal which would give purpose and leadership and take them into the Promised Land. After they made the Calf, they realized that they had nothing more than something to “play before” (ibid. 1), inspiring idol worship, adultery, and murder (Rashi ad loc.). That was a letdown, considering their dreams. So when Moshe wanted to destroy the Calf, there was not opposition. There was not much left of the dream and the ideal.

On the other hand, Moshe was highly disappointed with the rest of the people – the believers in Hashem. Where were they before? Why did they close their eyes instead of standing up against the dangerous plan? Where was the enthusiasm of “we shall do and hear”?

It appears that they had a letdown too. They had a goal of “I will take you out ... and I will bring you to the Land” (Shemot 6:6-8), and that had not yet materialized. The Torah connects the Ten Commandments to the nitty-gritty laws of Mishpatim. They are made for a normal nation. There are discussion about servants and non-Jews, damages and oxen. The divine ideal is for a religious way of life that integrates everything, which sanctifies the mundane by dedicating physical life to Hashem.

Mishpatim tells us that the leadership is responsible to uphold the law (see Rashi, Shemot 21:1). But the people were in “desert mode,” where they would sit back and eat the *manna* that was given to them and pull out the social weeds before they started to take over. That is the reason that the more righteous Israelites did not involve themselves in the lives of the *Eirev Rav*. The Israelites did not realize it would make a difference if the *Eirev Rav* had dangerous desires, ranging from a physical god to the need to immediately enter their own land. The “righteous” considered these to be foreign ideas with which they did not need to struggle. “Let the strangers remain with their own problems.”

That is why Hashem’s fury extended to everyone – both the sinners and the apparent “adherents.” The aloof adherents did not deserve the Tablets either! They should not be allowed to think it is possible to build a nation without “your friend’s home, his ox, and his donkey.”

Refuah Sheleymah to Orit bat Miriam

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Ask the Rabbi

by Rav Daniel Mann

Lighting Candles When One Needs to Leave the House

Question: My husband and I were going away for Shabbat, walking to a different side of the neighborhood to eat with relatives and sleep at a neighbor's empty home. We left late, so we knew we would not make it in time to light at our destination. What should we have done about Shabbat candles?


Answer: We start with what one should/can do when he has time. The main place for Shabbat candle lighting is the place of the Shabbat meal (Rama, Orach Chayim 263:11). If the homeowner is lighting there, there seems to be little point to add on. The Shulchan Aruch (OC 263:7) says that if a guest has no place to light or person lighting for him, he should become a partner in the homeowners' lighting, a practice rarely done these days. The Mishna Berura (263:33) cites a Magen Avraham in the related context of a guest on Chanuka, that if a guest relies on the homeowner (especially regarding food, which is very common), he has no obligation to light.

However, if the guest has a room entirely set aside for his purposes, he has an obligation to light there (Mishna Berura 263:31). From this it follows that you should have lit in the place you were sleeping, which many *poskim* prefer (Shemirat Shabbat K'hilchata 45:8; Chovat Hadar p. 95), and is the prevalent Sephardi *minhag* (see Yalkut Yosef, OC 263:20). The Ashkenazi *minhag* is to light with a *beracha* where they eat, although it is hard to justify the *minhag* when the homeowner has already lit there (Tehilla L'David 263:7; see Kavod V'oneg Shabbat p. 11 in the name of Rav M. Feinstein).

(While *poskim* often discuss the bedroom, common practice assumes that it is anachronistic to light in the bedroom. The point of light in a bedroom is to not trip over things (Mordechai, Shabbat 294), which takes away from tranquility in the home. Nowadays, few people feel tranquility with a candle in their bedroom. Rather, they find an electric nightlight, light from the hall or the window, etc., to be preferable to a candle. In many ways, electric lights remove the need for Shabbat candles. However, we assume that the Rabbinic mandate of a flame still adds honor and extra festive light to Shabbat (see Shemirat Shabbat K'hilchata 43:171, in the name of Rav S.Z. Auerbach; Yalkut Yosef, OC 263:8). If one is sleeping in another's house, lighting a candle in the normal place where they light adds honor and can be used upon returning from *seudat Shabbat*. Certainly, when the homeowners have not shown you a secure place to light in the bedroom, one has no halachic right to assume permission to light there and endanger their house (see Shemirat Shabbat K'hilchata 45:3).)

If one lights before leaving his home or the place he is sleeping, he must ensure he will get benefit from the light on Shabbat. The suggested way is for the candles to last until one returns (Mishna Berura 263:30). This was apparently not feasible in your case. If it was already starting to get dark, you might have been able to receive benefit before leaving for Shabbat by doing an activity in a way that the candlelight made it more pleasant (Shemirat Shabbat K'hilchata 45:8). This works if the wife accepted Shabbat at that time (i.e., she did not need to do *melacha* afterward), so that she has "Shabbat benefit" even before nightfall. Those Sephardi woman who do not always accept Shabbat with candle lighting (see Yabia Omer II, OC 16) would need to intend to accept Shabbat early this time.

The simplest thing for you to have done is to appoint a *shaliach* to light candles where you would be for Shabbat (see Mishna Berura 263:21). If you are an Ashkenazi woman, the place of eating is also the simplest technically. If you are a Sephardiya, someone lighting safely at the neighbors is best. (If someone can take care of the electric lights, this can be of value both for the main halachic lighting (see Yalkut Yosef 263:22) and the general need of proper lighting.) However, if the *shaliach* is anyway making her own *beracha*, adding candles on your behalf, without a new *beracha*, where you are eating carries little risk.



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Ein Ayah

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

The Place of the Talmudic Subjects in the World

(condensed from Ein Ayah, Shabbat 2:153-4)

Gemara: Reish Lakish said: What is referred to by the *pasuk* (Yeshaya 33:6): “And it shall be the belief of your times, the power, the salvations of, the wisdom of, and the knowledge”? “*Emunat* (the belief of)” refers to the Order of Zeraim (agricultural laws); “*itecha* (your times)” refers to the Order of Mo’ed (the holidays)...

Ein Ayah: We should always seek the natural foundation, whether in the physical or the spiritual realm. Since Hashem made man upright (Kohelet 7:29), all good attributes are engraved in him from his creation. The moral loss that comes due to bad inclinations is something that takes away a person’s nature from its pure state. Therefore the foundation of every good and moral thing, which is belief, is engrained in a person’s “upright nature.” Those things that battle *emuna* (belief) use an arsenal of lust and corruption to uproot a person from his natural spirituality, which would bring him tranquility and happiness in this world and hope for the world to come.

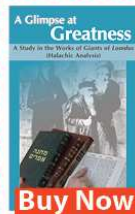
When the world was created and before it was corrupted by man’s evil inclination, agricultural life was the basis of everyone’s sustenance. After all, man was not allowed to eat meat, but rather he ate fruits and vegetables. Thus, agriculture is the foundation of that which sustained the world. After the fall of mankind, the Torah’s job is to return him, as much as possible, to the world in its proper state. There are many things that, when done properly according to the deep design of the Torah that the omniscient Creator gave us, restore some element of the world to its proper place. This is why, in Hashem’s laws that relate to matters of agriculture, there is a direct connection to the fundamental *emuna*.

The Torah’s approach to agriculture is a natural foundation that eternally keeps the human race connected to its pure nature, as the *gemara* (Yevamot 63a) says that in the future days, people of all professions will “stand on the ground.” Just as this is true regarding those who work, so it is true in regard to Torah study. The study of Zeraim strengthens a person’s natural spiritual purity, which is his power of *emuna*. This is why “*emunat*” refers to Zeraim. It is indeed fitting that the power of *emuna* should inculcate all of one’s good acquisitions that come from his intense studies, which elucidate the concepts. That is why *emunat* is written in the possessive (the belief of ...) because it is to be connected to all the lofty acquisitions, and they in turn relate to the belief.

It is true that in the natural way the world is run, there is a certain lack of involvement of artificial factors. There is another element of life that has more outside elements, which add to its richness of shades, but this comes at the price of loss of clarity and freshness. In order to deal with this, the divine way, which is holy and trustworthy, is to give different elements their own time in the course of the year. Shabbat and the various holidays were all set according to divine rules in connection with holy events and ideas. They enrich the consistent natural element of the world with its own beautiful natural simplicity.

In this way, there is an intersection between a life of purity and belief, with its healthiness and purity, along with the richness and variety of the impact of various other factors, which come in at the right time with their unique sanctity. This is why the holidays are called “*mikraei kodesh* (holy convocations),” which Hashem refers to as “My times” (see Vayikra 23:2). We get the full impact of these times only if we study them, whether their specific laws or their general philosophies, which are interconnected. That is why “your times” refers to the Order of Mo’ed.

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P'ninat Mishpat

Responsibility of a Guardian

(based on Shut Noda B'Yehuda II, Choshen Mishpat 34)

Case: *Beit din* appointed Reuven as a guardian to assist orphans, with instructions to do his best with the funds they inherited, including securing payment of debts to the deceased. Reuven worked hard to receive payment from debtors, and then lent out the money to reliable people with liens on real estate, loan contracts, and collateral. However, he lent out 25 gold coins to Shimon just based on a loan contract because he considered Shimon particularly reliable and G-d-fearing, and Reuven had his own successful business dealings with Shimon. Reuven reaped some profits on behalf of the orphans from Shimon but left the principle in his hands. One day, Shimon went on a mission of *mitzva*, along with significant cash to buy merchandise for subsequent sale, and he has not been heard from since then. It is unclear whether he died or was captured by bandits, etc. The orphans' relatives are now suing Reuven for investing the money without proper collateral. Reuven responds that he did not want the orphans' money "sitting idly" and that he had acted with their money as he had with his own. They responded that he should have been more careful with orphans' money.

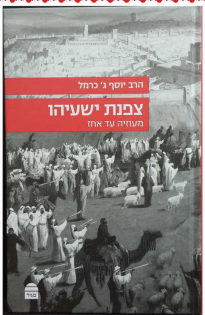
Ruling: If *beit din* explicitly said that Reuven can do as he sees fit with the orphan's money, then even if the regular halacha is that a guardian needs to take very safe collateral (see Shulchan Aruch, Choshen Mishpat 290:8), Reuven is still exempt. If there was not explicit broad authority, then Reuven would be obligated. Reuven cannot exempt himself based on the Ramban's minority opinion that a guardian is exempt from payment even if he was negligent. That is because lending money without proper collateral is not called negligence but active damage since he actually gave money to someone to whom he should not have. This may depend on the different opinions (Rama, CM 301:1) whether a watchman who gave to another watchman is viewed as negligence or is worse than that. It is hard to understand, though, how to invoke the Ramban, who did not say his opinion in the case of a *beit din*-appointed guardian. There is no halachic logic to distinguish between individual guardians based on the likelihood that they would refrain from the appointment if they are financially liable.

However, if we obligate Reuven, it should be only in the difference between the net results in comparison to not investing the money at all (because we do not know that he would have found someone with guarantees who would have produced profits). Therefore, we should reduce from the payments, the profits already received. We shouldn't look at the final reinvestment as the time of damage because it is not clear that he would have succeeded in extracting all the payment at that time (see Shulchan Aruch, 290:20).

The guardian certainly does not have a right to demand a salary since the matter was not discussed, and the value of reputation of being *beit din* appointed is sufficient.

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