



HEMDAT YAMIM

Parashat Hashavua

Naso, Sivan 11, 5785

Harav Shaul Israeli zt"l
Founder and President

On the Giving of the Torah, Light, Time, and Place

Harav Yosef Carmel

This week we celebrate Shavuot, commemorating the day the Torah was given to Israel at Sinai and passed on "from Sinai" (see Avot 1:1). The Torah is compared to light – "For a commandment is a candle, and Torah is light" (Mishlei 6:23). We will explore the Torah's significance in terms of time and place and its connection to light.

Shavuot is the only Jewish holiday whose exact date is not found in the Torah. Indeed, it is observed on the "50th day," following seven full weeks of counting, starting with "the day after the *shabbat*" (Vayikra 23:16) i.e., the day after the first day of Pesach. Since fundamentally, Iyar and Sivan can each be either 29 or 30 days, the date of Shavuot is not set (prior to the setting of the calendar 16-17 centuries ago).

The Torah was given at Sinai, a region whose location we know, but the specific mountain is unclear. We do not find that *Am Yisrael* ever turned Mt. Sinai into a "holy site," at which one should serve Hashem, or attributed special *halachot* to it.

One can perform the Torah's commandments only in a physical place (preferably, *Eretz Yisrael*), and while living under a framework of time. On the other hand, one can "break free" from the physical constraints of time and place – through Torah study! When learning Torah, we try to separate ourselves from our physical place and connect to the *Makom* (play on word between place and a reference to Hashem) of the world. We should raise ourselves up to the Heavens, which is also a spiritual term, and is also called *Makom* (see last week's *d'var Torah*). Torah study enables us to build lofty spiritual worlds, beyond the physical world, that are not governed by time.

Indeed, Torah study frees us from the bonds of time, because *Tanach* came to us from the Heavens, and the Heavens is a place that is not a place and does not have time. This is a reason that one of the principles of biblical exegesis is "there is no earlier and later in the Torah." The Torah is a lesson in existence, which relates to all elements of time – past, present, and future. The thoughts that Torah evokes remove physical constraints to freedom – "there is no free person like one who studies Torah."

The tablets given at Sinai were "produced by G-d, and the writing was the writing of G-d, *charut* (lit., engraved) on the tablets." *Pirkei Avot* (6:2) instructs to read it as *cheirut* (freedom) on the tablets. (This connects us to Pesach and its companion holiday, Yom Ha'atzmaut.)

The Torah is compared to light. Light is at the edge of the material world; on its other side is energy. The speed of light is one of the material world's boundaries, and it is part of the Einsteinian equation that connects physical mass to energy.

The Torah was given, starting with the Ten Commandments. The world was created with ten divine utterings (Avot 5:1), the first being "Let there be light" (Bereishit 1:3). This hints at the connection between light and Torah.

We pray that the light of the Torah will illuminate the world. Let all nations seek Torah in Jerusalem, the "light of the world." May evil be destroyed, and goodness flourish. May the hostages return, the injured be healed, and consolation be felt in the houses of our dear fallen brethren. May unity lead us in our personal and national lives, on our way to full liberation.

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Those who fell in wars for our homeland. May Hashem avenge their blood!

Ask the Rabbi

by Rav Daniel Mann

Escorting Husband Returning from Hospital on Shabbat

Question: [I received this question Shabbat morning in my house (near a hospital).] My wife, who had an internal infection, got sicker on Shabbat night, and Hatzala took her to the hospital (from Beit Shemesh to Yerushalayim). They encouraged me to escort her even though we have several little children (only the oldest was up when we left), and my neighbors sent their teenage daughter to watch them overnight and said not to worry about them. We feel that it was right that we both travelled to the hospital, but my wife thinks the kids need me more than she does now. May I return home on Shabbat?

Answer: The *gemara* (Erurvin 45a) says that one who goes to save someone can move 2,000 *amot* from his place at danger's end (those who leave their *techum Shabbat* are normally limited to four *amot*) and carry his weapons (even without an *eiruv*). The Rambam (Shabbat 27:17) and Shulchan Aruch (Orach Chayim 407:3) codify this. The rationale it gives for taking the weapons is based on an incident where they hid their weapons, and tragedy occurred. Elsewhere, the Rambam (ibid. 2:23; see Shulchan Aruch, OC 329:9) says that those who go to repel an enemy can return afterward, implying even past his 2,000 *amot*. The reason he gives is, *shelo l'hachshilan* ... – if we do not allow them to return home, next time they might go to save; this is not found in the above *gemara*.

There are two general approaches to dealing with the Rambam (see Asya 97, pp. 65-94.): 1. The former Rambam provides the halachic details that the latter omits. 2. Whereas there are set leniencies for 2,000 *amot* and weapons, broader leniencies in line with *shelo l'hachshilan*, found in Beitza 11b and Rosh Hashana 23b, apply as appropriate.

There is a *machloket* among *poskim* regarding emergency/medical personnel who have finished an episode, on whether they may violate Torah-level prohibitions (e.g., driving) or only Rabbinic ones (e.g., being driven by a non-Jew). In the lenient camp are the Chatam Sofer (V:194), Rav M. Feinstein (Igrot Moshe, OC IV:80), Eretz Hemdah's mentor, Rav Shaul Yisraeli (Amud Hayemini 17, regarding policemen). Rav Asher Weiss (Minchat Asher II:40) is lenient if needed to secure sufficient volunteers. Eretz Hemdah's policy is similar (see Bemareh Habazak III:35; VII:34). Minchat Shlomo (I:8) critiques and rejects Rav Feinstein's leniency. Orchot Shabbat (20:60) and Shemirat Shabbat K'hilchata (40:67) permit only Rabbinic prohibitions and forbid going out of the *techum Shabbat*. (Beit Shemesh and Yerushalayim are out of each other's *techumin*. The possibility of *techum Shabbat* on a Torah level and its impact are beyond our scope).

A major complication is that many posit that expanded leniency, out of concern one may not go to save, does not apply when the person in danger is a close relative (see Bemareh Habazak VII:34; Piskei Teshuvot 329:10). The lenient approaches embrace practical assessments for each case, so would close relatives refrain from saving due to inconvenience?! In Bemareh Habazak, we made a logical and paradoxical distinction. If the danger is clear and acute, we should be stringent because the assisting relative will not be deterred. However, when the danger is borderline (*safeik pikuach nefesh*), the inconvenience may deter the escort or even the sick person from going to the hospital, which is unacceptable. In this case, which includes understandable concern for your children's traumatic experience, there is real concern you might not have gone. Therefore, there are grounds to be lenient, especially by having a non-Jew take you (which might mitigate even regarding *techumin* (see Asya ibid.)).

However, after asking many questions, I told the husband to stay in the hospital based on the following considerations. The children, who do not have issues of anxiety, will have awoken before you can return; your neighbors are people of *chesed* and experience with children. Your wife's situation, although apparently under control, deserves greater concern and involvement.

Update: B'ezrat Hashem, Shabbat went fine for wife and children.

"Behind the Scenes" Zoom shiur

Eretz Hemdah is offering the readership to join in Rabbi Mann's weekly Zoom sessions, analyzing with him the sources and thought process behind past and future responses. Email us at info@erezhemdah.org to sign up (free) or for more information on joining the group.

Do not hesitate to ask any question about Jewish life, Jewish tradition or Jewish law.

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Igrot HaRe'aya - Letters of Rav Kook

Language of Instruction for Rav Kook's Yeshiva – #325

Date and Place: 4 Elul 5670 (1910), Yafo

Recipient and Background: Rav Chaim Tchernowitz, the rabbi of Odessa. Rav Tchernowitz was, at the time, very active in Zionist circles. Later on, he received a PhD and was involved in non-standard rabbinical positions.

Body: I was happy to receive your dear letter. Thank you for your help with the yeshiva (Rav Kook's new yeshiva in Yafo).

Regarding preparations for work [on the yeshiva], there is no question: There is much difficult work ahead, and we need to arm ourselves with great vigor to do the work. Regarding "war" (i.e., political struggle), my approach has always been to distance myself from war, and I have given up on several things due to my love of peace. It is true that the world's external side is full of wars, but its internal side is full of quiet and harmony. We must always go to the depths of things. This is in line with the custom to say "False is charm ..." (Mishlei 31:30) at the time most adorned with beauty – the night of Shabbat.

However, if bad people will arise to uproot our good plans and blockade our path in holiness, we will not retreat. When possible, we will speak with them softly, we will appease them and show them the need and the benefit in our goals and actions. If this will not appease them, they will do what they do, and we will proceed with the Name of Hashem, peace, truth, justice, and life.

Now, about speaking Hebrew. I try to have everything studied and spoken in our language (Hebrew) in our institution. It is not only to avoid ridicule, as you stressed. Rather it is because of the national spirit, which is presently influencing and beating in the hearts of our nation's best, and especially in the pure hearts of those who are connected to Torah. We are trying to connect to them [especially through the yeshiva]. This makes it critical to bring our own language back to life along with the return to life of our nation and our Land.

Nevertheless, I cannot yet carry out all that I desire, especially in the daily Talmud class. The present teacher, although he is a notable Torah scholar and an important researcher on halachic matters cannot, to my disappointment, express his thoughts without the help of the jargon (Yiddish).

I do not wish, under any circumstances, to deceive you or any of the yeshiva's supporters. Therefore, I am informing you that presently the daily Talmud shiur includes the help of the jargon. However, I hope that the situation will improve in this regard. I already have experience from our local Tachkemoni school. At first, the teacher of the higher Talmud class, a deep-thinking Torah scholar, refused to give his class in Hebrew, because he was concerned he could not express himself properly, especially in complex matters. I allowed him to do as he was accustomed, but I persisted to raise the point that we must strive to reawaken the language among those who adhere to Torah as in the secular community. Now, due to my influence and that of his colleagues from the holy and mundane topics, including the parallel Talmud class, which I arranged to be taught in our language, the teacher in question began on his own to teach in Hebrew. Thank G-d, everything is going well, and the students are seeing success even in deep halachic matters. It is being done in our clear, living language, which makes our hearts happy.

Blessed is He Who keeps to His covenant and kindness to His nation – we have merited to see the flourishing of the horn of salvation. I hope this will spill over to the class in our *yeshiva*. We especially hope this will happen, especially when we will have Sephardic students; this will be the strongest factor to force us to speak Hebrew. Thank G-d, the necessities of life are also moving along the strength of our spiritual reawakening in all of its elements. We just must toil along with the broad community, to serve and "carry the load" with a heart that believes.

We daven for a complete and speedy refuah for:

Nir Rephael ben Rachel Bracha
Ori Leah bat Chaya Temima

Itamar Chaim ben Tzipora
Arye Yitzchak ben Geula Miriam
Neta bat Malka

Tal Shaul ben Yaffa
Meira bat Esther

Together with all cholei Yisrael

P'ninat Mishpat

Amounts and Conditions of Payment to an Architect – part II

(based on ruling 83061 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiff (=pl), an architect, worked on two projects for the defendant (=def). Regarding each, they dispute the amount due and/or the payment's timing. In the first project (=pro 1), def paid pl 18,000 NIS, per the contract. Two clauses dealt with possible future work. For one, pay is 18,000 NIS; for the other, pl gets 250 NIS per hour. Toward the end of pro 1, def asked pl to present updated plans, which he did. Pl demands 18,000 NIS. Def says that he told pl he would receive the hourly rate and brought a witness (=wtms) to that effect.

Ruling: Last time we saw that while beit din's expert said that the additional work fits the description that deserves 18,000 NIS, there is a machloket whether the witness' claim that pl agreed to receive hourly pay causes pl to be obligated in an oath.

Beit din can employ a compromise in lieu of a required oath (Shulchan Aruch, Choshen Mishpat 12:2), and this is regularly done in our times, when we avoid oaths. In this case, one of the *dayanim* believes that pl should receive the entire 18,000 NIS because there are reasons to not have the witness' testimony require an oath. The *dayan* argued that wtms did not actually hear pl relinquish his right to full payment. Rather, def exhorted pl to finish the work in no more than 5-10 hours, and pl agreed. This can mean that pl should finish the job quickly, to not slow down the project. Since beit din's expert said that the work should require around 20 hours, it also does not make sense that pl would agree to give up on the flat fee and agree to hourly work. Also, since it is clear that def thought that pl had no claim to 18,000 NIS, it is not logical that he would ask pl to agree to less; so, *mechila* is unlikely. Although def sent pl WhatsApp messages about sending in the hours he worked and pl did not respond, pl has explained that since this was said after the work was done, and he thought correctly that he deserved the full fee, he did not feel a need to respond. Therefore, according to this *dayan*, def should pay in full.

The majority of *dayanim* rule that def should pay only two thirds of the claim for the following reasons. While the expert says that the type of work fits the description of the flat fee, the standard practice is, when the need for extra work arises, the sides negotiate and do not follow the contract's flat fee. Since according to the amount of work needed, the flat fee would be unreasonably high, for pl not to clarify his intentions would be improper. If def's intention about 5-10 hours relates to when he would finish, he would have mentioned **days** to finish. Rather, according to wtms, he expressed his understanding that he would pay by the hour, and if pl did not correct him, he, in effect, agreed. Therefore, the oath is in place, and the payment is only 12,000 NIS in lieu of it.

Next time, we will conclude with the sides' dispute over the other project pl did for def.

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