



Parashat Hashavua Behaalotcha, Sivan 18, 5785

Harav Shaul Israeli zt"l
Founder and President

Recipe for Increasing Light

Harav Yosef Carmel

The *Mishkan's* inauguration (at the end of *Parashat Naso*), seems to end a process the Torah starts in *Parashat Teruma* and extends throughout *Sefer Vayikra* and into *Sefer Bamidbar*. Actually, though, *Parashat B'ha'alotcha* is also connected.

Naso's last *pasuk* tells how Moshe would enter the Tent and hear the voice emanating from between the cherubin above the *aron* (Bamidbar 7:89). In our *parasha* (ibid. 8:2), Aharon is instructed how to light the *menora*. We have discussed that light symbolizes Torah (see Mishlei 6:23). Thus, combining these *p'sukim*, we realize that the *Mishkan* was erected to enable the receipt of Hashem's word, from above the *aron*. *Korbanot*, enumerated at length in Vayikra, are also brought to draw closer to Hashem, not to "provide for Him." The leadership in national efforts of service of Hashem, originally *kohanim* and *levi'im*, and eventually applying to those who are steeped in Torah study, need to always ask themselves: Am I spreading light? Am I connecting *Am Yisrael* to their Father in Heaven? Am I connecting Jews to each other (a condition for their ability to connect with Hashem's Presence)?

The symbol of the Divine Presence's dwelling in the Israelite encampment is the descent of the special cloud that existed in the desert by day and the fire by night. In our *parasha*, it says that from the time the *Mishkan* was erected, the cloud covered it (Bamidbar 9:15-16). This symbolized the closeness between Hashem and His nation.

We have mentioned that the count of the population in the beginning of our *sefer* is an integral part of the preparations for war, and it included the Tribe of Levi (see ibid. 3:15). Those who were counted and those who counted them traveled in our *parasha* (ibid. 10:11-28), led by the *aron* and its tablets (the basis of the Torah). The teachings that continued the giving of the Torah post-Sinai came from above the *aron*. The *aron* and those who carried it had an important function during war – the *aron* scattered the enemies and made them flee from the Israelites (ibid. 10:35-36).

This gives us a clear message that those who are connected to Torah are crucial for battle. They are to lead, which places a burden on their shoulders. Their leadership is through the light-emitting Torah, a Torah that brings love within the nation and appreciation for religion. They are not permitted to separate themselves from the community or use the Torah for personal gain. They are not exempt from the *mitzva* to help a Jew in danger, which is the obligation of all.

We need as many people as possible to draw others closer to Torah and *mitzva* observance. This requires many Torah leaders engaged with the masses and feeling the related obligation.

Torah study is not a reason to exempt one from service in the IDF. The more "carriers of the *aron*" that are in the IDF, the better. The leaders of the Charedi community must demand of the defense establishment to enable Charedi youth to do the *mitzva* of defending the nation and come out as they went in – as Charedim. The more sincere the demand, the more likely it will be answered properly. The light of Torah that will come from the enlisting Charedi soldiers will light up the world and increase national unity. In that way, they will continue the tradition of the soldiers of David and of Bar Kochva (students of Rabbi Akiva). Torah is light!!

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Eretz Hemdah
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruria St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
Tel: 972-2-5371485 Fax: 972-2-5379626
amutah number 580120780

**American Friends
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c/o Olympian, 8 South Michigan Ave.,
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Ask the Rabbi

by Rav Daniel Mann

Sacrificing *Davening* to be the Tenth Man

Question: Before entering my *minyan*, on time, someone from the *vatikin minyan* at a neighboring *shul* begged me to join them, a few minutes before *netz*. I reluctantly joined. I could not catch up for *Shemoneh Esrei*, and started *Shemoneh Esei* after *chazarat hashatz* started. Was it right for me to join them?

Answer: Joining would make you sacrifice the following: 1) Not being part of a *minyan* for *Shemoneh Esrei* (see Living the Halachic Process (=LTHP) V,A-1). 2) Having to skip, *daven* quickly, start *Shemoneh Esrei* when you probably should not have (Shulchan Aruch, Orach Chayim 109:1) and/or have compromised concentration considering your need to be at good places to answer *devarim sheb'kedusha*. 3) *Makom kavu'a*, perhaps (LTHP I,A-1). Your "hosts" gain was only moderate because: 1) *Vatikin* without a *minyan* (LTHP II,A-5) done in *shul* (LTHP V,A-3) has significant value without a *minyan*; 2) The level of their *tefilla b'tzibbur* with you lagging behind is questionable (LTHP VII, A-2). 3) The likelihood of their having enough people answering all of *chazarat hashatz* is shaky (LTHP I,A-10; VI,A-8). Presumably, most of them could have *davened* at a later *minyan*, although we can imagine their inconvenience/disappointment.

There is a broad rule that while we should go to significant lengths to help others, one's own interests have precedence. Examples – One saves his own life first before another's (Bava Metzia 62a); one should not sin even a small sin in order to save another from a bigger sin (Shabbat 4a); one should not give more than 20% of his resources to *tzedaka* (Ketubot 50a); if only a *k'zayit* of *matza* is available for *Seder* night, one should try to get it for himself (Sha'arei Teshuva, OC 282:1). One would expect, then, that you should not sacrifice your *tefilla* to improve others'.

What the *vatikin minyan* had going for them is that Halacha gives great weight to the needs of a group of people who are just short of a *minyan*. The *gemara* (Berachot 47b) justifies releasing an *eved k'na'ani*, even if that is usually forbidden, so that he can become the tenth man for a *minyan*, calling the *minyan* a *mitzva* of the *rabim*. (*Rishonim*, including Tosafot, Bava Batra 13a, deal with the apparent contradiction to the rule not to sin for another's religious gain; this is beyond our present scope.)

Closer to home, the Rama (OC 55:22, based on the Rivash 518) rules that one can force a tenth man in town to come to *shul* to ensure a *minyan*. The presence of a *minyan* in a community is powerful and the lack thereof "upsets" Hashem (Berachot 6a-b). Some claim that this is only for the only *minyan* in town (Aruch Hashulchan, OC 55:26). Rav Moshe Feinstein (Igrot Moshe, OC III:16) is among several *poskim* (see LTHP VI,A-3) who learn from the following ruling that it is important to strengthen *shuls* even when there are other *minyanim* in town. The Eliya Rabba (55:22, brought by the Mishna Berura 55:73) cites a ruling that yeshiva students should *daven* in the local *shul* which needs them for a *minyan* rather than *daven* in their *beit midrash*, even though, theoretically, the members of the *shul* could have gone to the *beit midrash*. This is particularly instructive because the students were asked to sacrifice both their learning and their *davening* (see Shulchan Aruch, OC 90:18). On the other hand, these sources refer to cases where the *minyan* in need was important for the community and/or the "tenth man" had a connection to it (Shut B'er Sarim 34).

So, on the basic halachic level, you did not have to join the *vatikin minyan*. The "equation" is different if you are recruited to an *avei's minyan*, whose creation is a special *mitzva* (see Pnei Baruch 10:(32)) even if they will not wait for you to catch up. If a *minyan* adds something significant to a neighborhood (e.g., it is the only *vatikin minyan* in a nice-sized community), sacrificing for it from time to time is laudable. Remember also that employing compassion and avoiding angering stressed-out *minyan* seekers should be quite a "Jewish thing." It is difficult to spell out clear guidelines.

"Behind the Scenes" Zoom shiur

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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

Description of New Yeshiva's Goals to a Supporter – #328

Date and Place: 12 Elul 5670 (1910), Yafo

Recipient and Background: Mr. Chaim Cohen. It is clear from different elements of the letter that Mr. Cohen was a wealthy potential supporter of Rav Kook's new yeshiva, with an appreciation for Torah.

Body: It was a while ago that we had a broad discussion on important matters, including the foundation of the yeshiva, which, to me, is very crucial to be established here, in the area of the holy city [of Yafo] and the *moshavot*, as a "central yeshiva." In other words, it has to be central for the New Yishuv of Hashem's nation in *Eretz Yisrael* as a whole. Your honor told me then that we would speak about this precious matter in writing. However, I held back and did not write to encourage you to act in practice and influence your distinguished peer group, until I succeeded in starting to found it with Hashem's help. This plants hope that the matter will flourish, as I and choice people within our nation hope. We await the improvement of the Jewish community of *Eretz Yisrael*, from the material and spiritual perspectives, with Hashem's exalted right hand.

The yeshiva must be created to raise the stature of the New Yishuv and make it more beloved among the multitudes of the members of our nation. The New Yishuv cannot presently coalesce with the Old Yishuv, although it can absorb its goodness and also influence the Old Yishuv from its goodness.

Generally, *Eretz Yisrael* is missing a yeshiva in which young people can study for a set amount of years and emerge as men who acquired an important level of Torah erudition and then will proceed with a specific goal in life. Until now, yeshiva students generally enter a yeshiva, study independently, and receive support for their whole lives. This is an important thing in Yerushalayim and the Old Yishuv but is inappropriate for the expectations of the New Yishuv and those who flock to it.

Furthermore, we need a yeshiva that will provide its students with spiritual influence. It cannot just be a group of independent studiers but students who listen and are educated, including in the approach to level-headed study of Torah, knowledge, and national affection for the nation and the Land. This must be connected properly to the light of Torah and fear of Heaven, which, according to the character of the generation, is indispensable, especially in the New Yishuv. Such students need to comport themselves in an attractive manner, with pleasant appearance, in addition to internal preparation to accept the light of Torah and good personal attributes.

To accomplish all the above and many other preparatory steps requires very significant expenses. I hope we will find people who love the Jewish People and *Eretz Yisrael*, who are known to love Torah and its foundations from "the mountains of sanctity." This is the first powerful step toward rejuvenating the nation and anticipating the salvation. We need them to work as a united force to provide enough power to accomplish this great work and increase its scope.

There is no need for me to write too much before one such as you, with a heart that is awake and easily absorbs everything that is refined and holy. I am confident based on our successful acquaintance here, and based on your pure spirit, that you will want to be one of the chief promoters of the institution, which is in its inception and needs to take broader strides to go from strength to strength. Be aware that the wise and honorable rabbi, one of the teachers in the yeshiva, Mr. Shem Tov Gefen, is traveling [to your area]. Certainly, you will welcome him with signs of love and provide what he needs. This will be remembered positively forever in the halls of Hashem and regarding the reawakening of the Holy Land.

We daven for a complete and speedy refuah for:

Itamar Chaim ben Tzipora

Nir Rephael ben Rachel Bracha

Arye Yitzchak ben Geula Miriam

Tal Shaul ben Yaffa

Ori Leah bat Chaya Temima

Neta bat Malka

Meira bat Esther

Together with all cholei Yisrael

P'ninat Mishpat

Amounts and Conditions of Payment to an Architect – part III

(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 second project (*=pro 2*), *pl* submitted an estimate of 142,000 NIS, which *def* initially indicated he wished to negotiate. *Def* also convinced *pl* to agree to be patient with payment due to *def*'s cash flow difficulties. According to *pl*, this was only until the buyers in the first project would make their last payments (which has already occurred). According to *def*, it was until final payments by the buyers of *pro 2*, which is expected to be in five years. After non-payment, *pl* stopped working. The two also disagree what percentage of the work *pl* did on *pro 2* and whether *pl* is responsible for damage to *def* for stopping to work at a critical time in the project.

Ruling: Under interrogation, *def* admitted that while he expressed dissatisfaction with the estimate, he never got *pl* to agree to a lower price. On the one hand, when there is no valid agreement on a worker's wages, we obligate only the low end of the range of wages (Rama, Choshen Mishpat 332:4). However, since *def* knew what *pl* was demanding, and he told *pl* to proceed with the work, we apply the following *halacha*. If two sides to a sale demanded different prices and the negotiations ceased without conclusion, and the sale happened anyway, we treat it as if the one who initiated going forward eventually agreed with the other side (Shulchan Aruch, CM 221:1).

The above applies to the 142,000 NIS in wages, about which *pl* claims that he never waived, not the schedule of payment, that was more clearly not finalized. Although *def* claimed that he would not have agreed to the fee if he would not get his way regarding the payment schedule, there is no evidence that the two were made contingent one on the other. While *pl* cannot demand immediate payment, the demand to wait five years is not a normal one. We therefore rule that *def* should pay, starting from the time of the ruling, in six equal monthly payments.

Pl claims that he did half of the work, whereas *def* said that he did only a small minority of the work. *Beit din*'s expert estimated the work at 35% of the full job. The expert claimed that based on standard arrangements, the fact that he did the work from the beginning should make him deserve an additional 10% of what was done. However, *beit din* did not request of the expert to recommend systems of compensation but only to estimate the percentage of the work done; *beit din* uses its own factors in determining how much is due. *Beit din* decides that for the work on *pro 2*, *pl* is to receive 142,000 NIS * 35%.

We will not reduce what is due to *pl* for leaving *def* in the lurch when he stopped working in the middle of the project. *Def* had not paid anything on *pro 2* at the time and was not willing to do so for quite a long time. *Beit din* ended up ruling that this was not reasonable and *pl* had every right to stop working. On the other hand, since *def*'s stance was reasonable (even though mainly wrong), we will not penalize him for paying late.

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