



Parashat Hashavua

Korach, Tammuz 2, 5785

Harav Shaul Israeli zt"l
Founder and President

A House Full of Sefarim and a Tallit of Techeilet

Harav Shaul Yisraeli – from Siach Shaul, p. 402

Korach had two arguments against Moshe (Bamidbar 18:3). Why does a house full of *sefarim* require a *mezuzah*? Why should a *tallit* which is colored *techeilet* require the *techeilet* strings of *tzitzit*? These fundamental arguments echo from generation to generation, and they break Bnei Yisrael to pieces and prevent the prevailing of peace.

A house full of *sefarim* represents great Torah scholars, who fully surround themselves with Torah and do not leave that holy domain. When there is such a house full with *sefarim*, the place's great quality and the person's deep connection to Torah cause him to not notice that there are all sorts of small "scrolls" (with a play on words with "events"), which might not be that impactful, but they have value because they are placed in the entrance and exit of the house. They preserve the Jewish house while people are occupied with matters that become necessary at their time and place. They may be about simple material things, a religious school, a religious agricultural operation, a *kibbutz*, classes for adolescents, appropriate sports that do not take place on Shabbat. These matters can be considered small, but they are important, just like the *mezuzah* on our doorposts, even for a house full of *sefarim*.

There is also sometimes a very different mistake – people think there is no need for *tzitzit* of *techeilet* on a garment of *techeilet*. In other words, the *techeilet* of normal life and its beauty is enough from their perspective. Dealing with simple things while adding to them important content, convinces the heart that this is enough. In a life of work in *Eretz Yisrael*, which the Chatam Sofer (Sukka 36a) compares to wearing *tefillin*, where the mundane contains the sacred, one can be blinded by the sun. He can think that if we are all full of *techeilet*, then we do not also need *tzitzit*. And if there are *tzitzit* there, certainly what point would there be for some more *techeilet*? The value of and excitement about the *techeilet* of the garment detracts from the excitement of attaching *tzitzit* of *techeilet*.

These ideas are mistakes. The Torah says of Aharon: "He separated Aharon to sanctify him as holy of holies" (Divrei Hayamim I, 23:13). If a life of work in *Eretz Yisrael* is holy, then the values that in the Diaspora are holy, turn into holy of holies in *Eretz Yisrael*. If plowing in *Eretz Yisrael* is like donning *tefillin*, then donning *tefillin* – is donning *tefillin*! The relative distance between the values is not shortened; everything just moves further in the direction of sanctity in *Eretz Yisrael*. If people do not understand this, then they approach sanctity in a manner that destroys and neutralizes the sanctity. As it says in our *parasha*, "Whoever gets close [improperly] to the Sanctuary of Hashem shall die" (Bamidbar 17:28).

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Ask the Rabbi

by Rav Daniel Mann

Timing of *Ma'aser Kesafim*

Question: I have been giving *ma'aser kesafim* for a few years and never know how often I should calculate and give money. Can you give guidance?

Answer: It is important to understand that *ma'aser kesafim* (which you are blessed with the wherewithal to perform and bodes well for your financial future – see Ta'anit 9a with Tosafot) is not an independent *mitzva* but rather a mode of fulfilling the *mitzva* of *tzedaka* (see Shulchan Aruch, Yoreh Deah 249:1). There are various opinions whether *ma'aser kesafim* is required from the Torah, required Rabbinically, or a recommended practice (Shut Chatam Sofer II:231), with the latter being the more accepted opinion (see Living the Halachic Process, G-8). *Poskim* say that the practice has the potential of become binding as a repeated *mitzva* practice. Therefore, one should begin *ma'aser kesafim* with a stipulation that it not become a *neder*, or at least that he not be bound to follow the more stringent opinions (see Chatam Sofer *ibid.*; Ahavat Chesed II:18). It should not be too surprising that this less structured and halachically fluid practice has fewer classical sources and analysis than one might have expected.

Regarding timing, *ma'aser kesafim* differs from *ma'aser* of produce, including *ma'aser ani*. There is no prohibition on using funds before taking off *ma'aser kesafim* and no fundamental deadline by which the *tzedaka* must be given. (The prohibition regarding *tzedaka* is refusing an *ani's* proper request for help without excuse (*ibid.* 247:1).) However, there are sources on timing intervals, especially regarding calculating when to deduct expenses and losses from profits. The Noda B'yehuda (II, Yoreh Deah 198) demonstrates that classical sources hint at a year as a likely calculation period, and the Shut Chavot Yair (224) posits that *erev Rosh Hashana* is a logical time to do so.

Let us discuss principles of preference and suggest a basic approach that will work well for many people. First, realize that *ma'aser kesafim* adds two stages to the basic action of *tzedaka*: calculating and setting aside the money. It is generally worthwhile to do these in proximity to each other, as once one has determined how much he "owes," he should act with diligence.

One principle of *tzedaka* is that quantity of actions counts. The more *chesed*-related acts one does (even "smaller" ones), the better it is for developing positive attributes (Rambam to Avot 3:15). While the Rambam refers to giving money to the *ani*, this should apply to setting aside money as well. *Ma'aser kesafim*, after all, separates the experience of *tzedaka*, as one "takes money out of his pocket" at a different time from when he gives it to the poor person. Therefore, it is good to actively set aside money periodically, even if exact calculation is only done once yearly. One may estimate the amount due and adjust later, including downward (see two opinions in Ahavat Chesed *ibid.* and the lenient ruling in Tzedaka U'mishpat 5:11 and Living the Halachic Process I, F-5).

Some people's style and finances make it wise to set aside money as it comes in (for most, from salary), and some set up a *hora'at keva* (standing order) to ensure consistency. However, this is not necessary and may not even be preferable according to the above Rambam. It is perfectly acceptable to time contributions when you have extra income (e.g., bonuses, help from parents, investment sales).

Nowadays, when much finance is done through bank accounts and electronic payments, it is usually wise to set aside funds in forms that make contributing sizable sums efficient. While there is logic to disbursing money diligently, for many there is great wisdom in keeping significant funds on hand. This makes sense when one wants to be prepared for large needs among family or friends or is waiting for campaigns of favorite charities. Placing such "donations in waiting" in a *gemach* that guarantees return of funds as needed is ideal to both keep *tzedaka* money in use and remain prepared.

May we always have the ability to give to others.

"Behind the Scenes" Zoom shiur

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Igrot HaRe'aya - Letters of Rav Kook

Worse on the Outside, Better on the Inside – #332

Date and Place: 26 Elul 5670 (1910), Yafo

Recipient and Background: Rav Duber Milstein. Rav Milstein repeatedly requested Rav Kook's guidance on dealing with his sons, who had rejected traditional Judaism. Rav Kook advocated showing them love and understanding and presented the following appraisal of the phenomenon of heretical beliefs at that time in Jewish history.

Body: [*The gemara (Avoda Zara 17a) that learns from Mishlei 2:19 that whoever embraces heretical ideas will not be able to "return" disturbed Rav Milstein.*] [I am optimistic because] after so much time that the Torah's sanctity has sweetened the "air of the world," the "shell's" power is weakened so that it can no longer prevent those who strayed into heresy to return. The reason for this is one of the loftiest ideas, with sources in the holy secrets of the Torah, to which I will hint in brief.

The world's continual deterioration is only regarding its external perspective, e.g., that the actions and character of individual souls fall short of previous generations. However, for the internal side, which relates to the nation's spiritual strength, as *Knesset Yisrael*, every generation builds on the preceding one, as sanctity accumulates. Actually, the sanctity from the recent generations' small amount of Torah and good actions increases light even retroactively. In contrast, sins do not have "fruit" or accumulate ("All who will act with iniquity will be separated" – Tehillim 92:10). Therefore, the nation is internally more full of Hashem's light than it was in the past, just that this is not revealed to the eye until *Mashiach* comes, when it will emerge from "the hall of the bird's nest" (a Kabbalistic concept). In other words, all potential sanctity will be actualized – "all live creatures will see together" (Yeshayahu 40:5).

When we were far from the "liberation," the shell could be strengthened by bad beliefs, such as idolatry and witchcraft. Heresy is a bad belief, the worst part of idolatry. When it "swallows" a spirit, it surrounds it with traps and sucks out all of the soul's spiritual lifeblood. This resembles a spider holding on to the walls with its hands (see Mishlei 30:28). However, as liberation approaches, the shell cannot create bad beliefs; rather, it weakens the light of belief in weak hearts. While those trapped in this state view it as heresy and believe they are trapped in an inescapable net, they are actually only missing understanding and the light of intellect and emotion. So, as soon as they are shown the light of Hashem's path, based on the ways of good intellect and emotions, the light impact them so that they will return to proper behavior. These are the ones who return from sin within Yaakov, upon whom the Liberator will come (see Yeshayahu 59:20).

We should be certain about Hashem's kindness. He remembers the kindness of our forefathers to bring liberation to their descendants and [help] all of our children, even those who appear lost, become learned in Hashem's ways. The *pasuk* says: "You will remember me at a distance, and the children will have life and return" (Zecharia 10:9). This is because their bad side is only external, and their inner soul is all good and holy. Therefore, they are inspired to some thoughts of rectitude and justice, although they wander onto wrong paths. Many of them cling to the nation and are proud of being Jews, without knowing why this is. Although they imitate other nations to whom they feel kinship, still the root of Eisav is wildness and bitterness. It is the source of evil, bloodshed, and destruction. The root of Israel is holy and good, ready for rectitude and justice, as Hashem intended for the world.

This is the secret behind "a poor person riding on a donkey" (Zecharia 9:9), which the Tikkunei Zohar says applies to the generation that precedes the *Mashiach*, which is "good on the inside and bad on the outside." This is the secret behind "it all turned white, it is pure" (Vayikra 13:13). Although a donkey has more signs of a non-kosher animal than non-kosher animals that have one sign of *kashrut*, internally it has sanctity, as it has the holiness of a firstborn, albeit very hidden sanctity that is revealed through the redemption process.

These things cannot be fully explained except orally at the correct time for those who "sit before Hashem."

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P'ninat Mishpat

Normalizing an Agreement that Becomes Absurd

(based on ruling 83069 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The defendants (=def) decided to open a new location for selling *arba'a minim* (*armn*) and made a written agreement with the plaintiffs (=pl), who supply *armn* for several locations, to stand behind them, for three seasons of sales. While *def* would run the sales operation, *pl* committed to supplying as many sets as necessary and not charge *def* for unsold *armn* sets. They used a graduated system for sharing profits. If the sales are up to 30K NIS (K=1,000 NIS), *pl* gets 75% and *def* gets 25%. If sales are between 30K-50K, the split is 70/30, from the first shekel. Above 50K, for every 2K, *def's* percentage goes up by 1%, from the first shekel. Neither side expected sales beyond 50K. In the first year, there was no dispute about distributing the 54K in sales. In the second year, with sales of 112K (!), *def* gave *pl* 44K according to a 61% share for *def* (up from a minimum of 25%!). *Pl* complain that at this rate (with profits reduced even for the first tens of K,) they lose money for every additional set sold, which is illogical, and incentivizes *pl* to not provide more *armn* sets. *Pl* want to cap the increase in *def's* share at 40%. *Def* say that agreements are to be kept as written, which was done to incentivize mass sales and that *pl* committed in the contract to provide as many sets as needed.

Ruling: [Much of the *p'ask din* deals with detailed calculations of profits according to different approaches. Our look will be from "above the numbers."]

Pl's attempt to fit adjustments into the language of the contract are unsuccessful. On the other hand, *def's* thesis that the language of the agreement is to be followed no matter how absurd its provisions end up being under unexpected circumstances, is logically and halachically wrong. Rabbeinu Yerucham (23:10, accepted by the Shulchan Aruch, Choshen Mishpat 61:16) posits that when there is a contradiction between the sides' intentions and the written word, intention is the determinant.

The system put in place is logical approximately up to sales of 70K, at which point the split is 60/40 for *pl*. This also fits with the fact that the plan they discussed had *pl* providing 350 sets with the expectation of an average price of 200 NIS per set. While there was an expectation that not all of them would be sold, it was contemplated that they would be.

The three *dayanim* had three different calculations of workable percentages – 40% for *def*, 41%, and 44%. Among the notable factors that were raised in their opinions is the widely applicable rule that the one who wants to extract money (in this case, *pl*) must provide proof, so that the least generous plausible arrangement for *pl* has an advantage. This is amplified by the fact that the written agreement supports *def's*, which is especially significant because *def* wrote it. Since it is impossible to figure out exactly what the most equitable reasonable arrangement is and since hiring professional experts wastes money, compromise is appropriate.

The majority opinion obligated *def* to give 59% to *pl*, so that *def* must add 22,080 NIS to what they already paid.

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