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# HEMDAT YAMIM

## Parashat HaShavua

Ki Tisa, 16 Adar 5778

### What is Special About the Aron? (part III)

Harav Yosef Carmel

We have mentioned in the past that according to some opinions, Bnei Yisrael actually had three *aronot* (arks). If so, these are the three: 1. The *aron* with the *luchot* (Tablets), which was wood encased in gold, with a *kaporet* and the *keruvim* above. 2. A wooden *aron*, which held the broken first set of *luchot*. 3. The *aron* mentioned in *Parashat B'ha'alotcha*, which traveled with the people into war. One can explain that it was the Divine Presence that accompanied the Israelite camp that ensured victory and the return of the multitudes that the *pasuk* (Bamidbar 10:36) refers to.

The presence of an *aron* in battle at the time of David Hamelech is mentioned in the implied rebuke that Uriya (Batsheva's husband) gave to David: "Could it be that the *aron* and Israel will be encamped in booths and my master Yoav and the servants of the king are encamped in the field ... " (Shmuel II, 11:11). The Ri MiTrani asks: "Is it possible that David would send the *aron* to battle after the great honor with which he brought it to Yerushalayim?" The Abarbanel answers that this *aron* had neither the complete *luchot* nor the broken ones, and this is why it was not called the *aron* of the covenant of Hashem. Rather it was a different *aron* that had the *efod* and the *urim v'tumim* (garments of the *kohen*), which were used to get divine answers to crucial questions, asked on the people's behalf by the *kohen* who accompanied them. According to this approach, they took the *aron* not for some type of spiritual significance that it had, but because, technically, it contained something that they needed to use.

We want to suggest an alternative to the explanation of why these elements of the *kohen's* garments would be brought with the *aron* to battle. The strength of Israel is in its unity, which causes the Divine Presence to dwell among the people. The divine goodwill it brings overcomes the detrimental impact of various spiritual flaws, including even idol worship, as *Chazal* (Sifrei, Naso 42) learned from Hoshea (4:17). Peace is so great that even if Israel are worshipping idols but they have peace between them, it is as if one could say that the Satan is unable to harm them.

The *urim v'tumim* had the names of all the tribes engraved on stones and are a symbol of unity. That is why they are taken out to battle, in a special *aron*, which lends them added importance. This is a great ensurer of success.

It is based on this idea that the *Meshech Chochma* explains the disappearance of the use of the *urim v'tumim* after the time of David. In the time of Shlomo, the seeds of disunity were sown, and soon after his death the nation was split into two kingdoms. Thus, the *urim v'tumim* could not be used as it would bring to the fore the lack of unity.

In this way, the *urim v'tumim* were like the *keruvim*, which would be facing each other on top of the *kaporet*. While the classical explanation is that this displayed the love between Bnei Yisrael and Hashem, we can explain that when they represented the people looking at each other, the nation was considered as "doing the will of Hashem."

Next week we will continue to develop another element of the *aron*, and learn why Uriya invoked it when addressing David. In the meantime we pray to merit the unity expressed on Purim: "Go gather all of the Jews." In that way we will be facing our brethren on earth and our Father in Heaven.

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# Ask the Rabbi

by Rav Daniel Mann

## Receiving Credit Card Benefit on Purchase for Someone Else

**Question:** Reuven paid for Shimon's plane ticket using his credit card and was to be reimbursed. Is it considered that Reuven lent money to Shimon, so that if Reuven receives more than he gave because of credit card points he earned, it is *ribbit* (forbidden usury)? Also, who deserves to get the points, i.e., should Reuven credit Shimon for his gain?

**Answer:** When Reuven gave money to the airlines via his credit card based on Simon's request, it is indeed considered as if he lent money to Shimon. This is based on a broad concept known as *arvut* (guarantorship). By means of *arvut*, the one who becomes obligated is not the one who received the money (the airline) but the one who requested the money to reach the party he specified (Shimon) (Kiddushin 7a). This concept can be used in creating loan obligations, *kiddushin*, and transactions. Thus, if Shimon would refuse to pay Reuven back because Reuven did not directly give him anything, we would say "Are you kidding?! When asking Reuven to pay the airlines, you said (or implied) you would pay Shimon back."

Now that we have determined that Reuven has, effectively and halachically, lent money to Shimon, the question is whether Reuven can receive benefit as a result of the transaction. Indeed, *ribbit* is not only when a lender receives money straight from the hand of the borrower. If, for example, the borrower wanted to give the interest to the lender by means of a *shaliach* (agent), it would also be forbidden.

However, the problem is only if the benefit that Reuven receives is, in some way, coming from Shimon (Bava Metzia 69b). This case is different because of the nature of the benefit the credit card company gives Reuven. Because credit card companies benefit when their card is used more times/for larger sums of money, they sometimes give incentives to cardholders to use their card as much as possible. The company, thus, gives benefit to the cardholder, i.e., because Reuven decided to use their credit card; they are certainly not doing it at Shimon's behest. Therefore, there is no problem of *ribbit*.

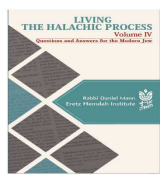
Is Reuven, though, required to give or share the gain with Shimon, and, then, if Shimon waived his rights, would that waiver not be considered *ribbit*? The *gemara* (Ketubot 98b) asks about a case in which someone serves as an agent to buy a certain amount of a commodity for a buyer for a certain price, and the seller decides to give more commodity than was requested. The *gemara* says that if the object does not have a set price, we say that the buyer's money ended up bringing **him** more than expected. If, though, there was a set price, we view the extra as a present.

Who receives the present? The *gemara* accepts the opinion that it is divided equally between the buyer and the agent. Rashi explains that this is because there is a doubt for whom the present was intended. Based on this, the Rama (Choshen Mishpat 183:6) says that if the seller specified that he added on for the agent, the agent keeps the whole surplus. The Rif (Ketubot 57b of his pages) says that even assuming the agent was the intended recipient, the buyer deserves a share because the benefit came through him. The Beit Yosef prefers the Rif's opinion, and the Shach (183:12) wonders why the Rama wrote according to Rashi as if it is agreed upon.

One might have claimed that our case depends on the *machloket* of the Rif, Rashi et al., as Reuven got the benefit because of Shimon's purchase. However, in this case, Shimon is less directly involved with the credit card company than the *gemara*'s seller is to the buyer. Also, the "present" is part of an ongoing deal between company and client (Reuven), to which Shimon is not a party. The Rashba (Meyuchas L'Ramban 60; see K'tzot Hachoshen 283:7) says that when the present is because of the agent's relationship with the seller, the agent receives the whole benefit. In summary, based on your description, Reuven need not credit Shimon for the points benefit, and there is no problem of *ribbit*.

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





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# Ein Ayah

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

## When Wealth Is Not Helpful

(condensed from Ein Ayah, Shabbat 6:23)

**Gemara:** Three things bring a person to the point of poverty: One who urinates in front of his bed when he is naked; one who is not careful to perform *netilat yadayim* (washing the hands); one whose wife curses him to his face.

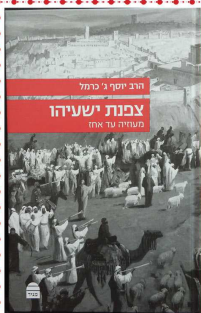
**Ein Ayah:** Being rich, and thus not being poor, includes three positive impacts. One is that it allows for an increased gentility, connected with cleanliness and purity, which poverty ruins. The second is the brightening and elevating of an individual's spirit, which brings a person to sanctity, good actions, and a pure life. The third is the peace within the family and its positive influence on the interrelationship between people in general, which has a lot of impact on the general education of people.

For those people whose personalities are complete in regard to these elements, Divine Providence is likely to view him as a good candidate for wealth, as wealth will prepare him for the role in the world that he is fit to have. After all, Hashem is the One who "gives abundance to all who live in His grace" (Tehillim 145:16). In contrast, one who lowers himself to a lifestyle of disgrace, to the point that he cannot inspire himself to seek luxury so that he can act with dignity in the way he acts in his home is deserving of poverty. Why should he receive wealth if he does not know how to use it properly, as he is missing one of the foundations of the spirit which go well with riches? One who urinates before his bed when naked is one of the starkest examples of a disgusting home life, of one who has no inner yearning to expand the delicateness of his soul, which is something that poverty would inhibit.

The idea of brightening and elevating of an individual's spirit is epitomized by washing one's hands before eating, which *Chazal* derived from "You shall sanctify yourselves" (Vayikra 20:7). There is something about the desire to eat that can lower man toward the level of an animal, with coarse emotions making up the essence of his life power. On the other hand, he has the ability to elevate himself, with the spiritual advantages he has over animals, to the point that his table can be refined by his intellect and his divinely endowed pleasantness in a major way. The first step toward this improvement is washing his hands before eating in order to sanctify himself, and recognizing that the table is Hashem's table and the eating should be an eating of sanctity and delicateness, not just an unsightly physical necessity. Someone who cannot take this washing of the hands seriously has no right to ask for wealth or the lack of poverty. After all, riches would anyway not work well for his spirit in regard to his coarse human needs but only on the internal fineness that goes with the physical needs being used for spiritual ones.

The third goal of wealth is to help facilitate peace within the family. If one's wife curses him to his face due to his improper behavior, he has already lost the feeling and the ability to maintain a morally proper family model, so how will riches help? Therefore, he is slated for poverty. "Like the actions of a person he will be paid, and like the paths of a person he will be provided" (Iyov 34:11).

The main determinant of whether a person will be elevated or lowly are his actions and comportment, which impact his characteristics. Hashem arranges it so that these actions determine what tools the person will be given to do his tasks. "Hashem is the judge; this one He lowers, and this one He raises up" (Tehillim 75:8).



### Tzofnat Yeshayahu- Rabbi Yosef Carmel

The Prophet Yeshayahu performed in one of the most stormy and dramatic periods of the Israeli nation's life, a period of anticipation for the Messiah that was broken by a terrible earthquake, and also caused a spiritual and political upheaval. The light at the end of the tunnel shone again only in the days of Chizkiyah.

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# P'ninat Mishpat

## Backing Out of a Rental for a Good Reason – part II

(based on ruling 73045 of the Eretz Hemdah-Gazit Rabbinical Courts)

**Case:** The defendant (=def), who was engaged, with a wedding scheduled for 13.01.13, signed a rental contract with the plaintiff (=pl) for a year at 1,900 shekels a month, starting from 01.01.13. The two sides were to meet to arrange an early transfer of control on 15.12.12, but a few hours before the meeting, def's engagement was broken. Def informed pl that he would not be taking the apartment. Def was not involved in finding a replacement renter. Pl finally found one as of 01.03.13 for 2,100 shekels a month. Pl is suing for payment of rent until the time the new renter receives the apartment. Def feels that he is exempt, as clearly no one who rents an apartment to live in with his wife is willing to pay if he is not getting married.

**Ruling:** [Last time we saw some of the factors that determine when one can back out of a transaction under changing circumstances. We concluded that neither the renter nor the landlord would agree to a condition to lose rental money if def's engagement would be broken and that, therefore, def had responsibility to pay at least toward the lost rent. We continue with other elements of the case.]

Def wants to lessen the amount that he has to pay, with the claim that had he known that pl was having trouble renting the apartment out, he would have gotten a friend to rent it at a low price. We do not accept this claim because def did not make an effort to find out what was happening with the apartment and whether he could help out to lessen the losses.

On the other hand, def does not have to pay for the full time that the apartment went unrented. First, if the issue of what to do in the case of a broken agreement would have been negotiated, it is highly likely that a cap would have been put on the renter's exposure to risk. Indeed many contracts allow the sides to back out of the rental with a couple months of notice. Second, the original rental was supposed to be from the beginning of January, just that def requested to make it earlier so that he could prepare better. Now that he has no need for the apartment, it makes sense to return to the original agreement, at least on the grounds of compromise.

Therefore, the total charge should have been for 2 months at 1,900 shekels, for a total of 3,800 shekels.

However, pl's loss was actually less than that because the new renter is paying an additional 200 shekels over what def would have paid. Since the new renter is paying the additional amount for 5 months, 1,000 shekels should be reduced, making the amount due 2,800 shekels.

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