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**Ask the Rabbi**

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## Why Does Amalek Appear When He Does?

Harav Moshe Ehrenreich

Our *parasha* tells of the attack of Canaanites from the Negev, who were actually Amalekis who disguised themselves as Canaanites to confuse Bnei Yisrael's prayers (Bamidbar 21:1 with Rashi). The *midrash* (Esther Rabba 7) tells a story that occurred after Amalek's descendant, Haman, publicized the decree to kill all the Jews. Mordechai asked three schoolchildren what they had just learned. Each one cited a *pasuk* that relayed the message that Hashem would save Bnei Yisrael from its enemies. This elated Mordechai, enabling him to tell Haman that he was no longer afraid that Haman's plan would come to fruition.

The Gra asks why those *p'sukim* were unique; many *p'sukim* foretell Hashem's saving of Bnei Yisrael. He answers that each hinted at a different episode of Amalek's aggression. The first (Mishlei 3) refers to sudden fear, corresponding to Amalek's first, surprise attack against our forefathers. The second (Yeshaya 8) hints at the story in our *parasha*, which included a tricky plot. The third (Yeshaya 46) says that Hashem will be with us even in His "old age," *k'v'yachol*. This corresponds to the time of Haman, where some enemies reasoned that Hashem was too old to protect us, as He was unable to prevent Nevuchadnetzar from destroying the *Beit Hamikdash*.

The above is in regard to identifying elements of each appearance of Amalek. However, there also is a unifying factor in regard to the reason that Amalek was able to threaten us at each time. The *gemara* (Sanhedrin 99b) points out that Amalek was a descendant of Timna, Elifaz's concubine. She was a princess who sought to convert to Judaism but whom all the forefathers rejected. (Tosafot, Yevamot 109b derives from here that it is wrong to reject persistent candidates for conversion.) Conversion is a sign of a person's awakening to recognize Hashem and desire to cling to Him by joining Bnei Yisrael. When Bnei Yisrael needed self-awakening, Timna's descendant, Amalek, came as a corresponding punishment.

Amalek's first appeared at Refidim, where Bnei Yisrael were compared to a child riding on his father's shoulders. The father helped him in many ways, only to hear his son tell a stranger that he does not know where his father is. That lack of awareness beckons Amalek. In our *parasha*, Aharon had died and the special clouds lifted. They should have found new energy to meet the new challenges, but Amalek appeared instead. In Esther's time, the "hidden Divine face," challenged Bnei Yisrael to reaffirm their commitment to the Torah without sounds and lightning. Again, the rejection of Timna served as a Satan to reflect the absence of necessary energy.

In our generations, on the verge of Bnei Yisrael's liberation and renewal in its land, we have suffered Amalek-like attacks. May we respond with a strong ingathering of exiles that will ensure that we deserve full liberation.

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**Question:** May I eat on Shabbat in the house of one whose store (in Europe) is open on Shabbat?

**Answer:** If the owner works in the store on Shabbat, one has to assume that he has the status of a *mechallel Shabbat b'farhesia* (one who desecrates Shabbat publicly), who loses all halachic *ne'emanut* (credibility) (Shulchan Aruch, Yoreh Deah 119:6; see Shut Chatam Sofer, Choshen Mishpat 175 regarding operating a store on Shabbat). If a wife who does not violate prohibitions vouches for all the food's purchase and preparation, it would be permitted to eat there. Your question implies that the owner only keeps the store open, and let's assume with non-Jews selling and working. You also imply that the person seems to generally follow the laws of the Torah.

Since you give no details, we cannot say whether your acquaintance's store is allowed to be open on Shabbat with non-Jews working in it. Some relevant factors include whether there is a non-Jewish partner and the nature of the partnership; whether it is known publicly that it is a Jewish-owned business; how the workers are paid and whether they are required to open on Shabbat. We will work with your apparent assumption that the owner violates a rabbinic prohibition by keeping it open. There is considerable debate, without a clear consensus, regarding whether the sweeping disqualification for *chillul Shabbat b'farhesia* applies to the violation of rabbinic prohibitions of Shabbat (see Baer Heitev, Yoreh Deah 2:15; Pitchei Teshuva, YD 2:8; Rabbi Akiva Eiger, ad loc.; Aruch Hashulchan, YD 2:16).

Besides the disqualification of a *mechallel Shabbat*, there is a general matter that one who does follow a halacha loses credibility. The *gemara* (Bechorot 30a) cites a *machloket Tannaim* whether one who is not trustworthy in one area of halacha is not trusted for anything or whether he is trusted in areas that are more severe and thus it is less likely that he would violate them. We accept the opinion that one is still believed regarding matters that are more severe (Shulchan Aruch, *ibid.*:5). On one hand, one who violated rabbinic prohibitions should not be suspected to violate ones of Torah origin (Bechorot 30a). On the other hand, when one eats by someone, he has to be sure that not only are there are not Torah violations but that there are also not rabbinic violations. Regarding questions of general *kashrut*, this should not be a problem because the transfer of distrust from a severe violation to a lighter one applies only when the violations are of the same general type (i.e., from forbidden food to forbidden food) and would not apply from Shabbat to *kashrut* (see Shach 119:12). Yet, if one wants to eat in this person's house on Shabbat, don't we have to be concerned that he will violate a rabbinic prohibition of Shabbat as he did regarding the store?

The solution to these problems is found in the Rama (YD 119:7). One does not lose reliability if he violated a prohibition that people don't think is a real prohibition. Since there are cases where one may have his store operated on Shabbat and since, for a long time in many places, many have believed that doing so in general is not forbidden, the storeowner is not categorized as a *mechallel Shabbat* nor is he considered one who is suspect of sinning. Of course, it may be questionable if someone of this level knows enough to keep a sufficiently kosher home, but the matter of the store per se should not make it forbidden to eat in his house even on Shabbat.

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## Universal Improvement at the Time of Mashiach

(based on Ein Ayah, Berachot 1:171)

**Gemara:** Ben Zoma said to the Chachamim: Will the exodus from Egypt be mentioned in the days of Mashiach? [Doesn't the *pasuk* say that people will talk about being saved from their various places of dispersion and not from Egypt?] Rather, [the end of] enslavement to the kingdoms will be the main thing, and the exodus from Egypt will be secondary.

**Ein Ayah:** With the exodus from Egypt, Israel merited their freedom. This is a matter of their own *shleimut* (completeness). However, the universal *shleimut* of the human race will be completed in the days of Mashiach. This will occur specifically by means of the dispersion that preceded the coming of Mashiach, which enabled Bnei Yisrael to publicize Hashem's Name in the world. However, with the dispersion, the knowledge of Hashem was not completed nor, for that matter, could it have been completed unless the status of Israel would be elevated.

Since the broad human *shleimut* will come by means of Israel at the time of Mashiach, when we will really be elevated to a kingdom of priests, the matter of our extrication from the enslavement of the kingdoms will be the main point. In relation to that, the individual national *shleimut* of our nation will be qualitatively less significant. In fact, we will not have to concentrate on the national *shleimut*, which we will already have reached at that time. Rather the main practical efforts will be in regard to the goal of perfecting things on a universal basis. Since this universal improvement will be possible only through Israel's acts of Torah and *mitzvot*, the main focus of those *mitzvot* will be for the needs of humankind as a whole. Only on a secondary level will there be a desire to raise the national *shleimut* that emanated from the exodus from Egypt because our own *shleimut* will be achieved mainly by means of Hashem's light upon us.

## The Motivation for the War of Gog and Magog

(based on Ein Ayah, Berachot 1:173)

**Gemara:** It says (Yeshaya 43:18-19): "Do not mention the first things"- this is enslavement of the exiles; "and the previous matters do not contemplate"- this is the exodus from Egypt. "I am doing something new, it is now growing"- this is the wars of Gog and Magog. Rav Yosef cited: this is a parable of one who went along the way and came across a wolf and was saved from it ... a lion ... a snake and was saved from it. He forgot about the earlier events and told about the snake.

**Ein Ayah:** It seems that all of the nations' opposition to Israel was for selfish purposes, whether it be to become enriched by destroying Israel or because of their stinginess lest we get something that they might have gotten, or so that their strength not be weakened when our spiritual strength grows. However, the war of Gog and Magog will be just for the desire to hurt and destroy, as a *pasuk* in Yechezkel (39:2) hints. They will not have any interests about which we cause them problems, and we will be living in our land, seeking peace with all of our neighbors. Only the desire to destroy and the jealousy toward Israel will bring it about. In that way, they are compared to the snake, who bites without benefit, unlike the lion and wolf, who kill one in order to eat. This type of attack is very dangerous. However specifically from there will flourish the true salvation of Israel to glorify, and the Divine Name will be sanctified through Israel.

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## Responsibility for Giving Advice

(based on Halacha Psuka, vol. 59- a condensation of a *p'sak* of Beit Din Gazit Sderot)

**Case:** The plaintiff (=pl) stopped renovating his home due to dissatisfaction with his contractor. The defendant (=def) introduced pl to Reuven (=Reu), whom he recommended to finish the job. Reu gave an estimate of 90,000 shekels; he ended up charging 124,000 shekels. Pl sued Reu in *beit din* for overcharging, but Reu won. Now, pl is suing def in a different *beit din* for giving damaging advice. He adds that def indicated he would negotiate Reu down from the 90,000 shekels. Not only did he not do that, but the price became even higher because pl relied on def to handle the issues. Def responded that the first *beit din* already rejected the claim of overpricing. He denies promising to handle monetary issues and admits only to recommending and introducing.

**Ruling:** The *gemara* (Bava Batra 138b) says that *beit din* does not look into a matter that another *beit din* ruled on (see S'ma 19:2). However, since the first case was between pl and Reu and this one is between pl and def, it is not the problematic rehashing of the same claim. Also, the Chatam Sofer (Likutim 50) says that when the second *beit din* knows the basis of the first *beit din's* ruling and disagrees, they can follow their own understanding. After receiving the reports of appraisers and interviewing Reu and other professionals, *beit din* concluded that even the estimate was exaggerated, not to mention the final price. On the other hand, pl knew that and did not argue with Reu. Although he hoped that def would lower Reu's price, he did not say anything to Reu.

The Rama (Choshen Mishpat 129:2) says that if Levi falsely tells Yehuda that Shimon is safe to loan money to, which he then did and did not recover the money, Levi must pay because it is as if he became a cosigner. Similarly, the Rama (CM 14:5) says, regarding one who told his friend to go somewhere because the former would follow and he did not, that he has to pay expenses. The Gra (14:31) explains the latter halacha is based on *garmi* (payment for semi-direct damage). The Netivot Hamishpat (232:2) says that it is an implied self-obligation, along the lines of a cosigner.

One of the differences between the explanations is that *garmi* requires negligence, whereas a cosigner can be obligated by an honest mistake. In this case, the recommendation of Reu, a respectable professional, was not negligent. Regarding the price charged, if def said that he would see to the matter, there would be grounds to obligate him. On one hand, def denies this. On the other hand, from his response to questioning in *beit din*, it is unclear whether he accepted responsibility. *Beit din* cannot obligate him to pay, but there is room for pl to have *taromet* (grievances) against def, and it is proper for def to monetarily appease pl until he forgives the damage he was caused.

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Baba Metzia 57-63

## A Shomer Sachar who did not Guard

A person who receives payment to guard an object is defined as a shomer sachar. Since he receives payment, the level of protection that is expected from him is high, and he must make sure that the object does not get lost or stolen. If the object is lost or stolen, he must pay for it. However, if it was lost due to circumstances beyond his control, such as if it was taken by an armed robber, he is exempt.

However, this week in the Daf Hayomi we learn that these guidelines do not apply to all items. The Mishna (56a) states that a shomer sachar for slaves, real estate, banknotes, and hekdesh (property belonging to the Beit Hamikdash) is not required to pay for loss or theft. Nevertheless, the Gemara (58a) states that he loses his salary. The reasoning is that, even though he is not required to *pay* if these items were lost or stolen, he is still required to *guard* them from being lost or stolen. Therefore, if he did not guard them properly, he loses his pay. However, if he guarded properly, but they were lost due to circumstances beyond his control, he receives his pay.

The question is, what happens when a regular shomer sachar loses the object or the object is stolen, and he is therefore required to pay, does he lose his salary in addition to paying for the object? According to the Ketzot Hachoshen (227, 11), since he did not protect properly, he does lose his pay. However, this statement appears to be contradictory. If in the end he does not receive payment, then it turns out that he never was a shomer sachar, so how do we require him to pay for the lost or stolen object?

The Ketzot answers that the definition of a shomer sachar is not one who actually receives pay, but rather one who, if he would have done his job properly, would have received pay. If the guardian had done his job he would have received payment, and he is thus defined as a shomer sachar. Therefore, on the one hand, he has to pay for the lost or stolen object, and on the other hand, since he did not properly execute his job, he loses his pay.

The Chazon Ish (Baba Kama 7, 18) argues with the Ketzot. He claims that we cannot both require the shomer sachar to pay for the object and not give him his payment. According to his opinion, only for hekdesh did the Gemara say that he loses his pay, since there he is not required to pay for the object. However, in a case where he does pay for the object, the payment is itself a form of fulfilling the protection for the owner, since he gives the owner the value of the object, and he therefore does not lose his salary.

**Summary:** A shomer sachar who did not protect properly and the object was lost or stolen, if it was an item that he does not have to pay for, then he loses his salary. If he has to pay for the loss, according to the Ketzot he pays and loses his salary. According to the Chazon Ish he pays for the loss but receives his salary.

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