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HEMDAT YAMIM

Parashat HaShavua

Vayakhel Pekudei, 29 Adar 5781

The Great People Who Could

Rav Daniel Mann

Throughout our many lands of dispersion, many Jews excelled as fine craftsmen, as we have learned through history books, stories, and family names (whether it be Goldsmith, Cooperman, or Chait). It would have been wise for the Egyptians, with access to free Jewish labor, to have developed some of our forefathers into fine craftsmen who could have contributed to society. This would have come in handy for us, when we were on our own, especially when we had the opportunity/necessity to build the *Mishkan*. It would have been *min hashamayim* (based on a fortuitous divine plan) to have used skills learned in Egypt to further our own national goals. Yet, I am unaware of statements of *Chazal* and the commentators that speak of the artisans of the *Mishkan* having such training, and the *p'sukim* imply the opposite.

The *p'sukim* speak of Betzalel and Ohaliav and "all of the men with a wise heart" as those who "Hashem gave wisdom to know how to do the work of the holy tasks" (Shemot 36:1). *Chazal* do speak about special qualities of Betzalel, who knew for example how to "connect the letters with which the heavens and earth were created" and that he had been in "the shadow of Hashem" (Berachot 55a). Indeed, Betzalel and Ohaliav were "called by name" by Hashem as those chosen to lead the lay efforts of the building of the *Mishkan* (Shemot 35:30). Regarding their staffs, not only were the people not listed in the Torah by name, but the *p'sukim* indicate that they were not appointed by Hashem. Nor was it like the elders who were selected based on their previous experience (Bamidbar 11:16). Rather the Torah describes the group as "all whose heart raised him up to draw close to the work to do it" (Shemot 36:2).

Thus, the criterion seems to be that whoever found it within himself to step forward was the right person. As far as talent, the Torah describes them as "the wise of the heart to whom Hashem gave wisdom in his heart" (ibid.). One could understand that no experience or talent was needed, as Hashem provided all. On the other hand, the *gemara* (ibid.) says in this context that Hashem gives wisdom only to those who are already wise. Rav Chaim Yaakov Goldvicht (my *rosh yeshiva* at Kerem B'Yavneh) used to explain there are two types of wisdom: there is base wisdom is the desire to obtain wisdom, which then allows one to receive the divine wisdom he uses; the people mustered up their own base wisdom.

In our context, we can suggest that those who stepped forward did not just have a theoretical desire or even just *davened* for the wisdom. Rather, "they raised their hearts to draw close." In other words, they didn't just want to be chosen by Hashem – they stepped forward with the conviction that they could do it. Perhaps they were no different in experience and talent from others, but their desire, conviction, and their confidence, based not on haughtiness but on a belief that Hashem would enable them to succeed, made them uniquely qualified to be the wise ones to whom Hashem gave wisdom.

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



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Ask the Rabbi

Adding a Shabbat Candle after Forgetting

Question: I am a man living alone. Last week, I forgot to light Shabbat candles. Must I light an extra one from now on?

Answer: The Rama (Orach Chayim 263:1) accepts the *minhag* presented by the Maharil (Hilchot Shabbat 1) that if a woman forgets to light Shabbat candles one week, she must add one from that point on. Most see it as a penalty to reduce the likelihood of repeating such mistakes (Mishna Berura 263:7). Therefore, *poskim* assume that if she missed for reasons beyond her control, she does not need to add (Magen Avraham 263:3). The *minhag* has possible negative consequences for those who light exactly two lights, corresponding to *zachor* and *shamor*, as arguably this correspondence is lost when the number is changed (Darchei Moshe, OC 263:1). Nevertheless, it was widely accepted. The Eliya Rabba (263:7) understands the Maharil differently – there is no need for an extra candle, but it suffices to improve the lighting by adding more oil or having longer candles.


In your case, there are two grounds for leniency. One is that some prominent *poskim* (including Yalkut Yosef, OC 263:26) reason that in our days, when without the ritual candles there is plenty of light for a pleasant Shabbat, there is no need to penalize people for not lighting the candles. There are a few reasons not to agree with this contention. For one, despite the fact that we always have electric lights, we still view the Shabbat candles as a relevant *mitzva*, which we take seriously and make a *beracha* on. As such, if one did not do it, why shouldn't the regular penalty apply? The matter is clearer according to the Pri Megadim (Eshel Avraham 263:3) who says that even if a woman lit one less light than she normally does, she still is penalized. The Melamed L'hoil (1:46) says that there is a need for some penalty, but one can be partially lenient by following the above Eliya Rabba.

The Be'ur Halacha (to 263:1), after citing the Pri Megadim (ibid.) that omitting any of the lights is grounds for the penalty, not only disagrees but also makes a general comment about the penalty: "All of this is only a *minhag*, and let us not add on to it." We see this as a logical direction to take regarding this unusual *minhag*. (Consider that there seem to be many bigger shortcomings in our religious lives for which there are no penalties. Have you ever heard, for example, that whoever forgot to *daven Mincha* should add a *mizmor* of Tehillim to it from then on?!). Therefore, some have a rule that when there is doubt whether something is included in this *minhag*, we do not implement it, as Piskei Teshuvot 263:(37) cites in the name of Rav Vosner. On the other hand, not every idea for leniency counts as a doubt, as the same Rav Vosner (Shevet Halevi V:33), Shemirat Shabbat K'hilchata (43:5), and others did not think having electric lights is strong enough to preclude the penalty. Chut Shani (IV:83) presents an interesting compromise – if one lit the electric lights with intention for it to supplement the Shabbat candles, it precludes the penalty (it is not easy to know where to draw the line on what counts for that intention).

Your case includes another serious reason for leniency. Shemirat Shabbat K'hilchata (43:(35)) raises and leaves as an unsolved question, whether the penalty applies to men, considering the special connection between women and the *mitzva*. Dirshu (263:(13)) also cites important contemporary *poskim* who say that men are not penalized despite the identical obligation on a fundamental level. This makes sense according to *Chazal's* shocking statement that women could meet tragedy if they are not careful about Shabbat candle lighting (Shabbat 31b). I would not venture to comment on why this *mitzva*, as dear as it is, mysteriously has such a surprisingly great weight for women, but it can explain the *minhag* of the penalty as well as the logic of not extending it to men.

In the final analysis, we do not think that is necessary for you to add a candle in the future. If you want to do something to enhance the *mitzva*, who are we to object?

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

The Need to Be Connected to our Past – Letter #18 – part I

Date and Place: Adar 5665 (1905), the holy city of Yafo

Recipient: An open letter

Greeting: In honor of our young brothers who live on the holy ground, Shalom!

Translator's Introduction: In 1903, the British government made an offer to the Zionist enterprise to establish a homeland for Jews in Africa (the Uganda Plan). The plan was viewed by almost all as less appealing but by many as more practical than the prospect of creating a Jewish national home in Eretz Yisrael (=Ottoman-controlled Palestine). The plan was hotly debated for two years until it was rejected. The factions were known as "Zionists of Zion" and "Ugandists," respectively.

Body: I am hereby turning to you, beloved brothers, to present before you a holy moral obligation, to remove from you the great disgrace that was, without proper regard, brought upon you, especially those who live in *Eretz Yisrael*. This was done by the editor (Eliezer Ben Yehuda) of the periodical *Hashkafa* (Outlook) in edition 48, ch. 7, in an opinion piece called "The Voice from the Newspapers," regarding the argument with the "Zionists of Zion."

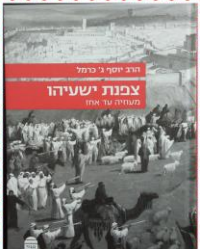
The last part of his words reached my heart [in a negative way], and it is my sincere belief that they also reached the heart of everyone whose Hebrew heart has still not totally died. Perhaps it has impacted also those who only have their human (not their Jewish) heart still alive. I presume that all of these who felt the great disgrace will not find respite for their souls until they express openly their sharp protest against such lowly things as were sadly published in a periodical written in Jerusalem of all places.

The following is an exact quote of what they wrote: "There is one more great and fearful claim made by the Zionists of Zion against the Ugandists – that they turn their backs on their whole history. How hypocritical this claim is! People who turn their backs on our past rebuke others with that same claim! Let us not use sleight of hand! It is only the members of the council of "Searching for Sins" (i.e., a zealously religious group) who did not turn their back on our past. The rest of us have turned our backs on our past, and this is our pride and glory."

I know, like you, that this is not the first time that we see such words of blasphemy, which touch the Israeli spirit, which are published in the new and negative literature. But for one writer to testify in the name of the entire community that everyone turns their backs on our past, and to contrast that with the council of "Searching for Sins" (ed. note - I do not know that such a council existed), which is always brought as the epitome of lack of wisdom and culture, he is in essence saying that every person who has stature and honor, at least among the young who live in *Eretz Yisrael*, turns his back on our past, and this is the pride and glory of all! [It is unacceptable that] one person should take such a broad opinion and claim it as his own, to speak with such a light head, on the matter of how a whole nation relates to its history! It is not just that he is expressing his opinion but that he claims to speak in the name of the whole nation – this is uncommon *chutzpa*.

I do not see any way for us to exempt ourselves from open protest, so that our quietness not be taken as admission. We will gain that these foreign ideas will not be seen as a broadly held opinion but as an individual opinion of the editor of "Hashkafa" and those individuals who are dragged along with him. The rest of us are not responsible for these opinions.

We continue next week.



**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.

"Tzofnat Yeshayahu – from Uziya to Ahaz" introduces us to three kings who stood at this crossroad in our nation's history: Uziya, a king who sought God but was stricken with leprosy because of his sin; Yotam, the most righteous king in the history of our people; And Ahaz, the king who knew God but did not believe in His providence.

In his commentary on the prophecies of Yeshayahu, Rabbi Yosef Carmel, Head of the Eretz Hemdah-Gazit rabbinical court and a disciple of Rabbi Shaul Israeli zt"l, clings to the words of Hazal, our sages, and to the commentaries of the Rishonim, the great Jewish scholars of the middle ages, and offers a fascinating way to study Tanach. This reading attempts to explain the Divine Plan in this difficult period and to clarify fundamental issues in faith. Tzofnat Yeshayahu reveals to the reader the meaning of the prophecies in the context of the prophet's generation and their relevance to our generation.

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P'ninat Mishpat

Refund for Bar Mitzva Cancelled Due to Covid – part I

(based on ruling 80099 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) signed with the defendant (=def) in Nov. 2019 to make a bar mitzva party for their son in June 2020, with def providing a hall and food for 200 people. Pl gave a non-refundable 3,000 NIS down payment. In April 2020, during the first Corona lockdown, pl demanded a return of the down payment; def refused. As the time approached, def did not present plans to hold the party, and pl arranged a party in a makeshift location. Two days before the bar mitzva, as restrictions were easing, an employee of def called pl to discuss rescheduling the bar mitzva, which pl was not interested in. Pl claim that since they received no benefit from def and the pandemic was something that precluded everyone from making such parties, they should receive their money back. Additionally, he did not work to arrange a smaller affair outside. Def argues that since he could not have made a party as planned and the money was given before signs of the pandemic existed, the non-refundable down payment need not be returned. He claims that almost all of his customers agreed to reschedule.

Ruling: Agreements that cannot be kept due to a pandemic fall under the category of a *makkat medina* (a broad unavoidable problem that cannot be attributed to anyone's "bad maza"). The Rama (Choshen Mishpat 321:1) rules that if one rents a property and then cannot use it due to a *makkat medina*, he can take off from the rent. For the time he could not use it, he need not pay.

Elsewhere, the Rama goes further (ibid. 312:17). If one rented a house and the whole city burned down, then for the time after the fire, he even gets a refund of what he prepaid. The Taz and Shach (on CM 334:1) rule that the same is true even there is nothing wrong with the rented house but that people needed to flee the city due to a plague. The Mabit (I:40) says that the same is so if non-Jews kicked the Jews of the city out of their houses. In our case, then, pl should deserve their money back.

Another approach that supports pl is presented by the Netivot Hamishpat (230:1). Even if one buys a house, if before he had an opportunity to benefit from it, a *makkat medina* prevented using it, he can back out of the deal based on the assumption (*umdana*) that one would never agree to acquire it if such circumstances were included. The Chazon Ish (Bava Kama 23:10) also explains the lack of responsibility to pay for a rental that cannot be used based on *umdana*.

On the other hand, the Machaneh Ephrayim (Sechirut 7) says that if the renter paid a down payment and then a *makkat medina* occurred, the owner does not have to return the down payment. Here the Machaneh Ephrayim applies, as he is based on Tosafot (Bava Metzia 79b) talking about a case in which neither side to the agreement is able to follow through on it. Here too, the government does not allow the halls to open or people to assemble there. However, the Machaneh Ephrayim is a minority opinion (see Minchat Pitim, CM 321:1). Therefore, in the standard case of a hall closed due to Corona, the down payment must be returned.

Next time we will see if the particulars of this case change the ruling.

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