



HaRav Shaul Israeli zt"l
Founder and President

HEMDAT YAMIM

Parashat HaShavua

Korach, 30 Sivan 5777

A House Full of Sefarim and a Fully Blue Garment

Harav Shaul Yisraeli – based on Siach Shaul, p. 402-3

Korach came with two claims against Moshe (Bamidbar Rabba 18:3): Could a house full of holy books require a *mezuzah*? Could a garment that was fully *techelet* (a shade of blue used in the strings of *tzitzit*) require *tzitzit*? Indeed there are two types of complaints that we have been dealing with, generation after generation, and they have broken Israel into splinters and caused discord.

The house full of *sefarim* is referring to great G-d-fearing Torah scholars, for whom Torah is everywhere they turn and do not go anywhere without being in its proximity. These "holy houses," because of their great connection to Torah, may not feel the value that a little parchment could have, when in truth its great contribution comes from its position at the entrance and exit of the house. These guard Israel at the time they are involved in important affairs. This is a metaphor for the little hints of Torah values, which are found everywhere: in a religious school, in a religious agricultural settlement, in a kibbutz, in classes for youth, in a place where responsible sports are being played without desecrating Shabbat. Each one may be a small thing, but just like a physical *mezuzah*, their location gives them surprisingly great value.

There is also an opposite mistake. People think that a "garment of *techelet*" can do fine without *tzitzit*. This can refer to the productiveness and pleasures of life. One is tempted to think that it is enough to infuse simple things with significant content. Indeed, the Chatam Sofer (Sukka 36a) said that working the land in *Eretz Yisrael* is equal to putting on *tefillin* because the mundane that is connected to sanctity can be holy itself. Is it so, then, that if the whole garment is *techelet*, you do not need extra *tzitzit* (i.e., specifically religious activities)? And if you attach *tzitzit*, you certainly should not require *techelet* in the *tzitzit*! The excitement with the content of the garment (i.e., the totality of life in Israel) takes away from the excitement with specific religious acts.

This too is a mistake. For example, even if the whole nation is holy, Aharon is the "holy of holies" (see Divrei Hayamim I, 23:13). If work in Israel is holy, then activities that would be holy outside *Eretz Yisrael* are holy of holies in *Eretz Yisrael*. If plowing is like wearing *tefillin*, then putting on *tefillin* is certainly like putting on *tefillin*! The relative difference between the mundane and holy activities remains the same, just that everything is elevated in Israel. If one does not sense this, then he is like a person who approaches the Temple and desecrates its sanctity (see Bamidbar 17:28).

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



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Ask the Rabbi

by Rav Daniel Mann

Paying for Job One Thought Was Free

Question: My child's friend (under bar mitzva) has joined my son in helping me with various chores and projects. He has asked many times if I will pay him and I say, "No." I have never demanded him to help, although I appreciate it. Now he has come to me with the claim that I owe him money for all he has done. Could he have a halachic right, or may I just brush it off?

Answer: In our eyes, the most important issue is the social, educational one. I would not be happy if my child was, apparently, obsessed with getting paid in situations in which it is not standard and argues about it with his friend's parent. If his parents are involved healthily in their child's character development and interact reasonably with you, it pays to discuss the matter with them for the child's welfare. It is best if you and they develop a practical plan together. It might be best to pay something so that he not feel that adults take advantage of him. On the other hand, he might deserve to be put in his place. I am not a child psychologist and do not know the child, so I trust you to handle this important matter wisely and sensitively.

We will deal with the halachic element with the assumption that it is just a point of reference for you. You may not cite it as a ruling, as we have not heard both sides. (We don't suspect that you are going to a *din Torah* or a court case with this child.)

This is a case where a "worker" works without waiving any pay due him and the "employer" is aware of the work but has refused to pay if he is not required to. There are two elements that can require one to pay for work done on his behalf: agreement (explicit or implicit); *neheneh* (benefit from the work). You did not agree to pay, but we must look at the issue of *neheneh*.

The Rama (Choshen Mishpat 264:4) discusses one who, along with a friend, was in jail and used his resources to secure the release of both of them. The Rama says that if he added resources to include his friend's release or if he used his resources with both of them in mind, his friend must pay him. He then creates a general rule: "Anyone who does an action or a favor for his friend, [the friend] cannot say: 'You did it for free because I did not tell you to do it,' but rather he must pay his wages." Since no pay was discussed, he pays according to the lower end of the salary scale (K'tzot Hachoshen 331:3). If that which was done is generally done for free, the worker is not paid (Pitchei Choshen, Sechirut 8:31). This depends not only on the type of work but also on the circumstances (e.g., a young child at his friend's house does not usually get paid). However, this limitation does not apply when the child expressed his expectation to be paid.

After your initial protest, does your stance improve, as the Rama refers to a case where the recipient of the favor said nothing in advance regarding payment, whereas you said you were unwilling to pay? Although he raises that possibility, the Pri Tevu'ah (cited in Pitchei Teshuva, CM 264:3) rules that if the worker intended to get paid and there was *neheneh*, the recipient still normally has to pay.

On the other hand, Shut Mahari Halevi (151) says that it does not make sense that one must pay after he told his counterpart in advance that he refuses to pay. If there are differing halachic opinions, it is difficult to extract money. The Pitchei Choshen (Sechirut 8:(64)) says that the Pri Tevu'ah was talking about a case where the recipient expressed only dissatisfaction at the idea of paying and wanted the work done, but if he conclusively refused to pay, all would exempt him. This distinction might be pertinent in your case.

There might be another reason to exempt you. Considering the work was being done by you and your children, it sounds likely that it would have been done anyway without your spending money, and thus there is little or no *neheneh* (see Shach, CM 246:11). Therefore, any payment would be minimal. Another complicating factor for the child is that if anyone has a halachic right, it is likely his father (Rama, CM 370:2).



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.)

Responsibilities Based on Different Modes of Influence

(condensed from Ein Ayah, Shabbat 5:14)

Gemara: Whoever is capable of protesting [against the sins of] the members of his household and did not protest is held responsible for their actions. The same is true in regard to the sins of the people of his city and those of the entire world [if he failed to protest according to his ability].

Ein Ayah: There are special personal abilities that correspond to a certain need, whereby an ability actualizes something with potential to bring a benefit or remove a lacking. There can then be a connection between two things that are ostensibly unrelated but are really the power that is able to bring good benefit to that which needs improvement.

When the ability that was created for a specific purpose does not fulfill its goal, a destructive force is created. This phenomenon transcends the personal level to the realm of a family, an ethnic sub-group, or even a very broad collective. Sometimes there is interconnectedness between apparently opposing elements, but the opposing element is just by chance, whereas actually they form one positive joint goal.

There is a great difference between righteousness and evil. Evil is interested in causing action and change, and righteousness will then make due with stopping the evil process. "Hashem, do not allow the evil person to have his desire" (Tehillim 140:9). When righteousness is successful in curtailing the tendency toward evil, life becomes complete. The tendency to break out and destroy is part of the powers of life, and when it is properly contained, the result is a life full of grandeur and sanctity.

Whoever has the power to stop injustice should see himself as a partner of the one who contains the life power but needs guidance. When he fails to do his job, he loses the element that corresponds to the action he is connected to. There will be, by necessity, a negative impact from his lack of positive influence, directly opposing the positive that could have come out if he had utilized his strengths. The greater the strength, the greater the negativity from not using it. There is no power in the world that cannot be connected to a negative outcome, for everything has needs, both physical and spiritual. The lack of action is not just a wasted opportunity to gain but causes the one who failed to be considered guilty of active destructiveness.

There are many ways to influence. There is natural influence that comes from natural connections, which the person possessing the positive can use in a blessed manner. There is emotional influence, which is made possible by friendship and regular interaction. The greatest ability to influence is intellectual. One who possesses abilities in natural influence can do so within the family setting. If he does not do so, he is punished for the sins of the family. Only because the situation was handled wrong was there a problem, as that which went wrong could have been the basis for positive things.

Someone who is more advanced and can influence based on emotional connections is capable of impacting the people of his city. When he does not protest sin, good emotions come out wrong, and they cause wild damage instead of being contained in "storage houses like silos and mills." The highest level is one who has a great enough mind to impact with his intellect. He is responsible for protesting to the whole world. In order for the world to produce one great person, his surroundings need to possess many powers, great ones and minor ones, positive ones and even bad ones. The bad ones and the incomplete good ones need a unique person to straighten them out with the strength bestowed to him from Hashem. If he does not do so, he is responsible for sins emanating from all over the world. Whoever can impact so broadly has responsibilities of great breadth.

We daven for a complete and
speedy refuah for:

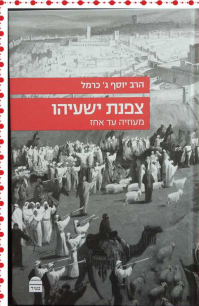
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Tzofnat Yeshayahu- Rabbi Yosef Carmel

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

Time of Payment of an Iska Loan – part II

(based on ruling 75109 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: [A highly condensed description follows] The plaintiff (=pl) lent/invested large sums of money to the defendant (=def), a real estate developer, over the course of a few years, and was to receive approximately a 25% annual return. He used various *heter iska* forms to permit this (in his view). The largest sum was used to buy rights to property in a multi-million shekel project. Before the project was built, pl sold his rights back to def for 1.66 mil. shekels, which was not given but became a new loan/investment. A central document summarizing the loan/investments stated that they should be paid in the near future, without mentioning dates, and required monthly interest payments of 20,000 shekels. The big project was stopped by a court order after only a percentage of the homes were built and sold. Def slowed down and then stopped making the monthly payments. Def claims that he is unable and not required to return the loan/investment until the project is resumed. Pl demands immediate payment and claims that def has fictitiously hid all his assets.

Ruling: [After seeing that def owes all the money according to the heter iska forms, we must decide when payment is due.]

The document that summarized the loans states that def will return the money “as soon as he can, around half a year.” This and other linguistic indications show that there is no clear commitment as to when to pay.

Despite this fact, def must return all the loans immediately for two reasons. One is that def stopped following his contractual obligation – to make a monthly interest payment of 20,000 shekels. Under such circumstances, it is not logical that pl should have to wait indefinitely (it is now 4 years).

The second factor is that def has made several efforts to hide assets. At the time of the loans, def was a major partner in the big project, and his part in it served as a strong guarantee for the payment of the large loans. Subsequently def created a company which owned his rights in the project. Later, he gave away his rights in the project to the wife of a partner, thus removing liens. Def had promised to pay back some of pl's loans from sales of apartments in the project, but gave nothing from these revenues, which were apparently hidden or reinvested. Some of def's property has been put in his children's name, and the expensive car he drives is listed as his brother-in-law's. Therefore, the loan cannot be left open-ended because of the lack of a date when there is reason for concern that the chance to find payment will slip away.

Therefore, the money is due now. Def claims that if pl will take aggressive steps to collect the money, it will cause def to go bankrupt, and pl will never receive full payment. It is not for *beit din* to decide what is wise for pl to do. It is pl's right to take steps to try to prevent the loss of huge amounts of his money, including large sums he borrowed from banks to provide for these investments. Until payment is made, they will continue to accrue interest.

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