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HEMDAT YAMIM

Parashat HaShavua

Balak, 12 Tamuz 5780

Vote Nedivei Am for the Knesset

Harav Yosef Carmel

Pirkei Avot (5:19) describes Bilam's characteristics as the opposite of Avraham's, which were: "A good eye; a low spirit (*ruach nemucha*); a humble spirit (*nefesh shefala*)." In contrast, Bilam had a *nefesh rechava* (a broad spirit). Avot D'Rabbi Natan substantiates the latter with Bilam's statement: "If Balak will give me enough silver and gold to fill his house ..." (Bamidbar 24:13). Thus, *nefesh rechava* means one with great desires.

Let us understand the opposite trait – *nedivut*, one who enjoys giving. In *Parashat Chukat*, the Song of the Well describes the well of Miriam, who led the people along with her brothers, Moshe and Aharon, as one that was "dug by officers and excavated by the *nedivim* of the nation with the lawmakers with their leaning staffs, and from the desert it was a present" (Bamidbar 21:17-18). Who are the *nedivim*?

When David beseeched Hashem for atonement after the sin with Batsheva and Uriya, he asked for a return of the joy of Hashem's salvation and to be supported in connection to a "*ruach nediva*." Rashi explains that *ruach nediva* refers to leadership, as David hoped not to lose his status as the leader due to his sin. That also makes sense in regard to the *pasuk* about Miriam's well, as *nedivei am* is parallel to officers (*sarim*). This also fits well with the *pasuk* in Hallel and Shmuel (I, 2:8) of being lifted from the ground to be placed among *nedivim*. It makes sense regarding the daughter of the *nadiv* who was attractive in her special shoes in Shir Hashirim (7:2).

On the other hand, we cannot overlook that the simple meaning of *nedivut* is to give altruistically, like those who were "*nedivim* of the heart" in choosing to donate to the construction of the *Mishkan* (Shemot 35:22). Based on this, the Radak explains the *pasuk* above about David, as wanting divine inspiration, which "'donates' words of song and praise to Hashem, as one who possesses good will." The Rambam (Teshuva 6:4) also explained that David was concerned about losing divine inspiration and the ability to write psalms, for which this was a necessity.

We can put the two ideas together as representing the proper synthesis in the ideal leader. We want someone who, on the one hand, has great power to execute strong acts of leadership, but even when this makes it challenging to being as generous and sensitive as he would otherwise be, he still succeeds. In fact, if done correctly, power and strength of character can allow one to give of himself and share with others.

So, if we strive to be like our forefather, Avraham Avinu, making us a nation of people with compassion, bashfulness, and kind-heartedness, we need leaders who have a heart of *nedivut*. They should be like Moshe, Aharon, and Miriam, who were willing to donate from their energy and wherewithal for the nation, to share and give in when appropriate. Let our leaders be students of Avraham: having a good eye, a low spirit, and a humble spirit.

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



Eretz Hemdah
Deans: Harav Yosef Carmel, Harav Moshe Ehrenreich
2 Bruriya St. corner of Rav Chiya St.
POB 8178 Jerusalem 91080
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Ask the Rabbi

by Rav Daniel Mann

Salad at Meat and Milk Meals

Question: Sometimes I serve the same salad at a *fleishig* meal and again at a *milchig* meal. My daughter told me that her friend's family does not do that. Is it okay?

Answer: The main source on such issues involves bread. The Shulchan Aruch (Yoreh Deah 89:4) rules (based on a Yerushalmi in Pesachim, cited by the Tur, YD 91) that between a dairy meal and a meat meal, one "must remove from the table the leftover bread which was eaten with the cheese." The Beit Yosef, after citing these sources, quotes a Hagahot Oshri: "It is a choice *mitzva* in cases in which one ate cheese and wants to eat meat that he needs to remove from the table the bread and the food that came to the table with the cheese, and then he can bring the meat and eat." While the Beit Yosef does not cite anyone who argues, he also does not explicitly cite this second source in the Shulchan Aruch.

These sources greatly resemble your question (it is difficult to argue that one must remove such food from the table but can use it in a future meal if he ascertains it is clean). However, we must notice nuances and explore distinctions. Rav Moshe Feinstein (Igrot Moshe, YD 1:38) notices that the Yerushalmi and Shulchan Aruch refer to "leftover" bread, which he takes to mean a piece of bread that was cut from the loaf and was eaten along with the *fleishig* food in his plate, or at least was intended to have been. Those pieces are more problematic than the rest of the loaf, which, even if it was sitting on the table, ready to be cut, still was separate from the food as it was being eaten. Therefore, Rav Moshe comes up with the following distinction – that which is cut off must not be eaten with the other type of food. Regarding the uncut remainder of the loaf, it is only a worthy stringency.

Rav Moshe does not address other foods that were on the table. There is halachic precedent to say that the stringency is only in regard to bread, as we find unique kashrut precautions in regard to bread. It is generally forbidden to bake a *milchig* loaf of bread because one must be concerned that he will eat it with meat; if he does bake *milchig* bread, it is forbidden to eat it at all (Shulchan Aruch, YD 97:1). The Siftei Da'at (ad loc. 1) posits that this *halacha* is just for bread because it is the foundation of classic meals. On the other hand, the Aruch Hashulchan (YD 89:15) extends the recommendation to remove all of the food from the *milchig* table and claims that this is the *minhag*. It makes sense that Rav Feinstein would agree, considering that the Beit Yosef/Hagahot Oshri, which is the basis of his distinction between required and recommended, refers to all foods on the table.

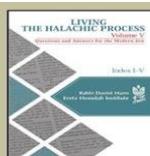
The Badei Hashulchan (89:(209)), while mentioning a dissenting view, accepts Rav Moshe's leniency regarding the remaining loaf, to which we will now add support (not a full proof). One of the exceptions to the prohibition on *milchig* (or *fleishig*) bread is if the loaf is small enough to be expected to be finished in one meal because it is then less likely a mistake will occur (Shulchan Aruch, YD 97:1). This implies that in the standard Talmudic case, one loaf was used for more than one meal. Yet, in that standard case, if the bread is *pareve*, it is not considered a problem, even though often one meal will be *milchig* and one *fleishig*. Apparently, the only serious problem is when there is actual contact between the *pareve* bread and food of one type.

In a place without a clear *minhag* to not reuse the salad at the different type meal, it is logical to be pragmatic and subjective, a direction the Badei Hashulchan (89:99) embraces. If at the table, every salad has a serving utensil, people do not reach in to the salad bowl with soiled hands or their personal flatware, and they do not let the serving utensil touch their plate, one can be lenient to reuse the salad. When people are not careful (facemasks are not necessary ☺), it makes more sense (although not a full halachic requirement) to follow the stringent opinion/*minhag*.

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Ein Ayah

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

The Symbiotic Relationship of the Needy and the Philanthropists

(condensed from Ein Ayah, Shabbat 12:13-15)

Gemara: [We continue with profound “word games,” focusing on the letters of the alphabet in pairs, with relevant words they can form and their physical characteristics.] *Gimmel dalet – g’mol dalim* (be kind to the poor). Why does the leg of the *gimmel* extend toward the *dalet*? It is because it is the nature of the philanthropist to run after the poor. Why does the leg of the *dalet* reach back toward the *gimmel*? It is so that the needy should make himself available to the philanthropist?

Ein Ayah: We should understand that the value of philanthropy in the world is not just when it comes from the churnings of the heart when one is agitated by the suffering of the poor person and empathizes with him. If that were the case, the philanthropist’s help is in effect to calm his own pain. Nor is the value of philanthropy a mere result of the intellectual realization that it is correct to have mercy on one’s counterpart.

Rather, Hashem created an order in the world that includes the poor and the rich. The poor have a known function to play in the world, for if they were missing, the world would be incomplete, missing part of its character. It would not be able to reach the lofty goal that its Creator set for it.

It turns out, then, that the needy, whose poverty enables the world to be complete and put up with painful lives, receive their donations as an earned portion. This secret is the most internal part of the *mitzva* of *zedaka* in its highest form and removes from the recipient the lowliness of spirit that people mistakenly attribute to one who might be seen as receiving that which he does not deserve.

The philanthropist who already reached the level of recognizing that he should not give because he is squeamish about the suffering of the poor has an advantage in his philanthropy. If it were a reaction, then he would not give when he was not witness to the great suffering of the needy. But if he knows the great purpose that philanthropy has in the world and the holy satisfaction that the community and the individual are blessed with through *zedaka* and acts of kindness, then he will always seek opportunities to expand his philanthropic activities. This is represented by the leg of the *gimmel* facing toward the *dalet*.

The idea of *zedaka* in the Jewish world stands above the difficulties of life; it transcends the necessity to fill the needs. The great role that philanthropy plays in the world influences not only the moral standing of the philanthropists, who provide the *zedaka*, but spiritually impacts the recipients. The Jewish destitute person, who is forced to receive donations, can be uplifted by the notion of his spiritual role to the point that it removes the pain of his physical lacking. He can revel in his part in improving the world and the souls of those who are involved in philanthropy.

Then he can request donations, but not to solve his physical tribulations. He will not need to be pushed by need to present himself to eager philanthropists. Rather, he will come himself like the letter *dalet* reminds us. He needs to come forward to facilitate bringing the goodness of acts of kindness from the potential to the actual. In this way, he enriches with the gifts of generosity and love, in which both sides of the philanthropic process are equal. The feeling of pain can then be absent even when the need is great, because “the blessing of Hashem is enriching, and sadness will not continue to exist with it” (Mishlei 10:22).



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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Too Slow to Meet a Non-Deadline

(based on ruling 71098 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=pl) hired the defendant (=def), an architecture company, to plan their house and gain municipal approval for the plans. Pl signed a contract and paid a 4,000 shekel first payment in Dec. 2010. The process of presenting designs proceeded slowly, and def put a new architect on the project in April 2011. After def cancelled a June 2011 meeting with pl with five minutes notice, pl notified def that he is letting def go. Pl is suing to recover the first installment and an additional 6,000 shekels for the delay def caused and the missed meeting (pl took off from work). Def counters that they did significant work and that according to the contract, only a break of six months is breach of contract; there are no deadline for the work to be completed (def has incentive to proceed, because payment is based on progress). Def are countersuing for the contract to be upheld, i.e., to allow them to finish the job or pay for it.

Ruling: Although def did not sign the contract, def composed it, and thus both sides relied on it regarding mutual obligations. Regarding workers, whatever oral agreements and understandings were in place at the time of the beginning of the work are binding (Shulchan Aruch, Choshen Mishpat 333:1).

Both sides explained the contract's provision of six months as dealing with a scenario of "losing touch." One cannot deduce from this that all other delays in progress are acceptable. While *beit din* accepts def's claim that there is not an end point of the project because one never knows which delays will be forced on the architect by the owner or the authorities, there are still minimum standards for consistent work.

[*Beit din* analyzed in detail the schedule of meetings and the sketches that def sent to pl.] It appears that months went by with def making very little progress. Considering that there was not substantive denial of pl's claim that he several times asked for meetings and was rebuffed, there are clear grounds for grievance. The new architect claimed that the work done by his predecessor was not viable, thereby returning the project back to close to the beginning. The fact that another two months went by until a meeting was set between def and pl and that it was then cancelled without notice, gave pl due cause to feel he was not being taken seriously and could not depend on timely progress. Therefore, def's counterclaim to hold pl to the contract is rejected.

Although def did put in time and produce some results, pl deserves his first payment back. Regarding work stopped in the middle, whether the worker backed out, or the employer fired him with sufficient justification, the worker gets paid the amount of money he saved the employer by his work (ibid. 4). In this case, since pl's new architect started from the beginning, which they had little choice about, considering that def enjoys copyright privileges to their plans and did not allow their use, def did not benefit from them, and all that was paid must be returned.

[We will omit the analysis, but] def must pay pl an additional 500 shekels for the damages that their negligence, and especially their not coming to the last meeting, caused.

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