



Harav Shaul Israeli zt"l
Founder and President

Torah from the Heaven, and the Reuniting of Broken Pieces

Harav Yosef Carmel

The rule is that all members of Bnei Yisrael have a part in the World to Come, but one exception is one who says that "the Torah does not come from Heaven" (i.e., is not of Divine Origin) (Mishna, Sanhedrin 10:1). There is a Talmudic custom that incorporates this into the language of the *beracha* on Torah, "... Who gave Torah from the Heaven" ... (Sofrim 13:6). The *gemara* (Sanhedrin 99a) calls a denier of Torah from the Heaven, one guilty of "He disgraces the word of Hashem and forsook his precepts" (Bamidbar 15:31), and the Rambam codifies this concept (Mamrim 3:2).

What is included in the principle of Torah from the Heaven, and how does it connect to other principles of the Torah? Realize that the nature of the Torah has great impact on how we learn it and fulfill it. If it is of divine origin, from the Creator, Who is not part of creation, and it is transcendental, we must come to the following conclusions:

A. We will not find a logical reason for every commandment of the Torah. Our most famous example is the laws of the Red Heifer. The existence of some such *mitzvot* is the logical outcome of receiving the Torah from a power that transcends mankind. In some ways, modern science has a similar outlook to the rules of the particles of atomic physics or the attempt to fathom the vast universe and all its galaxies. As the Rabbis said, "The goal of knowledge is to know that we do not know." Scientists have a similar concept called uncertainty.

B. Since Creation is under the dominion of time, moving only forward, we must live in recognition of this phenomenon. In contrast, in *Tanach*, which was Divinely given (each section in its own way), the order that is written need not be chronological, which is why we often use the rule that "there is no earlier and later in the Torah" (Pesachim 6b). The Exodus is also not presented in exact order. As we have discussed, the charge to Moshe in chapter 6 preceded that of chapters 3 & 4 (the burning bush). This should be remembered when telling the story on *sefer* night.

C. When the Torah came down from Heaven to the physical world, it was figuratively "smashed into small pieces" and then recomposed through the work of the Men of the Great Assembly, who canonized *Tanach*. The prophet Yirmiyahu expresses it, "My Word is like fire, says, Hashem, and like a hammer that shatters a stone" (Yirmiyahu 23:29). When we study Torah, we need to locate all of the Torah's "pieces" and unite them, to receive a clear picture. Note that the building of the *Mishkan* appears in five portions of Shemot, as well as in Vayikra and Bamidbar. If you study the topic in only one of the sections, you will get only a partial picture.

So too, the Exodus from Egypt, appears in four of the sections of the Torah – all but Bereishit. Even to that we need to add that which appears in the Prophets, such as Yoel, and in Tehillim. These complete our picture.

These ideas serve as one more manifestation of the importance of unity, which connects sections of the Nation, as the Torah sources need to be. We must gather elements that appear to be distant.

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



Ask the Rabbi

Vayakhel Pekudei

by Rav Daniel Mann

Stock Market Talk on Shabbat

Question: At a *shul kiddush* last week, I heard two people discussing stock market performance, which interests my teenager, now and as a future profession. Could I, as one who has a *mitzva* to help my son learn a trade, have told him to engage these men in conversation to advance his knowledge in the field?

Answer: When considering involvement in “non-Shabbat-friendly” fields on Shabbat without a forbidden action per se, one has to look at four Shabbat prohibitions.

1. *Hachana* (Shulchan Aruch, Orach Chayim 323:6) – Doing something on Shabbat so that it does not need to be done after Shabbat, even if no *melacha* is needed after Shabbat. This issue does not apply to this case, because the opportunity that arose on Shabbat is unique and is not instead of something you would have had to do after Shabbat.

2. *M'tzo cheftzecha* (Shulchan Aruch, OC 306:1) – Taking steps to advance a specific *melacha* after Shabbat. Here, there is no specific *melacha* on the horizon, as your son would just be amassing information, with no actions related to it on the horizon.

3. *Shitrei hedyotot* (Shulchan Aruch, OC 307:13-16) – Reading matters that could cause problems on Shabbat. There is discussion in the *gemara* (Shabbat 149a) as to the exact concern, but the Rambam (Shabbat 23:19) and Rosh (Shabbat 23:1) both connect it broadly to weekday-like activity (see this column, Mishpatim 5784, dealing with newspapers. There is a consensus (see Dirshu 307:70) against reading commercial advertisements, even if one is not intending to thereby “shop.”) However, *shitrei hedyotot* does not apply to oral exchanges.

4. *Daber davar* (Shulchan Aruch, OC 307:1) – Speaking about things that will need to get done that involve Shabbat prohibitions. Regarding the stock market, one does not violate *daber davar* per se if he does not discuss actual plans of buying or selling stocks.

Thus, just discussing the stock market generally avoids all of the above prohibitions. However, as a kind of composite of these issues, it is accepted among *bnei Torah* not to engage freely in nitty gritty economic discussion. This is in line with the *halacha* (Rambam, Shabbat 24:4; Shulchan Aruch, OC 307:1) that one should not speak at length about idle matters. Commerce matters are “worse” in this regard than many idle matters (see Mishna Berura 307:63). While most of the strict sources discuss reading commercial matters, not speaking, speech is worse than thought (Shabbat 113b).

It is too draconian and not in line with *halacha* to forbid a passing statement about the stock market or a business. Even regarding more serious discussion, like the people you mentioned, a conversation about stocks can be justifiable because the Rama (OC 307:1) says that one may talk at length about idle matters if he gets enjoyment from such discussion. For some people, discussing stock trends is enjoyable like for other people discussing the NBA playoffs is. However, we do not recommend to people (including your son) to center a discussion on Shabbat on the stock market.

Does the *mitzva* of teaching your son a profession change the picture? It is permitted to arrange on Shabbat for a son’s professional training (Shabbat 150a; Shulchan Aruch, OC 306:6), as the *mitzva* creates an exception in the laws of *m'tzo cheftzecha*. However, this leniency permits only discussing engaging the educator, not negotiating a contract. We also do not find that a student of the field should be involved even in training that does not directly violate Shabbat. Thus, to the extent that listening to the discussion is your son’s vocational training, it should under normal conditions be off-limits on Shabbat. The content of some fields, e.g., medicine or some areas of social sciences, is ennobling and likely Shabbat compatible. Commerce, while a perfectly fine professional field, is generally not. If you see these men as potential mentors, mentorships can probably be arranged at a different time or manner. However, if your son enjoys and gravitates on his own to such a conversation, it would likely not be wise to stop him.

“Behind the Scenes” Zoom shiur

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Moreshet Shaul

(from the works of Hagaon Harav Shaul Yisraeli zt"l)

Character Refinement – part I

Based on Siach Shaul, Pirkei Machshava V'Hadracha p.154

Opening Source (Vayikra Rabba 9:3): *Derech erez* (good character) precedes the Torah, as it says: "... to guard the path of the tree of life" (Bereishit 3:24). "The path" refers to *derech erez*; and afterward, "the tree of life."

Derech erez serves as an introduction, a sort of preparation and cultivation of the heart. Certainly, *derech erez* includes within it the spirit of the Torah, for if it did not, how could it serve as a cultivator for Torah? On the other hand, one always writes an introduction after he has written the book, and it serves as a conceptual pole for that which follows it.

The simple concept of *derech erez* includes manners, delicateness, and acting respectfully. It is often said that children born in Israel act with *chutzpa*, and thus they are not possessors of *derech erez*. Let us investigate the causes of the lack of *derech erez* and its ramifications.

We can propose that the lack of *derech erez* in the Jewish communities of Israel and among the young generation is not incidental. It was preceded by an education and an educational philosophy that led in this direction. The generation that made *aliya* to the Land possessed an impulsive urge to erupt and blaze their own trails; it was a generation that rebelled against the habits of their fathers' houses and forged a whole new style of life. Therefore, they expected of themselves to allow their children to enjoy the right to also shape their own destinies. They were concerned about the coercive nature of education, one that would attempt to force beliefs on students. This created a situation in which all boundaries and restraint on adolescent outbursts were violated.

I would say further: The treatment with *derech erez* that was bestowed in previous generations on elders has been transferred to bestowal on the younger generation. Whereas in the past, advanced age was deserving of supreme honor, it turned into youth receiving that distinction. The generation that is growing old, whose hair is starting to become gray, whose back is starting to curve, and whose lungs are getting more feeble, looks with jealousy and awe toward the generation that follows him, the one that is full of wildness and desire to live. From this, the *derech erez* for his children emanates.

There is another matter here – the denial of the survival of the soul after death. A person feels his strength waning and his march toward his end in progress, and he clings to his child, through whom he feels he can continue to live. For this reason, he gives his child dominion over everything.

Many people employ insignificant manners that are performed superficially, showing verbal honor to friends and people around him without the words being connected to anything internal. The rote expressions with no significant content cause some to be repelled by all manners and adopt an approach of dismissal [of manners in general].

Until now, the focus is on chutzpah in the broader and especially non-religious Israeli population. Next time, we will see Rav Yisraeli focus on the religious pioneer community, which he knew well as the rabbi of Kfar Haro'eh, a religious agricultural settlement.

We daven for a complete and speedy refuah for:

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Together with all *cholei* Yisrael

P'ninat Mishpat

How Many Dayanim?

(based on ruling 84139-1 of the Eretz Hemdah-Gazit Rabbinical Courts)

Case: The plaintiffs (=p) and the defendants (=def) are partners in a building project. They and others signed a partnership agreement. Par. 15 of that agreement states that if conflict resolution is needed, they will adjudicate using a single arbitrator chosen by the steering committee. Conflict arose and the steering committee was disbanded due to dispute about who it should consist of. Then, the sides signed an agreement, in which par. 13 sets the agreed arbitrator as the Beit Din of Eretz Hemdah. *Pl* want to have only one *dayan* of Eretz Hemdah adjudicate, whereas *def* want to have three.

Ruling: [*Beit din* had expressed that it prefers three *dayanim* because of the complexity of the case and sat in this pre-adjudication tribunal with *dayan 1* functioning as the one *dayan* and in the meantime the other two serving as legal assistants. *Beit din* also consulted with legal experts on arbitration law.]

The general rule is that an arbitrator has no authority to decide on the extent of his own authority, thus rendering this ruling potentially problematic. However, the sides all signed Eretz Hemdah's arbitration agreement, and par. 12 therein says that *beit din* is authorized to set the "boundaries of the agreements within the arbitration agreement and the rules and procedures." This is binding since both sides agree that Eretz Hemdah has jurisdiction, and the dispute is just about the number of *dayanim*.

Even though having three *dayanim* is preferable in various ways, when a binding decision is made on the number of *dayanim*, one cannot change that number (see Rama, Choshen Mishpat 13:1-2). Our legal advice also posited that it is highly problematic to change from the arbitration agreement of the sides.

Based on this backdrop, it is best to reconcile the two agreements, so that there not be a contradiction between them (see Shut Harosh 68:14; Shulchan Aruch, CM 42:9). This leads toward an understanding that the clear clause in agreement #1 that one *dayan* will rule continues into agreement #2. Agreement #2, which states that the Beit Din of Eretz Hemdah will adjudicate, arguably adds two things – a decision on which *beit din* it will be; an implication that it is a *beit din*, which is classically three *dayanim*. However, Beit Din of Eretz Hemdah can also be understood as any size tribunal as long as it is under the umbrella of Eretz Hemdah. In that way, agreement #2 adds information onto what already existed in #1. There are also communications from *def* that indicate that they still saw par. 15 of agreement #1 as binding. This was also indicated in handwritten additions to the Eretz Hemdah arbitration agreement, which was signed after agreement #2 was made.

Therefore, one *dayan* will serve as the one and only *dayan*, whereas another of those who were prepared to be *dayanim* will assist as a research assistant for this complicated case. [The director of the Eretz Hemdah-Gazit *beit din* network also signed on the ruling on this semi-administrative matter.]

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