

MDTorah WEEKLY

	ירושלים	בית שמש	בני ברק
הדלקת נרות	4:52	4:54	5:10
צאת השבת	6:06	6:08	6:04

Parshas Ki Sisa - כי תשא
Feb 22, 2003 – כי אדר א' תשס"ג – Vol. 4 No. 18

Talking Business
Everyday Jewish Business Law



Living Education

Principles of Education Gleaned from the Weekly Parsha

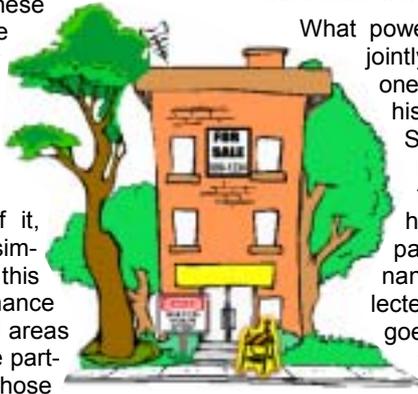
Sales And Repairs

Question

Avi wishes to sell his apartment and move to a different district. He is in the middle of serious negotiations with a potential buyer when the head of the va'ad habayit (house committee) asks him for his share in the cost of renovations to the jointly owned areas (lobby, stairways, etc.). Avi tells him that since he is about to sell his apartment and will not benefit from these improvements, he should ask the new owner to pay for them. Is his argument valid?

Answer

On the face of it, there should be a simple answer to this question. Maintenance of the jointly owned areas is the duty of all the partners, namely, all those who own property in the building. Accordingly, since Avi is at present an apartment owner he is automatically also a partner in the joint areas and has



to pay for their upkeep. The fact that he hopes he is about to sell his apartment does not alter this obligation. In any event, who is to guarantee that the present potential buyer will actually purchase the apartment? Indeed, it is by no means certain that Avi will manage to sell the apartment at all! Let him pay now and when he finds a buyer, charge him for the cost of renovations since he will benefit from them.

What powers do the partners in a jointly owned courtyard have if one of them refuses to pay his share in its upkeep? The Shulchan Oruch (Choshen Mishpot 161:4) rules that they can even rent out his house to others and take payment for the maintenance from the rent collected. The Nesivos (Note 4) goes one step further. If they are unable to find a tenant, they can even force

the owner to sell his house or seize other items of property and sell them. The outstanding debt will be collected

(Continued on page 2)

A Torah Teacher's Guide (Part II)

A Teacher's Humility and a Student's Clarity

"כתית למאור" – "כתיית" refers to cutting and dividing which represents humility, while מאור refers to light and growth. The more humble a teacher is and the more he emphasizes not his understanding of the Torah, but that of his students, the greater his students will grow and the greater will be the light of Torah which fills their minds and their lives. The *Degel Machane Ephraim* says that a teacher should remind himself that the only reason Hashem raised him up was to light the way for others.

Understanding and Joint Effort
ו"יקחו אליך...כתיית למאור לעלות נר תמיד"

"ויקחו אליך" – The individual students should direct their understanding and participation toward their Rebbe.

"כתית למאור" – The Rebbe should then show them their mistakes and improve their understanding,

"לעלות" – and take hold of their good points

"נר" – and combine the contribution of all the individual students until the students feel that all their comments have contributed to the clarity of the lesson. (See later in "Weaker Students").

This idea of combining the stu-

(Continued on page 2)

Rav Leff Speaks

The Reality of Torah

The Gemora tells us that "Noach was among those who are small in faith. He believed and he didn't believe. Only when he felt the waters at his feet did he go into (the ark)." Rabbi Meir Bloch asked: Does this mean to say that Noach, who had been building the ark for the last 120 years, didn't believe that the Flood was coming? He wasn't sure?

Rather, what it means, answered Rabbi Bloch, is that Noach heard from HaShem that there's going to be a flood. The appearance of the waters should not have made it any more real for him. That he did in fact feel more convinced when the time came showed that he was lacking in emunah (faith).

A person's emunah has to reach such a level that it's clearer to him than what he sees with his own eyes. And the truth is that he does not always see things as they are. Two candles in front of a mirror look like four candles. It is only because we understand about mirrors that we know that the visual image of four candles is untrue.

In Gittin, the Gemora says: How do we know that Bavel is north of Eretz Yisrael? Because it says in the posuk that "from the north [Bavel] the evil opened up." Why not just take a compass or a boat and go see where it is? But going and seeing is not 100% verification. It could be that your eyes are deceiving you; whereas the posuk can be relied on without question.

In Bava Basra, it says that a student

(Continued on page 3)

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The Essential Shabbos

However, you must observe my Sabbaths... (Shemos 31:12)

Rashi explains that the Hebrew word *ach*, (in English: however) implies some limitation or exclusion. Here, it excludes doing the work involved in making the Sanctuary. The *Ramban* disagrees. He holds that the limitation or exclusion should be intrinsic to Shabbos itself, i.e., it should limit Shabbos, not the work on the sanctuary.

The *Shem Mishmuel* tries to resolve the disagreement between these two great commentators. He cites the interpretation of the Rebbe MiAlexander for the passage, "and you will be completely (*ach*) happy" (*Devorim 16:15*). The Rebbe MiAlexander explains that after the Days of Awe, the blasting of the shofar on Rosh Hashanah and the confession and teshuvah on Yom Kippur, the soul of the Jew is so completely cleansed and purified that the only thing left is happiness. In other words, he interprets the Hebrew word *ach* to imply a limitation that excludes everything which is not essential to whatever it applies. Here, it applies to happiness. In our passage, it pertains to Shabbos. You might think that G-d would want us to enhance the spiritual life of Shabbos by involving ourselves in the construction of His Sanctuary. No! Shabbos should be a day that is devoted to the spiritual life which is uniquely and strictly Shabbos: the

essential Shabbos that excludes any other way of showing our devotion to G-d, even building Him a Sanctuary. Interpreting the Hebrew word *ach* in this way resolves the disagreement between Rashi and the Ramban because it supports the halachic significance of the Rashi's commentary while, as the Ramban requires, applies the limitation and exclusion it suggests to Shabbos itself: Shabbos must be observed in a way that excludes everything that is not essential to the devotion to G-d which is unique to Shabbos.

Making Shabbos

However, you must observe my Sabbaths... (Shemos 31:12)

Why are we commanded to keep the Shabbos? It's the other way around: Shabbos "keeps" us! The answer is suggested here in the unusual use of the plural "Sabbaths." It suggests that the command pertains to more than the observance of the Shabbos rest itself. What we are commanded to keep is to cling to the spirit which is revealed on Shabbos, so that when we do our work during the week, we do it in a way that draws that spirit into every life. That is the *making of Shabbos* in which we're commanded. G-d wants us not only to observe Shabbos on the seventh day, but to draw the sanctity of the seventh day into all the other days of the week, to do our best to bring out the essential kedushah — revealed on the day of rest — that is hidden, but still there, during the six days of work.

Based on sefer Sefas Emes MD

(*Talking Business—Continued from page 1*) from the proceeds. The Emek Hamishpot (3:43) contends that this ruling shows that the cost of repairs is on the present owner. The other partners in the courtyard could have taken a different course of action. Once they had sold the house they could have handed the proceeds to the owner. The outstanding cost of repairs would then have been collected from the buyer, the new owner. The very fact that the outstanding debt is collected from the proceeds of selling his property shows clearly that he remains liable for the repairs, despite having sold his house, since he was a partner when they were carried out.

The Nesivos brings proof to his ruling from the case of Reuven neglecting to repair his fence. As a result, thieves have easy access to the house of his neighbour, Shimon. The Shulchan Oruch

(Ibid. 155:44) rules that Shimon can give Reuven an ultimatum: Either repair the fence or sell your house to a more responsible owner! Thus, we see that neighbours can force a sale in order to prevent (or recover) a loss. However, this would seem to present a problem. In the case cited, it is the new owner, the buyer, who is going to prevent a potential loss by repairing the fence, and not the negligent seller. Does that not also show that the buyer is the one who is going to have to pay for repairs to the joint property in our case? The Emek Hamishpot answers that all the Nesivos wished to prove was that there exists a power to force a person to fulfil his duty as a neighbour even if it means selling his property. The actual remedy varies according to the situation. In the case of the broken fence, the remedy is to sell the house to a more responsible owner. In the case of a partner in a courtyard, the solution is to make funds available to the other partners by deducting the outstanding debt from the proceeds of the sale.

Even though it is now clear that Avi will have to pay his share in the cost of renovations, the Emek Hamishpot suggests that he should give a cheque, post-dated by two months. Thus, if he succeeds in selling his house, he can recoup this expense from the buyer. If he stays, he will certainly be liable for the cost of renovations. MD

(*Living Education—Continued from page 1*) dents efforts is seen as well in the introduction to our posuk, "ואתה תצוה" — where one of the meanings of "תצוה" is בצוותא — a joint effort (the commentaries).

"תמיד" — If the teacher follows this approach he will see his students' growth spiral upwards — תמיד — continuously.

"תמיד" — The underlying function of a Rebbe is to implant in the hearts of his students the desire to cling to the Torah and its teachings throughout their lives. And so we find that the נר מערבי on the Menorah lit continuously without interruption. When a Rebbe instills this feeling in his students, their personal נר מערבי will light without end, meaning, they will continuously desire to learn Torah and grow in *yire Shamayim* long after their formal years of education have elapsed. This is the meaning behind Chazal's comment, that the Menorah must be lit until the flame can sustain itself, without outside help — עד שהשלהבת עולה מאליה — i.e., only when the child's interest and devotion to Torah is ignited from within does a Rebbe know that he has been successful.

Potential and Fulfillment

"ויקחו...שמן...לעלות נר" — Question: Why is the future tense used in "ויקחו" and the infinitive used in "לעלות"?

Answer: "ויקחו" refers to the bringing of the שמן (oil) which represents potential. "לעלות", on the other hand, refers to the lighting of the oil, which exemplifies fulfillment. The main job of a Rebbe, alluded to in the infinitive, is to bring the child's potential to fulfillment. In order to accomplish this, the Rebbe needs to clearly understand the child's background, abilities and personality.

Weaker Students

"את בני ישראל" — The word "את" comes to include weak students; they too deserve to be educated and given a chance to grow in *avodas Hashem*.

The posuk concludes, "לעלות נר תמיד" in the singular, for although on the individual level one child may be weaker than another, on the community level, each one's contribution is vital and helps to form the shape and the future of the community. The necessity of even the weak individual's contribution is reflected by the words of the Tanah in *Avos* (4:1), "איזהו חכם, - הלומד מכל אדם" — "Who is a wise person? One who learns from every man." Each individual adds to the collective *chochmoh* — wisdom — of the whole and as such, each person merits to have a part in the accomplishments of the whole.

Avoiding Distractions

"לעלות נר" — The Menorah, representing Torah learning, was lit in the evening, as the posuk says, "מערב עד בוקר" (*Shemos 27:21*). Is there significance to the time of the lighting? Yes! The evening is a time when the activities of the day have subsided and one is free to pursue

(Continued on page 3)

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(Living Education—Continued from page 2)
learning without distraction. This is the idea stated in the *Yalkut Shimoni* (Melachim I: 176) which says that "Jewish people are compared to stars, for just as stars only rule at night, so too, the Jewish people can only rule over Torah at night", for nighttime is void of distractions and one can concentrate on his learning.

The classroom should be set up to allow for a minimum number of distractions. It should be organized, with assigned seats and shelves for all the students. Windows should be above eye level of the students and the door should be closed at the time of the lesson. The tables should be clean, free of writing, scratch marks and stains, and the room as a whole should be clean. There should be proper fluorescent lighting which reaches above every child's table. The students' books should not be covered with attractive pictures or logos and he should have all the writing utensils he needs in a handy pencilcase. It goes without saying that a child should not go to school without all the books and materials he needs for all his classes. Otherwise, he will spend a great deal of time searching for an "unused" book, borrowing a pencil, etc. The teacher should make sure that during the lesson the child has his finger on the place and is giving his full attention to the subject matter. The teacher should avoid discussing matters which interrupt the flow of the lesson, for two reasons: (1) not to distract the child, and (2) not to make it appear as though extraneous topics have the same value as Torah learning.

The children's behavior during the school breaks should also be scrutinized. They should not be allowed to play something that will remain in their minds when they return to class. Hobbies should not be allowed to be brought to school for they will quickly lower the learning to a secondary status.

In conclusion, in order to prevent a child from being distracted during the lesson, both his personal belongings and the classroom should be neat and organized and no extraneous influences should be allowed to penetrate the classroom. MD

To be continued.

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Parsha Points to Ponder

The Depth of their Deeds

And now if You would but forgive their sin! - but if not, erase me now from Your book that You have written. (Shemos 32:32)

The stories in the Torah that teach us about the deeds of the patriarchs were not intended to report simply what happened to them or to their generation. Any story that is included in the Torah must have been important enough to become Torah. It must have had an impact on the entire creation, an impact that relates to the ultimate foundation and purpose of life. That's why we're told only very little of the lives of the Patriarchs. The Torah reports only those things they did which had significance for all time,

(Rav Leff—Continued from page 1)

of Rabbi Yochanan heard him say that in the future HaShem is going to take diamonds 30 x 30 amos, cut them to 20 x 30, and set them into the gates of Yerushalayim. The student scoffed at the seeming absurdity of such stupendous jewels. But then he was on a boat and saw angels cutting down diamonds of the size that Rabbi Yochanan had described. He asked them what they were doing. They replied that they were preparing the diamonds for the gates of Yerushalayim in the future. When he returned, he reported what he had seen. Rabbi Yochanan reproached him: "If you hadn't seen it with your own eyes, you wouldn't believe me!" Rabbi Yochanan looked at him, and he became a heap of bones.

Why didn't Rabbi Yochanan turn him into bones at the beginning, when he first showed his disbelief? And why a heap of bones?

The answer is that there is nothing wrong with doubting gigantic diamonds. That's enough to strain anybody's credulity. But why did he believe it when he saw it? If the idea is so incredible, why trust his eyes? He should have said: "I must be hallucinating, it can't be true." If you trust your senses more than your rebbe, then it's a problem.

And that's why he turned him into a pile of bones. The only part of the human being whose function is visible is the bone. Aside from manufacturing blood, the main function of the bone is to make up the skeleton, the outline of which is visible. It was fitting, therefore, that he be rendered into bones, since he only believed in that which was visi-

acts which established the foundation of our existence, events which had eternal significance. Moshe's words, "if not, erase me now from Your book," should be interpreting with this fundamental principle in mind. What he meant was that if G-d were to reject the Children of Israel for their sin, so that they would no longer be His Chosen People, the Torah nation through whom the Kingdom of G-d would be established in this world — if they were to be rejected, so that all Moshe's efforts came to naught, then Moshe himself would no longer have a place in the Torah. His deeds would lose the eternal significance that made the deeds of the Patriarchs worthy of becoming Torah.

Based on sefer Pninei Daas MD

ble.

A person can reach a level where the Torah is even more real than what he sees. The Midrash says that one of the sages, whenever he came to the name of Nebuchadnetzer in Megilas Esther, would say, "His bones should be crushed." He did so to fulfill the posuk, "The name of the wicked shall rot." The Midrash asks why he did so only when he read his name in Esther, and not when he read it in Sefer Yirmiya?

Because, it answers, in Sefer Yirmiya, Nebuchadnetzer was still alive, and one is not permitted to curse a living king. In Esther, however, he was already dead.

Of course, when this sage was learning these texts, Nebuchadnetzer had already been dead for hundreds of years (even though he was alive when Yirmiya

was written). But for that sage, the Torah was so real for him, that when he read Yirmiya, he felt that Nebuchadnetzer was alive, and so he couldn't curse him. That's how real it was for him.

Rabbi Yisrael Salanter remarked that earlier generations didn't believe that *teshuvah* could help; whereas we find it easy. When Yom Kippur comes, we are all ready for *teshuvah* and forgiveness. That's because the earlier generations saw Gehinnom clearly before them; it was so real to them, they couldn't believe that they could be saved from it. For us, it's not so real. Not that Yom Kippur is more real for us, but that sin was more real for them.

How does one attain the level of Torah as reality? Deep contemplation of what one learns allows the supreme reality of the Torah to become clear. MD

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Halacha L'Maase

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Laws Pertaining to the Sefer Torah (II)

- The question was raised before Harav Shlomo Zalman Auerbach whether it was appropriate to kiss the Sefer Torah. According to the Shulchan Aruch (Yore Deah 116:5) it is forbidden to place coins in the mouth because everybody touches them. Since everyone touches the cloth that covers the Sefer Torah, it would seem that it would also be forbidden to kiss it. Harav Auerbach answered that the custom is not to be concerned about that, because before davening, everyone washes his hands, so while people touch coins with hands that may be soiled, they touch the Sefer Torah with clean hands. Also, when a person does a mitzvah he is guarded from evil.
- The person called to lift the Torah from the bimah should be the most important of the persons who were called up to the Torah. The person who lifted it should roll and close the Torah together with the person who covers it. Chazal said that the reward for doing this is as great as the reward of all the others put together. The custom, now, is that a person who has not been called to the Torah lifts the Torah, and that this honor is not limited to people of special stature.
- When the Sefer Torah is lifted after being removed from the lectern, it should be turned so that the entire congregation, i.e., those standing to the right, to the left, to the front and to the back, can see the written text of the Torah scroll, and, with a gesture of bowing, say, "This is the Torah which Moshe placed before the Children of Israel, etc." This should only be said upon seeing the written text of the Torah, though the recitation can be continued after the text is no longer in view. MD