

MDTorah WEEKLY

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| | ירושלים | בית שמש | בני ברק |
| הדלקת נרות | 5:05 | 5:04 | 5:20 |
| צאת השבת | 6:18 | 6:19 | 6:20 |

Parshas Pekudei - פקודי
March 8, 2003 – ד' אדר ב' תשס"ג – Vol. 4 No. 19

Talking Business
Everyday Jewish Business Law



Non-Resident Partners

Question

Yitzchok bought an apartment in a new development, but continues to live in his old home. Yiddel, the head of the *va'ad habayit* (house committee) in his new apartment block, approaches him for his share in the monthly dues. Yitzchok replies that since he does not yet reside in the building, he does not benefit from the services provided. He therefore argues that he does not have to pay the monthly dues. Yiddel argues that by purchasing an apartment in the building, Yitzchok became a partner in the

jointly owned areas and is

thus responsible for their upkeep. Who is right?



Answer

The Shulchan Oruch (Choshen Mishpot 161:2) rules that a non-resident partner in a courtyard is obligated to pay his share in the cost of installing a gate, complete with lock and bolt, at the entrance to the courtyard. However, he is exempt from participating in the cost of "other items". The Nesivos (Ibid. Note 2) explains that "other items" refers to providing a booth for the watchman to sit in at the entrance to the courtyard. The function of such a service is to prevent out-

siders from peeking into the courtyard and thus interfering with the residents'

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Living Education

Principles of Education Gleaned from the Weekly Parsha

A Torah Teacher's Guide (Part II)

Reaching One's Students

"ואתה תצוה"

"ואתה תצוה" can be understood to mean "צוותא" – connection/togetherness – meaning Hashem commanded Moshe to identify with and connect with the people (שפ"א). Only then would the people heed his words to bring to him the olive oil for the Menorah, as the posuk says, "ואתה תצוה (צוותא) את בני ישראל ויקחו אליך (למשה) שמן זית זך".

Moshe was the first "Rebbe" of Klall Yisroel. However, the same applies with each and every Rebbe

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למשפחת שניצר היקרה

(מרבני ישיבת לב דניאל)

שלוחים בזאת תנחומינו הכנים על פטירת האח/הגיס בדמי ימיו

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מן השמים תנחמו ולא תדעו עוד כל צער

ראש הישיבה

רבני הישיבה, המורים והתלמידים

Rav Leff Speaks

A Three-Fold Path to Emunah

The Torah relates an extraordinary phenomenon at Sinai: the Jewish people gathered at the mountain were able to hear the lightning, see the thunder. What necessitated such unusual sensations? Wasn't the word of G-d, accompanied by thunder and lighting, sufficiently spectacular?

But perhaps the purpose of it was to impress upon them that Torah is an all-enveloping experience, even more real than what is ordinarily apprehended by the senses...

Based on the verse, *Zeh Keli v'anveihu* ("This is my G-d and I shall glorify Him"), the Sages delineated a three-fold path to greater awareness of the reality

of G-d and Torah. First: Building the *Beis HaMikdash*. Just as *Zeh Keli* indicates that at the Splitting of the Sea G-d was so real to them that they could point to Him, so too the Mikdash is a physical place that you can point to, where you can feel G-d's presence intensely.

Secondly, they derive from this verse the concept of *hidur*, beautification of the *mitzvos*. The *mitzvos* have to be appealing, they have to be esthetic. This also magnifies its reality.

The third concept is emulating G-d (*ani v'hu*). We approach G-d through His attributes. If they are abstractions to us, the reality of it is thin, attenuated. But if we manifest them ourselves—since G-d is merciful, we act mercifully—then we can apprehend Him

(Continued on page 3)

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The Miracle

...The labor of the Leviim was under the authority of Isamar, son of Aharon the Kohen. (Shemos 38:21)

When gold and silver are melted down, some weight is lost. In order to build the Mishkan, the gold and silver that Moshe collected had to be melted down. But nothing was lost. The weight of the metal after it was melted down was the same as the weight that was donated. That is why we are told, here, that the account of the metals that Moshe received is the same as the account of the metal that that Isamar had received. And that was a miracle as it wouldn't ordinarily work out that way. The Mishkan is called Mishkan Haydus, the Tabernacle of Testimony, because it testifies to the Presence of G-d among the Jewish People. This miracle was one of those testimonies.

Based on the commentary of the Kli Yakar

Hidden and Revealed

These are the accounts of the Mishkan. (Shemos 38:21)

Everything that pertains to

kedushah has two aspects: it is both hidden and revealed. The Torah has a plain meaning and hidden meanings. Mitzvos also have two aspects. The revealed part of the mitzvah is the act that is done. The hidden part of the mitzvah is the impact it has on our spiritual life, and on the spiritual realm that is concealed by the physical world. People, too, are hidden and revealed. The body is revealed. The spirit is hidden. The polarity of hidden and revealed is a fundamental motif that is grounded in the very nature of creation, for G-d created the world to reveal His Glory, but to do that, He had to conceal Himself. It was only by veiling His blinding Light that some small measure of that light could become visible. It is written, "Who created this?" "Who" is a reference to the hidden. "This" is a reference to the revealed. "These are the accounts of the Mishkan." "These" refers to what is revealed. "Mishkan" suggests what is hidden, for the Mishkan represents all of creation and, beyond creation, the Divine love which sustains it.

Based on sefer Beis Aharon MD

(Living Education—Continued from page 1) throughout the generations. Before he can be מצוה – command and demand – of his students, he needs to first connect with them; show concern with their needs. (The use of the phrase "בני ישראל" alludes to the posuk, "ושונתם לבניך", which Chazal say refers to students, and from which we learn that students are considered children – בני –.) Only once a student feels his Rebbe is on his side, will the Rebbe be able to fulfill the second definition of מצוה – to command and guide his students down the path of Torah.

Teach the midah of quickness — זריזות

"ואתה תצוה...ויקחו אליך...לעלות נר תמיד"

The wording of "תצוה" is used to emphasize how a mitzvah should be done – with זריזות – quickly with zealousness, now and in the future (Rashi on Vayikra 6:2). (When one is commanded to do something, he works quickly to perform it, for usually the commander has power to do him harm if he doesn't fulfill the command as expected.) Here, Moshe is encouraging the Jewish people – his students – to work quickly to bring the oil for the Menorah.

Question: What is the meaning of "quick, zealous action", now and in the future?

Answer: The Sefas Emes (פ' זכור תרל"ד) explains that when one does a mitzvah quickly, without delay and with vigor and enthusiasm, the effect of that mitzvah lasts forever. When one performs a mitzvah with זריזות, he labels it as important, as something of superior value, worth doing before other endeavors. This will cause him to repeat the mitzvah again and again until the necessity of its fulfillment becomes ingrained in him to the point where he passes the urgency to fulfill mitzvos to his descendants, as our posuk concludes: "לעלות נר תמיד".

This idea is found in Chazal in the expression, "זריזים מקדימים למצוות" – "Quick, enthusiastic people are the first to fulfill mitzvos" (Pesachim 4a). Since the mitzvos are important in their eyes, they jump at the opportunity to perform them, and performing mitzvos becomes second nature to the person and his family who is influenced by his behavior.

The characteristic of זריזות is mentioned right at the beginning of the Braysah of Pinchas ben Yair (after זהירות) (on which the Mesilas Yeshorim bases his work), meaning it is a foundation upon which all further development of the student stands on. (This is also an understanding of מיד ולדורות.)

Therefore, first and foremost, a Rebbe should try and implant the characteristic of זריזות – of eagerness, quickness and zealousness – in his students, to serve as a basis for all their future development. This will give inspiration to the students and have them place great value on their learning.

Teaching Students How to Learn

"ואתה תצוה את בני ישראל ויקחו אליך שמן זית זך כתיב למאור"

"ואתה תצוה את בני ישראל" – Moshe, the Rebbe, teaches Torah to Bnei Yisroel, encouraging them to apply themselves in learning.

(Continued on page 3)

(Talking Business—Continued from page 1)

privacy (hezek r'iyah). Obviously, only those who actually reside in the courtyard benefit from this service. A non-resident owner is therefore exempt from paying for this facility. On the other hand, a lockable gate is required to keep thieves out. Potentially, they could steal property and cause damage to the houses situated in the courtyard. Since it is in the interest of anyone owning property in the courtyard that it should be adequately protected, the very fact of owning a house is enough to obligate the owner to pay for this facility.

The members of a small community bought ten seats in the synagogue of a larger neighbouring community since they did not have their own house of prayer. They obviously paid their membership dues in full, just as other congregants. A number of years ago, they stopped coming to this synagogue, even though they are still officially members. They therefore asked Rav Shmuel Landau

(Shivas Tzion 107) whether they are still obligated to pay membership dues. He replied that since they no longer pray in this synagogue they have no obligation to participate in the cost of lighting and heating, nor pay the wages of the chazan (cantor) or the shamash (beadle). As they no longer derive benefit from these services, there is no reason to pay for them. However, since they have maintained their membership, they are partners in the synagogue and are therefore liable for their share in its upkeep.

From these (and other) examples, the Emek Hamishpot (3:45) derives a principle. Wherever there are partners in a property who do not actually make use of the property since they are non-resident, etc. they are exempt from participating in any costs which emanate from actual usage of the facility. They would not have to pay for heating, lighting or cleaning, etc. However, it is in their interest that the property be kept in a good state of repair and be protected from damage. Accordingly, they would have to pay their share of such expenses.

We can therefore conclude that both Yitzchok and Yiddel are (partially) correct. Since Yitzchok does not yet reside in the building, he does not benefit from the elevator, lighting and cleaning. He does not have to pay for the electricity consumed by their use. But since he is a partner in the building, he must pay his share in its upkeep. This would include tarring the roof, sealing and painting the external walls, elevator insurance and maintenance, etc. Since these services are required in order to keep the jointly owned building in good shape, all partners must pay their share. MD

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Rabbi Yona Vogel, Dean

Contributing Writers:

Halacha L'Maase: HaRav Shammai Gross
Reflections & Living Education: Rav Yona Vogel
Talking Business: Rav Yoel Moore

Midrash & Parsha Points: Rabbi Tzvi Abraham
Rav Leff Speaks: prepared by Rabbi Yisrael Rutman

Advertising & dedication information:
sales@machondaniel.org or 02-654-1442

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(Living Education—Continued from page 2)

"ויקחו אליך" – Once the students have exhausted their own energies and resources, they need to bring their work to their Rebbe, for analysis and direction.

"שמן" – Just as the זית (olive) is the source of שמן (oil), so too, the Rebbe should have his students trace their learning back to its logical source, to see if learning stems from a credible source. Also in order to see if he can find proofs to his logical argument.

"זר" – The Rebbe should help his student clarify his learning so that it can stand up to questions asked on it. This idea is alluded to in the *gematriah* of "זר" – 27, representing the 27 letters of the Hebrew alphabet, hinting that one's learning must be able to stand up to a full range of questions.

"כתיב" – Only once the learning has been plugged into a biblical or talmudical source and has held its ground against questions, can it be considered sound enough for it to be כתיב – cut off – and used as a proof in another area of Torah.

"למאור" – All this in order to shed light and clarity on a yet unclarified topic or question.

A Rebbe's Job

"ויקחו אליך...למאור"

What is a Rebbe's job? To teach? Understandably, a Rebbe must teach his students. But what is the goal of his teaching? The posuk tells us – למאור – to produce light, meaning to raise the spiritual, intellectual and behavioral level of his students.

Reaching the Light of Torah

"כתיב למאור"

Chazal tells us that only one who "kills" himself over Torah will truly acquire Torah. The *Sefas Emes* sees this idea alluded to in our phrase "כתיב למאור". Only one who is "כתיב" (to crush) – meaning he crushes himself with Torah learning – will be able to reach "למאור" – the light of Torah.

Chazal (Gemorah *Menachos* 86a) explain that "זך כתיב למאור" means that only the oil for the Menorah – for light – needs to be זך and not the oil for the *menachos* (meal-offerings). Why? For *menachos* represent *derech erez* – manners and behavior – which can be improved with limited effort, as Chazal say in Avos, "דרך ארץ קדמה לתורה" – "Manner and behavior come before Torah" – meaning they are only an introduction to Torah. However to acquire Torah itself, one must immerse himself fully in Torah learning and exacting fulfillment of mitzvos. Thus, "כתיב" – in order to reach the אור of Torah. The *Sefas Emes* adds תר"ח ד"ה ("במדרש") that through great effort the spirituality of a person is revealed.

A Rebbe who doesn't demand of his students, prevents them from seeing the light of Torah and of revealing new levels of their own spirituality. On the other hand, a Rebbe who does have great demands of his students, will eventually see them grow in Torah, feel *simcha* in their learning and he will eventually see them develop great respect for Torah and for their Rebbe who taught them Torah. MD

To be continued.

Thoughts on the Midrash

Faith and Blessing

"A man of faith and many blessings," refers to Moshe, who was the treasurer of the Mishkan and every effort that was made to construct the Mishkan was blessed... (Midrash Rabbah 5)

G-d wants to fill everyone's life with goodness. But a person whose faith is weak, whose relationship to G-d is tenuous, can easily be distracted from his spiritual calling by material prosperity. Wealth can lead to arrogance, and arrogance can lead to sin. That, of course, would be bad, and G-d wants to give only what is good. So lack of faith obstructs the blessings that G-d wants to give. But the Jewish People are so deeply connected to G-d that when they respond to His gifts with

deepened devotion, they cling to the Source of the blessings they received. That makes it possible for G-d to confer His goodness upon them. The man of faith who has many blessings is the man who holds on to his faith when he receives those blessings, the man who subordinates himself to G-d at the very moment that G-d confers upon him the majesty of wealth, prosperity and dominion. Shabbos is a vehicle for blessing (G-d blessed the seventh day) because on Shabbos everything is subordinated to the awareness of the Divine. And it is because, in this respect, the Jewish People are like Shabbos, that they are a vehicle for blessings that sustain and enrich the entire world.

Based on sefer *Sefas Emes* MD

(Rav Leff—Continued from page 1)

much more fully. We can see G-d in ourselves, which enhances our apprehension of His reality in the world.

These same three pathways can be found in the verses of *Tehilim: Shivti b'vais HaShem kol y'mei chayai*. A person's goal should be to dwell in the House of HaShem all of his days. Rabbi S.R. Hirsch says that it doesn't mean that King David literally wanted to live in the Beis HaMikdash. (Although, as king, he was permitted to sit in the *azarah*, he was not permitted to sleep there.) He referred, rather, to the place, the dimension, in which one can feel that G-d is real, wherever that may be physically.

L a c h a z o s
b'noam HaShem: to observe, see or comprehend the pleasantness of G-d. This corresponds to the esthetic aspect.

U' l e v a k e r
b'heichalo—to visit in His abode. This refers to our contemplation of how G-d projects His attributes into this world, how He acts in the world.

Achas shoalti mies HaShem: The Arizal said: *achas* is acronymic for Eretz Yisrael, Chayay olam haba, and Torah. These three correspond to the abovementioned three pathways.

Eretz Yisrael can be thought of as an extension of the Beis HaMikdash. Outside the Land, HaShem's presence feels much more distant. Of course, if you're not sensitive, you're not going to feel anything here, either; but if you're sensitive, you'll feel it more here. Sec-

only, in the next world the righteous sit and bask in the beautiful rays of the Divine Presence. Thirdly, Torah, teaches us the attributes of the Almighty, which we emulate and incorporate into our personal reality.

To be sure, there are different levels of awareness. There's a *mitzvah* not to fear the enemy as we go to war. But how is it possible not to fear? We can understand that we could be commanded not to run away, but how can we be commanded not to feel fear?

The idea is the following: Let's say a person has a phobia of mice, he's terrified of them. Now this person is in

We can understand that we could be commanded not to run away from battle, but how can the Torah command us not to feel fear?

a burning building, and he sees an exit; but there's a mouse right there in front of the exit. Will his fear of mice stop him from running out the exit to safety? Of course not. The fear of burning to death is so much greater than the fear of the mouse, that he'll go right through that exit. Not that he's

lost his fear of the mouse, but his mind is so filled with the greater danger of the fire that the fear of the mouse shrinks instantly to insignificance. Likewise, when you go to war; if you see clearly the reality of G-d, all other concerns, including one's own safety, become negligible. The reality of the burning need to engage and defeat the enemies of G-d, overwhelms the fears of one's own demise. The fear remains, but it doesn't matter.

(This installment concludes Rav Leff's series on *emunah*.) MD

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Halacha L'Maase

by HaQaon R' Shammai Kahas Gross

Laws Pertaining to the Sefer Torah (III)

- When a person sees the letters so clearly that he can read them, he receives a great light. Because the person who lifts the Torah and shows it to the congregation is the one through whom this light enters the congregation, his merit is as great as the merit of all those put together who were called up to the Torah before him.
- The sefer *Ben Ish Chai*, a compendium of halachah written by a great Sephardi kabbalist, says that a person should look at a word whose first letter is the first letter of his name.
- When walking on the Torah scroll through the congregation, from the eastern portion of the synagogue, it should be carried toward the south.
- If there are two people who have a *yahrzeit*, and only one of them can be called up to the Torah, the second one should be honored with lifting the Torah.
- If a congregant is offered the opportunity to lift the Torah (*hagbah*) or place the covering over it (*glihat*), he should, if he can, choose *hagbah*.^{MD}

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