

MDTorah WEEKLY

	ירושלים	בית שמש	בני ברק
הדלקת נרות	5:10	5:09	5:25
צאת השבת	6:23	6:24	6:25

Parshas Vayikra - ויקרא
March 15, 2003 – תשס"ג – י"א אדר ב"ה – Vol. 4 No. 20

Talking Business

Everyday Jewish Business Law



Living Education

Principles of Education Gleaned from the Weekly Parsha

Landlord And Tenant

Question

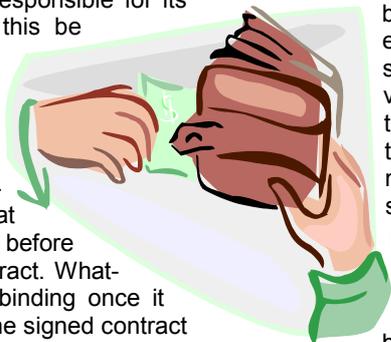
Simcha rented an apartment from Sasson. The rental contract did not mention whose duty it was to pay *va'ad habayit* (house committee) dues. Sasson argues that Simcha should pay since he benefits from the services provided. Simcha replies that the responsibility for paying rests on Sasson, since he is a partner in the jointly owned property and is therefore responsible for its upkeep. How should this be settled?

Answer

Let us start with a piece of sound advice to landlords and tenants. Make sure that this issue is decided before signing the rental contract. Whatever you agree to is binding once it has been included in the signed contract (*b'dovor sheb'momon tno'o kayam*). You will thereby avoid any unnecessary future disagreements.

In the absence of an agreement, it is necessary to clarify what are the respective obligations of landlord and ten-

ant according to Torah law. We have previously discussed the obligations of a non-resident apartment owner (see "Non-resident partners"). We came to the conclusion that since he is a partner in the building, he must pay his share in its upkeep. We mentioned that this would include tarring the roof, sealing and painting the external walls, elevator insurance and maintenance, etc. These are all services from which the landlord



benefits, since his property is kept in good shape and maintains its value. The tenant is therefore exempt from these payments. Furthermore, it should be stressed that the duty to pay *va'ad habayit* dues stems from being a partner in the jointly-owned sections of the building. Accordingly, any claims for such payments would have to be exclusively directed to the landlord. We also quoted the ruling of the *Shulchan Oruch* (*Choshen Mishpot* 161:2)

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Rav Leff Speaks

Remembering Amalek

The Midrash in Pirkei d'Rabbi Eliezer asks: How could there be a mitzvah to remember what Amalek did—But it says "Remember the Shabbos"? Answers the Midrash: One remembrance is to sanctify, the other to destroy.

Why does the Midrash see a problem in remembering both Amalek and Shabbos? Why can't there be both? The fact is, we actually remember Amalek on Shabbos!

In order to understand this Midrash, we have to understand what Amalek is about. What is so terrible about Amalek? They seemed to have done much less damage to us than some of our other enemies. True, they attacked us in the wilderness, but it doesn't say

anywhere that they even succeeded in killing anyone. Yet, of all our enemies, it is they who are singled out for annihilation.

The answer is, because they were the first to attack Israel after the Exodus and Splitting of the Sea. And their daring encouraged others.

But why is it that, of all the nations, Amalek did not fear the consequences of attacking Israel? My heart tells me that the difference between them and the others is that whereas the other enemies of Israel were idolators, Amalek were atheists, which is worse. Those who worship idols believe in something; in powers that control the world, that have to be served or manipulated in order to get what they want. They recognize some kind of guiding

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Gaining Desire to Learn

"Yosi, why did you leave the evening seder early?" asked the night *mashgiach* (attending Rabbi). "I don't know why," answered Yosi, "but I just find Gemorah boring."

"Yosi," retored the *mashgiach*, "are you experienced enough with the Gemorah to label it as boring? Do you put forth an extended effort to understand the Gemorah?"

"Not really," mumbled Yosi, realizing that his excuse of boredom was now revealed to be a cover up for his lackadaisical approach to learning.

"Listen Yosi," continued the *mashgiach*, backing off a bit after having cornered his student, "I think you can get a better view of your situation by understanding a midrash in Parshas *Titzaveh* which quotes Yirmiyahu's comparison of a Jew to an olive tree and its fruit."

"Why an olive tree?" asked Yosi.

"Because while the olive itself," answered the *mashgiach*, "has a bitter taste, its oil has a more refined taste, as we find in the Gemorah in *Sanhedrin* 24a.

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Parsha Points to Ponder

The Truth Got Out

...Moreover, many from among the people of the land professed themselves Jews, for the fear of the Jews had fallen upon them. (Esther 8:17)

Why should they have been afraid of the Jews? Only those who would arise against the Jews had anything to fear. Perhaps "them" does not refer to the people of the land, but to Amalek – Haman's circle of Jew haters. They, who had always worked to conceal the truth of Judaism and distort the image of Judaism, were now afraid of the Jews, and the people of the land began to realize the truth: that the Jewish People were G-d's people, and the Torah was G-d's law.

Based on sefer Sefas Emes

Fire and Water

You shall salt your every meal-offering with salt; you may not discontinue the salt of your G-d's covenant from upon your meal-offering – on your every offer-

ing shall you offer salt. (Vayikra 2:13)

One of the main obstructions to affirming G-d's providential rule over the world is the suffering and the evil we see all around us – the many bad things that can happen to good people. How could it be that both good and evil come from G-d? How can two such opposite qualities have the same source? The answer – or rather, the affirmation that they can – is symbolized by salt. Salt is sharp and can sting like fire. But salt also comes from water – from the sea. So it contains within itself two opposites: fire and water. Salt is called "the covenant of your G-d" because the salted sacrifice was a way of reaffirming G-d's covenant with the Jewish People. The salt symbolized the mystery of the One from whom the polarity of good and evil, so fundamental to our experience of life, originates.

Based on the commentary of the Kli Yakar MD

(Living Education—Continued from page 1)

Now, the olive is the fruit of the tree, apparent to all, while the oil represents the inner essence of the olive. When a Jew is lackadaisical and doesn't exert himself, he is as the exterior produce of the olive tree – the olive – bitter (and bored). The bitterness he experiences is an unconscious dissatisfaction with having ignored and left unharnessed all that great potential which lies within him. This leads to, as well, boredom with Jewish learning and values."

"On the other hand, one who puts forth an effort to reveal his inner potential by breaking down the external walls of resistance, will eventually find great pleasure in his Torah learning, as the crushing of the bitter olive produces enjoyable olive oil. The stark difference between one who is lackadaisical and one who exerts himself in learning, exemplified by the difference between olives and olive oil, is found in Gemorah *Horias* (13b). The Gemorah says that one who eats **olives** (representing superficial learning) on a regular basis will forget 70 years worth of learning, while one who eats **olive oil** (representing learning with effort) on a regular basis, will be able to recall even 70 years of forgotten learning."

"Yosi, in a similar vein, we learn from the phrase "כתיב למאור", that in order to create light (למאור) one needs to work hard (כתיב). Meaning, the light of Torah, that which brings clarity and enjoyment to one's learning, is dependent on the learner's own investment."

"This we see, as well, in that the light is created through the burning of the oil. Only when a person "burns" the Torah into him through great dedication and effort, will the Torah offer him its light, bringing him clarity and *simcha*. And, once a person merits to see the light of Torah, his desire to learn Torah will increase."

"I'll give it a try," concluded Yosi.

"Yosi," continued the *mashgiach*, "I see you're a bochor (young man) with understanding. Allow me to add one more point which can serve as your guide as you grow in Torah. We see in the posuk of "שמן זית זך כתיב למאור" that there are three types of oil: (1) שמן זית (2) זך (3) כתיב למאור, signaling to us that there are different levels of refinement and depth in Torah learning. The Sefas Emes ד"ה תרנ"ז ד"ה

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(Talking Business—Continued from page 1) 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 at the entrance to the courtyard. The function of such a service is to prevent outsiders peeking into the courtyard and thus interfering with the residents' privacy (*hezek r'iyah*). Obviously, only those who actually reside in the courtyard benefit from this service. However, the *Prisha* adds that this exemption only applies if the house is unoccupied. If the owner has a tenant living in his property, he is also liable for his share in the watchman's booth. The *Me'iri*

(*Bovo Basro* 7b) explains that we regard the tenant as deriving benefit from this facility in place of the landlord, hence his liability. This ruling poses a problem, since we have stated that the basis for having to pay is deriving benefit. At the end of the day, it is the tenant who will benefit from the privacy provided by the watchman's booth. Why should the landlord have to pay?

When a landlord rents out his property, he must ensure that he provides all the standard facilities associated with such a residence. Whenever professional work is required, says the *mishna* (*Bovo Metzia* 101b), it is the landlord's responsibility to provide the facility at his own expense. That is the reason why the landlord must pay for construction of the watchman's booth, says the *Emek Hamishpot* (3:46). The general rule remains that whoever derives benefit has to pay. The tenant will have to pay his share in the joint electricity bills, since he actually uses the lighting and the elevator. He will also have to contribute to the cost of cleaning the lobby and stairways. But if a new notice board is required, his landlord will have to foot the bill since such facilities are standard in apartment blocks nowadays (apart from the fact that this prevents people posting notices on the walls, ruining the paint-work!). MD

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("במדרש" says that these levels are implanted in every Jew – including you! Practically speaking, this means that even though you may invest your energies in learning and eventually feel *geshmak* (enjoyment) in learning, you should be aware that there are deeper and more enjoyable levels awaiting you."

"You may ask, why doesn't Hashem reveal the depths of His Torah all at once? There are a number of answers to this question."

"Firstly, Hashem's Torah is comprised of wisdom and holiness. Wisdom can only be gained stage by stage. Holiness, as well, can only affect a person who is spiritually prepared to receive and connect into that level of holiness."

"Secondly, when things are revealed slowly, a person will feel there is always more to learn. This increases his desire to learn, for each new level acquired is accompanied by a greater appreciation of Torah and a great *simcha* in learning which causes one to desire a closer and deeper relationship with Torah. Only through stage by stage growth can one maximize his desire for Torah learning and eventually reach the point where he learns only for the sake of the mitzvah."

"Thirdly, this very cycle of growth guards a person from haughtiness, for with each new level obtained, new hidden worlds are opened up, leaving a person with an overwhelming sense of smallness in the face of the vastness of these new-found worlds of Torah."

"Yosi, in order to help you remember these ideas, I'll tell you what a friend of mine once told me when I visited him in New York, on Parshas Tetzave. He said that these three points are alluded to in the letters of the word זית. The *zayin* (ז) represents זריזות or zealosity and desire for Torah, the *yud* (י), being the smallest letter in the Hebrew alphabet, represents humility (see *Gemorah Menachos* 29b), while the *tav* (ת) represents the Torah (תורה), which is founded on holiness and wisdom."

"Thanks, *mashgiach*," responded Yosi, as a smile peeked out from behind his cloudy mood, "I already feel I have a better understanding of what's ahead of me, and maybe *it is* worthwhile to put in an effort." MD

Thoughts on the Midrash

Straight

Amalek is the opposite of Yaakov. Yaakov is straight, as his name, Yisrael (yashar-El) suggests, while Amalek is crooked, as his name, related to the Hebrew *me-ukal*, suggests. The Zohar commenting on the verse that Yaakov was a dweller in tents teaches us that Yaakov encompassed the truths of two worlds: the hidden as well as the revealed world. These two worlds correspond to the two worlds of our inner lives: the world of our thoughts and the world of our feelings. Yaakov addresses his thoughts to G-d

and strives to give them personal meaning and emotional reality by connecting those two worlds, so that his feeling as well as his thought is directed to G-d. Amalek is just the opposite. His goal is to separate those two worlds, so that even when the mind is directed to G-d, the heart goes its own way. Yaakov is straight: his whole being is directed to G-d. Amalek is crooked because his heart is unrestrained by his knowledge of the Divine.

Based on *sefer Shem Mishmuel* MD

(Rav Leff—Continued from page 1)

intelligence and order in the universe. Atheism denies all that. What, then, does rule the world in their eyes? Coincidence. Accident. The antithesis of a meaningful, purposeful universe. All that remains is pragmatism. If you don't step on my toes, I won't step on yours. Of course, if I can step on your toes and get away with it, why not, since there is no higher morality governing the universe.

When an idolator witnesses the Splitting of the Sea, he may not be able to identify the deity behind it, but he knows it is powerful and commands respect. An atheist, on the other hand, will not attribute it to any supernatural power. The Russian Jewish scientist Velikovsky, will serve as an example. He accepted the historicity of the events of the Exodus. As an atheist, however, he felt compelled to find a scientific explanation. He theorized that the planet Venus was not always in its present orbit, and at that time it was on a collision-course with Earth, and there was a near-miss. The extreme gravitational pull of Venus as it passed close by wrought havoc with nature, causing the miracles. Just when the Jews needed it, there was Venus!

Likewise, Amalek knew what happened. But it didn't frighten them, because the odds against the repetition of such a phenomenon are negligible.

The *gematria* of Amalek is *safek*, doubt. They bring doubt into our minds. As long as Amalek exists, as long as there is another philosophy in the world that denies G-d, it makes belief harder. Like all the professors and the lavishly illustrated textbooks that teach evolution. If so many intelligent, sophisticated people put forth such ideas, it makes you think twice about the traditional viewpoint. It creates doubt, a concealment of G-d's presence, which is the opening to

attack.

Now we can begin to understand the contradiction between remembering Shabbos and remembering Amalek. Why do we have to remember Shabbos every day, as we do prior to the *Shir Shel Yom*, "*Hayom yom rishon, sheni...shel Shabbos*"? Is G-d afraid that I'm so feeble-minded that I'll forget, and go straight from Friday to Sunday? No, it's because, thinking about Shabbos during the week strengthens my faith, because Shabbos is the testimony that G-d created the world and is involved in it. Faith requires constant reinforcement.

Remembering Amalek, on the other hand, will only serve to weaken faith by reminding us that there are people who deny G-d's existence. Thus, the two remembrances are contradictory. That is the question in the Midrash.

But why is it that, of all the nations, Amalek did not fear the consequences of attacking Israel? ...All the other enemies of Israel were idolators, Amalek were atheists, which is worse.

The answer depends on the proper understanding of these remembrances. There is another Midrash that tells of a person who owned a vineyard. His neighbor once tried to steal some grapes, and the watchdog bit him and chased him away. The next year, the owner wanted to warn him not to try stealing from him

again. So he said, "Remember what my watchdog did to you last year?" He did, and he didn't try stealing again.

G-d commanded us to remember what Amalek did, like the reminder to the thief. That is what the Midrash calls "remembering to destroy." Not that we might forget, but that by remembering the doubts that brought on Amalek's attack, we are able to destroy them, and him. Likewise, "remembering to sanctify" does not mean not to forget that Shabbos is coming. Rather, it means that by remembering Shabbos, we will be strengthened in the faith that Shabbos represents. MD

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Halacha L'Maase

by HaQaon R' Shammai Kahas Gross

Laws Pertaining to the Sefer Torah (IV)

- The person who lifts the Torah should roll it together until three pages of text are showing, and then, lifting the Torah, show that text to the congregation.
- The honor of lifting the Torah should *not* be offered a person who is incapable of holding it for a certain amount of time before the eyes of the congregation: a person who is old, or weak, or whose hands are unsteady. Similarly, a person who is offered the honor but cannot do it properly should not accept it.
- Even though the mitzvah of covering the Torah scroll (*glilah*) is also very important and meaningful, there are places where it is given to young children (though they must be old enough to recognize the kedushah of the Torah) in order to educate them to do mitzvos. Other congregations do not give this mitzvah to children who are not yet bar-mitzvah.
- When the Sefer Torah is lifted, everyone in the congregation should stand out of respect for the Torah. The congregation sits down when the person who lifted the Torah sits down. MD