

907

במדבר ב' סיון
 שבועות ו' סיון
 נשא ט' סיון

The Shavuot Duality Pasuk

Ironic, is it not, that even though the Torah does not identify Shavuot as the date of the Giving of the Torah, that is exactly the strongest association we make with Shavuot. The association is re-enforced four times in the Amida and once in Kiddush at night, when we follow the words YOM CHAG HASHAVUOT HAZEH with Z'MAN MATAN TORATEINU. See Rabbi Sprecher's well-done article in the Pull Out Section for more on this.

The fact of the matter is that Shavuot IS associated with the Giving of the Torah because it happened on the 50th day (give or take) following the Exodus.

But Shavuot has another major association of which we sometimes lose sight. As CHAG HAKATZIR, the festival of the cutting of the wheat, and perhaps more significantly, as YOM HABIKURIM, the beginning of the season for bringing the "First fruits" to the Beit HaMikdash, Shavuot is very much the commemoration and celebration of the coming to Eretz Yisrael of the goto p.4

This issue covers two weeks; no TT Shavuot week
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Jerusalem in/out times:

Bamidbar 6:43 (5:55) 7:58

Shavuot 6:43 (5:55) 7:58

Naso 6:43 (5:55) 7:58

(see Pull Out Section for other zmanim)



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ParshaPix

Explanations on p.41



Word of the Month

Rosh Chodesh Sivan is Friday, May 14th. The molad is the day before, in the afternoon. Although many people follow the custom of saying Kiddush L'vana of Sivan on Motza'ei Yom Tov, Minhag Yerushalayim is to take the earliest opportunity - i.e. after 72 hours (3 full days) following the molad. That will be Sunday night, the eve of 4 Sivan, May 16th. For strict 7-days after the molad people, Motza'ei Yom Tov is too early; their first opportunity is Thursday night, May 20th.



See Pull Out Section for earliest and regular candle lighting times and havdala times

Rabbeinu Tam havdala Bamidbar (J'lem) 8:51pm
 Rabbeinu Tam havdala Shavot (J'lem) 8:54pm
 Rabbeinu Tam havdala Naso (J'lem) 8:57pm

Shavuot morning times for Jerusalem

Dawn 4:18am
 Earliest Talit time 4:44am
 Sunrise 5:41am

Other Z'manim

Ranges are 17 days, WED-FRI
 28 Iyar - 15 Sivan (May 12-28)

Earliest Talit & T'filin 4:49-4:38am
 Sunrise 5:45-5:36am
 Sof Z'man K' Sh'ma 9:10-9:06am
 (Magen Avraham: 8:18-8:12am)
 Sof Z'man T'fila 10:18-10:16am
 (Magen Avraham: 9:44-9:40am)
 Chatzot 12:35½-12:36¼pm
 (halachic noon)
 Mincha Gedola 1:10-1:12pm
 (earliest Mincha)
 Plag Mincha 6:01-6:09½pm
 Sunset 7:31-7:42pm
 (based on sea level: 7:26-7:37pm)

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LEAD TIDBIT cont. from front page

new nation. What makes Bikurim the best representative of Eretz Yisrael's mitzvot is the verbal declaration that accompanied its being brought to the Beit HaMikdash. We acknowledge that G-d brought us to the Land and we are commanded to be happy with all that G-d has given us.

Do not be confused by the facts that we got the Torah only seven weeks after the Exodus and did not enter Eretz Yisrael until 40 years later. That wasn't the Plan; we messed up.

And don't worry about the fact that Shavuot is the anniversary of Matan Torah, but not of our entry into Eretz Yisrael. That's practically irrelevant for the point we are trying to make.

Here - we'll say it again. Shavuot is Z'man Matan Torateinu and Yom HaBikurim. That makes Shavuot the dual commemoration and celebration of Torah and of Eretz Yisrael. These are the two aspects of G-d's Plan and the reason He took us out of Egypt in the first place.

Yes, He made promises to our Avot. But His plan was always to give us the Torah and bring us to Eretz Yisrael.

He said it to Moshe Rabeinu at the Burning Bush. That was the content of the prophecy He told Moshe to deliver to the People in Egypt (beginning of Parshat Va'eira). I'll take you out of Egypt, take you unto Me as a nation and become your God (by giving us the Torah), and I will bring you to the Land which I promised to your Avot and I will give that Land to you.

What makes this a difficult notion for some Jews to really accept is the story of Jewish History. We got the Torah and

we keep the Torah. The Torah stays with us - ALWAYS. It even comes with us into Exile. And we cling to the Torah in Exile and build ourselves thriving Jewish lives in galut, with the Torah... but without Eretz Yisrael.

See? We got the Torah and still have it. Always have had it. Eretz Yisrael? Got it, lost it. Got it again - and most Jews didn't even bother to come back and take it when available. Then we lost it again. Lately (couple of hundred years of lately), we're getting it back and coming back to it.

Meanwhile, the Torah's still with us. So what's the deal about pairing off Torah and Eretz Yisrael? What's the deal with giving the two of them some kind of equal status?

There are many p'sukim that answer those questions. There is ample demonstration in the Torah that G-d's Plan is that we have both. That we live Torah Lives in Eretz Yisrael. This is G-d's Plan; this is G-d's Will, R'TZON HASHEM.

But let's focus on one pasuk, the one that the title of this Lead Tidbit identifies as the Shavuot Duality Pasuk. Vayikra 25:38 - ANI HASHEM ELOKEICHEM, I am HaShem your G-d, ASHER HOTZEITI ETCHEM MEI-ERETZ MITZRAYIM, who took you out of Egypt... so far, it sounds just like the last pasuk of the Sh'ma, but here comes the difference: LATEIT LACHEM ET ERETZ K'NAAN, to give you the Land of Israel, LIHYOT LACHEM LEILOKIM, to be to you G-d. Now it's back to the familiar wording.

Shavuot should not only remind us of Torah and Eretz Yisrael; it should inspire us to rededicate ourselves to both.

Bamidbar^{STATS}

34th of 54 sedras; 1st of 10 in Bamidbar

Written on 263 lines in a Sefer Torah, ranks 3rd

30 Parshiyot; 23 open, 7 closed, ranks 4th

159 p'sukim - ranks 3rd (3rd in Bamidbar)

1823 words - ranks 13th (4th in Bamidbar)

7393 letters - ranks 9th (3rd in Bamidbar)

Note the difference in rank from p'sukim to words. BaMidbar's p'sukim are among the shortest in the Torah - average: 11.5 words/pasuk. Compare: Vayelech: 18.4 (longest p'sukim), Book of Bamidbar: 12.7, the Torah: 13.7

MITZVOT

Of the 17 sedras with none of the Taryag (613) mitzvot, Bamidbar is the largest.

Aliya-by-Aliya Sedra Summary

Numbers in [square brackets] are the Mitzva-counts of Sefer HaChinuch AND Rambam's Sefer HaMitzvot. A=ASEI (positive mitzva); L=LAV (prohibition) - Rambam counts positives (248) and prohibitions (365) separately. X:Y is the perek and pasuk from which the mitzva is counted.

[P> X:Y (Z)] and [S> X:Y (Z)] indicate start of a parsha p'tucha or s'tuma respectively. X:Y is Perek:Pasuk of the beginning of the parsha; (Z) is the number of p'sukim in the parsha.

Kohen - First Aliya

19 p'sukim - 1:1-19

[P> 1:1 (19)] The command from G-d is to count the people, specifically the males from 20 years and up. 20 is the Torah's age for military service. Assisting in the census are Aharon and a representative of each tribe. The command came a year and a fortnight out of Egypt, on Rosh Chodesh Iyar 2449. The census was carried out as commanded.

SDT: Commentaries point out that the command to count the people was given to Moshe and Aharon (as opposed to just Moshe) because the census was done by collecting half-shekels from the people. Since money was involved, it is not proper to have only one person dealing with the matter - even if that person is Moshe Rabeinu! This became the ethical standard of dealing with public funds.

On the other hand... Another commentator suggests that this census was not done with shekels, but rather with a direct head count. Although we learn that it is improper, and even potentially dangerous, to count people directly, in this case there was a direct command to count the people. Hence, no harm would befall them during the carrying out of these Divine orders. This, in contrast to Ki Tisa, where the Torah says, "WHEN you count, then you MUST collect the half-shekel, etc. There, the language in the Torah indicates that the counting was optional or practical, but not obligatory. Therefore, the indirect method was necessary.

K'RU'EI HA'EIDA, a term for leaders of the people, is written with a YUD in place of the VAV as in the word's pronunciation. Baal HaTurim says that we can look at the YUD as a chopped VAV, to tell us that among the leaders was a "not so worthy" individual. He says that Shlumiel b. Tzurishadai, the leader of Shimon, was Zimri b. Salu, who caused G-d's anger to kill many thousands of people, until Pinchas's act put an end to Zimri (and to the plague). Having G-d's name in his name didn't help him. Note that there is a broken VAV in the Pinchas story, the VAV of BRITI SHALOM. Could be a REMEZ-level connection.

Here is the list of the leaders of the tribes as presented in the opening p'sukim of the book and sedra of Bamidbar. Note the order of the tribes. They are not always listed in the same order, and not always in birth order or "mother" order. No attempt is here made to explain the order; just a suggestion to note it.

Reuven	Elitzur b. Sh'dei'ur
Shim'on	Sh'lumi'el b. Tzurishadai
Yehuda	Nachshon b. Aminadav
Yissachar	N'tan-el b. Tzu'ar
Z'vulun	Eli'av b. Cheilon
Yosef:	
Efrayim	Elishama b. Amihud
Menashe	Gamli'el b. P'datzur
Binyamin	Avidan b. Gid'oni
Dan	Achi'ezer b. Amishadai

Asher	Pag-i-eil b. Achran
Gad	El-yasaf b. D'u-eil
Naftali	Achira b. Einan

Levi - Second Aliya

35 p'sukim - 1:20-54

[S> 1:20 (2)] The Torah lovingly records the census results for each Tribe, beginning with Reuven, identified as Israel's firstborn.

In light of all the "problems" that Reuven had, and the fact that Yehuda, Yosef, and Levi each ended up with an element of that which might have been Reuven's, it is interesting that Reuven retains the title "B'chor".

Rank among the 12 tribes indicated by the number in parentheses.

Reuven's count was 46,500 (7)

[P> 1:22 (2)] Shimon, 59,300 (3)

[P> 1:24 (2)] Gad, 45,650 (8)

[P> 1:26 (2)] Yehuda, 74,600 (1)

[P> 1:28 (2)] Yissachar, 54,400(5)

[P> 1:30 (2)] Zevulun, 57,400 (4)

[P> 1:32 (2)] Yosef - Efrayim, 40,500 (10 - note that Yosef's total by combining Efrayim and Menashe would bring its total to 72,700, and move it into 2nd place).

[P> 1:34 (2)] Menashe, 32,200 (12, smallest tribe at this counting)

[P> 1:36 (2)] Binyamin, 35,400 (11)

[P> 1:38 (2)] Dan, 62,700 (2)

[P> 1:40 (2)] Asher, 41,500 (9)

[P> 1:42 (2)] Naftali, 53,400 (6)

[P> 1:44 (4)] After the count of each Tribe, the Torah gives the grand total as 603,550.

(The figure that is generally used to describe the multitude that left Egypt is 600,000. It is obviously rounded from the actual total.) With women and children, the number of people who left Egypt is probably between 2 and 3 million.

[P> 1:48 (7)] The Leviyim were not to be counted together with the rest of the Nation, but were to be counted separately. It was the Leviyim who were charged with carrying the components of the Mishkan and with dismantling and erecting the Mishkan each time the People traveled. Non-Leviyim were not to anger G-d by approaching the Mishkan in an improper manner. This applied to the encampment as well; the Leviyim were camped around the Mishkan and the Tribes kept their distance in their camps.

SDT: *LiVnei Yehuda... for all the tribes the term LiVnei is used, except for Bnei Naftali. Baal HaTurim says that they had more women than men. In the later census, "Bnei" is used for all the tribes since the men died out - all had more women.*

SDT: *Commentaries point out that the low population figures recorded for Levi were closer to what would be expected according to natural demographics. The figures for the rest of the people were unnaturally high. This is a result of the Torah's telling us, "and as they were tortured, so they multiplied". Among the many miracles that occurred in Egypt, was the fact the the people proliferated so greatly under very adverse conditions. Since the tribe of Levi was not subjected to the harsh conditions of slavery, its growth was "normal".*

Shlishi - Third Aliya 34 p'sukim - 2:1-34

[P> 2:1 (9)] The next command deals with the position of the Tribes during encampment and the traveling order of the units. Three Tribes each formed a "camp" under one banner at one of the compass-points around the Levite camp. The leader of each "banner camp" is the leader of the "main" Tribe of the three, as indicated by the name of the camp.

The camp of Yehuda was to the east and was to be the first to travel. Under the leadership of Nachshon b. Aminadav, the group included Yissachar and Zevulun, in addition to Yehuda. Totals for each tribe are repeated when the four flag-groups are described. Total for Machane Yehuda was 186,400.

[S> 2:10 (7)] Reuven Camp on the south followed them. Joining Reuven were Shimon and Gad. Total for Machane Reuven was 151,450.

[S> 2:17 (1)] Then the Leviyim with the Mishkan were to follow, so that they and it would be within the people, not at its periphery.

[S> 2:18 (7)] Then follow Efrayim Camp from the west. Menashe and Binyamin were part of Machane Efrayim. This camp was all from Rachel Imeinu. Total 108,100.

[S> 2:25 (7)] And the last to travel was the Dan Camp, from the north. Joining Dan were Asher and Naftali. Their total was 157,600.

[P> 2:25 (7)] The Torah next gives the total again, 603,550, and then reiterates that Levi was not counted among the Tribes, and that the People did as commanded.

SDT: *The lead tribe of each camp was based on OTOT, signs, transmitted by Yaakov Avinu. Baal HaTurim points out a correspondence between Yaakov's blessings to his sons and these camp-heads. Each son that Yaakov addressed in second person was to be a leader of a camp. "Reuven, YOU are my firstborn", "Yehuda, YOU your brothers will acknowledge", "Dan... YOUR salvation", "Yosef... the G-d of YOUR father... blesses YOU". The other sons are referred to in third person.*

R'vi'i - Fourth Aliya 13 p'sukim - 3:1-13

[P> 3:1 (4)] The Torah proceeds to name the sons of Aharon and Moshe.

(Actually, Moshe's biological sons are not mentioned. The commentaries point out that Aharon's sons are considered to be Moshe's as well, because he (Moshe) taught them Torah. This explains only why Aharon's sons are also Moshe's. It does not explain why Moshe's own sons are not mentioned. One reason given is that they were "protected" from the Egyptian experience by their maternal grandfather Yitro and as a result were never really part of Klal Yisrael.)

[P> 3:5 (6)] The Tribe of Levi is to be assigned the tasks of assisting the kohanim in their work and in safeguarding the Mishkan and its vessels.

[P> 3:11 (3)] In essence, the Levi is to replace the B'chor who was sanctified from the day of the Exodus (even before). The b'chor was originally meant to perform the sacred tasks of the Leviyim-kohanim, but lost the privilege in the wake of the Golden Calf.

Chamishi 5th Aliya 26 p'sukim - 3:14-39

[P> 3:14 (13)] Moshe is commanded to count the Leviyim - males from the age of one month. The three main families of Levi are

Gei-r'shon, (the proper way to pronounce the name in Hebrew, not Ger-shon), K'hat, and M'rari. Gei-r'shon subdivides into Livni and Shim'i. K'hat divides into the families of Amram, Yitzhar, Chevron, and Uziel. M'rari's family groups are Machli and Mushi.

Gershon's count is 7500. They camp on the west of the Mishkan. Their leader is Elyasaf b. La'eil. They are to be in charge of the curtain material of the Mishkan, including the coverings and the courtyard enclosure.

[S> 3:27 (13)] K'hat's total is 8600. They will camp to the south of the Mishkan. Elitzafan b. Uziel is their leader. (One of the things that angered Korach... or made him jealous and resentful.) They are in charge of the main holy furnishings of the Mishkan, including the Aron, Shulchan, Menora, and Mizbachot (Altars). Elazar b. Aharon HaKohen is in charge of all the Leviyim.

M'rari numbers 6200. Their leader is Tzuriel b. Avichayil, and they camp to the north of the Mishkan. They are in charge of the structural materials: the boards, support rods, foundation sockets, pillars.

Moshe, Aharon and sons camp to the east of the Mishkan.

In all, 22,000 Leviyim are counted.

Clarification... If one adds up the numbers of the three families of Levi, he gets 22,300, not 22,000, the number

used in the exchange with the firstborns. Rashi explains that the 300 "missing" Leviyim were themselves B'chorim, and were not part of the official exchange...

SOT: *Choose your neighbors well. Rashi points out that the proximity of the Yehuda camp to the encampment of Moshe and Aharon and family, had a positive influence on the three tribes of Yehuda, Yissachar, and Zevulun - the three tribes famed for their Torah scholarship. On the other hand, Reuven's closeness to Korach and his to Datan and Aviram, produces disaster.*

Shishi - Sixth Aliya 12 p'sukim - 3:40-51

[S> 3:40 (4)] G-d next tells Moshe to count the firstborns of the Tribes, from one month of age and older, so that there can be an official exchange ceremony of Leviyim for B'chorim. Moshe counts and finds that there are 22,273 b'chorim.

[P> 3:44 (8)] A mass "redemption of the firstborns" is conducted by an exchange of 22,000 (non-b'chor) Leviyim for 22,000 firstborns (non-Leviyim) and a payment of five silver sheqels each for the remaining 273 firstborns to Aharon and his sons. The exchange of firstborn animals mentioned in 3:45 refers to firstborn donkeys and NOT kosher domesticated animals, which may not be redeemed. Rashi further says that one sheep of a Levi can exchange more than one donkey-

b'chor (since there is no mention of a surplus).

Sh'VII - Seventh Aliya 20 p'sukim - 4:1-20

[P> 4:1 (16)] A second census of Leviyim is begun with the counting of the family K'hat - males between the ages of 30 and 50. This was the work-force in the Mishkan. The people of K'hat first waited for Aharon to enter the Mishkan, remove the Parochet and cover the vessels with special cloths. Only then could vessels be handled by the Leviyim. Elazar, the son of Aharon, was personally responsible for the special oils and incense of the Mishkan.

[P> 4:17 (4)] The Torah warns the kohanim not to endanger the people of K'hat by not properly preparing for their handling of the most sacred vessels.

This parsha of 4 p'sukim is reread for the Maftir.

Haftara 25 p'sukim Hoshei'a 2:1-22

The prophet foresees the day when a united and prosperous people will return to Zion. However, he now brings the message of the people's unfaithfulness, their embracing of Ba'al and the punishment of exile that they will suffer because of it. But just as G-d led the people in the

wilderness when they (we) came out of Egypt, He will take the people back, having abandoned idolatry, as G-d's bride, in righteousness, lovingkindness, faithfulness.

The main connection between sedra and haftara, Rabbi Jacobs z"l points out is the contrast between the counted, numbered people in the sedra, and the innumerable people of Israel referred to by Hoshei'a. Midbar is a theme that occurs in both sedra and haftara. The last p'sukim of the haftara beautifully describe the betrothal, so to speak, of G-d with Bnei Yisrael. How appropriate to read of this on our Aufruf Shabbat - the Shabbat before the "wedding" at Sinai, the occasion on which we took mutual oaths with G-d.

Naso STATS

35th of 54 sedras; 2nd of 10 in Bamidbar

Written on 311 lines in a Sefer Torah (7.4 cols)

26 Parshiyot; 18 open, 8 closed
only 4 sedras have more parshiyot

176 p'sukim, 2264 words, 8632 letters

Indisputably the longest sedra in the Torah, however you count length. Naso is well below average, though, in length of p'sukim, but not enough to affect its first place ranking

MITZVOT

18 mitzvot; 7 positive, 11 prohibitions - the most in any of Bamidbar's sedras

Aliya-by-Aliya Sedra Summary

Kohen - First Aliya 17 p'sukim - 4:21-37

[P> 4:21 (8)] The second count of Levi continues with the family branch of Gershon. The first count was of males from 30 days old and up. This count is of males between 30 and 50 years of age only. That constitutes the work-force for the Mishkan.

Note: The starting age for a Levi's service is 30. In the Beit HaMikdash, there is no maximum age. In the Mishkan, however, since a Levi's work required carrying Mishkan components in addition to singing and guarding, there was a mandatory retirement age of 50 for the strenuous tasks.

Also note that the family-branch of K'hat was counted and their tasks were enumerated at the end of Bamidbar.

Gershon's tasks include: the three coverings of the Mishkan - the Mishkan, the Ohel, and the Michseh; the curtain at the entrance of Ohel Moed; the linen curtain material that surrounded the courtyard, and the entrance curtain of the courtyard; the securing stakes and related tools. Leviyim were to function only as instructed by the kohanim. The supervisor of family Gershon is Aharon's son Itamar.

Question: Look over the list of that which the Gershon family carried. Why isn't the Parochet on the list? The answer is at the end of B'midbar.

[S> 4:29 (9)] Family-branch Merari was also counted - males between 30 and 50 years of age. They were in charge of the wall-boards of the Mishkan, beams, posts, and foundations. Similarly, the courtyard posts, stakes, foundation sockets, and related tools. Itamar was their supervisor too. (Merari used 4 of the 6 wagons - see towards the end of the sedra - and Gershon used the other 2. K'hat used their shoulders.)

The counts of the work-forces of Levi came to: 2750 for K'hat...

Levi - Second Aliya 12 p'sukim - 4:38-49

[S> 4:38 (12)] 2630 for Gershon, and 3200 for Merari. The total work-force of Levi in the Mishkan was 8580. (The position of "Sheni" might vary in different editions of the Chumash.)

SDT:...LA'AVOD AVODAT AVODA VA'AVODAT MASA... Note the four words in a row with the same root. Rashi says the Avodat Avoda (kind of a strange phrase) refers to playing musical instruments. Avodat Masa is the heavy manual labor - constructing, carrying, taking apart...

Shlishi - Third Aliya 10 p'sukim - 5:1-10

[P> 5:1 (4)] People who are ritually defiled from any of three specific types (ZARAAT, ZAV, T'MEI MEIT), are to be excluded from the camp pending purification [362,A31 5:2]. We are taught that the three have different restrictions, as follows: A "m'tzora" is excluded from the entire camp of Israel and must remain in isolation until purification. The "zav" and "zava" are permitted in the camp of Israel, but are banned from the Levite camp (and, of course, from the area of the Mikdash). [Har HaBayit today, outside the area where the Beit HaMikdash and its courtyard stood, has the sanctity of the Levite camp (according to some authorities).] A person who came into contact with a dead body is banned only from the "Camp of the Divine Presence" (Mikdash and its courtyard) [363,L77 5:3].

[P> 5:5 (6)] A person who sins is required to verbally confess (when repenting) [364,A73 5:6]. He/she must also make restitution (if money was involved) and pay a penalty to the victim. Take a close look at the portion in the sedra dealing with repentance. It speaks of a man or a woman sinning and of THEIR (plural, not his or her) requirement to confess and do T'shuva. It is often the case that when an individual sins, others are somewhat responsible.

Perhaps a parent who did not educate the child properly. Maybe someone who made stealing (for example) too easy and/or tempting. Does society bear some of the responsibility for a sinner's actions, because of misplaced emphasis on the wrong values? A person is primarily accountable for his actions. But the Torah's use of the plural, reminds us of our duty to develop an environment of Torah values that will be conducive for all members of society to enthusiastically follow a Torah way of life. This is part of KOL YISRAEL AREVIM ZEH BAZEH.

(It can be suggested that the mitzva of EGLA ARUFA illustrates this point - part of the procedure required upon finding a dead body - that met with foul play, as they say - is for the elders of the town closest to the body to proclaim that they didn't kill the person. There is an implication of involvement in the unsolved homicide. So too, the fact that the death of a Kohen Gadol releases "inadvertent killers" from their cities of refuge, implies responsibility on the part of the spiritual leader of the people for the carelessness that leads to SHOGEG deaths.)

Mitzva Watch

According to Rambam (and others), this is the one Torah mitzva among the laws of repentance. When a person sins, and repents (not, when a person sins, he is required to repent, and..., but WHEN he repents - this is very significant), in addition to the various elements of T'shuva, including regret for the past, acceptance for the future,

changing one's ways, the repentant individual must verbally confess his sins before G-d.

One can suggest that Rambam holds that T'shuva itself is not one of the 613 mitzvot, but rather a natural result of a Jew accepting G-d's gift - the opportunity for a second chance. When a person sins and does T'shuva... The mitzva is to confess (as part of the process of T'shuva) and not to let the process be exclusively in one's heart and mind.

Other mitzva-counters do include T'shuva among the 613 mitzvot. The whole process of T'shuva should be instinctive and not even require a command -- except for the verbal component of the mitzva. G-d knows our thoughts; why do I need to verbalize them? Therefore, VIDUI is a command.

Another way to explain why the mitzva of T'shuva per se is not on Rambam's list of 613 is because it spans all mitzvot, rather than being a specific mitzva on its own. For example... The Torah forbids doing melacha on Shabbat. If one violates this prohibition, he is required to repent. Repentance is part of the mitzva prohibiting melacha on Shabbat. So too for all mitzvot, positive as well as prohibitions.

Bench after a meal; if you don't, repent your non-fulfillment of this mitzva.

T'shuva can be viewed as a VAT tacked on to every other mitzva. As such, it does not get counted on its own among the Taryag mitzvot. (The

specific command to verbally confess as part of the T'shuva process does get counted among the 613, because it is specific).

On the other hand, others disagree with Rambam and DO count T'shuva as one of the 613. Some include VIDUI in the mitzva of T'shuva and some count it separately.

R'vi'i - Fourth Aliya 48 p'sukim - 5:11-6:27

This long portion primarily contains the topics of the SOTA (wife suspected of infidelity and duly warned), the NAZIR (one who vows abstinence of a specific type), and Birchat Kohanim.

[P> 5:11 (21)] If a wife is unfaithful to her husband, and there is no proof of her adultery -or- if a man suspects his wife of unfaithfulness, even if it is unwarranted, he may formally warn her in front of witnesses not to be seen in the company of a specific man. This warning is a pre- condition to the whole topic of Sota. Suspicion alone, or even actual adultery, does not produce the conditions for Sota without a formal, witnessed warning by the husband. Once the warning is issued, it is a mitzva (requirement) to proceed with the Sota-process [365,A223 5:12]. The husband must bring his wife to the kohen at the Beit HaMikdash. A barley-flour offering is brought. No oil

[366,L104 5:15] or spice [367, L105 5:15] is used with it, since the issue at hand is so serious and unpleasant before G-d.

The kohen prepares a potion consisting of water from the KIYOR (the washing basin in the courtyard of the Beit HaMikdash), earth from the floor of the Mikdash, and the dissolved writing of this portion of the Torah. (Parshat Sota is written on klaf and then the writing is dissolved in the Sota potion.) The kohen administers an oath to the woman asking her to swear to her innocence, if that be the case, or to admit her guilt. The woman is warned of serious adverse effects of the potion which she will be given to drink, if in fact she has committed adultery, and of the favorable effect of the potion if she is innocent.

The seriousness with which the Torah treats the issue of Sota is motivated by G-d's desire (so to speak) to bring harmony between husband and wife (when feasible) and the notion that doubt is extremely detrimental to a relationship. G-d, so to speak, permits (nay, requires!) His Name to be written and then erased in order to advance the cause of marital harmony.

There are many other details, too numerous to include here, concerning the conditions necessary for the Sota-process to go through to its end. In other words, there

would be many situations when the oath and potion would not be used.

[P> 6:1 (21)] A man or a woman may make a Nazirite vow to G-d. This is usually, but not always, for a period of one month. A Nazir is forbidden to drink wine [368, L202 6:3], eat grapes [369,L203 6:3], raisins [370, L204 6:3], grape seeds [371, L205 6,4], and grape skins [372, L206 6:4]. A Nazir may not cut his hair [373, L209 6:5], but rather must let his hair grow long [374,A92 6:5]. A Nazir may not come into contact with a dead body [375,L208 6:6], nor become ritually defiled even from contact with the body of a close relative [376,L207 6:7].

If a Nazir does become defiled, he must purify himself (over a 7 day period), shave his hair, bring two doves and a lamb as korbanot, and begin his period of Nazir anew. When a Nazir successfully concludes the term of his vow, he brings two lambs and a ram plus various types of flour-oil offerings and wine for libation [377,A93 6:13]. Included with these korbanot is a sin offering. (This implies that it is not entirely proper for one to accept upon himself a Nazirite vow. The Torah often provides extreme measures for one who feels he must live a stricter life in order to correct certain shortcomings, but still reminds us that it is not a preferable way of life.) Part of this

mitzva is for the Nazir to shave off his hair, which is put into the fire under his korban. Afterwards, he may drink wine.

[P> 6:22 (2)] Next, the Torah presents the "three-fold blessing" which forms the text of "Birkat Kohanim". (We also say these p'sukim every morning as part of Birchot HaTorah, and we "borrow" the bracha for our children on Leil Shabbat, even though we are not all Kohanim.) When the kohanim pronounce this blessing, G-d will bless them and the people of Israel. Birkat Kohanim is a mitzva upon kohanim, daily **[378, A26 6:23]**. Unusual as this might seem, each pasuk of Birkat Kohanim is a separate parsha (s'tuma).

[S> 6:24 (1)] The first pasuk: May G-d bless you, and keep you;

[S> 6:25 (1)] The second pasuk: May G-d make His face to shine upon you, and be gracious to you;

[S> 6:26 (1)] The third pasuk: May G-d lift up His countenance upon you, and give you peace.

[S> 6:27 (1)] And the final statement on this issue from G-d: And they (the kohanim) will place My name on Bnei Yisrael, and I will bless them (either the people or the kohanim or both).

Chamishi 5th Aliya **41 p'sukim - 7:1-41**

The reading from this point until the

end of the sedra and into the beginning of the next sedra, constitutes the readings for the 8 days of Chanuka. (Some start from the Birkat Kohanim portion at the end of R'vi'i.) Some communities also read "the gifts of the tribal leaders" on the first 12 days of Nissan, but at the end of davening, not like a regular K'ri'at HaTorah.)

[S> 7:1 (11)] On the day the Mishkan was completed, it and its furnishings, altar and its utensils, were anointed and sanctified. The tribal leaders gave to the Mishkan six covered wagons and twelve oxen, two to pull each wagon. The wagons were to be distributed to the Leviyim proportional to the tasks of the different families. Gershon received two wagons and four oxen. Merari received four wagons and eight oxen (because their loads were considerably heavier and bulkier). No wagons were given to K'hat, since they were responsible for the sacred articles which had to be carried by shoulder. That the Aron was to be carried on the shoulders of Leviyim from family K'hat is a mitzva **[379, A34 7:9]**.

Next follow 12 portions of 6 p'sukim each, which are practically identical. Each portion contains the name of a tribal leader and a description of the gifts of gold and silver vessels and animals for sacrifices that were presented on one of the twelve days of dedication of the Mishkan.

[S> 7:12 (6)] Nachshon b. Aminadav of Yehuda was the first to

present his gifts. Although the gifts were identical, some of the wording is curiously different, aside, of course from the different day, tribe, and leader. For example, the words VAYHI HAMAKRIV precede BAYOM HARISHON. This is different from the other 11 days. And Nachson ben Aminadav is described as being of the tribe of Yehuda. See other days to compare and contrast.

[P> 7:18 (6)] On the second day, the leader of Yissachar presented his gifts to the Mishkan. Here we also find a different wording. On the second day, HIKRIV Netanel b. Tzu'ar, the leader of Yissachar. Then it continues with HIKRIV ET KORBANO. Nachshon was called a MAKRIV, noun, bringer of a gift. For Netanel, the verb HIKRIV is used twice. No one else has that word. Rashi explains that Reuven wanted to go second (probably first, but Yehuda had that honor). Moshe said that it was G-d's command that the gifts be in order of camps. That is, Degesh Machane Yehuda was first, meaning Yehuda, then Yissachar, then Zevulun. Then came Reuven and his camp-partners, etc. Rashi points to the "missing" YUD in HIKRIV, allowing the word to be read HAKREIV, a command to bring his offering on the second day. Rashi further says (from Rabbi Moshe HaDarshan), that Yissachar got second honor because he was the one who

suggested that the Nesi'im bring gifts.

[P> 7:24 (6)] On the third day, the leader of Zevulun offered his gifts. This wording - on the so-and-so day, NASI (leader) of the children of so-and-so (tribe), Ploni ben Ploni. His korban... now follows through the rest of the days. From day 3 to 12, the wording fits the same pattern. The differences are found only on the first two days.

[P> 7:30 (6)] Reuven's leader is on the fourth day.

[P> 7:36 (6)], and Shimon's is on the fifth day.

General comment: Although the gifts are identical, there are sources that teach that each leader brought his gifts with special kavanot and symbolisms unique to his tribe.

The gifts of the fifth day conclude the fifth Aliya, CHAMISHI.

Shishi - Sixth Aliya **30 p'sukim - 7:42-71**

[P> 7:42 (6)] And the gifts of the sixth day begin the SHISHI Aliya. Finishing off the South Camp of Reuven and Shimon is the tribe of GAD, whose leader brings his gifts on the sixth day.

[P> 7:48 (6)] On the 7th day, the leader of Efrayim, Elyasaf b. D'u'el.

[P> 7:54 (6)] On the 8th day, Menashe's NASI, Gamliel b. P'datzur.

Observation: In Parshat B'midbar, Efrayim is preceded by mention of Yosef. Efrayim and Menashe are separate tribes, but they are "headed", so to speak, by Yosef. In this part of NASO, Yosef is not mentioned. And in Sh'lach, they are not even consecutive, with reason.

[P> 7:60 (6)] The camp of the children of Rachel Imeinu conclude their offerings with Binyamin on the ninth day.

[P> 7:66 (6)] The final camp - the north Dan camp, begins its gifts on the tenth day with Achiezer b. Amishadai.

Sh'VII - Seventh Aliya 18 p'sukim - 7:72-89

[P> 7:72 (6)] On the 11th day, the leader of Asher brought his gifts. Notice that for days 1-10, the format is the same - BAYOM HA-whatever, RISHON, SHEINI... ASIRI. For the 11th day, it is B'YOM ASHTEI ASAR YOM.

[P> 7:78 (6)] Finally, the leader of Naftali presents his gifts B'YOM SHNEIM ASAR YOM...

[P> 7:84 (6)] Which brings us to the final parsha of NASO, the final six p'sukim, which summarize the gifts of the 12 leaders of the tribes.

Then the Torah presents totals and summaries of the "Dedication"

gifts. ZOT CHANUKAT
HAMIZBEI'ACH...

The last pasuk seems to go beyond the summary. When Moshe came to Ohel Moed to speak to HaShem, he heard the Voice speaking to him from the KAPORET (lid of the ARON), from between the two K'RUVIM (Cherubs), and that is how G-d spoke to Moshe. All aspects of getting the Mishkan to function are completed. Then the Torah tells us how G-d communicated with Moshe.

The last three p'sukim are repeated for the Maftir.

Haftara 24 p'sukim Sho-ftim 13:2-25

The sedra teaches us the laws of the Nazir. The haftara tells us of a famous Nazir, Shimshon. The nazirship of Shimshon is not typical. His was "ordered" by G-d via a heavenly angel and was to be a Nazir from birth, for Shimshon's entire life. "Regular" nazirship is proclaimed by a vow and is for a limited time, usually one month. The nazir's outward appearance - his unshorn hair - should be the external evidence of an inner sanctity. In Shimshon's case, his nazirship was accompanied by miraculous feats and heroic achievements against the Philistines who were Israel's major adversaries of the time.

The angel instructs Shimshon's mother (wife of Mano'ach of the tribe of Dan) as to how she must behave when she becomes pregnant. She must not drink wine nor eat anything Tamei.

May we suggest - by analogy - that this is a demonstration of the fact that alcohol intake of a pregnant woman affects her child?

Shavuot is usually sandwiched between Bamidbar and Naso - but not always. In 13-month years that begin on THU, Shavuot is after Naso. So too in Israel, in a MEM-BET-SHIN year-type.

**Bo, Bo, Va'etchanan, Eikev...
and Hoshei'a**

Parsha Points to Ponder Suggested answers

1) The S'orno answers that they specifically wanted the families together to demonstrate the purity of their ancestry along with the merits of their forefathers which would protect them when at war.

2) The Ramban explains that the Torah gives priority to the larger tribe and in this census Efrayim was larger while later Menashe numbered more.

3) The Ramban suggests that perhaps this is done to emphasize G-D's kindness to the Jewish people by stressing that this nation which started as 70 people entering Egypt now numbered over 600,000.

Parsha Points to Ponder Bamidbar

1) Moshe and Aharon gather the Jewish people to count them as a preparation for military service (1:18). Why did they do this specifically by family (VAYITYAL'DU AL MISHP' CHOTAM)? Why couldn't they simply count all the soldiers?

2) Why is Efrayim listed before Menashe in the census in this week's Parsha (1:32) while Menashe is counted first in the census at the end of Sefer Bamidbar (26:29)?

3) Why does the Torah provide the total calculation from the census (1:46)? Couldn't anyone who wanted the total make this calculation on their own?

Parsha Points to Ponder

is prepared by

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Answers are somewhere else in this issue
Look for them, but only after a good pondering

 Your point of view is a point of view.

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Mazal of Sivan: Twins - "remez" to Moshe & Aharon, from whom we received the Torah in Sivan

Divrei Menachem

Parshat Bamidbar commences with the declaration that Hashem spoke to Moshe in the Sinai Desert. Needless to say, both the desert and Mt. Sinai conjure up images of desolation and barrenness, of loneliness and lowliness.

As the Chassidic masters pointed out: Our acceptance of the Torah and its sublime messages is predicated on our ability to extricate ourselves from our dreams of material grandeur, to minimize our self-importance, and to imitate G-d who chose lowly Har Sinai over larger and more impressive locations.

The Midrash tells us that the Torah was imparted to us by fire, by water, and by the desert. Fire symbolizes the fiery spirit and the flame that burns in the heart of every committed Jew. Water expresses the colder, intellectual reasoning that enables us to perceive the intrinsic teachings of the Torah. And the Wilderness implies that, as Jews, we have to draw on our own inner resources as well as rely on Hashem's intervention.

Fire and water are opposites, sometimes complementing, sometimes canceling each other out. As for the Midbar, we might add that the term resembles the Hebrew word DVIR, the Sanctuary or holiest of places, the Kodosh Kedoshim. For in the "desert" we can best hear the still silent voice that can take us to highest of realms.

Yom Yerushalayim is the 43rd day of the Omer.
This is the 43rd Yom Yerushalayim [BC]

If Reuven is a head, who's a magaf?

Rabbi Weinreb's Weekly Column: Parshat Bamidbar

You Too Can Be a Levite

The world is indeed a stage, and we all play many roles in our lives. Some of these roles are assigned to us, leaving us with little choice but to fill them. Other roles, however, are freely chosen.

For example, we are all born as children to parents. As such, we have ethical and religious responsibilities towards them. We are in the roles of children, often for much of our lives, whether we like that role or not.

On the other hand, there are other roles which we seek out intentionally, and often with great effort. For example, our professional roles as doctors or lawyers or teachers are roles which we chose freely and which we work towards diligently.

Sociologists thus distinguish between ascribed roles and achieved roles. The former are those assigned to us by society or circumstance. The latter are the ones we choose, and for which we hope to qualify.

In this week's Torah portion, Bamidbar, we read of the roles ascribed to the Levite. Persons born to the tribe of Levi were assigned certain privileges and certain responsibilities at birth. There were no special qualifications to be met

and no titles or certificates to be earned.

One who was not born into the tribe of Levi could not attain any of those privileges no matter how hard he tried. Nor could he assume the responsibilities of the Levite even if he sought to do so with commitment and fervor.

The Torah outlines the special duties of the Levites at length and in great detail in this week's parsha, Bamidbar, chapters 3 and 4. Later in the Book of Bamidbar, particularly in chapter 18, we read of the benefits due to them.

The 12 other tribes of Israel are not neglected in this week's Torah portion. Quite the contrary; they are listed, and their stations in the wilderness encampment and march are delineated very specifically.

But the roles of the tens of thousands of members of these tribes are not specified at all. It is almost as if the Torah was telling us that, unlike the Levites, they had no ascribed roles, but were to pursue and achieve roles according to their individual motivations, ambitions, and personal predilections.

Thus, the community of Israelites in the wilderness was one in which one tribe had predetermined tasks which it did not choose and could not shirk, whereas the great majority of people had great freedom of choice as to which roles in life to choose.

This situation continued for many centuries, at least until the destruction of the second Temple. Even today, specialized roles for the descendants of Levi persist, albeit in a reduced and limited way.

The Rambam, however, offers an entirely different vision of the matter. He offers us an innovative idea which opens up the ascribed and predetermined roles of the Levite to everyone.

In his masterwork, Mishneh Torah (Hilchot Shemita v'Yovel ch. 13), Maimonides describes the lot of the Levite in rich and graphic detail. He stresses that although the Levites had no equal portion in the land of Israel, they did have their own towns and villages there. He even offers his personal opinion that should the Jewish people come to possess land outside the perimeters of biblical Israel, the Levites will share equally in those lands.

He explains to us that the Levite is ascribed a limited social and economic role in order that he be freed to assume a greater spiritual role. It is incumbent upon him to serve God in the Temple service and to teach God's laws to the greater community.

The Rambam then makes an original, dramatic, and often quoted statement which challenges the entire distinction of ascribed versus achieved roles. He writes, "It is not only the tribe of Levi, but rather

every individual in the entire world, who, if the spirit moves him to have achieved understanding and who wishes to separate himself from others and to stand before God and worship Him, to shed from his neck the yoke of everyday concerns, and to become imbued with extreme sanctity so that God becomes his lot and inheritance forever and ever."

Maimonides, as it were, opens up the closed society of the Levites. He offers a vision, and notes that it is a vision for all humanity, of the possibility to transcend the limits defined in this week's Torah portion. He suggests that each of us can potentially become a Levite, even if we are born to parents of other tribes.

What is, strictly speaking, an ascribed role becomes for Maimonides, a role which can be achieved by anyone. This is a drastic, almost revolutionary, statement.

But it is one which challenges every one of us and offers each of us an opportunity. It is not only the biblical Levite who can attain closeness to God and spiritual sublimity. We all can.

But to do so, we need the motivation to assume greater responsibility, to suffer solitude, to be absolutely just and righteous, to teach others who might not wish to be taught. Then we all can achieve the benefits which were the due of

the ancient tribe of Levi.

We can then each say, as Maimonides concludes, quoting King David in Psalms, "God, You are my portion and cup. You uphold my destiny!" □

VEBBE REBBE

QUESTION

After staying up all night on Shavuot, we have someone who slept say the morning b'rachot on everyone's behalf. Why is this necessary? What happens if we cannot find anyone?

ANSWER

We must address different categories of b'rachot, with different reasons and details.

Netilat yadayim and Asher Yatzar -

There are three possible reasons (see Beit Yosef, Orach Chayim 4) for washing our hands with a b'racha upon waking in the morning, before davening: 1. Our hands probably got dirty as we slept (Rosh, B'rachot 9:23); 2. Because in the morning we are like a new being, we set out on a process of purification and blessing HaShem (Shut HaRashba I, 191; see Mishna Berura 4:1); 3. We are affected by a ru'ach ra'ah (evil spirit), which is remedied by netilat yadayim.

Reason 1 does not apply if one did not sleep and kept his hands clean. It is not fully clear whether reasons 2 and 3 apply if one did not sleep. The Rama (Orach Chayim 4:13; see different

opinions in Mishna Berura 4:30) says that although one should wash his hands as usual in this case, he should not make the b'racha, out of doubt. When one who slept recites the b'racha on behalf of those who did not, they gain the b'racha. One who did not sleep but "went to the bathroom" and in so doing touched covered parts of the body also makes a b'racha (Mishna Berura ibid.). Reason 1 certainly applies to such a person and the others are likely to apply, as the night has passed by the time of alot hashachar (break of dawn, 72 minutes before sunrise) (see Artzot HaChayim (Malbim) ad loc.).

Asher Yatzar is said whenever one has recently gone to the bathroom, and there is no need to do a public one (often it is simpler to recite the b'rachot one after the other from the siddur, and this does not raise a problem.)

Birchot hashachar - Most of the series of b'rachot thanking HaShem for different elements of our lives were originally described as being done as one received the benefit (e.g., putting on shoes, clothes, straightening the body) (B'rachot 60b). Nevertheless, our practice is to make the b'rachot at one time and whether or not we recently received the benefit (Rama 46:8; see Yalkut Yosef regarding Sephardic practice). Therefore, even one who did not sleep and did not renew these benefits can recite the b'rachot because the praise of HaShem is true in regard to other people. The main issue is with the b'rachot of HaMa'avir Sheina and Elokai Neshama, which both focus

specifically on awaking from sleep and are recited, at least partially, in the first person. The Mishna Berura (46:24) rules that one should hear these b'rachot from one who slept. On the other hand, one who makes these b'rachot despite not sleeping has whom to rely upon (see Ishei Yisrael 5:(40) & Piskei Teshuvot 494:7), especially if no one who slept is available.

Birchot haTorah (before the study of Torah) - It is unclear whether the reason one is obligated to make birchot haTorah every morning is the fact that it is a new day or that his sleep ended the efficacy of the old b'racha. Due to this doubt, the Mishna Berura (47:28) rules that one who was up all night does not make birchot haTorah at daybreak but hears them from someone who slept (Rav Ovadya Yosef in Yechaveh Da'at III, 33 argues.) However, he accepts the following idea of Rav Akiva Eiger. If one took a reasonably long nap during the previous day, he makes b'rachot the next morning despite staying up in the night, assuming he did not make the birchot haTorah since he got up (from his nap). This is because he is obligated according to both approaches, as he has slept and a day has passed since his last birchot haTorah. It is better to use such a person (who are common on Shavuot) than one who put his head down for a few minutes at night. Note that one who sleeps at night makes birchot haTorah before resuming learning. Thus, he is available to recite them on behalf of others only if he came to shul when they are ready for

the birchot haTorah or if he did not recite them when he arose. (Note: everyone recites the Torah texts, starting with “Y’varech’cha” and ending with “k’neged kulam”, after the birchot haTorah).

Tzitzit - It is unclear if we are obligated in tzitzit at night and thus whether we need a b'racha in the morning. One should hear someone else's b'racha or be yotzei with the b'racha on his or another's tallit (Mishna Berura 8:42).

In general, what is considered significant sleep may depend on where (bed or chair) and/or how long (opinions range from a minute to a half hour and beyond) he sleeps. The halacha may change from one of the above topics to another (see *Ishei Yisrael* 6:(64)).

Wisdom & Wit

Two Jews - one a religious Jew and the other far from it - came to R' Chaim Leib Rottenberg, the Rav of Stavisk, to settle a complex business matter. After hearing both sides, the Rav ruled in favor of the non-religious Jew. The religious Jew refused to accept the verdict and to pay the amount he had been assessed as owing the other Jew. Furthermore, he was incensed that the Rav had ruled in favor of a person who did not keep the mitzvot and against one who did keep mitzvot.

Upon hearing this declaration, R' Chaim Leib told the non-religious Jew: “As I see that I was unable to have my verdict enforced, I hereby give you permission

to file your complaint in the secular courts, something generally forbidden in cases between two Jews. Furthermore, should this case go to court, I am prepared to appear as a witness on your behalf.”

When the case was finally called, there was a high probability that it might be scheduled for Shavuot. R' Chaim Leib stated that if the date of the case would indeed be on Shavuot, he would stay in the town where the case was to be heard over Shavuot, so that he could appear before the court.

Many of the residents of Stavisk thought that their rav's position was scandalous - to appear in a court on Shavu'os, and to do so yet for a Jew who did not observe the mitzvot!

R' Chaim Leib told his community: “What I am doing is specifically what chazal tell us must be done. On the verse (Sh'mot 23:6), ‘You shall not pervert the judgement of the poor,’ chazal state specifically that this refers to a person who is ‘poor in mitzvot.’ Thus, by Torah law, I am obliged as much in this case as in any other to seek justice for the innocent party.” □

THE CHALLENGE OF MONEY: COMPETITION, PRICES AND PROFITS [part 1]

by Dr. Meir Tamari

How can it be decided which goods should be produced, in what quantities and at which prices? These are questions that every society has to answer; some have chosen forms of state or centralized planning, others a

free market, and others a mixture of these two. The issue is how best to balance the benefits to the individual vis-à-vis the welfare of other individuals but also vis-à-vis the community-nation, and to safeguard the interests of the weak, poor, and the ill. It would be a serious error to view the choices as being the result of some value free truth or unbiased laws similar to the physical sciences. Rather they are all value judgments based on very definite religious, social and moral ideas. It is perfectly legitimate, indeed a religious imperative, therefore that we view competition, prices, and profits within the specific and particular value system of Judaism.

Jews have lived under many different economic systems, yet throughout they have consistently preserved the same religious, moral and ethical framework required by the halakha, aggada and mussar literature as exemplified by our role models. Rambam describes this framework by the mitzvot *asei for batei din* to determine the legal aspects of buying and selling, the four negative mitzvot to refrain from any form of oppression and defrauding, in addition to the *dinim* of *shecheinim* regarding private property rights, and the *halakhot* regarding theft and robbery. To these must be added the injunctions *lifnim mishurat hadin*, *v'asita hatov v'hayashar* and *vei'ahavta l'reiacha kamocho*. Thus, while generally speaking, free competition is the preferred mechanism, it is one that is restrained, humanized and made moral through the framework described by the Rambam.

Firstly, consider the moral questions of the free entry of new firms and entrepreneurs, vis-à-vis the veterans.

"In a courtyard [regarded as a communal entity with specific rights and obligations] and the neighbors did not protest [on grounds of noise, nuisance or ecological grounds] or if there was a bathhouse or store or mill and another person comes and wishes to open a similar business, then none of the dwellers can protest and say, 'you deprive me of my livelihood' (Choshen Mishpat 156). This establishes the free entry right of local citizens; based on the right of an individual to do on his property whatever he wishes. This is provided he does not injure the property, health or even the aesthetic pleasure of others, but also on the benefit accruing to a majority of the citizens who thereby get better goods or lower prices.

However, there is a moral issue of the veteran businesses who suffer losses as a result of the entry of new firms and may even be deprived thereby completely of their livelihoods. Where the veterans suffer a loss rather than only a decline in their profits or where the market is too small, the principle of *hasagat g'vul* [originally referring to theft by moving the boundary stones of one's neighbor (D'varim 19:14) applies to limit competition. Loss of livelihood according to Rashi refers even to a decline in standard of living, while according to the Chatam Sofer it refers to reducing earnings below the average of their peer group.

"Some of the founding members of a synagogue, having left the synagogue wish to open another one nearby. The rabbi who owns the shul claims that they are thereby depriving him of his livelihood and causing him financial loss since now the place cannot be sold as it is worthless as a synagogue and to renovate it as a dwelling would be prohibitively costly.

This is a case of hasagat g'vul and of infringing on a neighbor's livelihood so the worshippers have no right to establish another synagogue. Where the market is too small for both parties this applies, even according to Rav Huna [the source for the Shulchan Aruch's free entry ruling].

Permission to do with one's property what one desires [which is so basic to competition] is granted where restricting such freedom would cause a loss but here no financial loss is suffered by preventing the opening of a new synagogue" (Iggrot Moshe, part 2, Choshen Mishpat 38).

The morality of the issue of free entry versus rights of the veterans, is further complicated when considering competition from non-citizens of a state or other social unit. We will find in our sources two major trends regarding such competition that have relevance for many issues in our modern societies. □

Sheit, No'ach and his confused mother

The small suspected wife comes from where?

Praying with Passion

Giving more meaning to our T'fillah One Week at a Time

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MA TOVU part 6

מֵה טָבוּ אֶהְלִיךָ יַעֲקֹב,
 מִשְׁכַּנְתֶּיךָ יִשְׂרָאֵל. וְאֲנִי בָרֵב
 חֲסִדְךָ אָבוֹא בֵיתְךָ, אֲשַׁתְּחִוֶה אֶל
 הַיֵּכָל קִדְשְׁךָ בִּירְאָתְךָ. ה' אֶהְבֵּתִי
 מֵעוֹן בֵּיתְךָ, וּמִקוֹם מִשְׁכַּן
 כְּבוֹדְךָ. וְאֲנִי אֲשַׁתְּחִוֶה וְאֶכְרַעָה,
 אֲבָרְכָה לְפָנֶי ה' עֲשֵׂי. וְאֲנִי
 תְּפַלְתִּי לְךָ ה', עֵת רְצוֹן, אֱלֹהִים
 בָּרֵב חֲסִדְךָ, עֲנֵנִי בְּאַמַּת יִשְׁעֶךָ.

Translation: (Koren/OU Siddur)

How goodly are your tents, Yaakov, your dwelling places, Yisrael. As for me, in Your great loving-kindness, I will come into Your House. I will bow down to Your holy Temple in awe of You. HaShem, I love the habitation of Your House, the place where Your glory dwells. As for me, I will bow in worship; I will bend the knee before HaShem my Maker. As for me, may my prayer come to You, HaShem, at a time of favor. God, in Your great loving-kindness, answer me with Your faithful salvation.

Theme: (of the second half)

A minyan praying together creates a "time of favor" which facilitates G-d's

acceptance of our prayers.

Insight:

The Gemara explains that there are times that are especially propitious for our prayers, giving them an increased power to penetrate heaven. To enable us to tap into these times of grace, G-d channels them into specific times and places in this world.

One of these times and places is at shul, when a minyan prays together. A shul is sanctified through the Torah study and prayer embedded in its walls. This atmosphere of sanctity enables one's prayers to be accepted in heaven. Shulchan Aruch states: "A person should endeavor to pray in a shul together with the congregation." The Gemara explains that praying with a minyan can even compensate for a lack of kavana by any one member of the minyan at any given time. So well-accepted is this concept of praying with a minyan, that one who performs the mitzva of praying with a minyan - and thereby brings about the revelation of Hashem's power (because the prayer will be accepted) - is credited with performing a great kiddush Hashem. Says the Shulchan Aruch HaRav: "Even though t'fila b'tzibur is a Rabbinical mitzva, it is greater than a Biblical mitzva, since one sanctifies G-d's Name in public.

King David alludes to the existence of EIT RATZON in the verse, "But as for me, my prayer is to You, Hashem, at a favorable time. "A favorable time", according to the Gemara (B'rachot 8a) refers to "the time the congregation prays." Further support for this link comes from the fact that the numerical equivalent of the words T'FILA B'TZIBUR, 815, matches that of EIT RATZON.

When we seek out these times and places and use them to their maximum benefit, we throw open the floodgates of blessing from Above. Suddenly, that which was beyond our reach is close at hand. But the most life-altering result of calling upon Hashem in an EIT RATZON is the deep spiritual connection one is able to feel at that propitious time. Hashem is close by, ready to listen, ready to accept all worthy prayers.

Visualize:

Images that bring the prayer to life

Moshe plays a bass guitar. Reuven plays drums. Shimon plays a tuba. When any of them play alone, the sound is sorely lacking. Although each is expert in his instrument, his lone sound is bereft of melody and depth. An audience hearing a solo performance of any one of them would soon lose interest and walk away. But when they play with their ten-piece band, the sound is truly magnificent - strong, harmonious and rousing. The audience sits rapt, feeling the beat of the music and riding along on its flow.

This is the image of a minyan praying together. Each Jew with his own merits, his own deficits, his moments of kavana and moments of distraction blends into a sum far greater than its parts. The minyan is beautiful music to G-d's ears, and so He does not turn away. He listens carefully, savoring each participant's contribution. Anyone who comes to shul and "joins the band" finds the perfect time to make himself heard in Heaven.

Halacha:

Shulchan Aruch states: "A person should endeavor to pray in a shul together with the congregation," apparently indicating that a minyan is preferable but not

required. However, many, including the Chofetz Chaim and Rabbi Moshe Feinstein, rule that it is an obligation. Shulchan Aruch rules that a person who travels to a city and plans to stay there overnight should travel up to four milin (72 minutes) to pray with a minyan. If he must back-track or be detoured sideways from his journey in order to find a minyan, he is required to go only one mil (18 minutes) out of his way. These rules only apply if he knows there is a certainty of a minyan and the road to the minyan is not dangerous.

The Puah Institute

for Fertility and Gynecology in Accordance with Halacha

Medical Secrets

In the past few weeks we have discussed the obligations of a professional (be it a medical or pastoral professional) to disclose information they know regarding a potential shidduch match. We have also discussed the obligations of a third party - a friend or relative who is privy to the information.

This week we would like to look at these questions from a different perspective: that of the family itself. As we know, the shidduch world is incredibly complex. The experience is filled with tension and stress, with young men and women having to pass through a magnifying glass inspection in some cases. The pressures to hide information that may harm a person's chance at getting a good shidduch are

intense.

Yet, it seems disingenuous to embark upon a new partnership, one whose foundations are supposed to be built on love and trust, by starting it off with a lie. Ofttimes, it is not the information that can do a couple in - it is the fact that the knowledge was hidden.

When then, is it incumbent upon a person to tell their prospective mate about a medical issue?

There is no simple answer to this question. We must preface any remark that there is no "standard" barometer to determine which answers are appropriate in a given case. Our remarks here should be interpreted as guidelines only, not specific halachic advice. We always recommend that a professional counselor with practical experience in these types of matters (such as a PUAH Rabbinic Counselor) be consulted to help craft a personal approach to these matters.

In general, we tend to classify medical conditions into 5 basic categories.

CATEGORY ONE: This category includes people who cannot, for whatever reason have children.

CATEGORY TWO: This category includes people who have had a terminal illness, either those in remission or those still actively ill.

CATEGORY THREE: This category includes people who suffer from a medical condition that is non-life threatening. They are definitely "sick",

but can have children and live normal, productive lives.

CATEGORY FOUR: This category includes people who have had an illness in the past, but are currently cured. An example of this is someone who may have been anorexic or suffered from mental illness.

CATEGORY FIVE: This category includes people who have a close relative who has a medical condition. It also includes people who have a family history of a specific illness, even though the person in question does not have the illness.

Obviously, the ranges of possibilities are very broad. We know of couples who have extremely happy marriages and are in category one, while other couples could not make it to the chupa from category five. We must therefore be as sensitive and careful in determining what, how and when we tell as we are in deciding if we should tell. In the next few weeks we will review, category by category, our best approaches to this issue.

Dan & Naftali: Who seems to be the better brother?

Poalei Aguda's heady brue

The diff between Mrs. HaKohen and Efrayim's chief

The 3 musical juniors

Who, What, Where, When?
Where's the "How"?

Portion from the Portion

COUNTING, COUNTING AND MORE COUNTING

This Shabbat we start reading the fourth book of the Torah - Bamidbar. The literal translation of the title of this book would be "in the desert", and it is true that it does recount what happens to the Jewish people on their sojourn through the wilderness. But in English this book is called Numbers - which is based on the name given it by our Rabbis, SEFER HAPIKUDIM, the book of the countings. The Jewish people are counted twice in this book, once in the first portion - the sedra of Bamidbar, and again in Parshat Pinchas.

In our sedra, Moshe is commanded to "Take a census of the entire Israelite community..." (1:2). Counting the inhabitants is done by every established nation. For example, the US federal government relies on this full count of its population for distributing congressional seats among the states and for distributing federal funds. These funds support critical infrastructures, such as hospitals, schools, public works projects (like roadwork), emergency services, job training centers, and senior centers. More than \$400 billion in federal funds is distributed each year to states based on Census data. Many organizations and businesses use Census information for support-

ing particular causes, planning for disasters, hiring skilled workers, researching potential markets, and promoting public health and preventing diseases. This type of counting, a census, in order to determine a total, is for very practical reasons. We count to know how many we have so that we can plan accordingly.

S'firat haOmer - counting the Omer is a different type of counting for a different purpose. It is a counting that connects Pesach to Shavuot. This connection can be on an agricultural level with the beginning of the harvest at Pesach time to the end at Shavuot. But it also connects them on a spiritual level. On Pesach, we were freed from the physical slavery in Egypt. But the process of becoming really free was not complete until we received the Torah on Shavuot. As the verse says, the text of the laws was CHARUT AL HALUCHOT - engraved on the stone. The Rabbis teach - don't read CHARUT (engraved) but rather CHERUT (freedom). The laws of the Torah - with boundaries - are what give us our freedom. Counting from Pesach to Shavuot gives importance to each and every day in this journey of ascent to the spiritual heights of receiving the Torah. There are no shortcuts. The challenges of each and every day must be mounted and counted to reach the true heights of Shavuot.

And where does counting calories fit in? That's a way to control ourselves - not to give in to our YEZER HARA of being out of control and eating everything in sight. It is one of the many ways we work on ourselves to improve our MIDOT - to be in control

of ourselves rather than letting our appetite control us. It is part of our freedom and it certainly makes every bite count.

HERE IS A RECIPE for a vegetable side dish (instead of a kugel) - for the calorie counters among us. For a special Shavuot recipe, add the chutney and the cheese and replace the oil with butter.

VEGETABLE CURRY (CHEESY FOR SHAVUOT)

- 3 Tbsp. oil
 - 1 large onion, chopped
 - 1 green pepper, seeded, in strips
 - 2 carrots, thinly sliced
 - 2 large zucchini, sliced
 - 1 large tart apple, pared, cored and diced
 - 2 tsp. curry powder
 - 1/3 cup flour
 - 2½ cup vegetable stock
 - 3 Tbsp. golden raisins
 - salt & pepper (to taste)
 - 2 Tbsp. chutney (mango), chopped (optional)
 - 5 oz. Favorite hard cheese cut in small chunks (optional)
- Fry onion, green pepper, and carrots. Add zucchini, apple and curry powder and fry a bit more. Sprinkle in flour and then blend in stock. Add the raisins and salt and pepper. Sauté another few minutes. Serve like this with a meaty meal.

For Shavuot with a milky meal, add the chutney and cheese and serve.



Prizes for best solution sets are furnished by Noam Productions and/or Big Deal.

Last issue's (B'har-B'chukotai) TTRiddles:

[1] By order of the Assembly of the Province of Pennsylvania...

On the Liberty Bell (originally called the "State House Bell", then "Independence Bell", are inscribed the following:

Proclaim LIBERTY throughout all the
Land unto all the Inhabitants thereof
Lev. XXV X

By Order of the ASSEMBLY of the
Province of PENNSYLVANIA for the
State House in Philad^a

Pass and Stow
Philad^a
MDCCLIII"

The Biblical quote is a partial pasuk from Parshat B'har in the context of the mitzva of Yovel. The spelling of the state on the bell was the accepted spelling at the time (now two Ns are used). The bell weighs a bit over a ton. It is 70% copper, 20% tin and small amounts of several other metals. It seems that Philad^a is some kind of abbreviation for Philadelphia. Note that the bell was originally made in 1753. Pass and Stow were the people who recast the bell after it first developed its famous crack.

[2] Besides B'har and B'chukotai, 6 more!

It is hard to miss that both B'har and B'chukotai begin with the letter BET,

especially when one refers to the double sedra as B&B. This immediately brings to mind the question as to what other sedras also begin with a BET. In fact, there are a total of 8 sedras that begin with a BET. The other 6 are B'reishit, Bo, B'shalach (also consecutive sedras like our B&B, but not doubled), Bamidbar, B'haalot'cha, and Balak. This further leads one to check out the other initial letters of sedra names. Of the 54 sedras, 12 begin with VAV, 5 with MEM, 4 each with SHIN, TAV, 3 each with KAF, NUN, two each with ALEF, CHET, PEI, KUF, and one each with DALET, HEI, YUD, LAMED, AYIN, TZADI, REISH. HEI's one is HAAZINU, but there are several other sedras from whose names an initial HEI has been chopped. HEI's total would go up to 7 and other letters would lose ground if we counted the following sedras for HEI: HAMISHPATIM, HAT'RUMA, HASH'MINI, HAMITZORA, HAMATOT, HAD'VARIM. And no other letter would begin more than 3 sedras. Only letters that do not begin a sedra-name: GIMEL, ZAYIN, TET, SAMACH. NYK (now you know!)

[3] ODCHA HASHEM - ANA HASHEM

The gimatriyas of these two phrases are 57 and 78 respectively - the numbers of p'sukim in B'har and B'chukotai (also respectively).

[4] Singular/plural = 365.25

In Parshat Emor, where we find the mitzva to count the days of the Omer, we find the command in the plural - USFARTEM LACHEM. In Parshat B'har, with the command to the Sanhedrin to

count the years to Yovel, we find the words in singular - V'SAFARTA L'CHA. In singular, years. In plural, days. Therefore, the ratio of singular to plural is approx. 365.25 to 1.

[5] Unexplained ParshaPic

The one element of last week's ParshaPic that we left as a challenge - a ParshaPixPuzzle or Visual TTriddle - call it what you like - was a half of a Duncan Butterfly Yo-Yo and the numbers 81657/8. Half of a Yo-Yo is a YO and 81657 and 81658 are the ZIP codes of Vail Colorado, a small town which happens to be the home of one of the largest ski resorts in the USA. Taken together, we get YO-VAIL, as in the Jubilee Year, a topic in B'har.

[6] The MazalPic

Each month, we change the graphic element in the Word of the Month box for the TT of Shabbat M'vorchim. The graphic then becomes the representation of the Zodiac sign, or Mazal, of the coming month. Sivan's mazal is T'OMIM - the Twins, Gemini. The picture is one of Harmon Killebrew, Hall of Famer who played major league baseball from 1954-1975, all but his last year was for the Washington Senators, which became the Minnesota Twins in 1961. □

CHIZUK AND IDUD
*Divrei Torah from the weekly sedra
 with a focus on living in Eretz Yisrael -
 Chizuk for Olim & Idud for not-yet-Olim*

Sefer Bamidbar opens with yet another census of B'nei Yisrael since they had left Mitzrayim. Rashi comments that

Hashem "counts them frequently because of His love for them". In other words, every one of us counts (and not just the Omer)! How majestic the nation's encampment must have looked, the tribes with their respective flags, surrounding the tribe of Levi which "encamped around Ohel Mo'ed".

Yet, this was only the midbar, the desert that served as a way station on their journey to the Land, which, as we read last week, Hashem promised us "in order that I may be Your G-d" (Vayikra 25:38). Says Rashi: "Whoever lives in Eretz Yisrael, I am his G-d, but he who leaves..." We are also aware of the intimate connection between the Mitzvot and the Land, as the Ramban writes: "The essence of the Mitzvot is for those who dwell in G-d's Land." And whereas "living in Eretz Yisrael is equivalent to all the Mitzvot," the Land "does not tolerate sinners" and will "spew out whoever defiles it." As they are warned in our Haftara (Hoshe'a 2:16,17), Hashem "will lead [the nation back] into the desert... where she will reside... like the day she went up from the land of Mitzrayim."

On an optimistic note, however, we also read in the Haftara (2:1,2), where Hashem promises that we will become so numerous that we will not be able to be counted! And "The children of Yehuda and the children of Yisrael will then be gathered together... and go up from the land [of their exile]."

Having just celebrated the 62nd

anniversary of the State of Israel, we are indeed thankful for the great increase in its population since its founding. As we count the last days toward Chag ha-Shavu'ot, the time of the giving of our Torah, the Mitzvot of which - as we have seen - are best observed in our Land, let those who are not yet here resolve to join us soon in the final ingathering. Thus will be fulfilled our thrice-daily request, "Gather us together from the four corners of the earth," and our soon-to-be recited Mussaf prayer, "Bring near our scattered ones from among the nations."

We anxiously await the fulfillment of the last verses of our Haftara: "On that day I will form a covenant for [Yisrael]... and I will eradicate bows, swords and war from the earth, and let them dwell in security..." Amen!

Rabbi Yaakov Yosef Iskowitz, Jerusalem

Towards Better Davening and Torah Reading

This letter should be heard... sometimes

Let's review this HEI issue in honor of two gentlemen - one from Parshat Bamidbar. The first is the father of the leader of the tribe of Menashe, Gamliel ben P'DATZUR. The other is the leader of the tribe of Naftali - at the end of the sojourn in the Midbar, P'DAH-EIL ben Amihud. Both names begin with PEI, DALET, HEI - but

P'DATZUR's HEI has no vowel under it and P'DAH-EIL's HEI is SH'VAed.

An unvoiced HEI in the middle of a word - as well as a HEI at the end of a word with neither dot nor vowel - is TOTALLY silent. We transliterate P'DATZUR without an H because the HEI is silent. We write P'DAH-EIL with an H because the HEI is sounded.

Furthermore, the SH'VA under an H is always NACH. YIH-YU (they will be), not YI-H'YU.

ParshaPix explanations

- 🕯 This week, the ParshaPix is for both Bamidbar and Naso.
- 🕯 The major component of the ParshaPix for Bamidbar is/are the flags - 12 of them - representing the flags of the tribes, as they camped and as they marched.
- 🕯 The flags here do not represent any specific tribes, but the one with the lion could be for Shevet Yehuda.
- 🕯 And the one with the flower could be for Reuven.
- 🕯 And the one with a bunch of carrots is our whimsical suggestion for DEGEL MACHANE YEHUDA.
- 🕯 The compass stands for the different sides of the Mishkan the different groups camped, both among the Leviyim and the 12 Tribes.
- 🕯 The parking meter represents the

encampments, since the modern Hebrew word for parking has the same root as to encamp. LACHANOT.

- 🕯 The adding machine is for the various countings in the sedra. It is those countings and others in the book of Bamidbar that earned the book its "English" name - Numbers.
- 🕯 The skull with the 5 on it comes from Bamidbar 3:47 in the portion of the exchange between firstborns and Leviyim (who were not themselves firstborns). We would say, 5 shekel a head. The Torah uses the term GULGOLET, skull.
- 🕯 Desert scene with the camel, cactus and blazing sun is for MIDBAR, even though our Midbar is better translated as Wilderness, rather than desert, but there's plenty of desert too.
- 🕯 Garlic and the chemical formula for sugar. The Sugar formula is raised to the third power, or CUBED. These then represent the sugar cube and garlic clove that are a common "gift" to those at a Pidyon HaBen. In the sedra, we find a mass Pidyon of the firstborns of the 12 tribes. One explanation given for this minhag is that it gives those in attendance something from the Seuda of the Pidyon to take home and use in their next kugel (or whatever calls for garlic and sugar), thereby "stretching" the festive meal of the Pidyon beyond its location and its day.
- 🕯 Towards the lower left (physically,

not politically) is a photo of Me'arat HaMachpeila in Chevron. It is in this week's ParshaPix for two reasons. Chevron, the person (son of Reuven) is mentioned in Parshat Bamidbar. The other reason is better. Just as the 28th of Iyar is Yom Yerushalayim, the 29th of Iyar is Yom Chevron.

- 🕯 The flagpole sitter is a play on the phrase ISH AL DIGLO, a man on his flag, actually meaning that each person was camped under his tribal flag.
- 🕯 The fork lift stands for the work of the Gershon and, more so, the Merari families of Leviyim. Kehat might have had a problem using a forklift, since their carrying of the sacred vessels was to be done "on the shoulder". Gershon and Merari were given wagons (also shown, lower left) to help in their tasks.
- 🕯 The three Do Not Enter signs are for the three types of ritually defiled individuals who may not enter one level of the camp or another.
- 🕯 The grapes and wine with a negation circle is for the Nazir, who may not drink wine or eat grapes or any parts thereof.
- 🕯 The shaver with the negation circle is also for the Nazir, who may not shave or cut his hair during his period of N'zirut. Not pictured: He may not become TAMEI to a dead body.
- 🕯 Across the bottom of the page are three of the animals which were among the gifts of the tribal leaders,

as we are told in Bamidbar 7 (the longest perek in the Torah), in Naso. The lamb and the ram are shown in straightforward graphics...

- 🕯 The bull, PAR in Hebrew, is represented by a HALF of a butterfly (no butterflies or other insects were killed or harmed in making this graphic), PARPAR in Hebrew.
- 🕯 The turtle goes with the covered wagon. The Hebrew term for covered wagon is EGLAT TZAV, lit. a turtle wagon - for obvious reasons.
- 🕯 Between the covered wagon and prancing lamb is a \$10 gold piece, known as an eagle. Here it represents another part of the gifts of the tribal leaders, specifically, the value of the golden incense spoon - ASARA ZAHAV
- 🕯 Which leaves us with Leonard Nemoy as Mr. Spock, whose hand sign was borrowed from Naso.

THE JERUSALEM INSTITUTE OF JEWISH LAW Rabbi Emanuel Quint, Dean

Lesson # 519

A recent Jerusalem Beit Din case

Mr. Gold registered his son Reuven in a yeshiva and paid the tuition for the year by giving the yeshiva post dated checks and also a series of post dated checks for bus transportation. The transportation checks were also delivered to the yeshiva as part of the tuition package, and the yeshiva delivered these post-dated checks to the bus company. The son was

not a good student and without any consultation with his parents, he was placed in a special class for "slow children". The teacher of this class did not pay much attention to the students since they were "slow". Thus Reuven did not learn anything for two months. When Mr. Gold saw that his son was not making any progress in his learning, Mr. Gold took his son out of this yeshiva and without warning transferred his son Reuven to another yeshiva where Reuven did exceedingly well, including receiving a special card for excellent students.

Mr. Gold sought 2 things: (1) a return of the balance of the checks that the yeshiva held for the son's tuition and (2) to have the bus company provide transportation for his to the second yeshiva. The bus company responded that they did not receive any checks for individual students but that the yeshiva paid a gross amount to the bus company for providing transportation to all its students. This did not include transportation to the second yeshiva. The yeshiva did not return the checks to him nor were they able to return the checks for the transportation since they had already transferred these checks to the bus company. These checks were in the hands of the bus driver who provided the transportation of the students to the first yeshiva but not to the second yeshiva. The yeshiva leadership states that Mr. Gold was told at the time he registered his son and paid tuition and bus rates that the bus was not part of the yeshiva and was a private transaction between the parents and the bus company. Thus the yeshiva was not the employer of the bus company but rather the parents employed the bus company. Mr. Gold maintains that he was told by the yeshiva that the bus company was employed by

the yeshiva and therefore the yeshiva should get back the checks that represented the period of time that the son did not use the bus to get to the first yeshiva.

Regarding the checks for the balance of the tuition, the Jerusalem Beit Din cited a passage in the Talmud (Baba Mezia 109a) “Rabah said ‘Elementary school teachers, a gardener, butcher, a cupper, and the town scribe are all regarded as permanently warned’ of dismissal should their work be unsatisfactory”. Thus Mr. Gold was entirely within his rights to remove his son from the school when he learned nothing there. As to the return of the checks from the bus company, it was held that Mr. Gold could demand the checks back in any event; either the bus company worked for the yeshiva and since Mr. Gold could terminate the relationship with the yeshiva he could certainly terminate the relationship with the bus company; and if the bus company worked for Mr. Gold, just as he could terminate the yeshiva he could terminate the bus company relationship and get his checks back from them. □