



PARSHA ENCOUNTERS

12 Shevat 5769 / Feb. 6, 2009

Parshas Beshalach ✍️ Rabbi Dovid Rifkind

Wholly Holy

In this week's *Parsha*, the *B'nei Yisrael* have just been freed from *Mitzrayim*, and followed *Moshe* into the uncharted territory of the *midbar*, demonstrating their faith in *Hashem*. Regarding this, *Yirmiyahu* prophesized as follows:

ויהי דבר ה' אלי לאמר: הלך וקראת באזני ירושלם לאמר כה אמר ה' זכרתי לך חסד נעורֶיך אהבת כלולתיך לכתך אחרי במדבר בארץ לא זרועה: קדש ישראל לה' ראשית תבואתה כל אוכליו יאשמו רעה תבא אליהם נאם ה':

"And the word of Hashem came to me, saying, Go and call out in the ears of Yerushalayim, saying, 'Thus said Hashem; I recall for you, the kindness of your youth, your love like a bride, your following Me into the midbar, into an unsown land. **B'nei Yisrael is holy to Hashem, the first of His crop; all who devour it will be held guilty; evil shall come upon them - the word of Hashem.**'" (Yirmiyahu 2:1-3)

Concerning this attribution of *kedusha* - holiness, the Midrash Rabbah in two places teaches the following:

In Bereishis Rabbah (81:1) it states: תני ר' חייא תבוא מארה לאדם שהוא נהנה מן ההקדש, ואין הקדש אלא ישראל שנאמר קודש ישראל לה' וגו'

"R' Chiya taught a curse will befall those who derive benefit from *hekdesh*, and *hekdesh* is none other than the *Bnei Yisrael* as the *pasuk* says קודש ישראל לה' וגו'."

In Shemos Rabbah (24:3) the Midrash states: מה קדשים כל מי שנוגע בהן מתחייב, כך ישראל שנאמר קדש ישראל לה' ראשית תבואתו כל אוכליו יאשמו

"Just as *kodshim*, whoever touches them is liable, so it is concerning *Yisrael*, as it says קדש ישראל לה' ראשית תבואתו כל אוכליו יאשמו."

It is evident from these *Midrashim* that the *kedusha* of the *B'nei Yisrael* is comparable to that of *hekdesh* - items imbued with *kedusha* by being owned by the *Beis Hamikdash*. Consequently, oppressing the Jewish people is tantamount to being *moeil b'hekdesh*-deriving benefit from *hekdesh*.

It appears from *Yirmiyahu*'s prophecy that the *B'nei Yisrael* were קדש לכתך אחרי במדבר - imbued with *kedusha* - as a result of - Wasn't *B'nei Yisrael kadosh* already since the time of the *Avos*?

The *Perashas Derachim* (Derush 26) asks further: Why must *Yirmiyahu* preface - יאשמו - that *Klal Yisrael*'s oppressors will be punished with קודש ישראל לה'. Wouldn't *Klal Yisrael*'s enemies be held liable for their actions regardless of the level of *kedusha* of the *Bnei Yisrael*? Also, in the phrase - כלל - seems to be superfluous.

He answers, based upon the Gemara in Maseches Avoda Zara 52b, as follows: *Hekdesh* items fall into two categories: (1) Items that have been made *hekdesh*, such as donations of gold and silver to the *Beis Hamikdash*, and (2) items that have actually been used in *avodas hakodesh* such as the *mizbeach* et al.

The former category of *hekdesh* lost their *kedusha* once the *Beis Hamikdash* was conquered. The *mizbeach* and utensils that had been used for the *avoda*, on the other hand, retained their *kedusha*. Their *kedusha* is integral and can never be removed.

Until the *B'nei Yisrael* left *Mitzrayim*, their *kedusha* was comparable to that of the gold and silver donations to the *Beis Hamikdash*; their *kedusha* was susceptible to being lost. However, when the *Bnei Yisrael* traveled *en masse* into the *midbar*, demonstrating their unwavering *emunas Hashem*, they were serving as a tool to advance *k'vod Hashem* in the world. They were thus being used for *avodas Hashem*. Consequently, their *kedusha* became, as the *mizbeach*, integral and immutable. Although *Klal Yisrael* has been conquered numerous times by different nations, their *kedusha* remained. Therefore, each successive nation that oppressed them was guilty of being *moeil bahekdesh*. "all who devour him will be held guilty"

In fact, Rav Aharon Kotler zt"l writes (Mishnas R' Aharon vol. 1 pp. 98) "*Klal Yisrael* is not merely commanded to act with *kedusha*, rather they are *inherently kodesh* as it says in the *pasuk*, קדש ישראל לה' ראשית תבואתה."

Rabbi Rifkind, an alumnus of the Kollel, is a Rebbi at the Arie Crown Hebrew Day School. He is a member of the Kollel's Kollel Boker, and learns with the Kollel every afternoon.

HALACHA ENCOUNTERS

Finishing Up a Shidduch

Rabbi Henoch Plotnik

The Torah in this week's *Parsha* states, "And Moshe took Yoseph's bones with him." (13:19). The *Gemara* in *Maseches Sotah* 13b points out that another *pasuk* (*Yehoshua* 24:32) credits the entire B'nei Yisrael with bringing Yoseph's bones out of *Mitzrayim*. "Rav Chama answers, 'Someone who does something and doesn't finish it loses the attribution of the deed to the one that finishes it.'" Despite the fact that Moshe began the process, because he did not finish it, the credit was not given to him.

However, we seem to find otherwise regarding the building of the *Beis Hamikdash*. We recite every morning "*Mizmor shir chanukas habayis l'David*." This implies that the *Beis Hamikdash* was considered David Hamelech's product, despite the fact that his son Shlomo Hamelech had actually built it. The *Yalkut* in *Tehilim* explains that David Hamelech is credited as the builder of the *Bayis* because he thought to build it!

The *Shev Yaakov* (cited by *Pischei Teshuvah Choshen Mishpat* 185:3) answers that regarding the transport of Yoseph's bones, even if Moshe wouldn't have attended to them, someone else would have, because of the oath imposed on the *shevatim* by Yoseph to bring his bones out of *Mitzrayim*. The *Beis Hamikdash*, on the other hand, had no set time to be built. Had David Hamelech not been inspired to build it, perhaps nobody would have. Therefore, David Hamelech receives the credit for its construction.

Based on this *Aggadic* interpretation of the *Midrash*, the *Shev Yaakov* proposes a novel halachic ruling. If someone began conducting a *shidduch* that didn't come to fruition, but was restarted and ultimately completed by a different *shadchan* with success, the initial *shadchan* deserves partial payment, for without his initiative, the *shidduch* may have never been.

The institution of *shadchanus* and its compensation is not something to be taken lightly. In fact, it receives significant attention in halachic responsa. The *Avnei Nezer* maintains that the obligation to pay the *shadchan* actually falls upon the *choson* and *kallah*. Parents who pay the *shadchan* are merely paying on behalf of the *choson* and *kallah*. It would therefore behoove them to make sure the *shadchan* is paid to avoid the potential danger associated with withholding *shadchanus* money. There are those that hold that if a *choson* and *kallah* are supported by their parents, it is presumed to be the parents' responsibility to pay the *shadchan* and the *shadchan* may not demand payment from the *choson* and *kallah*.

Just as someone may not interfere with another's business venture

and redirect another's client, one cannot "take over" a *shidduch* from another *shadchan* without permission. (*B'tzel Hachochma* 3:10). Additionally, potential *mechutanim* may not take the *shidduch* away from a *shadchan* who is willing and able to finish the *shidduch* he/she started. (*Aruch Hashulchan Even Haezer* 50:42). (As far as the amount of time and patience potential *mechutanim* must have with a *shadchan*, see *Kerem Shlomo* quoted in *Hanesuin K'Hilchoso* 4:62 that discusses different opinions ranging from a few months to half a year.) Where the custom is to involve relatives to push things along, the *shadchan* must respect it. Nevertheless, the original *shadchan* still receives some compensation commensurate with his/her input. According to the *Aruch Hashulchan*, even if the *shadchan* was wronged and didn't get to finish the *shidduch*, he/she only has claim to his/her part and not full/total payment.

If non-relatives began a *shidduch* and relatives were brought in to complete it, the relatives are not entitled to any *shadchanus* remuneration. (Teshuva attributed to Rabbi Akiva Eiger quoted in *M'vakshai Torah, Nissan* 5758). A relative is defined as one that would be disqualified from testifying for the prospective *choson* or *kallah*. "Interviewing" a prospective *choson* to see if he is learned, etc., grants no rights to *shadchanus* either. (Teshuva of Rav A.Y. Fish zt"l, Av Beis Din Hadas, Hungary).

In a variation of the above mentioned examples of another party successfully finishing a *shidduch* – what would be if a *shadchan* suggested a *shidduch* which was not successful but the man wound up marrying the *meshudeches'* sister? May the original *shadchan* take any credit and demand payment? Amongst the various opinions, the *Avnei Nezer* (*Choshen Mishpat* 36) holds that where the custom is to pay the initiator of a *shidduch* even though he/she didn't finish it, the original *shadchan* is entitled to some payment because he/she brought the "hearts" of both families together.

All *shidduch* issues need to be dealt with as seriously as any other area of *Choshen Mishpat*. (Any sheilah regarding how much money to give and to whom to give it, must be asked to a rav.) The reward of success is very great, perpetuating the eternity of Klal Yisrael. It is said that the great decisor of halacha, the Maharil, had his main *parnasa* from *shadchanus*. Reb Arele Belzer zt"l suggested that this was because the most "kosher" money is *shadchanus gelt*, and the Maharil wanted no part of any other sustenance.

Finally, the *Yalkut Shimoni* (*Yisro* 289) teaches us that Moshe merited his "shine" because he was the *shadchan* between Hashem and Klal Yisrael. We would all do well to emulate that virtue *k'das Moshe v'Yisrael*.

Rabbi Plotnik, an alumnus of the kollel, is a R"m at Yeshivas Meor HaTorah and rav of Beis Tefillah.