

*Mazal tov to Jodi Wohl on her engagement to Zev Stender of Woodmere.
Mazal Tov to Mickey & Barbara along with the entire Wohl family.*

*Mazal Tov to Caren and Michael Graber & the entire Weinberg family on
the birth of a baby girl.*

*Mazal Tov to Lauren and Joel Jerozolim & the entire Pick family on the
birth of a baby boy.*

*Mazal Tov to brandi and Jason Grunfeld & the entire Grunfeld family on
the birth of a baby boy.*

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WEDDINGS Rabbi Berel Wein

June is a popular month for weddings the world over. In the Jewish world, the period after sefira, its end marked by the recent holiday of Shavuot, makes this time of the year especially busy with weddings. Since I will be attending the wedding of my beloved grandson Binyamin Teitelbaum this week, my thoughts have naturally turned to the great institution of a Jewish wedding. For thousands of years Jews have sanctified their married life by beginning it with the traditional Jewish wedding.

The beauty, simplicity and nobility of the Jewish wedding ceremony are dictated to us by Talmudic tradition and rabbinic law. The ceremony is based on the name that the Talmud grants to the Jewish concept of betrothal and marriage - kiddushin – sanctification and holiness. Though marriage is a “contract” between a man and a woman for living together, it is much more than that. At the root of the Jewish marriage ceremony is the understanding that marriage is much greater than the sum of its individual parts.

And it is to this unspoken, almost indefinable area of marriage and married life, that the Jewish marriage ceremony is addressed. It makes the unspoken and ephemeral bond of marriage, its love connection, loyalty and fealty to one another, the centerpiece of what would otherwise perhaps be only a legal and dry arrangement, certified in its legality in a law court or consulate. The Jewish wedding ceremony comes to transcend the purely legal aspect of the arrangement and to infuse it with spirituality and a whiff of eternity.

The first part of the wedding ceremony deals with the exclusivity of the relationship between the bride and the groom. Judaism places a great deal of weight as to this exclusivity. A violation of its principle is deemed to be the ultimate betrayal in life. Infidelity bespeaks a lack of true commitment and without commitment one to another marriage is merely a legal sham. This sense of commitment and loyalty, of the exclusivity of the relationship, precedes all else in the marriage relationship. The Jewish wedding ceremony does not allow itself to speak of joy, love, companionship and happiness as of yet. It is the iron-bound discipline of commitment and exclusivity that must first be established. Only after it is in place and understood can there be praise and recognition of the joys of love and companionship that a marriage can entail.

After this initial set of blessings, the groom brings the bride into their new mutual life together by placing the wedding ring on her finger. Technically, a ring per se is not required for other items of value may also be used. But the custom of using a ring is millennia-old and is universal in practice. The ring represents the circle of our lives, the seamless connection now being created between two human beings, and that in terms of their souls now knows no beginning or end.

In Ashkenazic custom, the ketubah, the actual legal contract between the parties, is read publicly. In many Sephardic communities, the actual reading of the ketubah in a public fashion is dispensed with and instead words of blessing and inspiration are delivered by the officiant or a family member. The ceremony then has the final seven blessings recited. These blessings deal with the joy, warmth, companionship and contentment that marriage can bring to a man and woman. They also deal with the fact that

spirituality, faith and God are also part of a successful Jewish marriage. Judaism views God as the invisible but indispensable third presence in any Jewish marriage. God is seen as the first matchmaker, so to speak, between Adam and Chava in the Garden of Eden. The Talmud states that God eternally continues to pair individuals one with another to form a marriage. The marriage ceremony recognizes and pays homage to this fact and includes thankfulness and appreciation to the Creator for having forged the bond between the individuals that the marriage ceremony now records and activates. It also points out that the joy of the couple is bound together with the eventual joy of Israel, Jerusalem, Jewish redemption and rebuilding. The individual couple, no matter how devoted these individuals may be to one another, is nevertheless inextricably connected to the Jewish whole, its history and destiny.

The breaking of a glass is also part of the Jewish wedding ceremony. It indicates the fragility of human life so that otherwise unlimited frivolity at the wedding celebration is thus muted. After the destruction of the Temple, the breaking of the glass came to signify our sense of loss over the destruction of the Temple. All joy is tempered with sorrow and a sense of loss. At my grandson's wedding, I can testify to this truth. Nevertheless, the simplicity and beauty of a Jewish wedding ceremony cheers me and points me towards the future, which hopefully brings comfort and purpose to one's life and being. Shabat shalom.

Weekly Parsha B'HALOTCHA Rabbi Berel Wein

The parsha begins with the word b'halotcha which is the verb that precedes the object of the sentence, the candles and lights of the candelabra in the Tabernacle and Temple. Thus the verse in its simple meaning refers to having the flame rise when lighting the candelabra. But the verb b'halotcha literally means “When you rise.” And I think that this idea contains an important lesson for all of us. The candelabra in the Temple represents the light of the Torah, of God's presence, so to speak in the world. The object of the kohein, the priest of Israel in lighting the candelabra is to spread this divine light throughout Israel and the world and thereby to dispel the darkness of evil and contentiousness that so pervades the world.

However, the lighting of the candelabra was not meant to be merely a mechanical, robotic act. The kohein who performed this task of lighting the candelabra had himself to be first uplifted morally and spiritually. Thus the Torah wrote the verb b'halotcha- when you raise yourself – then you are entitled to light the candelabra for others. A person who is not of high moral character is unlikely to be an effective preacher of morality to others. Those who possess divine light within themselves are capable of producing divine light for others. Judaism is very strict in its view of these matters. A candelabra lit by someone who is unworthy of the task is doomed to flicker and eventually be snuffed out. The candelabra in the Temple had an eternal flame – ner maaravi – associated with it. As such, the achievement of eternity requires the uplifting of one's self on a consistent and permanent basis.

The Talmud goes to great lengths to confirm this basic principle of Jewish thought. The rabbis there stated: “Bedeck yourself first before you attempt to bedeck others.” Otherwise, the rabbis warned, when one attempts to tell someone to remove a splinter from one's self, the reply invariably will be to remove the large beam from your own eye. Hypocrisy is the great enemy of true faith and morality. One cannot lecture others about splinters while carrying one's own beams around. The rabbis of the Talmud noted that even in their times those who could effectively reprimand others for poor behavior were rare and scarce.

What shall we say therefore about our times? The Mussar movement of nineteenth century Lithuania attempted to raise the moral caliber of Jewish society by emphasizing this very message of b'halotcha. The key to

influencing others lay in self-improvement. Leading by example, by soft words and goodness was seen as the correct method for lighting the candelabra and spreading the light of holiness throughout society.

I think that, if ever, now is the time here in our Jewish world to mount such a renewed effort at self-improvement in order to influence our entire world positively. We may not yet possess the Temple and its great candelabra but the idea and lesson that they represented are certainly present here and now as well. Our task is to implement this symbolic lighting of the divine candelabra. Shabat shalom.

Ohr Somayach :: Torah Weekly :: Parshat Beha'alotcha
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by Rabbi Yaakov Asher Sinclair

Overview

Aharon is taught the method for kindling the menorah. Moshe sanctifies the levi'im to work in the Mishkan. They replace the first-born, who were disqualified after sinning at the golden calf. The levi'im are commanded that after five years of training they are to serve in the Mishkan from ages 30 to 50; afterwards they are to engage in less strenuous work. One year after the Exodus from Egypt, G-d commands Moshe concerning the korban Pesach. Those ineligible for this offering request a remedy, and the mitzvah of Pesach Sheini, allowing a "second chance" to offer the korban Pesach one month later, is detailed. Miraculous clouds that hover near the Mishkan signal when to travel and when to camp. Two silver trumpets summon the princes or the entire nation for announcements. The trumpets also signal travel plans, war or festivals. The order in which the tribes march is specified. Moshe invites his father-in-law, Yitro, to join the Jewish People, but Yitro returns to Midian. At the instigation of the eruv rav the mixed Egyptian multitude who joined the Jewish People in the Exodus some people complain about the manna. Moshe protests that he is unable to govern the nation alone. G-d tells him to select 70 elders, the first Sanhedrin, to assist him, and informs him that the people will be given meat until they will be sickened by it. Two candidates for the group of elders prophesy beyond their mandate, foretelling that Yehoshua instead of Moshe will bring the people to Canaan. Some protest, including Yehoshua, but Moshe is pleased that others have become prophets. G-d sends an incessant supply of quail for those who complained that they lacked meat. A plague punishes those who complained. Miriam tries to make a constructive remark to Aharon which also implies that Moshe is only like other prophets. G-d explains that Moshe's prophecy is superior to that of any other prophet, and punishes Miriam with tzara'at as if she had gossiped about her brother. (Because Miriam is so righteous, she is held to an incredibly high standard). Moshe prays for her, and the nation waits until she is cured before traveling.

Insights - Heaven's Name

"...When you kindle the lamps, the seven lights shall cast light toward the face of the Menorah."

In the name of Heaven it seems that almost as much blood as rain has soaked the earth.

Self-righteous fanatics from the Spanish Inquisition to Al Qaeda have invoked the name of Heaven to justify their atrocities. The Nazis believed that their obscene horror-show was the Divine Will, and the Catholic Church was right behind them in their acquiescence and not-so-passive complicity. Moslems murder Christians, Hindus murder Moslems, Catholics murder Protestants and Sunnis murder Shiites— and vice versa — all in the name of Heaven.

In 1646, after the Civil War in England, Mathew Hopkins, the self-proclaimed "Witchfinder General" led a terrifying purge that relied on testimony extorted by means of "ordeal." This featured torture of the most horrific nature including hot pincers and the thumbscrew.

All in the name of Heaven.

"...When you kindle the lamps, the seven lights shall cast light toward the face of the Menorah."

Rashi tells us that "The face of the Menorah" means the ner ma'aravi, the middle of the seven lights. The wicks of the three flames on either side of the ner ma'aravi must incline and "cast light" toward this central light. If

so, why does the Torah say, "the seven lights shall cast light"? It should say, "the six lights shall cast light toward the face of the Menorah" — the ner ma'aravi.

Six represents the mundane and the workaday. Seven represents Shabbat; Shabbat is not so much the end of the week as the week's end — its goal and purpose. The six lights pointing toward the central flame teach us to orient all our actions towards the center, towards Heaven.

When the Torah says that all seven lights should cast light on the center, it means that even the center must face the center; it's all too easy to justify anything and everything "in the name of Heaven." We must be sure that the things that we do in the name of Heaven should be worthy to bear Heaven's name.

Heard from Rabbi Menachem Goldberger in the name of the Mei Shiloach of the Ishbitzer Rebbe © Ohr Somayach International

Peninim on the Torah by Rabbi A. Leib Scheinbaum

PARSHAS BEHA'ALOSCHA

For they are given; they are given to Me from among Bnei Yisrael; instead of all that open the womb, the first-born of all Bnei Yisrael. (8:16)

Rashi notes from the repetition of the word nesunim, they are given, that Shevet Levi was to serve two functions: they had the task of carrying the Mishkan during the nations's travels; and they sang in the Sanctuary. Horav Mordechai Rogov, zl, notes the distinctions between these two areas of service. One demanded physical exertion to lift and carry the heavy weight of the Mishkan along with its various appurtenances. It was not what we would consider to be a pleasant task. The other function, to sing and accompany the service in the Sanctuary, was truly an enjoyable task. Yet, these functions are paralleled by the Torah to indicate that they were both carried out in a similar manner. We must step back to analyze this. On the one hand, the Leviim performed a physically demanding task for the sole purpose of fulfilling a mitzvah. On the other hand, they also carried out a pleasant task for the sole purpose of fulfilling the mitzvah. This really sets a standard of performance that is both sublime and unique. It is one thing to focus in order to maintain a clear and simple perspective of a mitzvah while performing a difficult physical endeavor. It is entirely something else - and quite demanding - to maintain this same focus when personal benefit and pleasure are involved.

Rav Rogov cites the pasuk in Parashas Lech Lecha (Bereishis 12:4), which states that Avraham Avinu traveled to the land of Canaan, "just as Hashem commanded him." The Kesav Sofer notes that although the mission to go to Eretz Yisrael was l'tovascha u'luanaascha, "for your personal benefit and welfare," as stated by Rashi (12:1), nonetheless, the manner in which Avraham carried out the command was selfless, with total dedication and without any personal gain. Our Patriarch acted without any ulterior motive. He was committed to fulfilling the Divine Will - not to seeking personal gratification.

A mitzvah which contains a side benefit that includes personal pleasure or benefit is difficult to perform with pure motivation, solely for the sake of Heaven. We are human beings and, as such, we have desire, that, when satisfied, give us pleasure. It takes incredible devotion and commitment to be able to transcend these emotions in order to concentrate completely on the mitzvah. Indeed, Horav Yisrael Salanter, zl, was wont to say, "It is a greater challenge to perform the mitzvah of eating on Erev Yom Kippur for the sole purpose of carrying out the mitzvah, than it is to actually fast on Yom Kippur." The reason for this is simple. Upon eating, one derives physical pleasure, an unintended benefit one must transcend in order to focus on the mitzvah itself. Fasting, however, has no side benefits.

When Avraham Avinu returned from the battle of the four kings against the five kings, he met the king of Sodom, who offered him the spoils of the war. Avraham refused, declaring, (Bereishis 14:2) "I have lifted my hand in an oath to the G-d most high, Possessor of the Heaven and earth! Not a thread nor a shoelace! I will not take anything that is yours!" The Midrash comments that Avraham's expression, "not a thread," alludes to sacrificial offerings. As we learn in the Mishnah Meseches Middos 3:1, a thread of scarlet girded it (the Altar) around the middle. (This line separated between

the upper and lower areas where the sprinkling of the blood would be placed for various offerings.) "Nor a shoelace," alludes to the feet of the (Festival) pilgrims, as it says in Shir HaShirim 7:2, "How beautiful are your steps in sandals."

Rav Rogov explains this Midrash along the same lines. When Avraham Avinu raised his hand in declaration to Hashem, he was asserting that he would sanctify his efforts to acquire within his soul the strength and fortitude to carry out his endeavors only for the sake of Heaven. His goal was to prevent any aspect of personal benefit from becoming a motivating factor of his efforts. The Midrash points this out with regard to his intent in two specific areas. Our Patriarch was acutely aware that there would be times in his descendants' history in which action would have to be taken in order to accomplish a mitzvah. He knew that this action would, at times, involve self-sacrifice. He realized that the blood of his children would be sacrificed on various altars throughout their tumultuous history, as torture and even death would be the consequences of defending our beliefs. These decisions would most certainly be made purely l'shem Shomayim, for the sake of Heaven.

Yet, Avraham also dedicated the annual pilgrimages that his descendants took to Yerushalayim for the Three Festivals. These festive times were accompanied by celebration, joy and camaraderie. Singing, dancing and all other forms of physical enhancements constitutes an important aspect of the travels to Yerushalayim. This set the stage for personal enjoyment, whereby people would benefit from the food, drink and good cheer. Nonetheless, Avraham proclaimed that even these experiences would be l'shem Shomayim. The nation would focus their intentions on the holy mission of rejoicing with Hashem. They would concentrate their efforts on Hashem alone - not on themselves.

Aharon said to Moshe... "Do not cast a sin upon us, for we have been foolish and we have sinned." (12:11)

The parsha concludes with the incident of Miriam haNeviah speaking lashon hora about Moshe Rabbeinu. Upon discovering that Moshe had separated from Tziporah, his wife, Miriam told Aharon, and together they criticized their younger brother: "Was it only to Moshe that Hashem spoke? Did He not speak to us as well?" (12:2) They were unaware that Moshe's action was the result of Hashem's command, since Moshe had to be prepared to receive a Nevuah, prophecy, at any time. This possibility demands that a person be in a constant state of ritual purity, a status which is incompatible with normal family life. As Horav Avraham Pam, zl, suggests in the anthology of his ethical discourses on Chumash, Aharon and Miriam failed to realize that Moshe was different than they, that his relationship with Hashem superseded even their own. They thought they were like him. That was their first mistake.

Rav Pam cites the Rambam, Hilchos Yesodei HaTorah 7:6, who distinguishes between the level of Nevuah attained by Moshe and that attained by the other prophets. Moshe was wide-awake and standing when Hashem communicated with him. His prophecy emanated directly from Hashem, as a man speaks with his friend. Other prophets had a vision, fell into a trance, or were visited by an angel who revealed the prophecy in the form of a mashal, analogy, or riddle, which the Navi was to interpret. All prophets had to prepare themselves spiritually for the moment of Nevuah, and, when it would occur, they were in a state of terror or dread. Moshe received his Nevuah at any time he wished, because he was always in a state of preparedness. This status compelled him to separate from his wife. Realizing their error, Aharon cried out to Moshe, "Do not cast a sin upon us, for we have been foolish, and we have sinned." What was the gist of this sin? The Ohr HaChaim HaKadosh explains that Aharon was acknowledging that their sin consisted of two errors. First, they erred by speaking lashon hora about Moshe. Second, they were guilty of imprudently comparing their level of prophecy to that of Moshe. Indeed, as Rav Pam points out, the infraction of lashon hora paled in comparison with their act of indiscretion in comparing themselves to Moshe.

It happens all of the time. We compare ourselves to rabbanim, roshai yeshivah, Torah scholars of note, all individuals who have spent their lives totally immersed in the sea of Torah. They are people who have perfected middos, character traits, and have devoted themselves selflessly to Hashem's Torah and the way of life it demands. Yet, we do not seem to

distinguish between them and us. How often does someone who once studied in a yeshivah - and even received a certificate of rabbinical ordination - think that he has the right to paskin, render a halachic decision, as well as the rav who has spent his life absorbed in halachah?

If Aharon and Miriam, who were kedoshei elyon, holy people of a level above any average mortal, who were themselves Neviim, could err, what should we say? In addition, their minds and perspective were not clouded by arrogance.

Rav Pam cites two episodes that emphasize this idea. The Shaagas Arye was one of the towering spiritual giants of the 18th century. He was a brilliant scholar, whose book of responsa was a Torah classic. While he held a number of rabbinical positions, he is best known in his role as the rav of the city of Metz. While today's rabbis take a sabbatical, in those days a sabbatical was called "praven galus," whereby the rav would leave his position for a short time to endure a period of self-imposed exile. This was a method for perfecting their character traits, especially that of humility. Being with the common people, not being subject to accolades and honor, gave them the opportunity to get in touch with themselves. Their rabbinic garb was exchanged for peasant clothing, as they traveled to distant villages and towns where they were unknown. They would mingle with the poor and homeless, often sleeping on the floor in the back of a shul and sustaining themselves from the community soup kitchen, like the itinerant beggars. This was their way of divesting themselves of the prestige and honor that often accompanied their esteemed rabbinic position.

During one of his "galus trips," the Shaagas Arye had occasion to spend a few nights together with a melamed, Torah teacher, in a hayloft in the barn of a farmer. The melamed worked on the farm on two levels: he taught Torah to the farmer's children; and he helped the farmer with his chores. One morning shortly before dawn, the Shaagas Arye was awakened by the loud, resounding voice of the farmer, "Rebbe, get up and take the cows out to the pasture!" The young melamed jumped out of "bed" and ran to do the farmer's bidding. About an hour later, the farmer's voice once again broke the prevailing silence, "Rebbe, go feed the chickens!" Immediately, the melamed ran to carry out his master's command.

When the young man returned to the barn after completing his daily chores, he turned to the Shaagas Arye who was bent over engrossed in a Talmudic analysis, saying, "Du zest vi mir rabbanim darfen zich mutchen?" "Do you see how we rabbanim have to struggle?" He compared himself to the Shaagas Arye when he said, "we rabbanim," as if they were on a parallel plane. According to the Ohr HaChaim, this was the error of Aharon and Miriam - comparing themselves and their level of prophecy to that of Moshe Rabbeinu. No one is denying their sublime spiritual stature. They were not, however, on the same level as Moshe.

In a second vignette, it is related that Rav Pam once attended the annual dinner of a major Jewish organization. Sitting on the dais next to the venerable gadol hador, preeminent Torah leader of the generation, Horav Aharon Kotler, zl, was a young American rabbi. The rabbi was talking animatedly with Rav Aharon and even patting the rosh yeshivah on the hand, as he repeatedly said, "'No, Rabbi Kotler, that is not the way..." As Rav Pam took in this scenario, the gadol hador with a young rabbi engaged in discussion as if they were equals, he thought of Aharon HaKohen's words, "We have been foolish, and we have sinned."

During the 1950's, the gedolei hador, the Brisker Rav, zl, and the Chazon Ish, zl, issued a strong ruling with regard to the religious issues facing the Torah community in Eretz Yisrael and their involvement vis-?-vis the government. There were those, of course, who had the temerity to challenge the rulings of the gedolei hador. These were rabbis who unquestionably had strong followings and prestigious credentials, but they were a far cry from these two Torah luminaries. They had the nerve to defend their actions by saying, "We are also rabbis."

If there is one lesson that should be derived from the incident of Aharon and Miriam, it is to be able to step back and reflect upon the preeminence of gedolei Yisrael. Regardless of how we view ourselves, we are a far cry from them. Too often do we hear the utter foolishness of those who have accomplished "somewhat" when they say, "We are also daas Torah! We are expositors of Torah wisdom. We can render halachic arbitration on the

same level as any gadol." These mindless statements only validate the obvious: "We have been foolish, and we have sinned."

Miriam was quarantined outside the camp for seven days, and the people did not journey until Miriam was brought in. (12:15)

Miriam was punished for speaking against her brother, Moshe Rabbeinu. For seven days she was quarantined, as per the law applying to one who is afflicted with tzaraas, spiritual leprosy. She was left alone to contemplate her error for seven days, during which time the entire nation waited for her release from quarantine before they continued their journey. Miriam's episode teaches us a powerful lesson concerning reward and punishment: Hashem does not ignore the good that one accomplishes. The good is not erased as a result of the bad. Furthermore, when Hashem judges a person's infraction, He takes into account the entire person - not just the sin that he has committed.

We are instructed to "remember what Hashem did to Miriam on the road traveling from Egypt." We are to derive from this incident a lesson regarding the evils of lashon hora, evil speech. Miriam, the most righteous woman, the person who saved Moshe Rabbeinu's life, made a grave error, and she was punished. What can we say? There is more, however, to the lesson that Miriam's episode teaches us. Horav Chaim Shmuelevitz, zl, asserts that Miriam's incident goes beyond teaching us the effects of lashon hora. It teaches us a powerful lesson concerning our interrelationships with people. Miriam was punished, but she simultaneously received tremendous honor, as the entire nation waited for her recuperation. We derive from here that we are to take the entire individual into consideration before judging a situation. Because of the lashon hora that she spoke, Miriam was punished. On the other hand, because she waited by the river to watch over her baby brother, Moshe, she was rewarded. We are to take everything into account.

Hashem judges the person - not simply his actions. I recently read about an individual who had inflicted an immeasurable amount of emotional damage on a number of people. This was a man that people had trusted, that people had looked to for guidance and inspiration, and he violated their trust. While he certainly deserved to be censured for the evil that he wrought, people quickly seemed to forget many of the wonderful things that he had done. They forget how many lives he saved, how many families he inspired, how many lost youth he helped. That is how human beings function, however. We see only the action before us at the moment. We do not view the action in the context of the entire individual and his positive contributions to society. While one's positive actions certainly do not negate his evil deeds, they should not be ignored as if they had not occurred. One should be recognized for the good that he has accomplished and censured for the evil that he has caused.

To be able to include both reward and punishment in one retribution, to recognize one's positive contribution as well as to punish one's malevolence, is Divine. We are taught in Pirkei Avos, Hevei dan es kol ha'adam l'kaf z'chus, "Judge every man favorably." This seems difficult at times, especially when the iniquity is glaring at us and seems unpardonable. How do you judge corruption favorably? The answer is that you do not find anything positive about the corruption. The favorable verdict is to be focused on kol ha'adam, the entire person. Do not judge the action; judge the person. You might see him and his compelling circumstances in a different light.

Va'ani Tefillah - Baruch She'amar - Blessed is He Who spoke.

There are eighty-seven words in Baruch She'amar, corresponding with the pasuk, Rosho kesem paz, "His opening words were finest gold" (Shir Hashirim 5:11). This is a reference to the "head," opening words of the Pesukei d'Zimra which is composed of paz, whose gematria, numerical equivalent, is 87, alluding to the 87 words of this prayer. It also includes ten forms of praise, coinciding with the Asarah Maamaros, Ten Emanations, through which the world came into being. The Aruch HaShulchan observes that the word baruch, blessed, is mentioned thirteen times in this prayer. This corresponds to the Yud Gimel Middos, Thirteen Attributes of Mercy. Furthermore, Pesukei d'Zimra contains thirteen forms of praise: Hodu, Mizmor L'Todah, Yehi Kavod, Ashrei, Five Hallelukahs, Baruch Hashem l'olam, Va'yevarech David, V'charos imo ha'bris, Az Yashir.

What is the significance of the words, Baruch She'amar? Tenuvas Baruch cites Chazal who say that the words, Bereishis bara Elokim, allude to the fact that Hashem originally wanted to create the world with Middas haDin, the Attribute of Strict Justice. Hence, the tefillah uses the word Elokim, which is the name of Hashem associated with Din. When Hashem observed that the world could not exist under the rigors of Din, He included Rachamim, the Attribute of Mercy, with it. Amirah, speaking, is lashon rakah, a soft expression, while dibur, telling, is lashon kashah, stronger, harsher form of expression. Amirah is, thus, associated with rachamim. Therefore, we say, Baruch She'amar v'hayah ha'olam, "Blessed is He Who spoke and the world came into existence." We praise Hashem for saying with mercy that the world should come into being. Otherwise, we could not exist.

Rabbi Michael Rosensweig (The TorahWeb Foundation)

Pesach Sheni: A Quest for Spiritual Opportunity and National Identity

Parshat Behalotechah records the extraordinary petition of a group that had been excluded from the mitzvah of korban Pesach due to ritual impurity (tumah) that they be afforded the opportunity to participate in this singular experience. The impassioned plea moves Moshe Rabbeinu to consult with Hashem, ultimately leading to the formulation of a new halachic institution, Pesach Sheni.

Why did the Torah choose to reveal these important halachot in this unusual manner? The Sifrei (cited also in Rashi 9:7) indicates that Pesach Sheni was part of the original halachic structure and might have been conveyed by Moshe along with the rest of the Torah, but was articulated as a response to the demands of this group to credit them for their halachic initiative and commend them for their spiritual ambition (megalgin zechut al yedei zakai). Indeed, the Seforno cites the view that the eager quest for Pesach Sheni was one of four pivotal attainments that would have merited Klal Yisrael's immediate entry into Eretz Yisrael if not for the transgression of the meraglim.

However, the urgency of the demand for participation in the Pesach is puzzling, as is the significance attached to this initiative. Undoubtedly, this was not the first group to be excluded from halachic performance when minimum standards could not be met. Moreover, the Or ha-Hayyim, Kli Yakar, and other commentators note that it is difficult to comprehend the argument of the temeim, as they acknowledged the requirement of ritual purity as a sine qua non of Pesach participation. Several suggestions are offered to explain their argument. Some posit that they were objecting to the fact that they could not be passively included in the Pesach of a tabor. Others theorize that they were offended by the irony that their disqualification resulted from an act of chesed such as the carrying of Yosef's remains or the burial of a meit mitzvah. None of these explanations satisfactorily justify the tone or content of their argument. The dramatic, forceful, insistent language associated with their plea (9:7) - "lamah nigara le-bilti hakriv et korban Hashem be-moado bethoch Benei Yisrael"- suggests a sense of frustration, loss and alienation that transcends the lost opportunity to perform even a notable mitzvah.

Perhaps it is precisely the wording and tone of this very powerful petition that provides a solution to the puzzle. The phrase "bethoch Benei Yisrael", apparently superfluous, conveys an awareness that korban Pesach binds individual Jews together as an integrated community and forges a special bond between Klal Yisrael and Hashem. The korban Pesach is a unique korban that defies easy classification. Ideally it is shared by a group (chaburah) appointed (minui) at the time of the shechitah. The Pesach is sometimes referred to as a korban tzibbur, although it is not a single korban of collective Klal Yisrael because it is offered en masse ("bekenufia"- Yoma 51a). There are compelling indications that Pesach reflects the communal covenant between Hashem and Klal Yisrael in a way that parallels the function of brit milah on an individual plane. In fact, milah is a prerequisite for korban Pesach. Among the positive commandments (esin), only the neglect of milah and korban Pesach are punished with karet.

Thus, the excluded group lamented not only their having forfeited an important mitzvah, but their inability to express their identification as members of the covenantal community of Klal Yisrael by means of this singular halachic vehicle. Their anguish was not meant as a legal argument as they were aware of the prerequisite of purity. The group simply could not abide the implications of their exclusion from the tzibbur even if there was no logical foundation to their plea. They turned to Moshe Rabbeinu to respectfully explore whether there was a halachic basis for their inclusion in korban Pesach. Indeed, it is possible that Moshe Rabbeinu found their passion and persistence to be more compelling than logic. He addressed the query to Hashem, confident that an answer would be forthcoming given the sincerity and piety of the questioners. According to the Sifrei, the institution of Pesach Sheni was always intended to enable an additional opportunity to participate in the korban Pesach, but it was only revealed in response to the initiative of the temeim.

We may now appreciate that this parshah of Pesach sheni was credited to the temeim whose sensitivity to the importance of korban Pesach constitutes an important contribution to the substance of the mitzvah. Furthermore, it is appropriate that the passion and idealism reflected by this group would have enabled an early entrance into Eretz Yisrael. The commitment to the notion of a covenant of community (betoch Benei Yisrael) is particularly central to Jewish life in the national homeland. Rash, the Ramban (9:1) and other mefarshim discuss whether it was appropriate to offer a korban Pesach yearly in the desert. They note that in Sefer Shemot it appears that korban Pesach was specifically designed for Eretz Yisrael, a condition that is consistent with its communal character.

Or ha-Hayyim is puzzled by the use of the singular form(9:6) - “vayehi anashim asher hayu temeim...” -that introduces the group that was the catalyst for Pesach sheni. Possibly the Torah already provides a clue as to the source of the group’s frustration and their unwillingness to accept their halachic fate without at least exploring the alternatives with Moshe Rabbeinu. Absent the spiritual opportunity to bond as a chaburah-tzibbur by means of the korban Pesach, their sense of alienation precluded a group self-image. (Ironically, they could not bond even as a group that shared this sense of lost opportunity!)

The Or ha-Hayyim also questions why the karet punishment for intentionally bypassing the mitzvah of Pesach is mentioned only after Pesach Sheni is introduced. Perhaps the theme of a covenant of community that parallels the individual covenant of the brit milah and warrants the punishment of karet is particularly accentuated by the quest of the temeim to participate in this pivotal mitzvah. The Torah’s establishment of Pesach Sheni, affording a second opportunity to attain this crucial brit, constitutes the perfect context to introduce the karet penalty. [There is an additional important dimension to this perspective according to Rambam’s view (Hilchot Korban Pesach ch. 5) that the temeim themselves could never actually incur karet even if they intentionally neglected the opportunity of Pesach Sheni.]

Finally, it is noteworthy that the Pesach Sheni section culminates (9:14) with a pasuk that includes the convert in the obligation of Pesach. It is conceivable that with this conclusion, the Torah again subtly but effectively conveys that korban Pesach reflects the brit between Hashem and Klal Yisrael. Although the convert as an individual cannot trace his personal history to the exodus from Egypt and the first korban Pesach, as a completely integrated member of Klal Yisrael he partakes fully in the historical memory and national brit of Pesach. Indeed, the Sifrei (see Rashi 9:14) finds it necessary to preclude a potential misconception based on this pasuk that a convert would have to bring a korban Pesach as part of his conversion process at any time during the year! The fact that korban Pesach reflects the singular bond between collective Klal Yisrael and Hashem justifies this perspective.

Rav Kook on Psalm 50 - Torah from Zion
“From Zion, the perfection of beauty, God has shined forth.” [Psalm 50:2]

What is this unique radiance of Zion? According to Rav Kook, this refers to a special quality of the Land of Israel. An individual residing in Eretz Yisrael can connect to the Torah on a level that is not possible outside the land. The unique nature of Torah in the Land of Israel is illustrated in the following story, as recorded in the Talmud [Shabbat 53a]:

Rabbi Zeira Arrives in Israel

When Rabbi Zeira finally succeeded in fulfilling his dreams, and left Babylon for the Land of Israel (despite his teacher’s opposition), he met Rabbi Benjamin bar Yefet. At the time, Rabbi Benjamin was teaching the laws of tending one’s animals on the Sabbath. One is allowed to cover a donkey with a saddle-blanket, in order to keep it warm; but one may not place a fodder-bag around its neck.

Upon heard this ruling, Rabbi Zeira exclaimed, “Yishar! Well said! And that is how a king in Babylon translated it.” The ‘king’ to whom Rabbi Zeira referred was Samuel, an expert judge and leading authority in third century Babylon.

Why was Rabbi Zeira so excited when he heard this ruling? And why did he say that Samuel ‘translated’ this law in Babylon?

Animal Care on the Sabbath

We must first analyze Rabbi Benjamin’s ruling, which seeks to navigate a path between two great ideals. On the one hand, we have moral obligations towards our animals, to care for them and relieve them of any pain or anguish (“tza’ar ba’alei chaim”). On the other hand, if we were to spend our entire Sabbath tending the needs of donkeys, what would remain of the Sabbath’s elevated holiness? Over-involvement in animal husbandry would destroy what should be a day dedicated to rest and spiritual pursuits. For this reason, the rabbis made a distinction between a saddle-blanket and a fodder-bag. The blanket is permitted, as it prevents the donkey from suffering from the cold. The fodder-bag, on the other hand, is only for the donkey’s convenience, making it easier for him to eat his food. Here the rabbis drew the line, in order to safeguard the sanctity of the Sabbath day.

Straight from the Source

Rabbi Zeira had already learned this law while living in Babylon. Nonetheless, there was a tremendous difference hearing it again in the Land of Israel. He felt a surge of energy in this teaching that he had not felt before. “Yishar!” he called out excitedly. The word “yishar” literally means ‘straight.’ He was able to feel the direct connection of this ruling with its vibrant source. What happened?

When the song of inner holiness pulsates in the heart, one may discern the spiritual and ethical source for each detailed law. Even when dealing with what appears to be dry, prosaic legislation, the soul senses a sublime poetry.

Sensitivity to this inner song is a function of one’s situation. In particular, when the soul is exiled to foreign lands, the inner content of Torah becomes a mere shadow of its true self. Torah laws become detached from their living source. Torah study outside of Israel is like a translated poem, lacking the original vitality and lyric beauty.

When Rabbi Zeira fulfilled his life’s goal and ascended to the Land of Israel, he underwent a great transformation. All matters were elevated. His spirit could now sense with greater clarity the inner essence of each detailed law. “Yishar!” he cried out. Now he could feel the inner vitality, the holy life-source revealed in this ruling. He was filled with awe, aware of how the Torah’s lofty ideals are able to descend even into the lowest, most mundane depths, encompassing the needs of everyday life.

Torah Outside the Land

Samuel, the great Babylonian scholar, had ruled similarly. But there, outside of Eretz Yisrael, it was only a translation, lacking the original vitality. “And that is how a king in Babylon translated it.” With his superior intellect, Samuel was able to distinguish between covering a donkey with a saddle-blanket and giving him a fodder-bag. But to truly **feel** this fine distinction - when is the descent into mundane living justified, and when is it detrimental - this may be experienced only in their origin, in the Land of Israel. In Babylon, it could only be grasped intellectually, as a faded copy of the original.

When Rabbi Zeira heard Rabbi Benjamin teaching this law, he suddenly realized the great difference between the dim light attained outside the

Land, and the brilliant light when hearing the words in the place where they belong.

Thus King David wrote, "From Zion, the perfection of beauty, God (Elokim) has shined forth." The verse uses the divine name "Elokim", indicating that in Zion, even the divine attribute of justice and law ("midat hadin") shines with a special light, as its original beauty is revealed.

[adapted from Ein Ayah vol. III, pp. 15-16]

Meaning in Mitzvot (The OU Israel Center - TORAH tidbits)

based on Meaning in Mitzvot on Kitzur Shulchan Arukh by Rabbi Asher Meir.

Eating Meat

In our parsha eating meat seems to have a very negative image. The Torah tells us that it is specifically the "mob" who request meat; that they do so because of their base appetite (taavah), and they do so in a very impudent manner (Bamidbar 11:4). HaShem expresses anger at their demand for which they are ultimately punished (Bamidbar 11:20, 11:33). Moshe also despairs, asking "If flocks and herds were slaughtered for them, would it be enough for them?" (Bamidbar 11:22); this verse also serves as one source for the law that meat must be slaughtered in order to be permissible (Chullin 17a).

The gemara does echo this negative view of meat, but only partially. "Rebbe says, an ignorant person is forbidden to eat meat, as it is written 'This is the Torah of meat and fowl' (Vayikra 11:46) only those who are occupied with Torah may eat meat and fowl" (Pesachim 49b). Of course this fits in with our parsha where specifically the "mob" demanded eat.

The Geonim explain that an ignorant person is forbidden to eat meat because the laws of slaughter and salting are so complex that he is unable to fulfill them. This too is echoed in our parsha, which teaches us of the need for kosher slaughter.

The teachings of Rebbe Nachman of Breslav elaborate on this message. The slaughter of the beast which makes it fit for human consumption is viewed as an analog of overcoming our own animal nature and elevating it to an appropriately human level. This parallel extends even to the particular details of the laws. Here are some examples:

Our base urges don't go away by themselves. On the contrary, harnessing them in the service of holiness requires careful attention. This is the meaning of the requirement for slaughter; we may not eat an animal which dies by itself (neveila), or even one which was already sick so that its demise was partially due to its defect (treifa). (Even a non-Jew can not perform shechita; a non-Jew can elevate the material world but not to the same level of holiness. See this year's column on Shmini.)

We have to pay careful attention to the means with which we go about improving ourselves. The slaughtering knife has to be perfectly smooth, without even a slight nick or groove. (SA YD 18.) Furthermore, the knife has to be shown to a Torah scholar before the slaughter (SA YD 18:17); this teaches us that it is impossible for us to attain spiritual elevation without the guidance of a righteous Torah scholar — a point particularly emphasized by Rebbe Nachman.

Slaughtering an animal has to be done promptly, without excessive delay (SA YD 23). But at the same time it is forbidden to be excessively hasty; the slaughtering has to be done in a measured fashion. (SA YD 24.)

Likewise, when a person decides to mend his ways, he has to act promptly, lest his urge dissipate. Yet he needs also to change his ways in a considered and measured way, not in panic.

Slaughter is only kosher in the throat of the animal (SA YD 20). We find in Scripture that the extended neck or throat is a symbol of excessive pride (Yishayahu 3:16); a critical aspect of repentance is overcoming pride and arrogance.

For these reasons, an ignorant person can't eat meat. That is, it is impossible to attain holiness without Torah. While a person can improve his personality and manners with motivation and common sense, it requires intricate wisdom to go beyond derekh erez and ascend to holiness, and this wisdom is obtained and applied only with Torah knowledge and the guidance of Torah scholars. (Based on Likutei Halakhot of Breslav, Laws of Shechita.)

WEEKLY-HALACHA FOR 5766

**By Rabbi Doniel Neustadt. Rav of Young Israel in Cleveland Heights
A discussion of Halachic topics. For final rulings, consult your Rav
SHE'AILOS U'TESHUVOS**

QUESTION: Reference is made throughout the Talmud (1) to the importance of properly disposing of leftover pieces of bread. What is the correct procedure for disposing of leftover bread?(2) What should we do with crumbs?

DISCUSSION: The answer depends on the condition and amount of the leftover bread:

Crumbs and leftover pieces of bread which are either moldy, inedible or have fallen on the floor and will no longer be eaten, may be thrown directly into the garbage can.(3)

Edible pieces of bread larger than a k'zayis [approx. 1 fl. oz.] may not be thrown into the garbage.(4) If, after the meal is over, such pieces are left over, they should be stored [or frozen] for the next meal. If it is clear that for some reason the piece will not be eaten in the future, then it is permitted to wrap the piece [or several pieces together] in a bag, seal the bag, and dispose of it in the garbage can.(5)

Edible crumbs or pieces of bread smaller than a k'zayis which are left on the table should be treated in a dignified manner; they may not be swept off the table onto the floor, stepped upon,(6) soaked with the mayim acharonim water(7) or otherwise abused.(8) While it is halachically permissible to carefully place crumbs in the garbage, some poskim recommend that they be disposed of in the same manner described earlier for larger pieces of bread, especially if one is disposing of many crumbs or pieces of bread at one time. If, however, this is difficult to do, it is permitted to carefully put the crumbs in the garbage.(9)

QUESTION: May leftover pieces of food be given to animals or birds to eat?

DISCUSSION: Leftovers which are smaller than a k'zayis [or leftover drinks less than a revi'is], or even if they are bigger than a k'zayis but are no longer edible or likely to be eaten, may be given to animals or birds to eat.(10)

Edible leftovers which are larger than a k'zayis should, preferably, not be given to an animal. Several poskim, however, have allowed doing so if there is no other food available for the animal or if animal feed is much more expensive than regular food.(11)

QUESTION: Is it permitted for the head of the family to toss the slices of ha-motzi bread to those assembled around the table, or must they be handed to them?

DISCUSSION: If the bread will become dirtied or ruined when tossed, or even if there is a chance that it will, it is forbidden to toss the bread. (12) [This is true of all other foods as well.]

If, however, the bread(13) will not get dirty or ruined when thrown, the Rishonim disagree(14) whether or not it may be tossed. Most poskim, including the Mishnah Berurah,(15) rule stringently on this issue.(16) [Other foods, however, may be tossed if they will not become dirty or ruined.]

But handing the slice of ha-motzi bread directly into the hand of the person who will eat it is also frowned upon by the Shulchan Aruch.(17) It is considered bad mazal to do so, since this is the manner in which we serve a mourner when he is sitting shivah.(18) It follows, therefore, that since neither tossing the piece of bread nor handing it directly to him is appropriate, the correct method is to place the bread slices on the table within easy reach of the diners, or to pass around slices of bread on a plate, etc.

QUESTION: Is it permitted to eat food or drink that was mistakenly brought into a bathroom?

DISCUSSION: Although eating in the bathroom is forbidden,(19) we do not find that the poskim expressly prohibit bringing food into a bathroom. Surely b'diavad, food, drinks, vitamins or medicines that were stored there do not become forbidden to ingest.(20)

Similar halachos apply in other cases where a ruach ra'ah, an evil spirit, may affect food. For instance:

It is prohibited to touch food or drink prior to washing one's hands in the morning upon awakening. But if, inadvertently, the food [or drink(21)] was touched before washing, it does not become forbidden to eat.(22) It is forbidden to store [raw or cooked] food or drinks(23) under a bed [even if the food is wrapped and sealed in metal containers or in a suitcase] in which someone will sleep.(24) But if, inadvertently, food or drink was stored under a bed and someone slept on the bed, many poskim hold that the food does not become forbidden to eat.(25)

Mayim acharonim may not splash on food or dishes used as eating utensils. (26) B'diavad, if mayim acharonim splashed over dishes, the dishes should be washed well before they are used.(27) If mayim acharonim splashed over a food item, the food may be eaten.(28)

QUESTION: Previously we mentioned that food or drink may not be stored underneath a bed. How, exactly, do we define "underneath a bed" as regards this halachah?

DISCUSSION: "Underneath a bed" means that it was stored on the ground(29) under a bed in which someone was sleeping. Therefore:

It is permitted to place food on top of the bottom bed of a bunk bed, even if someone is asleep on the top bed.(30)

It is permitted to place food underneath a baby's carriage, even if a baby is sleeping in the carriage.(31)

Most poskim permit storing food under a couch or bed which is not being used for sleeping.(32)

It is permitted to place food underneath a bench, even if the bench is used for sleeping, since a bench is not a bed.(33) [It is recommended that food not be placed under an airplane seat, since airplane seats are regularly used as beds.(34)]

FOONOTES:

1 See Berachos 52b, Pesachim 111b and Chullin 105b. See also Zohar, quoted by Kaf ha-Chayim 180:13.

2 Cakes and pastries are included in this halachah as well.

3 See Beis Baruch on Chayei Adam 45:22.

4 O.C. 180:3.

5 Harav Y.S. Elyashiv and Harav Y.Y. Fisher, oral ruling quoted in V'zos ha-Berachah, pg. 18.

6 For this reason, the dining area should be swept after the meal, so that the crumbs which fell to the floor will not be stepped on; Ben Ish Chai, Pinchas 12.

7 See Mishnah Berurah 180:9.

8 One should be extremely careful not to mishandle crumbs and small pieces of bread as doing so can cause poverty; O.C. 180:4.

9 See Mishnah Berurah 180:10, Aruch ha-Shulchan 180:4 and V'zos ha-Berachah, pg. 18.

10 Chayei Adam and Beis Baruch 45:5.

11 See Machatzis ha-Shekel 171:1, Mishnah Berurah 171:11 and Ketzos ha-Shulchan 39:30. [When feeding animals at the zoo, therefore, the animals should be fed with animal food, not pieces of food fit for human consumption.]

12 O.C. 171:1.

13 Or cake and pastries; O.C. 171:4 and Mishnah Berurah 22.

14 See Beis Yosef O.C. 171:1 who brings the various opinions of the Rishonim. See also Rambam, Berachos 7:9 and Levush O.C. 171.

15 167:88; 171:9.

16 Note, however, that some poskim permit it; see Rav Chaim Sanzer's notes to O.C. 171:1 and Hisorerus Tehshuvah 1:121 who writes that his father, the Ksav Sofer, used to toss the pieces of ha-motzi to those assembled around his table.

17 167:18 based on Rambam, Berachos 7:5. Although this halachah is quoted unilaterally by all of the poskim, it is not practiced everywhere; see Nefesh Chaya O.C. 167 for a possible explanation.

18 Mishnah Berurah 167:90.

19 Be'er Heitev O.C. 3:2.

20 Minchas Yitzchak 3:63. See Otzros Yosef 1:13.

21 See Beir Halachah 4:5 s.v. lo concerning beer.

22 Mishnah Berurah 4:14. Food which does not get ruined from washing, like fruit, should be washed three times; ibid.

23 Although vitamins are also included, medications are not considered food and may be stored under a bed; Harav S.Z. Auerbach (Halichos Shelomo, Tefillah, 13:17).

24 Y.D. 116:5, based on Pesachim 112a. See also Rashbam, Bava Basra 58a.

25 See Rav Akiva Eiger, Yad Efrayim, Pischei Teshuvah Y.D. 116:4-5 and Aruch ha-Shulchan 116:11. The Gaon of Vilna, however, was extremely stringent even b'diavad; see Binas Adam 63:3. See also Halichos Shelomo, Tefillah, 13:17 quoting Harav S.Z. Auerbach's stringent rulings on this issue.

26 O.C. 181:2. The same halachos apply to the water used to wash one's hands in the morning upon awakening; O.C. 4:8-9.

27 See Ta'amei ha-Minhagim, pg. 11.

28 Based on Darkei Teshuvah 116:35. Food which will not get ruined from washing, like fruit, should be washed three times; based on Mishnah Berurah 4:14.

29 In the opinion of some poskim, if the ground below the bed is a finished floor, the prohibition does not apply at all; see Darkei Teshuvah 116:37. L'chatchilah, we do not rely in this leniency; see Kaf ha-Chayim Y.D. 116:42-44.

30 Harav S.Z. Auerbach (Halichos Shelomo, Tefillah, 13:17).

31 Minchas Yitzchak 4:117.

32 Darkei Teshuvah 116:38 quoting Toras Chaim; Harav S.Z. Auerbach (Halichos Shelomo, Tefillah, 13:17). A minority opinion holds that food should not be placed underneath a bed even if no one is sleeping there;

Darkei Teshuvah, ibid. quoting Ohr Yitzchok.

33 See Kaf ha-Chayim Y.D. 116:43.

34 Kuntress U'vlechtechah Baderech 4:2 and note 30, quoting contemporary poskim. Weekly-Halacha, Copyright © 2006 by Rabbi Neustadt, Dr. Jeffrey Gross and Torah.org. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Doniel Meir ben Hinda. The series is distributed by the Harbotzas Torah Division of Congregation Shomre Shabbos, 1801 South Taylor Road, Cleveland Heights, Ohio 44118 HaRav Yisroel Grumer, Marah D'Asra.

The Weekly Halacha Overview - Rabbi Josh Flug (YUTorah) Treatment and Disposal of Religious Articles

Many mitzvot demand the use of a specific item in order to fulfill that mitzvah. When that item is used for a mitzvah it is given certain significance. This article will discuss whether these items are suitable for non-mitzvah activities as well as the proper method of disposal of these items.

Tashmischei Kedusha and Tashmischei Mitzvah

The Gemara, Megillah 26b, quotes a Beraita that states that in order to dispose of Tashmischei Kedusha, they must be buried, whereas tashmischei mitzvah may be disposed of in an ordinary manner. The examples of tashmischei kedusha given by the Beraita are various cases and covers for sifrei Torah, tefillin and mezuzot. The examples of tashmischei mitzvah given by the Beraita are: sukkah, lulav, shofar and tzitzit. Based on the examples given by the Beraita, the distinction between tashmischei kedusha and tashmischei mitzvah is evident. Tashmischei kedusha are items that are accessories for articles of STaM (the acronym for Sefer Torah, Tefillin and Mezuzah). Tashmischei mitzvah are items that are used to perform mitzvot not related to STaM.

The rule that tashmischei mitzvah may be disposed of implies that one is not required to treat tashmischei mitzvah with any sanctity. Nevertheless, there may be a few limitations. First, R. Achai Gaon, She'iltot D'Rav Achai Gaon no. 126, states that one may not use tashmischei mitzvah for any purpose other than performance of the mitzvah. He explains that tashmischei mitzvah are sanctified while they are still designated for performance of the mitzvah. If they are no longer designated for performance of the mitzvah, they no longer have sanctity and may be disposed of in an ordinary manner. Tur, Orach Chaim 21, disagrees and maintains that tashmischei mitzvah have no sanctity and one may use them for any purpose. [See Bach, ad loc., who notes that even Tur agrees that while the item is actively in use for the performance of the mitzvah, one may not use it for any other purpose.] Shulchan Aruch, Orach Chaim 21:1, rules in accordance with the opinion of R. Achai Gaon. [Taz, Orach Chaim 21:3, notes that even R. Achai Gaon agrees that there is a special exception regarding a talit katan. A talit katan is a garment that is worn constantly and the mitzvah of tzitzit already assumes that certain activities must be performed while wearing this garment. For this reason it is permissible to enter the restroom wearing a talit katan and it is also permissible to sleep in a talit katan (see Shulchan Aruch and Rama, Orach Chaim 21:3).]

Second, Ran, Shabbat 48b, s.v. Megufat, quotes the opinion of Ra'avad that even after one no longer plans on using tashmischei mitzvah, they may not be used in an irreverent manner. When one no longer plans on using

them, they should be disposed of. Shulchan Aruch, Orach Chaim 21:2, codifies the opinion Ra'avad.

The Status of Religious Articles Prior to their Use

There is a dispute in the Gemara, Sanhedrin 47b-48a, regarding the method of initiation of tashmishai kedusha. Abaye is of the opinion that an item is considered a tashmish kedusha from the moment that it is designated as an item that will serve as a tashmish kedusha. Rava disagrees and maintains that an item is not considered a tashmish kedusha until it is actually used and designated for that purpose. The case discussed by the Gemara is a bag that was made to hold tefillin and the tefillin were not yet placed in the bag. According to Abaye, the bag is considered a tashmish kedusha and one may not use the bag for any other purpose. According to Rava, since the bag was never used for the tefillin one may use the bag for a different purpose. If one follows the opinion of R. Achai Gaon, the same rules would apply to tashmishai mitzvah (see Sefer Hatur, Hilchot Tzitzit 2:2). Shulchan Aruch, Orach Chaim 42:3, rules in accordance with the opinion of Rava.

R. Zerachia HaLevi, Ba'al HaMaor, Sukkah 4b, and Ran, Sanhedrin 15a, s.v. Itmar, note that the dispute between Abaye and Rava is limited to STaM accessories. Regarding the actual STaM items, Ran claims that Rava agrees that the kedusha sets in at the time of its designation. Therefore, Ran rules that if one prepares leather for a tefillin box or parchment for a sefer Torah, tefillin, or mezuzah, it cannot be used for any other purpose. Ramban, Milchamot HaShem, Sukkah 4b, disagrees and claims that there is no distinction between the actual STaM items and their accessories. Neither is considered sanctified until it is used.

There is no clear consensus among the Acharonim as to how to rule on this issue. Rama, Orach Chaim 42:3, follows the opinion of Ba'al HaMaor and Ran. Magen Avraham 42:6, sides with the opinion of Ramban. Mishna Berurah 42:23, rules that one should be stringent on the matter.

Secondary Accessories

The Gemara, Megillah 26b, states that the rule of tashmishai kedusha only applies to items that are a primary accessory to the STaM item. If something is a secondary accessory (tashmish d'tashmish - an accessory to an accessory), it is not considered a tashmish kedusha. There is, however, a question regarding the exact status of a secondary accessory. R. Yosef Teomim, Pri Megadim, Mishbetzot Zahav, Orach Chaim 153:15, states that a secondary accessory has absolutely no sanctity and may be used for any purpose. However, R. Teomim, in his commentary on the Talmud entitled "Rosh Yosef" (Megillah 26b) states that a secondary accessory has the status of tashmishai mitzvah and may not be used for other purposes while one still intends to use it as a secondary accessory. Mishna Berurah (42:9 and 153:6) rules that a secondary accessory has absolutely no sanctity. However, he does rule that if the secondary accessory is an item that is part of a synagogue one must treat it with the sanctity that a synagogue item deserves.

The Status of the Ark

The Gemara, Megillah 26b, quotes Rava as ruling that the cabinets that house the sifrei Torah are considered tashmishai kedusha. The Gemara questions the need for such a ruling, since it is quite obvious that these cabinets are tashmishai kedusha. The Gemara answers that one might have thought that these cabinets are not meant to honor the sifrei Torah but rather to protect them and therefore, they are not considered tashmishai kedusha.

Mordechai, Megillah no. 822, understands that the conclusion of the Gemara is that something that houses the sifrei Torah is only considered a tashmish kedusha if it is built to honor the sifrei Torah. If it is built for the purpose of protecting the sifrei Torah, it is not considered a tashmish kedusha. Mordechai states further that any ark that is permanently fixed to the building is considered to be built for the purpose of protecting the sifrei Torah. Mordechai's ruling is codified by Rama, Orach Chaim 154:3. R. Shmuel Vosner, Shevet HaLevi 7:23, adds that even if the ark is built in a glorious manner, if it is attached to the building, it is assumed to be primarily for the purpose of protecting the sifrei Torah.

Mishna Berurah, Biur Halacha 154:3, s.v. Aval, presents an alternative understanding of the Gemara. The Gemara's premise is that cabinets that are only meant to protect the sifrei Torah are not considered tashmishai

kedusha. However, the conclusion is that even if they are only meant to protect the sifrei Torah, they are considered tashmishai kedusha. Mishna Berurah posits that Rif, Megillah 8b, and Rabbeinu Asher, Megillah 3:3, understood this to be the conclusion of the Gemara.

Determining the status of the ark is relevant to the discussion of what may be placed in the ark. Bach, Orach Chaim 154, rules that one may not place mundane items into the ark. Mishna Berurah 154:31, notes that if the ark is connected to the building it is permitted. However, Mishna Berurah, Sha'ar HaTziun 154:22, adds that according to the aforementioned alternate understanding of the Gemara, there is no distinction between arks built for the purpose of honor and arks built for the purpose of protecting the sifrei Torah. Therefore, it is preferable not to place mundane items into the ark.

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For the week ending 17 June 2006 / 21 Sivan 5766

by Rabbi Mendel Weinbach

HONOR, BEAUTY AND AGE Yoma 12b

The sacred garments worn by the kohanim for the performance of their priestly duties in the Beit Hamikdash had to reflect the "honor and beauty" (Shmot 28:2) for which they were intended. Garments that were tattered or stained were therefore disqualified.

What about garments that were whole and clean but worn from usage? In line with the general rule of "no room for practicing poverty in a place of wealth," which is applied to many aspects of the House of G-d, there would be room to consider that new garments should be made every year to replace the old ones. The Sage Rebbie, however, saw in a seemingly superfluous word in the Torah a message that worn garments retain their sacred status.

In the chapter dealing with the daily ritual of tithing the ashes on the altar, the Torah commands the kohen performing this rite "that he shall put on his linen garments, and his linen breeches shall he put on his flesh" (Vayikra 6:3). The repetition of the word yilbash (shall put on) after already writing velovash (that he shall put on) led several Sages to reach different conclusions as to what message was being relayed by this apparent redundancy.

Rabbi Yehuda understood it to signal that even though the Torah explicitly mentions only two of the four priestly garments worn for performance of the ashes rite, all four were actually needed.

Rabbi Dossa interpreted it as a sanction for using the garments worn by the kohen gadol on Yom Kippur for the use of a regular kohen throughout the year.

Rebbie rejects this latter approach, and one of his reasons is that it seems improper for garments that were used for the more elevated service of Yom Kippur to be subsequently used for a lesser purpose. His conclusion is that the Torah wished to communicate that there is no need to make new garments each year and that worn ones are fine as long as they are neither tattered nor stained.

WHAT THE SAGES SAY

"Fear of G-d lengthens life, while the years of the wicked are cut short (Mishlei 10:27). The First Beit Hamikdash, which lasted for 410 years, was spanned by only 18 kohanim gedolim while the Second one (in which there were many undeserving kohanim gedolim who bought the position from corrupt rulers), more than 300 kohanim gedolim served in a 280-year span of its 420-year history. The conclusion is that because of their wickedness they died within the year of their appointment." Rabbi Yochanan (Yoma 9a)

"If a kohen gadol was replaced because of some temporary disqualification and eventually reinstated, his replacement can no longer serve in a kohen gadol capacity, because this would create hard feelings, nor can he serve as a regular kohen because this would be a demotion, and the rule is that in matter of holiness one only goes up and never down."

Rabbi Yossi (Yoma 12b)

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