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B'S'D'

of 'individuals' to fast on the Erev Shabbos preceding Parshas Chukas.

## INTERNET PARSHA SHEET ON CHUKAS - 5761

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"RavFrاند" List - Rabbi Frاند on Parshas Chukas Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R. Yissocher Dov - In memory of Mrs. Adele Frاند

A Guide To The Perplexing Fast Day Of Erev Shabbos Parshas Chukas

The Magen Avraham cites a 'practice of individuals' to fast on the Friday prior to the reading of Parshas Chukas [Shulchan Aruch Orach Chaim Chapter 580]. In general, it is an anomaly to have a fast day scheduled for a Friday. Of even greater significance is the fact that most fast days are established on a specific calendar date, while this one is not. The Magen Avraham writes that no matter what day of the month the Friday prior to Parshas Chukas falls, that is the day when 'individuals' fast.

What is the significance of this fast day? It commemorates the burning of 20 wagon-loads of the Talmud and other Sefarim [Rabbinic books] in France. When the event happened, it occurred on the 9th day of Tammuz. However, various Rabbinic authorities of that day learned through dreams that the 'cause' of the incident was not related to the day on the calendar, but to the fact that it was the day before the Torah reading of Parshas Chukas.

The Magen Avraham explains that the Aramaic Targum of the opening words of the parsha [Bamidbar 19:2] "Zos Chukas HaTorah" [This is the law of the Torah] is "da Gezeiras Oraiysa" [this is the Torah's decree]. This was understood to be a Torah decree that such a tragic event would occur on the Friday before this Torah reading.

The Imrei Shammai supplies additional historical background to this incident. He says that in the exact place where the Talmud and other Sefarim were burnt, the Jews of that town had in previous years publicly burnt the Rambam's Guide To The Perplexed (Moreh Nevuchim).

The Moreh Nevuchim was a controversial work. In those days, the Rambam did not yet have the unquestioning allegiance that he gained in later generations. As surprising as it may seem to us, he had his detractors and there were authorities who were highly critical of the Moreh Nevuchim. In fact, there were even some places where his Book of Knowledge (Sefer HaMadah) (the first volume of his Major Work "The Yad HaChazakah") was not accepted.

As a Heavenly punishment for this earlier burning of the Rambam's works, 20 cart loads of Torah books were now publicly burnt. When the Jewish community saw this, they recognized their earlier misdeed and repented by establishing a fast day. They prayed for forgiveness and subsequently there was no more controversy about the Guide To The Perplexed.

In this way they were very fortunate. They had a clear Sign from Heaven in terms of what they had done wrong. It did not take a genius to put two and two together and draw the appropriate conclusion. The connection was obvious. This is the historical background of the custom

Absence of Moshe's Name From Song: A Negative Note or a Positive Note?

In Parshas Chukas there is another Shirah [Song] recorded in the Torah -- the Shirah of the Well. Just as Parshas B'Shalach contains the Shirah that Moshe and the Children of Israel sang on the Yam Suf after their miraculous deliverance from the pursuing Egyptian army, Parshas Chukas contains a Shirah of Salvation [Bamidbar 21:17-20]. This Shirah was sung in honor of the miraculous 'Well' which had accompanied them throughout their 40-year sojourn in the dessert.

There is a glaring distinction between the Shirah of the Sea and the Shirah of the Well. The Shirah in Parshas B'Shalach begins with the words "Then sang Moshe and the Children of Israel this Shirah..." [Shmos 15:1]. The Shirah of the Well, however, begins with the words "Then sang Israel this Shirah..." Moshe's name does not appear. This is a glaring omission.

Some commentaries explain that the reason why Moshe's name was deleted from this Shirah was because the 'Well' served as the only slight blemish on his otherwise impeccable record as the leader of Israel. However we understand the incident of 'Mei Merivah', it was through these 'Waters of Dissension' that Moshe Rabbeinu was punished and was not allowed to enter the Land of Israel. Since this 'Well' was associated with Moshe Rabbeinu's small 'slip' (if we can say such a thing), his name is not mentioned in this Shirah.

I saw a beautiful insight in the Shemen HaTov that suggests another reason why Moshe's name is omitted. One of the differences between the Shirah of the Sea and the Shirah of the Well is that the former was sung at the beginning of the sojourn in the dessert and the latter was sung at the end of this sojourn. One marked the beginning of Moshe Rabbeinu's leadership of the Jewish people and the other marked its conclusion. (At the time of the events described in Chukas, Balak and Pinchas the Jews were actually already at the threshold of the Land of Israel.)

The Shemen HaTov suggests that the absence of Moshe's name from the Shirah of the Well is the greatest testimony to the success of his mission. Forty years earlier, it was necessary for Moshe to instruct his flock "Ladies and Gentlemen we have just witnessed a miracle!" He had to take them by the hand, so to speak, and instruct them "My children, this is what you do when you witness a miracle". That is why the Torah has to emphasize "Then sang Moshe and the Children of Israel".

However, at the end of the forty years, Moshe Rabbeinu was so successful that he was able to sit back, as it were, and watch the Jewish people initiate -- on their own -- an appropriate spiritual response to the miracles that they had witnessed. This says it all. The deletion of his name does not speak to the detriment of Moshe. On the contrary, it testifies that he was successful.

This is the job of a leader in Israel. The leader's job is to get the people to the point where they know what to do on their own. This is really the job that we have as parents as well. When our children are younger, we must take them by the hand and explicitly spell out what should be done and what should not be done. If we are successful as parents and our attempts at education are successful, at a certain stage in life we should be able to stand back and say, "OK -- You can do it yourself now".

The relationship between parents and children is unique. It is the only loving relationship that if it is successful, then the people that love each other achieve independence from one another. If we are to be successful as parents, then as much as we love our children, we must want to see them grow up and become independent.

This can be very difficult for parents to grasp. It is often hard to let go. We expect most loving relationships to grow and increase, such that the loving parties become closer to each other. In a healthy Parent-Child

relationship, however, we ultimately want there to be a separation. This is very unique.

If we are really good at parenting, then at some time we should be able to look back -- 20 years, 25 years later, or whatever it takes -- and find that the child is "complete". We should then be able to sing 'Shirah' for themselves. This is what the pasuk [verse] is emphasizing here: Then THE CHILDREN OF ISRAEL sang - at this point they did not need Moshe Rabbeinu anymore. His educational mission was accomplished successfully.

#### Salivating Over The Opportunity of Restoring Domestic Tranquillity

Finally, I wish to share a Rashi in Pirkei Avos, which is based on a Medrash. When Aharon died, the pasuk says "the entire House of Israel wept for him for 30 days" [Bamidbar 20:29]. Our Sages point out that Aharon was especially beloved because he was a lover of peace who dedicated his life to making peace in domestic disputes and in various social controversies.

Sometimes when a great sage of Israel dies, the Torah scholars who learned from him and who appreciated his Torah greatness feel the loss. However the masses who did not fully appreciate what the Torah scholar accomplished with his Torah, do not mourn as much. In the case of Aharon, everyone felt the tremendous loss.

The Medrash relates the following: Rav Meir delivered a Torah lecture on one Friday night. There was a woman in the audience who arrived home from the Torah lecture late and by the time she arrived home, the Sabbath candles had already burnt out. Her husband was angry with her and told her "I do not want to see you again until you spit into the eye of the person who was giving the lecture that you attended".

The woman, unfortunately, sat outside her house for several weeks. All the women saw her and asked her what was going on. She explained the story. The women went to Rabbi Meir and related the situation to him in hope that he would have a solution. The Medrash states that Rabbi Meir saw the problem through Divine Inspiration even before the women approached him. When the women arrived, Rabbi Meir told them that he had an eye ailment which could only be cured by having a woman "whisper into his eye" (a type of "medicine" which was believed to be effective in those days). He asked them if they knew of any woman who was expert in this technique.

The women offered the services of the estranged wife. She approached Rabbi Meir and confessed that she knew nothing about the technique of "whispering into eyes" as a medicinal cure. He told her "Do not worry. I'll tell you what to do. Just spit into this eye seven times and all will be well". She spat into the eye 7 times and her husband (who by this time regretted his rashness) took her back.

Rashi [Avos 1:12] quotes a similar incident about Aharon himself. He brings this as an example of the lengths to which Aharon went to promote and restore peace between husband and wife. Even if a husband would get angry with his wife and make a vow that he would not take her back unless she spat into the eye of the High Priest, Aharon would humiliate himself and ask her to spit in his eye. Aharon was willing to do whatever it took to reestablish Shalom Bayis [domestic tranquillity], even if it involved his personal disgrace. That is why "the entire House of Israel wept for him for 30 days".

Transcribed by David Twersky; Seattle, Washington

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PARSHAS CHUKAT

Being able to enter into the Land of Israel and dwell there permanently is not an easy achievement. It is not easy today to integrate one's self into modern-day Israel, even if somehow one accomplishes "making aliyah." There is obviously a wealth of factors that are factored into one's decision and actions regarding moving to Israel. But the Torah teaches us that coming to Israel is dependent upon heavenly approval as well. There have been many great, brave, pious, stoutly determined Jews who have attempted to arrive in the Land of Israel and failed in that attempt. In the past centuries, some of the greatest leaders of the Jewish people, such as Rabbi Elijah of Vilna (the Gaon of Vilna), Rabbi Yisrael Meir HaCohen Kagan of Radin (the Chofetz Chaim) and Rabbi Naftali Zvi Yehuda Berlin (the Netziv) among others, attempted to leave their Eastern European exile and move to the Land of Israel and failed to realize their goal. Heaven seemingly always intervened to deny them the realization of this life-long, fiercely-held dream. And Heaven always has its own inscrutable calculations and It also has the last word on the matter. This is certainly obvious from the narrative that appears in the Torah reading of Chukat.

Moshe is denied entry into the Land of Israel by G-d. His striking the rock at Meriva instead of speaking to it as G-d had instructed him is the proximate cause for his punishment of being excluded from leading the People into the Land of Israel. How this apparently severe punishment fits the transgression of Moshe, is the subject of much discussion among the commentators to the Torah. But, however we will resolve this matter of crime and punishment, transgressions and retribution, the basic fact of the Torah remains - Moshe was prevented by Heaven from realizing his goal of entering the Land of Israel. And Moshe's tragic disappointment led to dramatic consequences for all of Jewish and world history. Midrash teaches us that if Moshe, instead of Yehoshua, had led the people of Israel into the Land of Israel, the Jewish people would never have been exiled from the Holy Land. Another, more deadly and dreaded heavenly punishment would have then been devised to punish Israel for its sins. And, according to this line of interpretation, this fact was also taken into consideration in the heavenly decision to bar Moshe from entering the Land of Israel. Thus, it is not only the merits of Moshe that decided the issue but other variables, unconnected to his direct behavior, also played a role in the sad result. Probably the same type of insight and logic can be applied to the failures of other great Jews to achieve their dream of returning personally to Zion and Jerusalem. Heaven, from its eternal point of vantage, intervened to thwart their hopes, but perhaps that was somehow for the benefit of the people and Land of Israel in the long run.

Man proposes but G-d disposes. Yet man must always continue to propose and attempt. If Heaven decrees otherwise, that in no way frees us from our responsibilities to struggle to achieve the dream of the Jewish ages - Zion and Jerusalem rebuilt, secure, faithful and strong, and teeming with Jews. It is therefore mysterious, if not downright disappointing, that millions of Jews have not attempted to avail themselves of the opportunity to pursue their dream of entering the Land of Israel in a more meaningful, concrete, practical fashion. Every day when I walk in the streets of Jerusalem, I remind myself that I am doing what the great Moshe was forbidden from doing - living in the Land of Israel. Why G-d has allowed me, and millions of my fellow-Jews to enjoy what Moshe could not, is beyond me. But I thank Him daily for so doing.

Shabat Shalom, Rabbi Berel Wein

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Parashat Chukat: NACHASH HANECHOSHET by AARON WEISS

"Does a snake kill or does a snake revive? Rather, when Yisrael would look upwards and subjugate their hearts to their Father in Heaven they would be healed, and if not they would perish." (Mishna Rosh Hashana)

The parasha of the Nachash Hanechoshet presents a number of obvious questions. Bnei Yisrael complained that they were sick of the Mann, and as a punishment Hashem sent poisonous snakes that bit them, and a great number of them died. Bnei Yisrael came to Moshe and admitted their sin and asked that he pray to Hashem for them, which he did. Hashem told Moshe to make a snake and place it on a tall pole, and whomever was bitten and would see the snake would be revived. Moshe made a bronze snake (Nachash Nechoshet) and placed it on a tall pole, and whomever was bitten by a snake and looked at it was revived.

Why did Bnei Yisrael complain about the Mann? What was really bothering them? Or in other words, what was the cause of the sin of Bnei Yisrael?

Why were Bnei Yisrael punished with poisonous snakes?

Why did Hashem have Moshe make the Nachash Hanechoshet instead of devising some other method of healing the people?

The midrashim address all of these questions, some more directly than others.

When Hashem told Moshe to make the snake, Hashem him to make a "saraf", which is another word for a venomous snake. As serpent and snake are synonymous, so too are "nachash" and "saraf". Nowhere did Hashem mention of what material the snake should be made. Two different midrashim address the question of why Moshe chose to make the snake out of bronze.

The Midrash Hagadol writes, "Moshe said to himself, if it was to be made of gold or of silver then Hashem would have said. He only said "saraf". What is put into the fire and burns ("saraf" also means "burned", which is the reason a venomous snake is called a "saraf")? I would say bronze. Therefore Moshe made the Nachash Hanechoshet."

"Rabbi Yudin in the name of Rabbi Ayvo said: 'A wise man hears and adds a lesson (Mishlei, 1:5)' This is Moshe. Hashem told Moshe, 'Make for yourself a saraf', and He did not elaborate. Moshe said: If I make it out of gold then one sound does not fall upon (apply to) the other sound (ein lashon zeh nofel al lashon zeh). If I make it out of silver then one sound does not fall upon the other sound. Rather, I will make it out of bronze, one sound falling upon the other (Nachash Nechoshet). [Braishit Rabba 31:8]"

These two midrashim present two different perspectives of the purpose of the Nachash Hanechoshet. According to the Midrash Hagadol it was made of nechoshet in order to stress the idea of "saraf". Forged bronze has a burnt look. According to Braishit Rabba it was made of nechoshet to stress the idea of "nachash", as the two words sound alike.

What do these two symbols represent?

There are three sins that can be attributed to Bnei Yisrael based on the Torah's account, and three different midrashim propose each as their main sin.

"And they traveled from Hor Hahar towards Yam Suf in order to bypass the Land of Edom, and the soul of the people grew short with the way. [Bamidbar 21:4]" Rashi writes: "The travails of the travel became difficult for them. They said: Now we were close upon entering the land. So did our fathers turn back (After the Chait HaMraglim Hashem commanded them to turn around and travel towards Yam Suf.) and they lingered thirty eight years. Therefore their souls became short with the

travails of the way."

The first sin attributable to them is a lack of faith in Hashem. They did not trust Hashem enough to move back into the desert. In this context their complaint, "there is no bread and there is no water and our souls despise the "light bread" (Mann) [Bamidbar 21:5]" is an expression of their desire to enter the Land of Israel and not be stuck for a long time in the desert more than it is actually a sign of displeasure with the Mann.

"Rabbi Yudin says, the snakes that the Anan (the Ananei Hakavod, the protective Clouds of Honor that surrounded Bnei Yisrael in the desert until the death of Aharon Hakohen) used to burn, and make of them a fence around the camp in order to let them know of the miracles that Hashem did for them, those snakes He sent upon them. [Tanchuma Chukat 19]"

The sin of Bnei Yisrael was their lack of faith in Hashem. The punishment of the venomous snakes was midah k'neged midah - measure for measure. When they didn't trust in Hashem, then Hashem did not help them, and the very snakes that at one time proved Hashem's trustworthiness became the vehicle of their punishment.

Their cure was the Nachash Hanechoshet because it was a symbol of not only the snakes which were terrorizing them, but also a reminder of the burnt snakes which used to surround their camp, reminding them of Hashem's care for them.

"And the people spoke against Hashem and against Moshe, why did you bring us up out of Mitzrayim to die in the desert? There is no bread and there is no water and our souls despise the "light bread" (Mann) [Bamidbar 21:5]" Two possibilities present themselves as the sin of the people. Both are not what they wanted, which was to enter Eretz Yisrael, but rather the way they expressed themselves.

"What did Hashem see [that caused Him to decide] to punish them with snakes? The snake was the first to speak Lashon Hara, and he was corrupted, and they did not learn from him and spoke Lashon Hara against Hakadosh Baruch Hu. Let the snake who began with Lashon Hara come and repay those who speak Lashon Hara. [Tanchuma Chukat 19]"

"Why did Hashem punish them with snakes? The snake, even were he to eat all of the delicacies in the world, they would turn to dust in his mouth, as is written, 'And the snake, dust is his bread. [Yeshaya 65:25]' These (Bnei Yisrael) eat the Mann which transforms to many tastes, as is written, 'And He gave to them their request, and their desires brought to them. [Tehillim 106:16]', and it is written, 'These forty years Hashem your G-d was with you, you lacked nothing. [Dvarim 2:7]' Let the snake come who eats a variety of foods and in his mouth there is a different taste, and repay those who eat one food (the Mann) and taste many foods. [Tanchuma Chukat 19]"

Neither of these two sins were sins because of what they asked for, but rather because of the way they expressed themselves. They didn't show respect for Hashem and for Moshe. They didn't show gratitude for the Mann. They were punished midah k'neged midah by the snakes.

Their cure was the Nachash Hanechoshet because it was not only a symbol of their punishment but also a symbol of their sin. As a symbol of their punishment, its form was that of a "saraf", a venomous snake. In order to symbolize their sin, and lead them to teshuva, they needed to identify it with the idea of "nachash". If it were to be made of gold or silver it may have been called the "Saraf Hazahav" or the "Saraf Hakesef". Therefore Moshe made it out of bronze, insuring its name as Nachash Hanechoshet.

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Young Israel Divrei Torah - <http://www.youngisrael.org>  
9 Tammuz 5761 June 30, 2001 Daf Yomi: Kiddushin 54  
Guest Rabbi: RABBI MOSHE M. GREEBEL Associate Member,  
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Throughout the ages, many misguided individuals have sought to improve upon the inherent values of the Torah through change, rather than strictly complying to and emulating these values. To illustrate this folly, the renown Torah luminary - Rav Elchanan Wasserman, z"l - offered the following anecdote.

Among the nobles in a great empire was one young man, who was exceedingly beloved by the king. Desiring to raise the station of this young noble, the king ordered that the lad be diligently instructed in the protocols of a royal emissary. The young man, a most avid and quick student, soon completed his studies, and was brought before his monarch to receive his first royal mission - traveling to a neighboring kingdom with very important documents.

"Do you fully understand your mission?" queried the king of his royal charge.

"Perfectly, sire," replied the young noble.

"Now then," continued the king, "before you undertake your journey, there is a matter of great importance I must discuss with you. The nobles of the kingdom to which you journey, are men who take great pleasure in gambling. They will wager on anything at any time. Under no circumstances are you to enter into a wager with these nobles while you are there. Do you understand?"

The young noble answered in the affirmative, and began making his way to leave the king's presence. However, the king called the lad back.

"Do you understand that you are not to gamble with the nobles of this kingdom?" asked the king once again.

Another affirmative response was issued by the young nobleman, who now exited the king's chamber.

In short, the young emissary acquitted himself most favorably in the neighboring kingdom, performing his mission in full compliance with royal protocol and propriety. Soon, he found himself in the company of the notorious noblemen of whom he was warned.

"It seems to me," said one of the gamblers to the young emissary, "that you sir, are a hunchback."

The young man laughed at this inane remark, and responded, "Sir, you must be confusing me with someone else."

"No, No!" chimed in the other noblemen. "He is correct. We think you to be a hunchback as well!"

"But, that is untrue," responded the young man, now very irritated.

"Well then," replied the gamblers. "We are prepared to wager 1,000 pieces of gold that you are in fact a hunchback!"

Now the young emissary thought to himself that this was a wager he could not lose. Yet, he remembered his king's order not to gamble with these men under any circumstances. On the other hand, if he undertook the wager - a wager he must surely win - his king would be overjoyed at adding 1,000 gold pieces to the royal coffers. Round and round these thoughts went in the mind of the emissary. In the end, his youthful exuberance overcame him, and he took the bet. In front of all the assembled noblemen, the young man stripped off his clothing, revealing a perfectly configured and healthy body.

The assembled noblemen thereupon stated, "It appears we were mistaken after all." A purse of 1,000 gold pieces was handed to the young emissary, who was now exhilarated by the prospect of bringing his king the 1,000 gold pieces.

After returning home, the young emissary told the king of his successful mission.

"All was accomplished in accordance with the proper royal dictates and formality," proudly announced the young man. "And, I have brought

back a much unexpected bounty for my king." The 1,000 gold piece purse was handed to the monarch.

"How did you come by this money?" inquired the king.

The tale of the wager with the noblemen was narrated.

"Then, you are a fool!" lashed out the king with great indignation. "Did I not order you against gambling with these noblemen? By not following my directive, you have cost me 99,000 gold pieces!"

Perplexed, the young nobleman responded, "Sire, I do not understand. I thought you would be pleased."

"You did not think at all!" accused the king. "A year ago these notorious noblemen made a wager of 100,000 gold pieces with me that they could persuade one of my noblemen to strip himself naked in public!"

In this manner, related Rav Elchanan, all who attempt to improve on the dictates of our holy Torah, and to alter its directives through their own flawed logic, end up doing more damage than they could ever have imagined. In the commentary of the Toldot Yitzchok on Parshat Chukat, we see a further development of the dangers of the flawed reasoning.

The Torah goes out of its way to describe the mitzva of the Para Aduma (red heifer) as a chok - a statute which seems not to have any basis in logic. Yet, our chachamim seem to supply us with some form of reasoning for this mitzva. In the Bamidbar Raba (parsha 19; siman 8) we are informed that the Para Aduma is in fact, an atonement for the Egel HaZahav (The Golden Calf). The analogy is to the son of a maid who has trashed the palace of a high official. Without doubt, the official will order the one responsible for the son - the maid - to clean up the untidiness made by her son. In a similar manner, the Holy One Blessed Be He orders that the mother of the calf - the heifer - come, and clean up the clutter made by her child. This selection of Midrash is as well brought down by Rashi in Parshat Chukat, and by the Tosfot in Moed Katan (28a).

The Toldot Yitzchak posed two questions on this Midrash. 1) What is the relationship that Chazal had in mind, when they compared the Egel HaZahav and the Para Aduma? 2) If the Torah stresses that Para Aduma is a chok, a mitzva where logic has no basis, how then are Chazal permitted to supply us with any form of reasoning through their analogy of the maid's son? In the words of Rashi in Chukat we see, "...The word chok was written here - it is a decree issued from Me - you have no permission to consider its meaning!"

The Toldot Yitzchak addresses the second question first. For one to try and discover the actual reasoning for a chok such as Para Aduma, is certainly forbidden. However, to try and understand why the Torah intentionally obfuscates any reasoning in such a chok - that is permissible. This then, is the intention of the above Midrash.

It is well known that Israel's intention in creating an Egel HaZahav was not for the purpose of idolatry (Kuzari: first Ma'amar, Eshed HaNechalim; Midrash Ki Tisa), but rather to find an earthly intermediary to replace Moshe Rabbeinu, whom they believed was dead, due to what they perceived as his delayed descent from Mount Sinai. To elaborate on this a bit further, the Egyptians had a practice of creating the form of one of the heavenly constellations, whereby through this image, they would receive heavenly advice on how to conduct their lives. In the case of the Egel HaZahav, the prominent constellation of the season was Taurus. In essence then, Israel was reticent at this juncture to trust HaShem through pure Emuna (faith) in Moshe, as they once did. Instead, they would seek advice in a more logical and reasonable manner, as did the Egyptians. In short, they decided to improve on the directives of HaShem through change.

Now, our first question of the relationship that Chazal had in mind when they compared the Egel HaZahav and the Para Aduma, is resolved. That is, since the logical alternative to pure Emuna was the transgression of Israel in the creation of the Egel HaZahav, HaShem sought to correct this flawed logic through the mitzva of the Para Aduma

- a chok, where reason and logic have no basis. And, where it is the obligation of every Jew to trust fully in the dictates of HaShem without question -without the need to logically improve these dictates through change.

There is a Gemara in Ta'anit (23b) which beautifully illustrates the importance of pure Emuna as opposed to logic. Two talmidim once came before Rav Yitzchak Ben Elyashiv, with the request that he  $\Phi$ daven' (pray) for them to become great scholars. Rav Yitzchak informed the two that at an earlier stage in his life, any request he made of HaShem was granted, through his tefila. However, later in his life he had purposely discharged that ability (Rashi), whereby HaShem did not always hearken to his supplications.

Why would Rav Yitzchak have done this? The Toldot Yitzchak answers that it is a higher level to trust in the benevolence of HaShem, from pure Emunah, rather than through a human medium - the results of which may be guaranteed. And, so it is for us. While logic and reason are the hallmarks of the human species, even to the point of comprehending the intricacies of Torah, they are virtually useless when it comes to second guessing the mysteries and wonderful ways of HaKadosh Baruch Hu. While we may not logically comprehend at all how HaShem runs His world, we must nevertheless, trust in His administration and the obligations He puts upon us without the reservations of reason and change. May we be merited through the accomplishment of pure Emuna, to see the complete redemption, speedily in our times.

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From: listmaster[SMTP:listmaster@shemayisrael.com] Subject: PENINIM ON THE TORAH BY RABBI A. LEIB SCHEINBAUM PARSHAS CHUKAS

Because you did not believe in Me to sanctify Me in the eyes of the Bnei Yisrael. (20:12)

Rashi explains that Hashem's complaint against them stemmed from the fact that had they spoken to the rock it would have brought forth water, Hashem's Name would have been sanctified. Klal Yisrael would have said, "Now, if this rock, which neither speaks nor hears and does not need subsistence, fulfills the word of Hashem, how much more so should we fulfill His word." While this may be true, the words expressed in the Torah in criticizing them, "because you did not believe in Me," are, at best, enigmatic. Moshe Rabbeinu was the greatest believer. Aharon accepted Hashem's Divine decree against his sons with utmost faith. To say that they did not believe is a rather strong condemnation. Furthermore, how does speaking to the rock instead of hitting it, constitute a greater source of Kiddush Hashem, sanctification of Hashem's Name? In any event, they both defy the laws of nature. What more is there to consider?

Horav Zaidel Epstein, Shlita, offers a profound exegesis, distinguishing between the two. Speaking to the rock, thus causing water to emerge from the rock, is considered a ratzon, a willing act, while causing water to run as a result of hitting the rock is an act of hechrech, compulsion, force. Both acts teach the importance of listening to the dvar Hashem, word of G-d. If we derive only that one must listen to Hashem when he is compelled, under duress, the lesson is not as compelling as learning the importance of listening to Hashem willingly. Failure to teach the complete lesson is reason enough to prevent Moshe from entering Eretz Yisrael.

We see from here the depth of din, justice, which Hashem is demanding of the righteous. For any other person, hitting the rock in order to cause water to run constitutes a sanctification of Hashem's Name. For Moshe, it could have been a greater, more penetrating lesson - and it was not. It is a chillul Hashem for which he must answer.

Moreover, we learn from this incident that a person is judged commensurate with his abilities. Even if a person has done much, if he

could have done more - or better - then what he has done is not enough. Imagine, says Horav Epstein, two great Roshei Yeshiva, Torah disseminators of the highest degree, who have each successfully prepared a generation of students in Torah scholarship. If one has been granted greater talent and superior abilities to the other, however, it is quite possible that he will be taken to task for not doing more. Success is measured by what one has accomplished relative to what he could have achieved.

About this the poets would say: "come to cheshbon" (21:27)

Chazal define this pasuk homiletically, saying, "Come let the rulers who are in control of their evil-inclination make a cheshbon, reckoning, of their spiritual activity. Let us keep in mind the benefit of a mitzvah as compared to the loss incurred by a sin." Horav Yehoshua Heshel, zl, m'Aftah said in reference to himself, "When I was young, I thought I could rule over my province, my city - but I was not successful. I attempted then to govern over my immediate family - also, to not avail. Afterwards, I made up my mind to control myself, to rule over my life. As I started to succeed in this endeavor, I came to realize that it is only he who rules over himself that can succeed in governing and directing the lives of others."

One must make a cheshbon ha'nefesh, to have spiritual accountability towards himself. While many attempt to do this, they often fail because, in their weakness, they lie to themselves, as illustrated by the following story. When he was a young man, the Kotzker Rebbe, zl, went by foot to visit his rebbe, Horav Simcha Bunim, zl, m'Peshischa. Along the way, he came upon an old friend of his youth who, regrettably, had left the fold and become an apostate. His friend invited the Kotzker to join him in his impressive carriage. The Rebbe accepted, and they continued together along the way. Suddenly, the Kotzker turned to his friend and asked, "Where is your olam hazeh, the benefits of this world?" His friend smiled and said, "Reb Mendel, olam hazeh! I have so much: fields, horses, homes; my material wealth is extensive. Indeed, I live like the czar." The Kotzker looked at his friend with penetrating eyes and said, "You are mistaken. This is your olam habah! I am asking you about your olam hazeh."

The Rebbe's words pierced through the years of indifference and ambiguity. The message was driven home. For some of us, life may present itself as a wonderful material experience. We have to realize that when we enjoy what we perceive as olam hazeh, which many of us feel we are entitled to enjoy, in reality, we are trading our place in Olam Habah, the eternal world of truth, for a box seat in this ephemeral world. All of this is the result of a lack of self-accounting.

Yet, we must be aware that this world is here for a purpose: in order to gain access to Olam Habah. To gain entry to the spiritual paradise that awaits us all, one must prepare himself in this world, as noted from the following exchange. It was a dark and cold wintry night, the only light was from the snow that was falling with intensity. A Jewish businessman, regrettably an unsuccessful one, was trudging along from one town to the other in his attempt to make the few kopeks that would sustain his family. He entered the town of Koznitz, seeking a place to rest his weary body. The town was fast asleep. No lights were on except in one home, where a candle was always burning late into the night so that its inhabitant, the Koznitzer Maggid, zl, could learn into the wee hours of the morning.

The weary traveler, a Koznitzer chassid, quietly knocked on his Rebbe's door. When the Rebbe came to answer the door he hardly recognized his chassid, as he was covered with snow from head to toe. After he came into the house and the snow covering him had melted, the Rebbe recognized his chassid, who now began to bemoan his fate. "Rebbe, I have no olam hazeh; I have no life. I move from place to place in search of a livelihood. I am preoccupied with nothing, pursued and hounded by creditors, with no way of paying what I owe. I borrow from

one to pay another. This is no life. At least, if I knew that I would merit Olam Habah."

The Maggid looked at his broken-hearted chassid and said, "If the olam hazeh, for which you say you work so hard eludes you, how can you expect to gain a foothold in Olam Habah, if you exert no effort to gain access to it?"

Some individuals do reckon the mitzvah performed in their lives. They calculate the value of mitzvah performance and conjure up entire cheshbonos, accountings, of their future accomplishments and their spiritual worth, but neglect to go beyond the calculations. The Tzanzer Rav, zl, was wont to tell the following story to illustrate this common failing. A certain woman had a vivid imagination. Once, she had an egg in her hand and reckoned its incredible long-term value to her. From this one egg, she would have a chick which would become a hen that would lay another twenty eggs. Each egg would produce another hen. The twenty hens would lay four hundred eggs which would result in four hundred hens. These hens would produce eight thousand eggs/hens. Indeed, with this single egg she had the potential, over time, to become very wealthy.

As she continued with her high level calculations, suddenly something occurred that shattered her dreams of wealth: the egg fell from her hand and broke. Nothing was left for her but her calculations, which were now worthless.

This is the story of life: we make grandiose plans; we make cheshbonos; we talk about the many spiritual endeavors we will undertake to perform, the people we want to help and it all ends up as talk. Regrettably, by the time we decide to act, life has passed by, and the egg has broken.

Sponsored in memory of our dear Mother and Grandmother Gizi Weiss - by Morry & Judy Weiss, Erwin & Myra Weiss, and Grandchildren Gary & Hildee Weiss, Jeff & Karen Weiss Zev & Rachel Weiss, Elie & Sara Weiss, and Brian "Love and memories are gifts from G-d that death cannot destroy"

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From: RABBI MORDECHAI KAMENETZKY  
[SMTP:rmk@torah.org] Subject: Drasha - Parshas Chukas -- Crime and Punishment

Please keep Yehuda Boruch ben Sora Menucha in your Tefilos.

Crime and Punishment. In a corporeal world, the correlation of a jail sentence to a crime does not symbolize a cogent philosophical message. Of course, it may tell us that crime does not pay. Unfortunately, that comprehensive message does not differentiate between one who steals to sustain his family, and the greedy scam-artist who bilks widows out of their life's savings. The two felons may sit only a few cells apart from each other, with an arsonist or barroom brawler separating them, but the crimes that sent them to their dismal abodes are so very different in intent.

Divine justice does better. Every aveirah generates a punishment specifically designed to send a distinct Heavenly message to the afflicted. Of course, it may take an otherwise perspicacious mind to correlate what life is handing to him and how it relates to his mortal misdeeds. We do not always relate events that occur to the acts we have perpetrated. Sometimes it is too much for us to bear, and sometimes our ideas may lead us to wrongful conclusions, harming both our psyche and morale.

But when the Torah teaches us about crime and punishment we are more fortunate. The lessons of our past are now devoid of the guilt-ridden, depressive response we may have currently; rather they are moral springboard from which to bound to greater heights. And thus, when the Torah tells us of a clear crime and an immediate response, we have to transpose the relationship between the two to attain another moral lesson.

The people spoke against G-d and Moshe - "Why did you bring us up from Egypt to die in this wilderness, for there is no food and no water,

and our soul is disgusted with the insubstantial food [Manna]?" G-d sent the fiery serpents against the people and they bit the people. A large multitude of Israel died. The people came to Moshe and said, "We have sinned, for we have spoken against Hashem and against you! Pray to Hashem that He remove from us the serpent" (Numbers,21:5-7). The people complained about their fare, and were punished with snakes. If Divine retribution is corollary to the crime, how do snakes correspond to kvetching?

Rashi quotes the Midrash Tanchuma. "Hashem said as it were - let the serpent which was punished for slanderous statements come and exact punishment from those who utter slander; Let the serpent to which all kinds of food have one taste [that of earth; cf (Gen:3:14) and (Yoma: 75a)] come and exact punishment from these ingrates to whom one thing (the manna) had the taste of many different dainties.

What was the slander of the snake? Didn't he just convince Chava to take a bite of the fruit? What connection is there with the Manna?

The old Jewish yarn has a Bubby (grandmother) taking her grandchild, little Irving, to the beach toward the end of spring. There is hardly anyone around as the child, dressed in a spring suit, plays innocently on the shore. Suddenly a wave breaks and sweeps him into the vast ocean. The grandmother, who cannot swim, yells toward the deserted beach, "Someone! Please save my Irving! Please! Anybody!"

Out of nowhere, a man charges forward, dives into the ocean and swims valiantly toward the helpless child. Moments later he is holding the gasping child aloft, while his weeping grandmother dashes toward them. She whisks the child from the man, and looks over the child making sure he is still in one piece.

Then she turns to the man, nods her head slightly and parts her otherwise pursed lips. "He was wearing a hat."

In Gan Eden, the Garden of Eden, life was blissful. Adam and Chava had all they could have wanted, except for one type of fruit -- The Eitz Hada'as, The Fruit of Knowledge. It was the snake that taught his human cohort, the concept of total self-indulgence, rendering them powerless to say, "No!"

The desert dwellers did not fare much differently. Their celestial fare adapted to almost any flavor in the world. Water flowed freely from the rock. But they were not content. They wanted more. The unfulfilled flavors that the Manna refused to replicate were on their minds. They felt that Manna was only a mere simulacrum of the luscious cuisine that they desired. Their craving for everything, manifested itself in punishment through the animal that has his most favored fare, anytime anywhere -- the snake. To a snake, all dust is desirable!

When the Jewish nation were both led and fed, through a hostile environment, yet complained that their miraculous bread is insubstantial, then the only correlation, powerful enough to make them mend their thoughtless ways was the bite of the very being who gains no enjoyment from what he bites, while having all he desires.

Our goal in life is to revel in the blessing, rejoice in all the good that we have, despite the shortcomings of a limited world, and the trivial amenities we may lack. One must learn to appreciate his head, even if he is missing his hat.

Dedicated in memory of Joseph Heller by Beth and Ben Heller and Family Liluy Nishmas Reb Yoel Nosson ben Reb Chaim HaLevi Heller -- 9 Tamuz  
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From: RABBI LIPMAN PODOLSKY [podolsky@hakotel.edu](mailto:podolsky@hakotel.edu) To: Shiur List Subject: Parshas Chukas 5761

## DYING TO LIVE

We are all familiar with the liturgical phrase, "Ki Heim Chayeinu v'Orech Yameinu -- For they [the words of Torah] are our life and the length of our days." Torah is not merely an important and even integral part of the life of a Jew; it is life itself. The more Torah a Jew imbues, the more life he accrues.

But there are many distractions that threaten to disrupt our daily, fixed schedule of learning. So many "matters of consequence" require our attention. Sometimes, days can pass without our perusing a sefer (Torah book). Life is passing us by! What can we do about it?

"This is the Torah regarding a man who would die in a tent (Bamidbar 19:14) -- The words of Torah will not endure except in he who makes himself "die" over them (Brachos 63b)." The classic understanding of this teaching is: No pain, no gain. Easy come, easy go. To make a genuine acquisition of Torah, much effort must be invested. "I toiled and I succeeded, this you may believe (Megilla 6b)." The physicality of the body must be reduced so that the Torah may penetrate to the soul.

The Chofetz Chaim (Rav Yisroel Meir HaKohen Kagan of Radin), however, suggested a novel interpretation. Imagine that you are sitting in the Bais Medrash, engrossed in your learning. Your friend walks over, excuses himself, and asks you a "short" question. Ninety-nine times out of a hundred it could have waited for later; but who in our microwave generation waits for later? Often, this "short" question can take up the better part of a seder (learning session). And even when it remains short, your concentration on the subject has become disjointed. Your train of thought has derailed.

Learning Torah without interruption is undeniably one of the secrets of success. "To learn for a while and then interrupt for a while is to perpetuate confusion, ineptitude and oblivion. This person sows, and then drowns the seeds with water, washing them away. Real learning is through constancy and without interruption. Learning without interruption is the secret to Kedusha (sanctity). He who rips his learning to shreds has amassed emptiness. One should devise techniques to attain constancy in learning, and he should regularly daven for it (Chazon Ish Collected Letters I:3)."

Indeed, the Chazon Ish once commented that he did not know how people could learn for only three hours straight. "It takes me three hours just to warm up!" he would say. If we feel unsuccessful in our learning, perhaps this is one of the root causes.

None of us live forever. The day will come (Ad Meyah v'Esrin!) when we will be eternally unavailable. What will my friend do then? Who will he get to answer his question or solve his problem? Will he remain forever helpless? Is it possible that he will get by without me? And the answer is a resounding yes. The world stops for no one. No matter how great a person may be, the world keeps turning. People somehow manage.

This, says the Chofetz Chaim, is another understanding of our verse. Torah will not endure in a person unless he makes himself "dead" over it. For the next several hours, unless there is a genuine emergency, I will be "dead" to the world. All that exists is the Torah. This will insure Torah greatness.

After my seder, I will be "resurrected". I will return to planet earth to apply my Torah to benefit myself and my fellow Jews.

Incidentally, this mode of behavior should not be misconstrued in anyway as unusual or even rude. We all employ this strategy from time to time. Imagine sitting in a movie (I'havdil). Smack in the middle of a suspenseful scene, a friend walks over and taps you on the shoulder. He has a "short" question to ask you. Do you interrupt your viewing pleasure to answer his question? Or do you more than likely reply, "Shh, shh, go away! I'm busy! Ask me later!" What happened to rudeness?

Alternately, you are sitting in an important business meeting. Your friend, passing through the corridor, happens to see you via the window

of the executive boardroom. He pops in, taps you on the shoulder, and proceeds to ask you a "short" question. All eyes -- including that of the CEO -- turn in astonishment. Would you excuse yourself to answer his question? No. You are dead to the world.

Thus, the Gedolim recently issued a strong request for people to turn off their cellphones upon entry into the Bais Medrash. This wonderful tool, which has saved many lives since its inception, becomes an implement of "death" in the Bais Medrash. Our oxygen supply is cut off; we are choking! We need a spiritual Heimlich Maneuver! Torah Torah everywhere, but not a drop to drink!

Now, all we have to do is get our priorities straight. Business is not life. Movies are not life, to say the least. Torah is life. It is our blood. It is our soul. Which is more important?

It's just a question of priorities. May we answer it correctly!

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From: Jeffrey Gross [jgross@torah.org](mailto:jgross@torah.org) Subject: Weekly-Halacha Parshas Chukas THE SEVEN FESTIVE DAYS

BY RABBI DONIEL NEUSTADT

Rav of Young Israel of Cleveland Heights A discussion of contemporary Halachic topics. For final rulings, consult your Rav.

CHASAN and KALLAH: THE SEVEN FESTIVE DAYS

For seven days after their wedding, the chasan and kallah continue to joyously celebrate their marriage. Indeed, the seven days following a wedding are considered like a "private Yom Tov" for the chasan and kallah.(1) It is important that the young couple, along with their families, study the following laws and customs before the wedding so that they start off their married life in accordance with the halachah.

THE OBLIGATION OF SIMCHAH The chasan is obligated to spend time with his bride and make her happy for the entire seven festive days. [Even if the chasan or the kallah was previously married, the couple is still obligated to perform the mitzvah of simchah for seven days. If, however, both the chasan and kallah were previously married, then they are obligated to engage in the mitzvah of simchah for only three days.(2)] The chasan and kallah must eat their meals together.(3) The chasan should limit his Torah study during this time, i.e., he should not immerse himself in intricate texts but rather engage in less demanding areas of study.(4) If the kallah does not mind, however, he may study whatever he chooses.(5) The chasan and kallah dress in their better clothing (bigdei kavod).(6) It is a mitzvah for others to make the chasan and kallah happy and to praise them throughout the entire seven festive days.(7) It is permitted for a chasan and kallah to visit the sick and to comfort mourners during this time.(8)

WALKING ALONE

A chasan may not walk unaccompanied outside [in the street or in the marketplace] during the seven festive days, and neither may a kallah.(9) Two reasons for this prohibition are given: 1) A chasan and kallah must be carefully watched so that mazikim do not attack them(10); 2) It is not befitting the honor of a chasan and kallah to walk out alone during their first week of marriage. The following rules apply: The prohibition applies even during the day(11) and even if there are many people in the street.(12) They are not to go out even to shul(13) or for the performance of any other mitzvah, unless that mitzvah must be fulfilled and no one else is available and they cannot go together.(14) The chasan and kallah may go outside together even if they are not accompanied by others.(15) According to one opinion, the chasan or kallah should not even be alone inside the house during these seven festive days; they must be accompanied by at least one person at all times.(16)

WORK The chasan and kallah(17) are prohibited from doing any work or engaging in any business for the entire seven days. This prohibition stands even if the kallah allows the chasan to work.

There are different opinions in the poskim regarding the type of "work" that is prohibited. Some maintain that only work that entails tirschah (toil) or is very time-consuming (such as most labors which are prohibited on Chol ha-Moed) is prohibited.(18) Others, however, hold that even light housework, except for work entailed in food preparation, is prohibited.(19)

It is permitted, however, for the chasan and kallah to do any work or engage in

any business if otherwise they would incur a loss (melechtes davar ha-aveid) and no one else can take care of it for them.(20)

A chasan and kallah may deposit their monetary gifts in the bank and may go shopping for household appliances and furniture.(21)

According to most poskim, a chasan and kallah are allowed to take a haircut during this time.(22)

#### SHEVA BERACHOS

Nowadays, it has become commonplace for a newlywed couple to be regaled at least one festive meal a day by their relatives and friends during the first week of marriage. At such a festive meal, seven additional blessings (Sheva Berachos) are recited after Birkas ha-Mazon is completed, provided that several conditions, which will be enumerated in the next chapter, are met.

It must be stressed, however, that while the basic concept of Sheva Berachos is recorded in the Talmud(23) and codified in the Shulchan Aruch, there is no obligation for a chasan and kallah to partake in this type of meal. Indeed, in earlier times many communities did not celebrate Sheva Berachos at all,(24) and some communities never even heard of it.(25) Some poskim even question whether this type of meal is considered a seudas mitzvah.(26) Accordingly, while it is recommended by some poskim(27) for the chasan and kallah to partake in Sheva Berachos(28) at least once a day,(29) and this has become the common practice,(30) it is by no means an obligation.(31) If they so desire, they may eat by themselves or with their immediate family and no Sheva Berachos will be recited. When Sheva Berachos meals become a source of stress, strain or strife for the couple or their families, they should be advised that such meals are absolutely not required. Many people are not aware of this.

The seven festive days begin immediately after the chupah. There are three possible timetables: If the chupah takes place at night, that night and the day after are considered day one, followed by another six nights and days. If the chupah takes place by day (any time before sunset), then that day is considered day one, and that night plus the next day is considered day two. This is so even if the yichud and the actual meal took place entirely at night.(32) If the chupah took place after sunset but was completely over before the stars came out (during bein ha-shemashos) some poskim consider that day as day one(33) while others hold that the first day begins only that night.(34)

On the seventh day of the seven festive days, Sheva Berachos should be recited before sunset.(35) If that cannot be arranged, some poskim allow reciting Sheva Berachos up to forty minutes past sunset [in the United States].(36) while many other poskim are stringent and do not allow reciting any one of the blessings even one minute after sunset.(37)

FOOTNOTES: 1 While shivas yemei ha-mishteih is a Rabbinic obligation (Rambam, Hilchos Ishus 10:12), see Rambam, Hilchos Aveil 5:1 that it was originally enacted by Moshe Rabbeinu. See also Rashi and Ramban, Bereishis 29:27. 2 Chelkas Mechokek 64:4. 3 While it is permitted for the kallah to be mochel and allow the chasan to spend time or eat by himself during the seven festive days (Rama E.H. 64:2), it is not recommended and it is not customary that she do so (Chupas Chasanim 14:2). 4 Chida in Shiyurei Berachah E.H. 64. 5 Tzitz Eliezer 12:73. 6 Pirkei d'Rav Eliezer 16, quoted by Aruch ha-Shulchan E.H. 64:3. 7 Pirkei d'Rav Eliezer 16; Yalkut Shimoni, Shofim 70. 8 B'tzeil ha-Chochmah 2:44. 9 While Shulchan Aruch mentions this prohibition only for the chasan, Aruch ha-Shulchan, based on the Talmud, includes the kallah as well. 10 Berachos 54b. Mazikim are supernatural forces which are controlled by the Satan. 11 Radal on Pirkei d'Rav Eliezer 16. 12 Harav Y.S. Elyashiv (Beis Chasanim 17). The Sephardim, however, permit going out during the day when there are people on the street. 13 Beis Shmuel E.H. 64:2, quoting the Perishah. 14 Rav Yaakov Emdin (Migdal Oz, pg. 11). 15 Harav Y.S. Elyashiv (Beis Chasanim 17). 16 Aruch ha-Shulchan E.H. 64:3. 17 Shulchan Aruch mentions this prohibition only for the chasan, and some poskim maintain that position (see Kisei Eliyahu 64:1; Maharsham 3:206). Other poskim hold that the kallah is included in this prohibition as well (Minchas Pitim 62). 18 She'elas Ya'avatz, vol. 2, 185. 19 Chida in Shiyurei Berachah E.H. 64 and Chayim Sha'al 2:38-60. Tzitz Eliezer 11:85 and 12:73 quotes this view and prohibits even writing, unless he is writing Torah thoughts. Harav Y. Kamenetsky is quoted as orally instructing a chasan not to carry a heavy suitcase up the stairs (Emes l'Yaakov E.H. 64:1). 20 Chazon Ish E.H. 64:7; Yabia Omer 4:8. Other poskim are more stringent. 21 Harav Y.S. Elyashiv (Beis Chasanim 14:12). 22 Yabia Omer 4:8 and 5:38. 23 Kesubos 7b, based on pesukim in Megillas Ruth. 24 Maharil (Hilchos Nissuin) quoted in Sovas Semachos, pg. 12. See also Aruch ha-Shulchan O.C. 640:14, who writes that in his community no special meals took place during shivas yemei ha-mishteih. 25 Teshuvos Chasam Sofer E.H. 122, regarding the community of Frankfurt. In later times, however, the custom changed even in Frankfurt (Harav Y. Martzbach, quoted in Sovas Semachos, ibid.). See also Beur ha-Gra E.H. 55:11 and Pischei Teshuvah C.M. 7:13, quoting the Tumin. 26 Pri Megadim O.C. 444:9. See, however, Mishnah Berurah 640:34, who clearly considers this type of meal as a seudas mitzvah. 27 See Rav Pealim E.H. 4:6 and Yabia Omer 3:11. 28 Especially on Shabbos; Rav Yehudah ben Yakar (Perush ha-Berachos, Sheva Berachos). 29 According to some early authorities, it was customary to do so twice a day (Maseches Sofrim 11:11). The ninety-eight blessings gained according to this custom have the power to "sweeten" the ninety-eight curses recorded in the Tochachah in Parashas Ki Savo (Chidushei ha-Rim). 30 Among the Ashkenazim. Sephardim, however, generally celebrate a Sheva Berachos only if the meal takes place at the home of the chasan and kallah or their parents. 31 This custom does not have the binding power of a minhag which must be upheld,

since it is relatively new and is not based on any binding source. 32 This is the consensus of most poskim. Moreover, as long as the chupah began before sunset, even if the blessings themselves were recited after sunset, the day that the chupah began is considered day one. 33 Sovas Semachos, pg. 13 quoting several poskim. 34 Pischei Teshuvah E.H. 64:12; Harav M. Feinstein (oral ruling quoted in Oholei Yeshurun, pg. 25). 35 Sha'arei Teshuvah O.C. 188:7; Pischei Teshuvah E.H. 64:12 and many other poskim. 36 Harav M. Feinstein (oral ruling quoted in Oholei Yeshurun, pg. 25). See also Sefer Bein ha-Shemashos 10:11 who allows b'diavad reciting the blessings up to 17 minutes after sunset [in Eretz Yisrael]. 37 Sovas Semachos 1:3; Yabia Omer 5:7; Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 59:18); Harav Y.S. Elyashiv (Beis Chasanim 7:13). [If the chupah took place during bein ha-shemashos, a rabbi should be consulted.] An Harbotzas Torah opportunity is available! This and other Halachah Discussions are being published in book form. For more information, please call 216-321-5687 or contact jsgross@torah.org. Weekly-Halachah, Copyright 1 2001 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-Halachah Series is distributed L'zchus Daniel Meir ben Hinda. Weekly sponsorships are available - please mail to jgross@torah.org. Torah.org depends upon your support. Please visit <http://torah.org/support/> or write to dedications@torah.org or donations@torah.org. Thank you! Torah.org: The Judaism Site <http://www.torah.org/> 17 Warren Road, Suite 2B learn@torah.org Baltimore, MD 21208 (410) 602-1350 FAX: 510-1053

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Hadaf[SMTP:kornfeld@netvision.net.il] To: daf-insights Subject: Insights to the Daf: Kidushin 51-55 THE YISRAEL SHIMON TURKEL MASECHES KIDUSHIN INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il> KIDUSHIN 51-55 - Ari Kornfeld has generously sponsored the Dafyomi publications for these Dafim for the benefit of Klal Yisrael. Please send your D.A.F. contributions to : \*\*\* D.A.F., 140-32 69 Ave., Flushing NY 11367, USA

... Kidushin 53

BEING "MEKADESH" A WOMAN WITH "MA'ASER SHENI" QUESTION: The Mishnah (52b) quotes Rebbi Meir who maintains that when a man is Mekadesh a woman with fruits of Ma'aser Sheni, the Kidushin does not take effect. The Gemara teaches that Rebbi Meir's source is the verse, "v'Chol Ma'aser ha'Aretz... la'Hashem Hu" -- "and all Ma'aser from the land... shall be for Hashem" (Vayikra 27:30).

RASHI on the Mishnah (52b, DH b'Ma'aser Sheni) explains that Rebbi Meir maintains that Ma'aser Sheni is "Mamon Gavohah" (as the Gemara on 54b states explicitly). This implies that Ma'aser Sheni is not the property of the person who separated the Ma'aser, but rather it belongs completely to Hekdesh. If the Ma'aser belongs completely to Hekdesh, then why does the Gemara express that Ma'aser Sheni cannot be used for Kidushin as a specific rule that is derived from the verse, "La'Hashem" -- "La'Hashem v'Lo l'Kadesh Bo Ishah?" The Gemara should have said a more general, all-encompassing rule, such as "La'Hashem v'Lo Mamon Hedyot," and we would have known that it cannot be used for Kidushin since it is not considered the property of the bearer!

ANSWER: RABEINU CHAIM HA'LEVI of Brisk (cited by the GRIZ in Zevachim 6a) makes a similar observation in the words of the RAMBAM in reference to our Gemara. The Rambam (Hilchos Ishus 5:4) writes that if a man "was Mekadesh a woman with Ma'aser Sheni, whether by accident or on purpose, she is not Mekudeshes, because he is not to use it for any of his personal purposes until it has been redeemed, as the verse says, 'La'Hashem Hu.'" The Rambam should have said that the reason is because the Ma'aser does not belong to him until he redeems it! The wording of the Rambam implies that there is a specific prohibition to use Ma'aser Sheni for one's personal needs.

Rav Chaim concludes from this that, in fact, the Ma'aser Sheni belongs to the owner, and monetarily, it is considered his property. The verse of "La'Hashem" merely limits the owner's ability to use it, preventing him from using it in any way that he wants. It is only his property to perform with it the Mitzvah of eating Ma'aser Sheni. He is restricted from doing anything else with it.

Rav Chaim explains that the practical difference would be in a case of Yerushah, inheritance. When a man dies with fruits of Ma'aser Sheni in his possession, do his children inherit his Ma'aser Sheni? If it is not considered his property at all, then his children should not inherit it. If it is considered his property, and there are just regulations with regard to how he can use it, then his children should inherit it.

According to Rav Chaim, the wording of our Gemara is very precise. The exclusion learned from the verse is not an exclusion in the ownership of the Ma'aser, but rather it is an exclusion in the types of usage that is permitted. That is why the Gemara says that it is "La'Hashem" and not "l'Kadesh Bo Ishah" -- it is not saying \*who owns\* the Ma'aser Sheni, but rather it is teaching for what usage the owner is permitted to use it!

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