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Rabbi Zvi Sobolofsky

Eretz Yisrael, Beis Hamikdash and the Center of Torah

A primary theme of the parshiyos of Matos and Masei is the significance of Eretz Yisrael. Parshas Matos concludes with the commitment of bnei Gad and bnei Reuven to accompany the rest of the Jewish People into Eretz Yisrael. Parshas Masei deals with the obligation to eradicate idolatry from Eretz Yisrael and the obligation to establish cities for Levi'im as well as arei miklat - cities of refuge to protect someone who killed unintentionally. The parsha ends with the conclusion of the story of the daughter of Tzafchad and how it would impact on the division of Eretz Yisrael. The boundaries of Eretz Yisrael are delineated in Parshas Masei and there are many halachic ramifications of these borders. In the sugya concerning the halachic boundaries of Eretz Yisrael, the Rishonim explain that there are different aspects of Eretz Yisrael and the borders of Eretz Yisrael are not necessarily the same for these different aspects. One particular dimension of Eretz Yisrael is especially significant as Tisha B'Av approaches.

The Mishna in Maseches Kelim describes the various levels of kedusha that are dependent on location, the highest of which is the Kodesh Hakodashim. Each location has its own unique halachos that differentiate it from the other areas. The mishna highlights the halachos of the Heichal, the Azara and other parts of the Beis Hamikdash, and Yerushalayim. The final kedusha mentioned is kedushas Eretz Yisrael. In describing the halachos that distinguish Eretz Yisrael from chutz la'aretz, the mishna does not make any mention of the obvious mitzvos such as terumos, ma'asros and shmeita. Rather, the mishna mentions the mitzvos of the omer and the shteihalechem - the two loaves offered on Shavuos that must come from grain that grew in Eretz Yisrael. The commentators explain that the mishna is not addressing the unique status of Eretz Yisrael concerning agriculture mitzvos. Rather, the theme of the mishna is the sanctity of the Beis Hamikdash, and Eretz Yisrael is the broadest area which is imbued with kedushas Hamikdash. It is for this reason that certain korbanos, such as the omer and the shteihalechem, must originate in Eretz Yisrael.

There are several halachos relating to Torah study and authority that are linked to Eretz Yisrael. The authentic semicha that began when Moshe conferred semicha upon Yehoshua enables one to serve as a judge in all cases of Torah law. This semicha, which can only be granted in Eretz Yisrael, was conferred upon qualified individuals until the period of the Amoraim, at which time it ended because Eretz Yisrael was no longer the center of Torah. Similarly, the laws that govern declaring Rosh Chodesh via witnesses testifying in beis din that they saw the new moon are only practiced in Eretz Yisrael. At the same time that semicha ended, the declaration of Rosh Chodesh in beis din ceased and a different process, involving a set calendar, took its place. These two halachos of semicha and kiddush hachodesh that are dependent on Eretz Yisrael are not related to agriculture. Rather, these laws that are dependent on Torah study and the authority of Torah scholars that emanates from the Beis Hamikdash. The Ramban explains that the Beis Hamikdash is the continuation of Har Sinai and as such it is the ultimate source for all Torah study and authority. The kedushas Hamikdash which Eretz Yisrael has allows it to serve as the source for Torah, and thus as the location where semicha can be conferred, and also as the exclusive locale wherein Rosh Chodesh can be declared via witnesses.

As we commemorate the destruction of the Beis Hamikdash we also mourn the loss of Eretz Yisrael as the source of Torah. As we have been blessed to witness the tremendous growth of Torah in Eretz Yisrael in recent years, we continue to dream of the day when the Beis Hamikdash will be rebuilt. On that day Eretz Yisrael will regain its glory as the broadest area imbued with the kedusha of the Beis Hamikdash. Eretz Yisrael will once again be the center for talmud Torah and we will merit to see the word of Hashem go forth from Yerushalayim.

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From: Shabbat Shalom <shabbatshalom@ounetwork.org> date: Aug 1, 2019, 8:02 PM

Priorities

Rabbi Lord Jonathan Sacks

Priorities Britain's Former Chief Rabbi Lord Jonathan Sacks Covenant and Conversation Family Edition on OU Life

The Israelites were almost within sight of the Promised Land. They had successfully waged their first battles. They had just won a victory over the Midianites. There is a new tone to the narrative. We no longer hear the querulous complaints that had been the bass note of so much of the wilderness years.

We know why. That undertone was the sound of the generation, born in slavery, that had left Egypt. By now, almost forty years have passed. The second generation, born in freedom and toughened by conditions in the desert, have a more purposeful feel about them. Battle-tried, they no longer doubt their ability, with God's help, to fight and win.

Yet it is at just this point that a problem arises, different in kind from those that had gone before. The people as a whole now have their attention focused on the destination: the land west of the river Jordan, the place that even the spies had confirmed to be "flowing with milk and honey" (Num. 13:27).

The members of the tribes of Reuben and Gad, though, begin to have different thoughts. Seeing that the land through which they were travelling was ideal for raising cattle, they decide that they would prefer to stay there, to the east of the Jordan, and propose this to Moses. Unsurprisingly, he is angry at the suggestion: "Moses said to the Gadites and Reubenites, 'Are your brothers to go to war while you stay here? Why would you discourage the Israelites from going over into the land the Lord has given them?'" (Num. 32:6-7). He reminds them of the disastrous consequences of the earlier discouragement on the part of the spies. The whole nation will suffer. This decision would show not only that they are ambivalent about God's gift of the land but also that they have learned nothing from history.

The tribes do not argue with his claim. They accept its validity, but they point out that his concern is not incompatible with their objectives. They suggest a compromise:

Then they came up to him and said, “We would like to build sheepfolds for our flocks and towns for our children. But we will then arm ourselves and go as an advance guard before the Israelites until we have established them in their home. Meanwhile our children will live in fortified cities, for protection from the inhabitants of the land. We will not return to our homes until every Israelite has received his inheritance. We will not receive any inheritance with them on the other side of the Jordan, because our inheritance has come to us on the east side of the Jordan.” (Num. 32:16–19)

We are willing, in other words, to join the rest of the Israelites in the battles that lie ahead. Not only this, but we are prepared to be the nation’s advance guard, in the forefront of the battle. We are not afraid of combat, nor are we trying to evade our responsibilities to our people as a whole. It is simply that we wish to raise cattle, and for this, the land to the east of the Jordan is ideal. Warning them of the seriousness of their undertaking, Moses agrees. If they keep their word, they will be allowed to settle east of the Jordan. And so, indeed, it happened (Josh. 22:1–5).

That is the story on the surface. But as so often in the Torah, there are subtexts as well as texts. One in particular was noticed by the Sages, with their sensitivity to nuance and detail. Listen carefully to what the Reubenites and Gadites said: “Then they came up to him and said, ‘We would like to build sheepfolds for our flocks and towns for our children.’” Moses replied: “Build towns for your children, and sheepfolds for your flocks, but do what you have promised” (Num. 32:24).

The ordering of the nouns is crucial. The men of Reuben and Gad put property before people: they spoke of their flocks first, their children second.[1] Moses reversed the order, putting special emphasis on the children. As Rashi notes:

They paid more regard to their property than to their sons and daughters, because they mentioned their cattle before the children. Moses said to them: “Not so. Make the main thing primary and the subordinate thing secondary. First build cities for your children, and only then, folds for your flocks.” (Commentary to Num. 32:16)

A Midrash[2] makes the same point by way of an ingenious interpretation of a verse in Ecclesiastes: “The heart of the wise inclines to the right, but the heart of the fool to the left” (Eccl. 10:2). The Midrash identifies “right” with Torah and life: “He brought the fire of a religion to them from his right hand” (Deut. 33:2). “Left,” by contrast, refers to worldly goods:

Long life is in her right hand; In her left hand are riches and honour. (Prov. 3:16)

Hence, infers the Midrash, the men of Reuben and Gad put “riches and honour” before faith and posterity. Moses hints to them that their priorities are wrong. The Midrash continues: “The Holy One, Blessed Be He, said to them: ‘Seeing that you have shown greater love for your cattle than for human souls, by your life, there will be no blessing in it.’”

This turned out to be not a minor incident in the wilderness long ago, but rather, a consistent pattern throughout much of Jewish history. The fate of Jewish communities, for the most part, was determined by a single factor: their decision, or lack of decision, to put children and their education first. Already in the first century, Josephus was able to write: “The result of our thorough education in our laws, from the very dawn of intelligence, is that they are, as it were, engraved on our souls.”[3] The Rabbis ruled that “any town that lacks children at school is to be excommunicated” (Shabbat 119b). Already in the first century, the Jewish community in Israel had established a network of schools at which attendance was compulsory (Bava Batra 21a) – the first such system in history.

The pattern persisted throughout the Middle Ages. In twelfth-century France a Christian scholar noted: “A Jew, however poor, if he has ten sons, will put them all to letters, not for gain as the Christians do, but for the understanding of God’s law – and not only his sons, but his daughters too.”[4]

In 1432, at the height of Christian persecution of Jews in Spain, a synod was convened at Valladolid to institute a system of taxation to fund Jewish education for all.[5] In 1648, at the end of the Thirty Years’ War, the first thing Jewish communities in Europe did to re-establish Jewish life was to re-organise the educational system. In their classic study of the shtetl, the small townships of Eastern Europe, Zborowski and Herzog write this about the typical Jewish family:

The most important item in the family budget is the tuition fee that must be paid each term to the teacher of the younger boys’ school. Parents will bend in the sky to educate their son. The mother, who has charge of household accounts, will cut the family food costs to the limit if necessary, in order to pay for her son’s schooling. If the worst comes to the worst, she will pawn her cherished pearls in order to pay for the school term. The boy must study, the boy must become a good Jew – for her the two are synonymous.[6]

In 1849, when Samson Raphael Hirsch became Rabbi in Frankfurt, he insisted that the community create a school before building a synagogue. After the Holocaust, the few surviving yeshiva heads and chassidic leaders concentrated on encouraging their followers to have children and build schools.[7]

It is hard to think of any other religion or civilisation that has so predicated its very existence on putting children and their education first. There have been Jewish communities in the past that were affluent and built magnificent synagogues – Alexandria in the first centuries of the Common Era is an example. Yet because they did not put children first, they contributed little to the Jewish story. They flourished briefly, then disappeared.

Moses’ implied rebuke to the tribes of Reuben and Gad is not a minor historical detail but a fundamental statement of Jewish priorities. Property is secondary, children primary. Civilisations that value the young stay young. Those that invest in the future have a future. It is not what we own that gives us a share in eternity, but those to whom we give birth and the effort we make to ensure that they carry our faith and way of life into the next generation.

[1] Note also the parallel between the decision of the leaders of Reuben and Gad and that of Lot, in Genesis 13:10–13. Lot too made his choice of dwelling place based on economic considerations – the prosperity of Sodom and the cities of the plain – without considering the impact the environment would have on his children. [2] Numbers Rabbah 22:9. [3] Josephus, *Contra Apionem*, ii, 177–178. [4] Beryl Smalley, *The Study of the Bible in the Middle Ages* (Notre Dame, IN: University of Notre Dame Press, 1952), 78. [5] Salo Baron, *The Jewish Community* (Philadelphia: Jewish Publication Society of America, 1945), 2:171–173. [6] Mark Zborowski and Elizabeth Herzog, *Life Is with People: The Culture of the Shtetl* (New York: Schocken, 1974), 87. [7] My book on this subject is Jonathan Sacks, *Will We Have Jewish Grandchildren?* (London: Vallentine Mitchell, 1994).

From: Rabbi Berel Wein <genesis@torah.org> to: rabbiwein@torah.org
date: Jul 31, 2019 subject: Rabbi Wein - A Critical Look at Our Past

Rabbi Wein

By Torah.org

Dedicated to the speedy recovery of Mordechai ben Chaya & Henya Chana Raizel bas Rochel Bayla.

Parshas Masei A Critical Look at Our Past

It is the nature of human beings to look on the past with nostalgia. Often, we do so in a very selective manner, remembering the good and pleasant, and conveniently forgetting or ignoring the sad and unpleasant experiences. This is especially true in our time, when sections of the Jewish world, especially within the society of Orthodox Jews who descended from Eastern European ancestors, paint the narrative of life in Eastern Europe in the 18th and 19th centuries as rosy and, in the main, fanciful.

It attributes all of the current divisions and conflicts; the appalling decline in the population of Jews in the Diaspora due to intermarriage and assimilation

and the continued strength of liberal secularism throughout the Jewish world, to forces over which we had no control and which pushed much of the Jewish world to stray from the proper path of traditional Jewish life and values.

This narrative essentially holds traditional orthodoxy blameless for what occurred in the Jewish world over the past three centuries. It glosses over the failings of Eastern European Jewish society, its poverty and terrible living conditions and the viciously disruptive disputes, both ideological and personal that wracked the world of Eastern European Jewry. By so doing, it allows many of those failings and unnecessary disputes to continue to linger even in our current society and in a world far removed from the conditions of Eastern European Jewry three centuries ago.

The Torah presents for us in this week's reading an accurate recall of the places and events that were part of the story of the Jewish people during their 40-year sojourn in the desert of Sinai. As Rashi points out, it is illustrative of a father reviewing a past trip with his child. He points out that here you had a headache, here we encountered unexpected difficulties, here we had a life-changing experience and here is where our extended trip ended. The detailed description, the listing of all the different places in the desert, many of which are still not completely known to us and identifiable, is meant to sharpen our memory as to what exactly happened to our ancestors when they left Egypt and set out on their historic journey to enter the land of Israel.

The Torah is aware of the dangers of nostalgia and of the distorted picture of events that it can and usually does present of past events and personages. This week's reading is a wake-up call to the generation of the desert of Sinai and to all later generations of the Jewish people as to the dangers of ignoring reality and taking comfort in false narratives of past events.

Eastern European Jewish society had greatness within it and for 800 years was the wellspring of Ashkenazic Jewish scholarship, society and culture. All of this is to be remembered and treasured. But the picture is never always one-sided, and memory and recognition of what went wrong is also in order and necessary.

Shabbat shalom, Rabbi Berel Wein
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from: Shabbat Shalom <shabbatshalom@ounetwork.org> date: Aug 1, 2019, 8:02 PM

Honesty and Integrity

Rabbi Dr. Tzvi Hersh Weinreb Every so often, I come across a sentence of another person's writing which expresses one of my own thoughts in a language far superior to my own. Over the years, I have contemplated and written about the concepts of "honesty" and "integrity" and the difference between the two.

But never was I able to articulate their precise definitions and the difference between them as cogently and as concisely as in the following passage from Stephen Covey's *The 7 Habits of Highly Effective People*: "Integrity includes but goes beyond honesty. Honesty is... conforming our words to reality. Integrity is conforming reality to our words—in other words, keeping promises and fulfilling expectations. This requires an integrated character, a oneness, primarily with self but also with life."

Honesty for Covey, and I for one heartily agree, is the virtue describing reality exactly as it is, of telling the truth. In this day and age, when there is so much confusion as to whether or not there even is such a thing as truth, it is refreshing to see the place of honesty restored to the list of important human virtues.

For Judaism, truth, *emet*, is more than just a virtue. It is one of the three fundamental principles, along with justice and peace, upon which the world stands. In the words of the Talmud, "The signature of the Holy one, blessed be He, is truth."

So rare is the man of truth that legend has the aged Diogenes searching for him with lanterns. But as rare as the trait of honesty is, the trait of integrity is even more difficult to find.

Integrity is the ability not only to say what you mean, but to mean what you say. Following Covey, it is the quality of conforming one's actions to one's words, of reliably following through on one's commitment. It is more than the ability to make things happen. It is making your own promises happen!

This week's double Torah portion, *Matot-Masei*, opens with a lengthy and intricate discussion of the concepts of "the vow". Biblical teachings insist that the words we express must be taken very seriously; indeed, we are taught that our words are sacred. Once a person, man or woman, young or old, simpleton or scholar, utters a commitment, he or she is duty-bound to honor that commitment. "Motza sefatecha tishmor ve'asita. That which your lips express must be honored and performed."

As helpful as is Covey's succinct definition of "integrity," it is also deceptively simple. There is so much more that we need to know about integrity. And about "honesty," for that matter.

For one thing, honesty and integrity are not just descriptors of individual persons' characters. Rather, they are social values, which ideally should define the essence of human communities and entire societies. From a Jewish perspective, "honesty" and "integrity" cannot be restricted to individual paragons of virtue, saints and holy men, but must become universal cultural norms.

This is why the laws of vows, unlike all the other laws of the Torah, are explicitly given to *rashei hamatot*, the chieftains of the tribes. It is to emphasize that the sanctity of speech is not just a goal for a few spiritually-gifted individuals. It must be enunciated as one of the essential mores of the entire tribe.

The Talmud relates the story of an immortal community, a legendary village that knew not death. This was because no one there ever lied. This idyllic existence came to an abrupt end, however, when a young person, eager to protect the privacy of his parent, told an inquiring visitor that his parent was not home. A harmless and well-intentioned remark, common to us all. A white lie, perhaps, but a lie nevertheless, and one which ruined forever the eternal life of that fabled village.

Yet another lesson about keeping our word is taught in the opening verses of this week's Torah portion (*Numbers 30:1-17*). Sometimes, we overextend ourselves and make promises that we cannot possibly keep. In moments of extreme urgency, or sublime inspiration, we are wont to express commitments that are beyond our capacity to fulfill.

Can a vow thus expressed be annulled? The Torah, ever practical, answers "yes!" and describes some of the procedures designed to release a person from his or her vows. The Talmud, in an entire tractate devoted to this topic, specifies the circumstances and conditions under which such a release can be obtained.

Most well-known among the "ceremonies" releasing us from our personal vows and promises is the *Kol Nidrei* prayer which ushers in our most hallowed day, *Yom Kippur*. Not really a prayer in the ordinary sense, *Kol Nidrei* is a statement in which we declare our past vows null and void. This custom is experienced by many as strange and as an offense to the value of integrity. But I personally have always found that it reinforces the role of integrity in my life and in the lives of all of us who live in the "real world".

During the entire year, you and I make many commitments and resolutions. With the noblest of motives, we promise things to our loved ones, verbally establish objectives to improve the world around us, or simply vow to lose weight, stop smoking, or start exercising.

As the year wears on, situations change, priorities shift, and we ourselves become different. At least one time each year, on *Yom Kippur*, we realize how unrealistic we were and that we erred in our assessment of what we could accomplish. And so, we ask that the Almighty release us from these impossible and often no longer relevant commitments, and begin with Divine help a new slate, hoping that the next time we make a promise, it will be one that we will be able to keep.

Judaism teaches us the primary importance of keeping our word. But it does not lose sight of our human frailties and limitations and recognizes that often

it is not moral failure that explains our lack of integrity, but simple human weakness, hopefully rare and surely forgiven by God.

Integrity is a cherished value for the society at large. The acknowledgement of human limitations in maintaining integrity must be accepted. These are two important and timely lessons from this week's Torah portion.

From: Chanan Morrison <ravkooklist@gmail.com> reply-to: rav-kook-list+owners@googlegroups.com to: Rav Kook List <**Rav-Kook-List**@googlegroups.com> date: Jul 31, 2019, 1:01 AM subject: [Rav Kook Torah] **Tisha B'Av: The Beauty of the Universe**

Tisha B'Av: The Beauty of the Universe

Temple_of_King_Solomon Every day we pray for the restoration of the Beit HaMikdash. Why is this spiritual center so important for us?

The Sages noted that the words dei'ah (knowledge) and Mikdash (Temple) both appear in verses 'sandwiched' between God's Name (I Sam. 2:3 and Ex. 15:17). Is there a special connection between the two?

"Rabbi Elazar said: Whenever a person has dei'ah, it is as if the Temple has been built in his days." (Berachot 33a) What exactly did Rabbi Elazar mean by "a person with dei'ah"? And what does this quality of wisdom have to do with rebuilding the Beit HaMikdash?

True Da'at

We must first understand the concept of dei'ah. Having dei'ah means much more than just being knowledgeable. People who lack dei'ah approach matters only using their powers of logic and reasoning. They fail to recognize that the intellect is but one faculty of the human soul. In addition to intellectual abilities, we have character traits, emotions, and powers of imagination.

True da'at is knowing how to utilize all the faculties of the soul. Spiritual perfection can only be attained through a holistic approach that engages all aspects of the soul and all pathways of faith.

The Beauty of the Universe

But what does this have to do with the Beit HaMikdash? The Sages used an intriguing expression to describe the Temple: "the Beauty of the universe" (Zevachim 54b). Why did they single out beauty as the Temple's primary characteristic? This statement is significant, for it indicates the central function of the Beit HaMikdash - to engage our sense of beauty and elevate our imaginative powers.¹ The imagination is a powerful resource, and the Temple's aesthetic qualities served to promote the world's spiritual advance through this faculty of the soul. When the Beit HaMikdash stood in Jerusalem, it had a profound influence on the imagination, as it projected images of sublime purity and holy splendor. This impact on the imagination then inspired and elevated the character traits and conduct of those visiting its courtyards.

We may distinguish between two different aspects of the Temple's influence. The first is in terms of the Temple's intrinsic holiness and the impact of this holiness on those observing the Temple service. The second aspect is in terms of the receptivity of the human soul. God gave us powers of imagination so that we will be receptive to the Temple's splendor and holiness. These two aspects of the Temple's influence correspond to the two Names of God, placed before and after the word Mikdash.

Elevating the Imagination

Now we may understand Rabbi Elazar's statement. Individuals who are blessed with dei'ah -who are wise enough to value all faculties of the soul, including their imaginative powers - it is as if the Beit HaMikdash was rebuilt in their days. With their wisdom, they are able to recreate for themselves and their immediate circle a small measure of the Temple's holy influence. They recognize that their powers of imagination were created for a sacred purpose. While in terms of cold logic, the imagination may appear to be of little value, God placed it in the human soul for its potential to promote spiritual growth. Those crowned with dei'ah are able to utilize and elevate all of their faculties in genuine holiness.

Rav Kook likened the Temple's enlightening influence on the soul to the first rays of morning sunlight, as they provide warmth and nourishment: "The sublime beauty, the Divine splendor, attracts and draws the soul to itself. It awakens the soul from its sleep and rejuvenates all of its powers. It shines over the soul like sunlight over a cherished plant, cultivating all of its aspects, full of strength and beauty, pleasantness and vitality. "Our yearnings to be connected to the Temple - to God's House on the mountain summit, to the service of the kohanim, the song of the Levites, and the ma'amad (deputation) of the Israelites, to share all of the nation's soul-ties to its holy abode - these yearnings awaken the "beauty of the universe" in the hearts of Israel each day. They establish an elevated Temple inside the soul of each individual, as we begin the day by reciting the order of offerings and incense in our morning prayers." (Shemonah Kevatzim vol. I, sec. 606) (Silver from the Land of Israel (now available in paperback). Adapted from Ein Eyah vol. I on Berachot 33a.)

See also: The Poel Mizrachi Kitchen

1 The ultimate purpose of the Temple is to attain Hashra'at Shechinah, the indwelling of God's Presence in Israel, as it says (Ex. 25:8), "They shall make Me a Sanctuary and I will dwell among them." Rav Kook understood that this goal indicates the Temple's function as a center of prophecy and ruach hakodesh, and this requires the elevation of the imaginative powers, an essential faculty for prophecy and holy inspiration.

from: Project Genesis <genesis@torah.org> to: weekly-halacha@torah.org date: Aug 1, 2019, 1:17 PM subject: Weekly Halacha - Shopping During the Nine Days

Weekly Halacha

By Rabbi Daniel Neustadt

Parshas Matos

Shopping During the Nine Days

The first nine days of the month of Av, known as the Nine Days, is a period of time established by the Rabbis to mourn the destruction of the two Batei Mikdash. To make us feel the aveilus, there are certain activities which are prohibited during this period. Since the Talmud tells us that only one who has properly mourned the Temple's destruction will merit seeing its rebuilding, it is important to become more knowledgeable about the exact nature of the prohibitions of the Nine Days. One of them, the injunction against "buying new items," is reviewed here.

Question: Is it permitted to go shopping during the Nine Days?

Discussion: There are two types of items which are forbidden to be bought during the Nine Days: 1) Items which the consumer buys to give him pleasure or joy (as opposed to items which the consumer needs for daily living). 2) Apparel (clothing). As each group has its own rules and regulations, we will discuss each one separately.

Items of Joy or Pleasure

In order to diminish the level of simchah during this sad time, the Rabbis forbade buying items that mainly serve to give the owner joy or pleasure. Thus it is forbidden, for example, to purchase silver dishes, jewelry, fancy china, home decor items, or a car that is used mainly for pleasure travel. 1 But it is permitted to purchase standard household items that are needed, even if they are major purchases such as an air conditioner, a set of dishes, a cell phone, a health-related appliance, or a car that is used mainly for business or every-day household needs. 2 [If the business item being bought would normally require the recital of shehecheyanu, the shehecheyanu is said after Tishah b'Av. 3] Only actual buying is prohibited—shopping without buying is permitted. Window or comparison shopping is permitted. 4 Returns are permitted. Exchanges may be prohibited. 5

If delaying the purchase will cause a monetary loss, or if the item will not be available for purchase after Tishah b'Av, it is permitted to buy the item during the Nine Days. 6 If possible, it is recommended to merely put down a deposit and take delivery of the item after Tishah b'Av. 7

It is permitted to buy items for the purpose of performing a mitzvah, e.g., buying tefillin or seforim that are needed at the time. 8 Similarly, a bachelor who is getting married after Tishah b'Av may shop during the Nine Days if need be. 9

Shopping for Clothes

The second category of items that may not be purchased—or worn—during the Nine Days is clothing or shoes, even if they are intended for use after the Nine Days. 10 Both expensive and inexpensive items, even trivial articles of clothing such as a pair of socks, a belt, a yarmulke, or a kerchief, are included. 11 A new tallis or a tallis katan may also not be purchased. 12 Linen and towels are considered “clothing” and are prohibited to be purchased as well. 13

In the following cases it is permitted to shop for clothing during the Nine Days:

- If one has no clean shirt for Shabbos and washing or cleaning a shirt is not option, he may [buy and] wear a new shirt. 14
- A bachelor who is getting married after Tishah b'Av may buy whatever he needs for the wedding during the Nine Days. 15
- One who does not have appropriate shoes to wear on Tishah b'Av may buy them during the Nine Days. 16
- Although it is permitted to wash clothing for infants, toddlers and small children who constantly soil their clothes, 17 one is allowed to purchase new baby's and children's clothes rather than do their laundry. 18
- If delaying the purchase will cause a monetary loss, or if the item will not be available for purchase after Tishah b'Av, some poskim permit buying the item during the Nine Days, 19 while others are more stringent. 20
- If a substantial loss is involved, a deposit should be made and delivery taken after Tishah b'Av.
- It is permitted to [buy and] wear new clothes for the purpose of a shidduch. 21
- People in the clothing business may purchase stock during the Nine Days. 22
- The prohibition against shopping during the Nine Days begins with sunset of Rosh Chodesh Av and ends at midday of the tenth day of Av. When Tishah b'Av falls on a Thursday, it is permitted to shop for Shabbos needs on Thursday night.

Question: Which types of clothing are included in the prohibition against wearing freshly laundered clothes in the Nine Days?

Discussion: Shulchan Aruch rules that all freshly laundered (or dry-cleaned) clothes and linens (such as towels, sheets and tablecloths), may not be worn or used during the Nine Days. 23 It has become customary, therefore, that freshly laundered clothes are worn for a short while²⁴ before the onset of the Nine Days, so that the clothes are no longer considered “freshly laundered.”

Contemporary authorities debate whether or not garments that are constantly being changed because of perspiration — like socks and undergarments — must also be worn briefly before the Nine Days. Some poskim hold that they must, 25 while others hold that such garments are not included in the prohibition of wearing freshly laundered clothes and one need not prepare them before the Nine Days begin. 26 The widespread custom in the United States follows the second opinion.

Question: In practical terms, how should one conduct himself with regard to the Nine Days' prohibition against full-body bathing?

Discussion: One of the Nine Days' restrictions is the prohibition against bathing and showering. 27 Nowadays, people find it most uncomfortable to observe this restriction, since we are all accustomed to bathing or showering daily, unlike in earlier times when people bathed much less frequently. It is important to distinguish between the two reasons why people bathe: 1) for reasons of hygiene and cleanliness; 2) for pleasure; the hot water soothes them, the cold water cools them — it is a pleasurable experience. It is safe to assume that most people bathe or shower for both reasons — for cleanliness and for pleasure. It is clearly forbidden to bathe or shower during the Nine Days for pleasure. Thus it is forbidden to take a hot bath, a long, hot, relaxing shower, or to go swimming in a lake or a pool. The primary purpose of these activities is the pleasure derived from them. But one who became dirty or sweaty and must take a shower in order to rid himself of the odor, dirt or sweat, may take a short, cold or lukewarm shower. If he requires soap

or shampoo in order to remove the dirt or sweat, that is permitted as well. If the dirt or sweat cannot be removed unless hot water is used, hot water may be used for those areas where it is needed. 28

One who needs to take a hot shower or bath or go swimming for medical reasons is permitted to do so.

1. O.C. 551:2, Mishnah Berurah 11 and Sha'ar ha-Tziyun 13; Aruch ha-Shulchan 551:20; Kaf ha-Chayim 551:21, 23; Igros Moshe, O.C. 3:80. See also Nitei Gavriel, pg. 51, quoting the Rav of Puppa. 2. See Koveitz Halachos L'yemei Bein Hametzarim, pg. 125; Halichos v'Hanhagos, pg. 5, quoting Rav Y.S. Elyashiv; Kol ha-Torah, vol. 56, pg. 48, quoting Rav B. Rackove; Vayevareich Dovid 1:69. See also Teshuvos Levushei Mordechai 3:185-4. 3. Igros Moshe, O.C. 3:80. 4. Igros Moshe, E.H. 4:84-1. 5. Since the shopper is getting a new item in exchange for the old one, it may be considered as if he is buying the item anew. If the new item requires a shehechyanu, the exchange may definitely not take place during the Nine Days; see Moadei Yeshurun, pg. 152, note 31. 6. Peri Megadim 551:7; Mishnah Berurah 551:11,13; Kaf ha-Chayim 551:21, 23; Igros Moshe, E.H. 4:84-1. 7. Kinyan Torah 1:109-5. 8. Igros Moshe, O.C. 3:80. 9. Mishnah Berurah 551:46. Other poskim disagree with this leniency; see Kaf ha-Chayim 551:30, 33 and 101. 10. Rama, O.C. 551:7 and Mishnah Berurah 45 and 49. 11. Mishnah Berurah 551:45-46; Rav C. Kanievsky, quoted in Nechamas Yisrael 13:3. 12. Igros Moshe, O.C. 3:80. 13. Nitei Gavriel 31:9. 14. Beir Halachah 551:6, s.v. keilim, as explained by Igros Moshe, O.C. 3:80. 15. Mishnah Berurah 551:14 and 46. Other poskim disagree with this leniency; see Kaf ha-Chayim 551:30, 33 and 101. 16. Igros Moshe, O.C. 3:80. 17. Rama, O.C. 551:14. 18. Mishnas Yaakov (quoted in Piskei Teshuvos 551:27 and in Nechamas Yisrael 13:7). See Emes l'Yaakov, O.C. 551, note 513, who suggests that buying might be preferable to doing laundry. 19. Kinyan Torah 1:109-5; Koveitz Halachos (Rav S. Kamenetsky), pg. 178. 20. Emes l'Yaakov, O.C. 551, note 509, who questions if it is permitted to buy apparel on sale during the Nine Days. 21. Orchos Rabbeinu, vol. 2, pg. 132, quoting Chazon Ish. 22. Mishnah Berurah 551:11. 23. O.C. 551:3. 24. There are several views — ranging from several days to several minutes — as to how long a garment should be worn in order for it be considered no longer fresh. In actual practice, the garment should be worn long enough so that it loses that special crispness and freshness that one associates with freshly laundered or dry cleaned clothes. 25. Kaf ha-Chayim 551:91; Orchos Rabbeinu, vol. 2, pg. 130; Minchas Yitzchak 10:44; Harav C. Kanievsky, quoted in Nechamas Yisrael 19:7. 26. Aruch ha-Shulchan, Y.D. 389:6 (concerning shivah); Gesher ha-Chayim 21:10 (concerning shivah); Salmas Chayim 4:4; Harav M. Feinstein (oral ruling, quoted in Rivevos Efrayim 1:377 and 3:340, Moadei Yeshurun, pg. 134 and Kitzur Hilchos Bein ha-Metzarim, pg. 9); Kinyan Torah 1:109; mi-Beis Levi, vol. 13, pg. 26. 27. O.C. 551:16. 28. Entire Discussion based on Aruch ha-Shulchan 551:37; Harav Y.C. Sonnenfeld (Salmas Chayim 4:20; Toras Chayim, pg. 83); Igros Moshe, E.H. 4:84-4; Emes l'Yaakov, O.C. 551, note 14; She'arim Metzuyanim b'Halachah 122:12; Shevet ha-Levi 7:77.

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For the week ending 3 August 2019 / 2 Av 5779

How to Make Havdalah During the Nine Days 5779 / 2019 by Rabbi Yehuda Spitz

Have you given any thought to how you are going to make Havdalah this Motzai Shabbos? The proper way to perform Havdalah the Motzai Shabbos preceding Tisha B'Av (generally Motzai Shabbos Chazon), is one annual issue that seems to always have disparate approaches.

The main problem is that the very essence of Havdalah is ending Shabbos, resulting in the fact that it is actually recited during 'chol,' weekday. That is fine for an ordinary week, but Motzai Shabbos Chazon is generally halachically part and parcel not only of the Nine Days, but actually considered 'Shavua Shechal Bah Tisha B'Av.' This means that even the Sefardim, who are generally lenient with the Three Weeks' and Nine Days' restrictions,[1] are still required to keep them during this week. And one of these restrictions prohibits drinking wine,[2] the mainstay of Havdalah.[3]

So how are we supposed to synthesize making Havdalah while not transgressing this restriction?

Actually, this year, 5779/2019, this dilemma is doubled, as there are two Havdalahs in question, but interestingly, neither is truly on Motzai Shabbos Chazon. The first Havdalah is this week, Motzai Parashas Mattos – Masei (in Eretz Yisrael, Motzai Parashas Masei), and the second, the following week, with the Taanis Nidcheh of Tisha B'Av being observed immediately after Shabbos's conclusion, its Havdalah gets pushed off until Sunday night (see Tur, Shulchan Aruch, and main commentaries to Orach Chaim 556, 1). Yet, many of the Nine Days' restrictions are still in effect until the next day, including those of eating meat and drinking wine;[4] however, Havdalah still needs to be recited.[5] Hence, the compounded confusion.

Just Drink It! The first approach to this problem is the Shulchan Aruch's.[6] He maintains that whoever makes the Havdalah should just drink the wine himself. The Gr"a explains this position (and is later echoed by the Mishna Berura) that Havdalah is no worse than a Seudas Mitzva; just as at a Seudas Mitzva (such as a Bris) one may drink the wine even if it falls out during the week of Tisha B'Av,[7] so too by Havdalah. They add that according to the Shulchan Aruch, these restrictions were never intended to negate a Mitzva. This ruling is accepted and followed by Sefardic Jewry, and this Motzai Shabbos, their psak is to drink the Havdalah wine.[8] [9]

Child Care The Rema's opinion is a bit more complicated.[10] He maintains that it is preferable to find a child and let him drink the Havdalah wine. That way, the one who actually makes the Havdalah does not have to transgress this prohibition. He concludes however, that me'iker din the Shulchan Aruch is correct, and if one cannot find a child to drink the wine, then an adult may do so.

But one detail the Rema does not mention is how old this child should be. The Magen Avraham (and clarified by the Machatzis HaShekel and Dagul Mervava ad loc.) qualifies the Rema's ruling. He explains that the child must not be old enough to be able to mourn the destruction of the Beis HaMikdash, for if a child is able to understand and properly mourn, there is no halachic advantage gained by having him drink the cup. Additionally, the child must be 'higia l'chinuch', old enough to understand the need to make a bracha before drinking, for, if not, the Havdalah would end up being a 'bracha levattala', in vain, unless an adult drinks the wine. So basically, to fulfill the Rema's ruling lechatchila, the child must be in the ballpark of 6 to 9 years old;[11] otherwise, it would be preferable for an adult to drink it. This ruling is followed by most mainstream Ashkenazic authorities, including the Magen Avraham, Chayei Adam, Kitzur Shulchan Aruch, and Mishna Berura.[12]

Can You Beer It? However, there is a third opinion, that of the Aruch Hashulchan.[13] He maintains that the best solution to our concern is to make Havdalah on Motzai Shabbos Chazon using beer instead of wine. Since beer is cited throughout the ages as a 'Chamar Medina', a 'drink of the land' on which Havdalah is permitted to be made,[14] it would therefore be the simplest resolution to our problem.

However, many authorities remain hesitant to rely on this l'maaseh. The reason for this is that there is no clear-cut delineation of what 'Chamar Medina' actually is or how to properly define it, resulting in different poskim having very different understandings of its parameters.

For example, many authorities maintain that one may only rely on using 'Chamar Medina' if wine cannot be found anywhere in the city.[15] Others maintain that it must be a popular drink that people would always serve at a proper meal.[16] A different definition cited is that it must be a drink that one would serve to honor someone.[17] Others define it as a drink that can be intoxicating, making having alcoholic content a prerequisite.[18] Another view is that it must be a drink that has inherent importance.[19] Others say it refers to a drink that one has 'chavivus', an affection for or affinity to drinking.[20]

Although our ubiquitous beer fits many of these definitions, still the Magen Avraham and Vilna Gaon ruled that in Ashkenaz, beer has lost its status of

'Chamar Medina'. [21] Also, due to the whole machlokes regarding defining 'Chamar Medina', as well as the fact that many authorities rule that if wine is available, it trumps beer's use for Havdalah, consequently, many poskim are hesitant about fulfilling the mitzvah of Havdalah with beer in this day and age. Additionally, based on how beer is viewed nowadays, and especially in Eretz Yisrael, several poskim, including the Chazon Ish,[22] rule that beer would no longer be considered 'Chamar Medina'.

Conversely, many contemporary authorities do indeed confirm beer as 'Chamar Medina', even nowadays; yet, they still generally maintain wine's superiority for Havdalah.[23]

What To Drink? So now that we explained that there is a three-way machlokes, what's the bottom line?

Generally speaking, Sefardim follow the ruling of the Shulchan Aruch, and therefore the adult who makes the Havdalah should drink the wine. Most mainstream Ashkenazim follow the Rema's psak and try to find a child in the proper age range (approx. 6 - 9). If one cannot be found, then an adult should drink the wine. Yet, surprisingly, several contemporary Ashkenazic poskim, including Rav Yosef Chaim Sonnenfeld, the Chazon Ish, and Rav Shlomo Zalman Auerbach, held that it is preferable to follow the ruling of the Shulchan Aruch and an adult should rather drink the wine than a child. Rav Moshe Feinstein is quoted as holding this way as well.[24]

But what of the Aruch Hashulchan's beer solution? Certainly the authorities mentioned previously who allow beer's use for Havdalah year round would permit one to do so Motzai Shabbos Chazon as well. Rav Dovid Feinstein shlit"a is quoted as maintaining beer's actual preference for Havdalah on Motzai Shabbos Chazon.[25] Indeed, this author has likewise heard from Rav Efraim Greenblatt zt"l (the renowned Rivevos Efraim)[26] that one may make Havdalah with beer on Motzai Shabbos Chazon with no compunction.

In somewhat of a contrast, mv"r Rav Yaakov Blau zt"l told this author that although he personally held that it was preferable for an adult to drink the Havdalah wine, nonetheless, he gave dispensation to one who was accustomed to making Havdalah on beer, or one who's minhag was to do so on Motzai Shabbos Chazon, to continue doing so, even in Eretz Yisrael. Rav Shlomo Zalman Auerbach zt"l held similarly.[27]

Interestingly, it is reported that 'Meine Altere Shuchein,' the Bobover Rebbe zy"a, would make Havdalah on Motzai Shabbos Chazon on wine and drink it himself, but when Tisha B'Av would fall out on Motzai Shabbos, on that Motzai Tisha B'Av he would make that Havdalah specifically on beer.[28]

However one ends up making Havdalah this Motzai Shabbos [make sure to discuss this with your local rabbinic advisor in advance], it is important for us all to remember that these restrictions were instituted by our Rabbanim as a public show of mourning during the most devastating time period on the timeline of the Jewish year. Our goal should be to utilize these restrictions as a catalyst for inspiration towards Teshuva.[29] It is worthwhile to do so, as well. As the Gemara relates, everyone who observes and properly demonstrates their personal mourning over the destruction of Yerushalayim will merit seeing its rejoicing.[30]

Postscript 1: Choleh on Tisha B'Av: Havdalah

Many ask what a choleh (ill or sick person) should do if he or she[31] has a halachic dispensation to eat on Tisha B'Av itself. The halacha is that if a choleh or cholah is required to break his or her fast on Tisha B'Av HaNidcheh, he or she is required to make Havdalah before he or she eats. Nevertheless, the vast majority of contemporary authorities maintain that this Havdalah should be made on beer or other 'Chamar Medina' (which some in this case specify as including 100% orange juice), and not with wine, as not to violate the exhortation of the Gemara in Taanis (30b), "kol ha'ochel bassar v'shoseh yayin b'Tisha B'Av, alav hakasuv omer 'v'tehu ovonosam al atzmosam", explaining the grave sin that befalls one who eats meat or drinks wine on Tisha B'Av.[32]

On the other hand, the Steipler Gaon is quoted[33] as maintaining wine's preference for Havdalah even on Tisha B'Av, as (mentioned previously) the

Chazon Ish held that beer and other drinks do not maintain 'Chamar Medina' status nowadays. There are those who hold that as so, there is still a preference for grape juice over wine in this scenario.[34] It goes without saying that if there is no 'Chamar Medina' available then lemaaseh one should still make this Tisha B'Av Havdalah with wine, as either way, Havdalah is indeed mandated.[35]

If one only needs to break his fast only to drink water, then Havdalah would not actually be mandated, as one is normally technically permitted to drink water before Havdalah anyway.[36]

On a side point, and quite interestingly, and although not the normative halachah, there are several contemporary poskim who maintain that a woman need not make Havdalah to break her fast.[37] Other solutions include that the husband, who is still fasting, should make Havdalah on Tisha B'Av and she or a child drink it.[38] If following this, then an additional Havdalah on Sunday night is not needed, as the Havdalah obligation was already fulfilled. In case of actual sheilah, one should ask her posek which shittah to personally follow. As an aside, it is important to note that the consensus is that a Kattan does not make Havdalah when breaking his or her fast.[39]

Either which way, this Havdalah for a Choleh on the fast itself should start from the bracha on the kos and only consists of that bracha and Hamavdil Bein Kodesh L'Chol.[40] There is no bracha of Besamim as that is considered hana'ah (benefit or pleasure), which we minimize on Tisha B'Av. It is also not recited on Motzai Tzom (Sunday night), as at that point it is no longer directly after Shabbos. Regarding Borei Me'orei Ha'Aish this Motzai Shabbos/Tisha B'Av, that is generally recited in shul (or at home) after Maariv,[41] and therefore would most likely not be included in the Havdalah recited by a Choleh prior to breaking his or her[42] fast.

Postscript 2: Motzai Tisha B'Av Havdalah:

Interestingly, there is an additional machlokes between the Mishna Berura and Aruch Hashulchan whether the Sunday night / Motzai Tisha B'Av Havdalah is more relaxed vis-à-vis drinking wine for Havdalah. The Mishna Berura, citing the Dagul Mervavah,[43] writes that it not as restrictive as the rest of the Nine Days for this inyan, and one may therefore personally drink of the Havdalah wine without necessitating finding a child to drink. Yet, the Aruch Hashulchan disagrees, maintaining that the Nine Days restrictions are still fully in effect, and is therefore preferable to make Havdalah on 'Shaar Mashkin' (Chamar Medina; this is leshitaso - as was previously explained at length) and not wine.[44] A third opinion, that of the Elyah Rabba and Pri Megadim, is that one may use wine, but must give it to a child to drink, just like the Rema's ruling on a standard Motzai Shabbos Chazon.[45]

Even more interesting is that all of these shittos are actually based on the Maharil, the early Ashkenazic codifier. In his Sefer on Minhagim,[46] the Maharil writes regarding Tisha B'Av HaNidcheh that 'k'ishehichshich beireich Borei Pri HaGafen V'Havdalah', which the Dagul Mervavah notes, implies that Havdalah may be made on wine on this Sunday night. Yet, the Aruch Hashulchan, as well as the Elyah Rabba and Pri Megadim, follows the explicit ruling of the Rema, which is based on a responsum of the Maharil,[47] that regarding Tisha B'Av HaNidcheh, wine is still prohibited until the next morning. Apparently, the Mishna Berura understood the Maharil as maintaining that B'Makom Mitzvah, such as Havdalah, one needn't have to be so stringent on Motzai Tisha B'Av HaNidcheh regarding drinking wine.[48]

Most contemporary authorities seem to follow the Mishna Berura's ruling that one may make this Havdalah with wine and personally drink it. Certainly those who follow the Shulchan Aruch's ruling of drinking the Havdalah wine during the Nine Days would do so here as well, as Havdalah is the same 'Makom Mitzva' that the Shulchan Aruch ruled is an exception to the Nine Days' restrictions. As with all cases in halachah, one should ascertain from a knowledgeable rabbinic authority which opinion he should personally follow.[49]

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parameters of 'Chamar Medina' and has been extremely useful in writing this article.

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For any questions, comments or for the full Mareh Mekomos / sources, please email the author: yspitz@ohr.edu.

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[1] See previous article titled 'When Do the Three Weeks Start?'. Although there are several Sefardic authorities who maintain that Sefardim should follow the Ashkenazic minhag and start the restrictions from Rosh Chodesh Av [Including the Knesses HaGedolah (Orach Chaim 551, Haghos on the Tur 5), the Ben Ish Chai (Year 1, Parashas Devarim 4, 5, and 12), and Kaf Hachaim (Orach Chaim 551, 44, 80, and 142); although they generally only start immediately following Rosh Chodesh Av, as opposed to most Ashkenazic authorities who include Rosh Chodesh Av itself in the restrictions], nevertheless, most Sefardim are only noheg most of these restrictions from the actual week of Tisha B'Av as per the ruling of the Shulchan Aruch (Orach Chaim 551, 10). See Shu"t Yabea Omer (vol. 6, Orach Chaim 46 and vol. 9, Orach Chaim 50, 1), Shu"t Yechaveh Daas (vol. 1, 41 and vol. 4, 36), Rav Mordechai Eliyahu's Darchei Halachah glosses to the Kitzur Shulchan Aruch (122, 19), and Yalkut Yosef (Kitzur Shulchan Aruch, Orach Chaim 551, 1). Many of these restrictions are generally still in effect until midday (Chatzos) of the next day, the tenth of Av (see Shulchan Aruch, Rema, and main commentaries to Orach Chaim 558), with some being makpid the whole next day for some of the restrictions (but not this year, with Tisha B'Av actually being observed on the tenth of Av, since it falls out on Shabbos).

[2] Shulchan Aruch (Orach Chaim 551, 10).

[3] See Tur and Shulchan Aruch (Orach Chaim 294 - 296) at length, Ohr Zarua (vol. 2, 25), Pirkei D'Rav Eliezer (Ch. 20), Mishna Berura (296, 8), and Kaf Hachaim (Orach Chaim 182, 1 and 14; quoting the Zohar on the importance of using wine for Havdalah).

[4] See Shulchan Aruch and Rema and main commentaries to Orach Chaim 558.

[5] However, this is not the full Havdalah [as 'Borei Me'orei HaAish' is made on Motzai Shabbos Tisha B'Av and 'Besamim' is skipped on Tisha B'Av as on Motzai Shabbos it is considered a bracha of 'taanug'], and just consists of the bracha on the Kos and 'HaMavdil'. See Shulchan Aruch (Orach Chaim 556, 1), Levush (ad loc. 1), Chayei Adam (vol. 2, 136, 5), Kitzur Shulchan Aruch (125, 6 and 7), Aruch Hashulchan (Orach Chaim 556, 1 and 2), and Mishna Berura (ad loc. 1). This is discussed at length later in the article.

[6] Shulchan Aruch (Orach Chaim 551, 10), Biur HaGr"a (ad loc. s.v. u'mutar), Mishna Berura (ad loc. 67).

[7] This issue, including who may participate in a fleishig bris during the Nine Days, was discussed at length in an article titled 'Meat on Rosh Chodesh Av?'

[8] See Kaf Hachaim (Orach Chaim 551, 152), Rav Mordechai Eliyahu's Darchei Halacha Glosses to the Kitzur Shulchan Aruch (122, 14), and Yalkut Yosef (Kitzur Shulchan Aruch, Orach Chaim 551, Din Achilas Bassar B'Teishes HaYamim 24).

[9] Although non-alcoholic, grape juice would nonetheless not be any more preferential for Havdalah this Motzai Shabbos. We refrain from meat and wine in the Nine Days as a symbol of mourning for the destructions of the Batei Hamikdash - where Karbonos were brought daily - mainly Zevachim (which was meat) and Nesachim (its wine libation). The Shulchan Aruch (Orach Chaim 551, 10) mentions that any wine, including freshlymade wine, is forbidden during the Nine Days. The Mishna Berura (ad loc. 66) explains that even though it is sweet and weak, and could not be used as a libation in the Bais HaMikdash, it is nonetheless forbidden because the accepted restriction does not differentiate, but rather is to refrain from all types of wine. Since this weak beverage is still considered a 'wine,' we do not drink it during the Nine Days. The same would apply to our ubiquitous grape juice, which is still considered a type of wine. Therefore, halachically, using it for Havdalah is technically no more of a solution than drinking wine. See Shu"t Minchas Shlomo (vol. 1, 64), Shu"t Rivevos Efraim (vol. 8, 177; citing many poskim), Moadei Yeshurun (pg. 130) and Mesores Moshe (vol. 1, pg. 174 s.v. mitz) quoting Rav Moshe Feinstein, Shu"t Even Yisrael (vol. 9, Haaros on Mishna Berura, Hilchos Tisha B'Av pg. 110 s.v. vtz"a), Shu"t Teshuvos V'Hanhagos (vol. 2, 259), Shu"t Ohr L'Tzion (vol. 3, Ch. 26, 8), Rav Chaim Kanievsky's Moadei HaGra"ch (vol. 1, 317 and 318), Rav Shmuel Kamenetsky's Kovetz Halachos (Dinei Bein HaMetzarim), Sefer Nechemas Yisrael (pg. 114, 295), Halichos Even Yisrael (Moadim vol. 1, pg. 348: 1 and footnote 1), Netei Gavriel (Hilchos Bein HaMetzarim vol. 1, Ch. 39), Piskei Teshuvos (vol. 5, 551, 42), and the Belz Dvar Yom B'Yomo Luach (5776;

pg. 647). Rav Asher Weiss (the renowned Minchas Asher) has recently averred the same to this author.

[10] Rema (Orach Chaim 551, 10), based on Shu"t Maharil (15). Interestingly, the Maharil himself writes that he saw that his Rabbeim were not so makpid with this restriction. The Gr"ta (ad loc. s.v. v'nohagin), and later the Mishna Berura (ad loc. 68), explain that regarding Havdalah there is an option to let a child drink it as opposed to a Seudas Mitzva.

[11] Although there are different opinions on what the age of Chinuch is for different Mitzvos, nonetheless, the Chok Yaakov (Orach Chaim 472: 27; regarding the Arba Kosos) maintains that it is 5 or 6 years old and the Mishna Berura (263, 1 and Shaar Hatziyun 551, 91; although some say that these two mareh mekomos are soser each other, nonetheless m'pashtus this is his kavanna for the age of Chinuch across the board) sets the age of Chinuch at 6 years old. He adds that it might even be 7 depending on how charif a child might be. Rav Yisrael Yaakov Fischer (Halichos Even Yisrael, Moadim vol. 1, Hilchos Bein HaMetzarim pg. 353, footnote 18) writes that for this inyan it is referring to 'higia l' chinuch' for brachos but still cannot properly mourn, which he estimates at around 6 years old. [For more on how the poskim define the age of Chinuch see sefer Chinuch Yisrael (from Rav Dovid Harfernes, author of Shu"t Nishmas Shabbos; Ch. 2, 9, ppg. 178 - 182) and Rav Dovid Shapiro's maamar in Kovetz Moriah (Tishrei 5751, vol. 199 - 200, pg. 104 - 105).] However, defining the age of understanding how to mourn is not so simple. The Chavos Yair (Mekor Chaim ad loc.) sets this at 9 years old, while the Me'am Loez (Yalkut Me'am Loez on Parashas Devarim) sets it at 10. Rav Moshe Feinstein, regarding Aveilus writes (Shu"t Igros Moshe - Yoreh Deah vol. 1, end 224) that 'only when children reach 7 or 8 years old is it possible to be mechanech them to Availus'. There are poskim who maintain that it is preferable for an adult to drink the Havdalah wine himself, and not to rely on a child who may or may not fit the proper age range, as it is unclear. See next footnote as well as footnote 22. In a different, yet perplexing vein, it is interesting to note that the Shulchan Aruch HaRav writes in Orach Chaim 295, 4 that one who exclusively gives a child to drink of the Havdalah wine, without partaking of any himself, is not yotzai Havdalah! Aside for the fact that this would seem at odds with the Rema's psak here, as several Acharonim point out [see Tehilla L'Dovid (Orach Chaim 295) and Rav Chaim Na'eh's Ketzos Hashulchan (vol. 3, 97, Badei Hashulchan 6)], it also seems to contradict his own ruling in Orach Chaim 190, 4, where he allows a child to drink of any 'Kos Shel Bracha' with no restrictions.

[12] See Magen Avraham (Orach Chaim 551, 31), Machatzis HaShekel (ad loc.), Pri Megadim (ad loc. Sifsei Daas 31), Dagul Mervava (ad loc.), Chayei Adam (vol. 2, 133, 16), Kitzur Shulchan Aruch (122, 8), Mishna Berura (551, 70), Rav Yosef Elyahu Henkin's authoritative Ezras Torah Luach (Chodesh Av; and reprinted in his posthumously published Shu"t Gevuros Elyahu - Orach Chaim 153 s.v. Shabbos Chazon), and Rav Yechiel Michel Tukachinsky's essential Luach Eretz Yisroel (Chodesh Av, Parashas Devarim). The Steipler Gaon (Orchos Rabbeinu vol. 2, pg. 135, 23) and Rav Yosef Shalom Elyashiv (Ashrei Halsh - Orach Chaim vol. 3, pg. 468 - 469, 34 and 35) are quoted as maintaining that if a child within that age range cannot be found, it is still preferable to allow a boy up until his Bar Mitzva to drink, before relying on an adult to drink. However, the Butchacher Gaon (Eshel Avraham - Orach Chaim 551, 10) held that once a child can properly mourn, an adult might as well drink in his stead. Rav Elyashiv stressed that this dispensation for a child is only for a boy not a girl. An adult male drinking Havdalah wine is preferable to a girl within the proper age range. [See the following commentaries to Orach Chaim 296: Rema (8), Bach (1), Magen Avraham (4 and 11), Derech Hachaim (Dinei Havdalah 3), and Mishna Berura (35 and Shaar Hatziyun 34).]

[13] Aruch Hashulchan (Orach Chaim 551, 26).

[14] As seen in Gemara Pesachim (107a) in the story of Ameimar regarding his using beer for Havdalah after realizing that in the locale he was in, it was 'Chamar Medina'. See Tur and Shulchan Aruch (Orach Chaim 292, 2) and Biur Halacha (ad loc. s.v. im). However, using Chamar Medina for Kiddush is not so simple, as the Gemara's conclusion of its discussion of the topic is unclear, and the Rishonim therefore reach different conclusions as to its permissibility. For example, the Rambam (Hilchos Shabbos Ch. 29, 17), Maggid Mishna (ad loc.; also citing the Maharit Gilyus), Hagahos Maimoniyos (ad loc. 3; citing several other Rishonim), Rif (Pesachim 22a-b in his pagination), Ran (ad loc. s.v. ain and aval), and Mordechai (Pesachim 37b in his pagination, right column; also citing Rabbeinu Peretz), all ruled stringently that one may not use 'Chamar Medina' for Kiddush at all, while the Rosh (Pesachim Ch. 10, end 17), citing the R"i and the Ra'avan, as well most of the Gaonim (cited by the Ba'er Hagolah, Orach Chaim 272, os lamed), ruled permissively. Yet, the Rosh himself adds a caveat, that for the Biblically mandated Friday night Kiddush it is preferable not to use 'Chamar Medina', and if no wine is available to rather use bread, and only for the Shabbos Day Kiddush 'Chamar Medina' is preferred. Practically, the Tur and Shulchan Aruch (Orach Chaim 272, 9) conclude with the Rosh's assertion, that for the Rabbinic

Shabbos day Kiddush one may certainly use 'Chamar Medina', as there is no actual change in the order or makeup of Kiddush, just a 'shehakol' replacing the wine's 'hagafen'. The Shulchan Aruch seemingly concurs, calling the Rosh's assessment "divrei taam heim", with the Rema (ad loc.) adding "v'chein haminhag pashut K'divrei HaRosh", which explains why many are more inclined to be lenient with using 'Chamar Medina' for the Shabbos day Kiddush, but not the Friday night Kiddush.

[15] Rashbam (Pesachim 107a s.v. chamar medina and mahu), Rambam (Hilchos Shabbos Ch. 29, 17), Tur (Orach Chaim 272, 9), Bach (Orach Chaim 182), Magen Avraham (ad loc. 2), Levush (Orach Chaim 292, 1), Derech Hachaim (Hilchos Havdalah 5), Shulchan Aruch HaRav (Orach Chaim 272, 10), Kitzur Shulchan Aruch (45, 1 and 96, 3), Mishna Berura (272, 24 and 296, 8). However, see Shu"t Shevet HaLevi (vol. 3, 26 and vol. 5, 32) who is melamed zchus on those who do not follow this.

[16] Aruch Hashulchan (Orach Chaim 272, 14 and 296, 13). He maintains that even if wine is available, as long as beer is very popular one may make Havdalah with it. See Shu"t Teshuvos V'Hanhagos (vol. 4, 77) who implies similarly, but argues that nowadays beer would no longer fit the bill, but asserts that tea and coffee would.

[17] Aderes (Kuntress Over Orach), Rav Moshe Feinstein zt"l (Shu"t Igros Moshe - Orach Chaim vol. 2, 75), and the Tzitz Eliezer (Shu"t vol. 8, 16). Although several contemporary poskim argue and were indeed lenient [see Shu"t Rivevos Efraim (vol. 3, end 439), quoting Rav Elya Meir Blochzt"l, Rosh Yeshivas Telz, Rav Yaakov Rudermanzt"l, Rosh Yeshivas Ner Yisrael, and Rav Yisrael Zev Gustmanzt"l, Rosh Yeshivas Netzach Yisrael, as well as Rav Chaim Pinchas Scheinbergzt"l, Rosh Yeshivas Torah Ore (cited in Ratz KaTzvi on Hilchos Shabbos 15, 7)], Rav Moshe strongly excluded soda from this category as he maintained that it is mainly drunk for thirst and not as a drink meant to honor someone. Rav Aharon Kotlerzt"l, Rav Yaakov Kamenetskyzt"l (cited in Ratz KaTzvi ibid.), Rav Shlomo Zalman Auerbachzt"l (cited in Maadanei Shlomo on Moadim, Bein HaMeitzarim pg. 59), and Rav Yosef Shalom Elyashiv zt"l (cited in Shu"t Avnei Yashpei vol. 1, 60, pg. 105, note 3 and Ashrei Halsh, Orach Chaim vol. 2, Ch. 7, pg. 81), are quoted as agreeing with Rav Moshe's stringent stance on this. This author has heard b'sheim Rav Yaakov Reisman, son-in-law of Rav Mordechai Gifter zt"l, the famed Telzer Rosh Yeshiva, as well as from Rav Binyomin Sorotzkin (Rosh Kollal Ateres Shlomo and author of Nachlas Binyomin), that Rav Gifter used to make Havdalah every week using Ginger-Ale (quite probably Vernor's, as in the American Midwest this is considered somewhat of a 'Chashuv' drink). Similarly, it is told (see Rabbi Dr. Ari Zivotofsky's article 'Kiddush Over Schnapps' in the (RJJ) Journal of Halacha and Contemporary Society, vol. 72, Fall 2016, pg. 35 footnote 53) that in the late 1950s, when yayin mevushal was not available, and until grape juice became prevalent, Rav Elazar Mayer Teitz of Elizabeth, NJ would make Kiddush for his shul on soda. Lechoirah even according to the mekeilim, their Kavanna was on a higher end soda that is popular but still has a chashivus, like Coca-Cola, which even in Eretz Yisrael nowadays is considered a "chashuv" drink. Ostensibly, Faygo Redpop, Super Drink, or Cristal soda would be assur to use for Havdalah l'divrei hakol.

[18] Shu"t Halachos Ketanos (vol. 1, 9), Maharsham (Daas Torah - Orach Chaim 296, 4), Shu"t Shem M'Shimon (Orach Chaim 14), and the Chida (Birkei Yosef - Orach Chaim 296, 3; cited in Shaarei Teshuva ad loc.) according to Rav Ovadiah Yosef's understanding of his words. See Shu"t Yabea Omer (vol. 3, Orach Chaim 109, 19) and Shu"t Yechaveh Daas (vol. 2, 38). Rav Ovadiah adds that Rav Chaim Na'eh (Ketzos Hashulchan vol. 3, 97, Badei Hashulchan 7 and 8) and the Minchas Shabbos (on the Kitzur Shulchan Aruch 96, 14) rule that one may not make Havdalah on tea or coffee, as does the Levushei Mordechai (Shu"t Mahadura Tinyana - Orach Chaim 51), and he personally concludes that one who makes Havdalah on tea or coffee has possibly made a bracha levatala. Rav Ben Tzion Abba Shaul (Shu"t Ohr L'Tzion vol. 2, Ch. 20, 19) agrees that tea and coffee are not considered 'Chamar Medina', as even though they are popular, one cannot get intoxicated from them. However, the Tzitz Eliezer (ibid.) argues that this was not the Chida's intent, and concludes that b'shaas hadchak one may make Havdalah on tea or coffee, as did Rav Moshe Feinstein (Shu"t Igros Moshe - Orach Chaim vol. 2, 75). Rav Nissim Karelitz (Chut Shani on Hilchos Shabbos vol. 4, Ch. 6, 4, pg. 112 s.v. u'lmaaseh) agrees that only b'shaas hadchak may one make Havdalah on black coffee; if it is mixed with milk and / or sugar then one definitely may not. On the other hand, Rav Pesach Elyahu Falk (Shu"t Machazeh Eliyahu vol. 1, 34) cites many issues with making Havdalah on tea or coffee, and concludes that only b'shaas hadchak may one do so, but exclusively on coffee or tea with milk and / or sugar, the way one normally drinks it. He adds that if someone would make Havdalah with black coffee, he would need to repeat Havdalah. A more permissive sentiment is given by Rav Moshe Sternbuch (Shu"t Teshuvos V'Hanhagos vol. 4, 77; see footnote 14) who maintains that nowadays 'Chamar Medina' does not need to be intoxicating, as that is not the type of drink people commonly have at a meal. He explains that the most common 'Chamar Medina' nowadays is tea and coffee, and therefore one may make Havdalah using them,

but only the way they are commonly drunk, with milk and sugar. He concludes that Brisker Rav was known to have made Havdalah on tea and coffee. It is also known (see Igras HaRav Chaim Ozer pg. 68) that Rav Chaim Ozer Grodzenski was makpid to make Havdalah on piping hot tea to show that it is considered 'Chamar Medina', but only the way it is normally drunk; i.e. hot. Rav Yisrael Yaakov Fischer (Halichos Even Yisrael, Moadim vol. 1, pg. 376, 12) was known to have made Havdalah for his wife (when she was sick and unable to fast) on Tisha B'Av HaNidcheh on black coffee that was cooled off a bit that she was able to drink a 'Malei Lugmav' (a cheekfull) at one time. On the other hand, Rav Shlomo Zalman Auerbach is quoted as holding (Maadanei Shlomo on Moadim, Bein HaMeitzarim pg. 59) that although coffee and tea are me'ikar hadin considered 'Chamar Medina', nevertheless, practically, it is almost impossible to use either of them for Havdalah. Since they are drunk hot, how can one drink a mouthful of coffee to be yotzai Havdalah? And if one waits until it cools off, it loses its chashivus, because no one prefers to drink warm coffee and many rather relegate it to the dustbin.

[19] Chayei Adam (vol. 2, 8, 13) and Mishna Berura (296, 10; based on a diyuk from the Taz - Orach Chaim 182, 1 and Elyah Rabba ad loc. 5).

[20] Rema (Orach Chaim 296, 2). See Biur Halacha (ad loc. s.v. im) and Kaf Hachaim (ad loc. 26). The Matteh Efraim (624: 6) seemingly agrees with this assessment as he rules that that in a place where beer is 'Chamar Medina', one may make Havdalah with it on Motzai Yom Kippur 'im hu chaviv alav'. See also Ratz KaTzvi (on Hilchos Shabbos Ch. 15, 9 and 10) who maintains that this is also the Sefer HaChinuch's position (Parashas Yisro, Mitzva 31) as well. The Rema rules that on Motzai Pesach it is preferable to make Havdalah on beer, because then it is chaviv to him. See next footnote.

[21] The Rema (Orach Chaim 296, 2) rules that on Motzai Pesach it is preferable to make Havdalah on beer, because then it is chaviv to him. However, the Magen Avraham (ad loc. 6) vehemently argues, contending that in Ashkenaz - beer is not considered 'Chamar Medina', and concludes that it would therefore be assur to make Havdalah with it, even if no wine was available. The Gr"a, Rabbi Akiva Eiger (ad loc.), and the Shulchan Aruch HaRav (ad loc. 10; he does conclude that in 'Medinos Eilu' nohagin lehakel like the Rema), as well as later the Mishna Berura (ad loc. 12), all seem to accept the Magen Avraham's psak that in 'Ashkenaz' one may not rely on the Rema's ruling to allow Havdalah to be made with beer. [However, it is important to note that they all agree that if one is in a place where beer is positively considered 'Chamar Medina', then one may make Havdalah on it.] However, the Aruch Hashulchan (ad loc. 13) argues, stating that if that were true, why did the Rema add the part about Motzai Pesach, he should have just stated a rule. He therefore maintains that one may make Havdalah on beer, even if wine is available, as long as it is popular (see footnote 14). There is an interesting epilogue to this Motzai Pesach machlokes. The Torah Temimah (Parashas Bo Ch. 12, 168 s.v. ve'ayen) writes that he heard that the Vilna Gaon used to make Havdalah on Motzai Pesach on beer, possibly to fulfill the diyuk of the Targum Yonason on that pasuk (Parashas Bo Ch. 12, verse 18; that he adds the one should eat chametz on Motzai Pesach). However, as Rav Shlomo Zalman Auerbach (Halichos Shlomo on Moadim vol. 2, Ch. 10, footnote 71) pointed out, this seems odd, as it would go against his own ruling of the preference of wine over beer; additionally, in the Maaseh Rav HaShalem (Minhagei HaGr"a, Hilchos Pesach, 185, pg. 208 - 209) it only mentions that the Vilna Gaon would make sure to taste some chametz on Motzai Pesach, not actually make Havdalah on it. Thanks are due to R' Joel Schnur, Vilna Gaon descendent's mechutan and enthusiast extraordinaire, and Rabbi Eliezer Brodt, author of Bein Kesseh La'Asor and Likutei Eliezer, for pointing out these sources to me.

[22] Including the Chazon Ish, the Steipler Gaon, and his son, Rav Chaim Kanievsky (see Kovetz Teshuvos vol. 1, 57, s.v. ode b'hanal and Orchos Rabbeinu vol. 2, pg. 136, 25; although Rav Chaim would allow beer if one needed to make Havdalah on Tisha B'Av itself - see footnote 29), Rav Nissim Karelitz (Chut Shani on Hilchos Shabbos vol. 4, Ch. 6, 4, pg. 111 s.v. uv'chu"l; however he concludes that b'shaas hadchak and if it is impossible to get wine for Havdalah, then one may use beer), Rav Binyomin Zilber (Shu"t Az Nidberu vol. 11, 48 s.v. siman 371), the Netei Gavriel (Hilchos Bein HaMeitzarim vol. 1, Ch. 39, footnote 13) and Rav Moshe Sternbuch (Shu"t Teshuvos V'Hanhagos vol. 4, 77; see footnote 14). Rav Asher Weiss recently told this author that in his opinion, it is problematic to allow beer for Havdalah lechatchila nowadays. He explained that since there exists such a wide range of possibilities and everyone's drinks are based on their own personal preferences, it is difficult to ascertain and label any specific drink as a 'national drink' and considered a true 'Chamar Medina'.

[23] Including Rav Shlomo Zalman Auerbach (Halichos Shlomo on Moadim vol. 2, Ch. 16, Dvar Halacha 16), Rav Yosef Shalom Elyashiv (Kovetz Teshuvos vol. 1, 57, 1), Rav Yaakov Kamenetsky (Emes L'Yaakov on Shulchan Aruch Orach Chaim 296, footnote 325 and Orach Chaim 551, footnote 525), Rav Yisrael Yaakov Fischer (cited in Kovetz Beis Yisrael, Shevat - Adar 5755 pg. 80 and Shu"t Rivevos Efraim vol. 7, 103, 2), Rav Ben Tzion Abba Shaul (Shu"t Ohr L'Tzion vol. 2, Ch. 20, 19), Rav

Ovadiah Yosef (Shu"t Yechaveh Daas vol. 2, 38), Rav Chaim Pinchas Scheinberg (cited in Chiddushei Basra pg. 294), the Rivevos Efraim (Shu"t vol. 3, 371; and by oral psak), the Shemiras Shabbos K'Hilchasa (vol. 2, Ch. 60, 4 and footnote 14), and the Sha'arim Metzuyanim B'Halacha (96, Kuntress Acharon 3). See also Shu"t Shevet HaLevi (vol. 3, 26 and vol. 5, 32) who is melamed zchus on those who make Havdalah on beer.

[24] Rav Yosef Chaim Sonnenfeld (Shu"t Salmas Chaim, new print 317), the Chazon Ish (Dinim V'hanhagos Ch. 19, 8), and Rav Shlomo Zalman Auerbach (Halichos Shlomo on Moadim vol. 2, Ch. 14, 27). Rav Moshe Feinstein is quoted as holding this way as well. Rav Yisrael Yaakov Fischer (Halichos Even Yisrael, Moadim vol. 1, Hilchos Bein HaMeitzarim pg. 353, 16) would give the kos to a kattan to drink if present, but would not actively search for one; if none around, he would undoubtedly drink the wine himself. See Mesores Moshe (vol. 1, pg. 174 s.v. u'lgabei) who quotes Rav Moshe Feinstein as ruling that wine is preferable to beer on Motzai Shabbos Chazon, as he held that one may only use 'Chamar Medina' if wine is not available, and the Nine Days' restriction on wine is not sufficient to be considered 'wine not available'. See also Moadei Yeshurun (pg. 154 - 155, 64), who adds that Rav Moshe held that since nowadays the minhag is to make Havdalah davka with wine and not beer, the adult should drink the wine even if a child is present. This is confirmed in the recently published Mesores Moshe vol. 2 as well (365, pg. 134). Mv"r Rav Yaakov Blau zt"l and Rav Asher Weiss both told this author that in their opinions this is the preferred solution as well. As mentioned previously, the Butchacher Gaon (Eshel Avraham - Orach Chaim 551, 10) held that if there is a safek on a child's status (whether or not he is between the proper age ranges), an adult might as well drink in his stead. The Chazon Ish (cited in Birur Halacha - Orach Chaim 551, 10) and Rav Shlomo Zalman Auerbach (Halichos Shlomo ibid.) were similarly quoted as maintaining that since it is hard to ascertain whether a child truly fits in between the Chinuch categories, the adult should rather drink the wine himself. This is also the minhag in Belz (BelzDvar Yom B'Yomo Luach, 5776; pg. 653). The Terumas Hadeshen (cited in Leket Yosher pg. 110) was also known to have drunk the Havdalah wine himself.

[25] Kuntress Yad Dodi (Hilchos Taanis / Bein HaMeitzarim, pg. 137, Question 26).

[26] The author wishes to thank R' Naftali Tabatchnik for posing this sheilah to Rav Greenblatt shortly before he was niftar. Rav Greenblatt explained that in his opinion, certainly beer nowadays is still considered 'Chamar Medina', and one may therefore be noheg like the Aruch Hashulchan's mehalech.

[27] See Maadanei Shlomo (on Moadim, Bein HaMeitzarim, pg. 59).

[28] This was discussed at length in Rabbi Eliyahu Sternbuch's maamar in Kovetz Eitz Chaim (vol. 20; Av - Elul 5773). He gives interesting hypothesis as to why the Rebbe zt"l was noheg this way.

[29] See Mishna Berura (549, 1), based on the Rambam (Hilchos Ta'anis Ch. 5, 1).

[30] Gemara Taanis (30b) and Bava Basra (60b).

[31] Although Tisha B'Av is more stringent regarding pregnant or nursing mothers than most other fast days (see Shulchan Aruch, Orach Chaim 554, 5 and Rema ad loc. 550, 1), there is a well-known general Yerushalayim dispensation for pregnant or nursing mothers on Tisha B'Av due to the extreme heat and high risk of dehydration [see, for example Shu"t Even Yisrael (vol. 9, 62, 10), Halichos Even Yisrael (Moadim vol. 1, pg. 359 - 360), Halichos Shlomo (Moadim vol. 2, Ch. 16, Orchos Halacha 2), Maadanei Shlomo (on Moadim, pg. 58, footnote 13), and sefer Halichos Beisach (Ch. 25, footnote 3)], especially if the nursing mother's milk will be decreased and the infant will not have sufficient nutrition [see the Maharsham's Daas Torah (Orach Chaim, bg. 550), Chazon Ish (Orach Chaim 59, 3 and 4; regarding a child who does not have access to sufficient milk is considered b'makom sakana), and Orchos Rabbeinu (new edition, vol. 2, pg. 177, 37)].

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Rabbi Riskin on the Weekly Torah Portion

Shabbat Shalom: Matot-Masei (Numbers 30:2-36:13)

By Rabbi Shlomo Riskin

Efrat, Israel: "This is the thing [or word] which God has commanded."
(Numbers 30:2)

How was Moses different from the many other prophets recorded in the biblical tradition? Was there a distinction only in degree, or was there a much more fundamental difference, a difference in "kind" between Moses and those who came after him?

The opening verse in the portion of Matot may well provide us with an insight concerning this issue. We read, "And Moses spoke unto the heads of

the tribes of the children of Israel saying: "This is the thing [or "word," zeh hadavar] which God has commanded: when a man vows a vow unto God..." (Numbers 30:2-3).

In his commentary, Rashi cites a midrash (Sifrei) which makes the following distinction between Moses and the other prophets: whereas the other prophets consistently introduced their prophecy with the word, "Thus said God," (koh amar Hashem), the expression "zeh hadavar asher tziva Hashem" (this is the thing which God has commanded) is unique only to Moses (although koh also appears in Mosaic prophecies), and so zeh represents Moses' additional and superior prophetic status.

Rashi is apparently lifting Moses above the other prophets; he does not seem, however, to flesh out the substance of this superiority. One of the most important supercommentaries – or commentaries on the primary commentary Rashi – Rabbi Eliyahu Mizrahi, the Re'em (1448-1526, chief rabbi of Constantinople), suggests that the phrase "koh amar Hashem" (thus said God) expresses the intention or the essence of the vision, although not necessarily the vision itself; after all, the other prophets only see "through a glass darkly" (aspaklarya she'eina me'ira). Moses' prophecy, however, is through "a glass brightly" (aspaklarya me'ira), and therefore he had the power to express precisely what was given to his eye or communicated to his mind, word for word: "zeh," this is (precisely) the thing, or word.

In Emek HaNetziv, the classic commentary on the Sifrei written by Rabbi Naftali Tzvi Yehuda Berlin, the author questions any interpretation which could possibly suggest that the vision of the other prophets could be anything less than an exact transmission. Moreover, the Netziv proves that the use of the word koh elsewhere in the Torah is taken by the Talmudic sages to indicate something absolute and exact: for example, when the priests are commanded to bless the Israelites, we read the following words, "And God spoke unto Moses telling him to speak to Aaron and to his sons, saying: 'This [koh] is how you must bless the children of Israel'" (Numbers 6:23). And our sages insist that the blessing is to be recited exactly as presented in the text, twenty-two words, no more and no less, in other words, "This is how you must bless..."

The Netziv therefore explains that what makes the prophecy of Moses unique, and what is the true significance of "this" rather than "thus," is the fact that Moses communicated the divine word immediately upon his having received it, whereas the other prophets could only process their message after a delay of a period of time; after all, the prophetic state had a paralyzing and debilitating affect on the other prophets, weakening their physical condition, while Moses received the Godly message naturally, without the requirement of time-in-between for recuperation. It was that in-between time which caused the delivery of the message by the other prophets to be less exact.

Rabbi Isaac Bernstein, the late erudite rabbi of London, called my attention to another commentary of Rabbi Yitzhak Zev Soloveitchik (Hidushei HaGryz) which can truly illuminate our distinction between koh and zeh. When the young shepherd Moses is confronted by a burning bush which is not consumed, the Almighty attempts to convince him to accept the responsibility of Jewish leadership. Moses is hard to convince: "Who am I that I should bring forth the children of Israel out of Egypt?" (Exodus 3:11). But God counters Moses' resistance: "Certainly I will be with you" (Exodus 3:12).

The Gryz points out that the real significance of this dialogue is more profound than Moses merely seeking assurance and God guaranteeing "back-up." Moses is questioning the efficacy of human involvement altogether in what he thinks ought to be a divine mission. After all, did not the Almighty promise the patriarchs that He, God Himself, would act as the redeemer (Midrash Rabba 15)? The interpretation must be that the divine response "I will be with you" is God's explanation that indeed He will act as the redeemer, but that God acts through human instruments. God requires, as it were, human beings to be His full partners; the ground rules with which the world is governed require divine objectives to be realized through human agency. Hence, God must insist that He and Moses go to Pharaoh and

redeem Israel together; God is choosing Moses to redeem the Israelites alongside of Him!

I would suggest that herein lies the truest distinction between Moses and the other prophets, as well as the significance of the differences in phraseology in the Hebrew text. The other prophets succeeded in receiving and transmitting a divine will; Moses succeeded in living a life and doing deeds which were the human extension of the divine plan, "this is the thing which God commands." Davar is more than a "word"; it is a thing, an objective and substantive reality. The other prophets conveyed words in accordance with the divine message; Moses, however, changed reality in accordance with the divine plan, in accordance with his actions. The other prophets spoke words which were a transmission of the divine; Moses lived a life which was an extension of the divine. And the Hebrew word zeh can also refer to a human being (ha'ish hazeh, this man), and not only to a word, koh tomar (thus shall you say).

Perhaps this is why the Sifrei chooses to point out this distinction between Moses and the other prophets in the context of the opening verse of our biblical portion Matot, in the context of the laws of oaths and promises. Human beings have the power to alter reality by the oaths and words which they utter, as well as to effectuate forgiveness and absolution by words which they express (Numbers 30:3). The realm of oaths and promises unmistakably points out the almost God-like powers of human beings, the ability of humans to serve in an almost divine capacity as God's helpers, as God's partners. It is indeed the most exalted goal of every person to become a vehicle for the expression of the divine will. Rabbi Samson Raphael Hirsch so interprets the biblical words zeh Eli ve'anvehu sung by the Israelites after the splitting of the Red Sea: "This is my God, and I shall be His sanctuary" (Exodus 15:2). Most translators render the verse, "This is my God and I shall glorify Him" from the Hebrew na'eh, to beautify, but Rabbi Hirsch derives the meaning from naveh, which means "home" or "sanctuary." The human being, his very body acting upon the messenger of his brain, his heart, and his soul – must become the vehicle, the expression, for God's will in its every word and action.

Moses' physical being, Moses' every act and word, was indeed a sanctuary, an extension of the divine. Moses is therefore the greatest of all prophets and the highest human achievement in world history.

Shabbat Shalom!

from: Rabbi Yisroel Ciner <ciner@torah.org> reply-to: do-not-reply@torah.org to: parsha-insights@torah.org date: Aug 1, 2019, 1:26 PM subject: Parsha Insights - 'I Didn't Take Your Spoons!'

Parsha Insights

By Rabbi Yisroel Ciner

Parshas Matos 'I Didn't Take Your Spoons!'

This week we read the double parsha of Mattos-Massoy thereby concluding the Sefer {Book} of Bamidbar. The nation of Moav, afraid of Bnei Yisroel, joined forces together with Midyan and hired Bilaam to curse Bnei Yisroel. When that proved unsuccessful, Bilaam offered them devious advice which led to Bnei Yisroel's succumbing to the idolatry of Baal P'ore. This, in turn, led to the death of twenty four thousand Jews.

"And Hashem spoke to Moshe saying: N'kome nikmas Bnei Yisroel me'eis haMidyanim {avenge the revenge of Bnei Yisroel against the Midyanites} achar tay'a'seif el amecha {then you will 'gather to your nation (die)}.[31:1-2]" Hashem made it clear to Moshe that this would be the final mitzvah {commandment} before his death. Yet Moshe, with unflinching zealotry, immediately began to implement it.

Why was there a command to avenge Midyan, but not against Moav who had initiated the partnership with Midyan and who had actually hired Bilaam to curse?

Rashi explains that Moav had a legitimate fear. Bnei Yisroel, on their way to Eretz Yisroel, had wiped out the nations of Sichon and Og and had

conquered their land. They were now heading for Moav. Moav was therefore acting in self defense.

Midyan, on the other hand, had nothing to fear. Bnei Yisroel were not heading toward them. They get involved in a fight that wasn't theirs—that didn't involve them. The command to avenge was therefore only against Midyan.

We are now in the midst of 'The Three Weeks' during which we mourn the destruction of both the First and Second Temple. The Temple could never have been destroyed through a simple battle. Only the degeneration of Bnei Yisroel's spiritual standing could cause the Shechinah {Hashem's holy presence} to leave the Temple. Only then, stripped of its holiness, could it be destroyed.

The Talmud teaches that the First Temple was destroyed through our involvement in idolatry, incestuous relationships and murder. However, during the time of the Second Temple we were involved in Torah, mitzvos {fulfillment of commandments} and acts of kindness. Why was that destroyed? The Talmud teaches that it was because of sin'as chinam {baseless hatred}. >From here we derive that sin'as chinam is equal to idolatry, incestuous relationships and murder [Yuma 9B].

The Ro"sh warns not to get involved in an argument that doesn't involve you. "In the end they will make peace and you will remain with anger." They had a point of contention. Once that becomes resolved, their anger also rests. However, you, whose anger was not based on a real issue, will never fully resolve that anger.

The fact that we are still in the exile of the Second Temple today clearly shows that we are still plagued by the scourge of sin'as chinam. As a bent paper can only be straightened by bending it the other way, so too we must try to go to the other extreme in our interpersonal relationships. Viewing all others as children of Hashem, de facto brothers of ours, and showering them with ahavas chinam {baseless love}.

The Zichron Meir offers a beautiful insight. In the Shoshanas Yaakov prayer recited on Purim we state: "Cursed is Haman who tried to destroy me, blessed is Mordechai." Why is a reason given for us to curse Haman but no reason given for us to bless Mordechai? He explains that even a Haman could not be cursed without a very valid reason. Every person was created in the 'form' of Hashem and is therefore dear and special. Our hatred of Haman is only because of his want to destroy us. However, to bless and love Mordechai—for that no reason needs to be given. Ahavas chinam...

He writes that the way of scholars is to be "marbeh shalom ba'olam"—to increase the peace of the world. Not only to abstain from hating others and not only to love them but to actively increase the peace in the world.

I saw a beautiful story in a book entitled "Gut Voch" (and I thank my father for always searching out and sending me books to aid me in my writing—sheli shelcha). Rav Abish Frankfurter was traveling to Frankfurt to begin his tenure as the Rav there. On the way he stopped at an inn where he was given a room to share with a merchant.

A robber furtively entered their room that night and stole valuable spoons from the merchant. Early the next morning, Rav Abish arose, prayed and resumed his journey. When the merchant awoke, he saw that his roommate had left and realized that his valuable spoons were also missing. Unaware of the towering stature of his roommate, he assumed that the quiet, simple-looking man had stolen them. He dashed to the station where the wagon drivers would await customers and hired the fastest driver. Having been offered double fare if he'd catch up to the 'thief', the driver whipped his horses and pursued the unsuspecting Rav Abish.

Finally overtaking the bewildered Rav Abish, the merchant began to shout at him to return his spoons. "I don't know what you're talking about!" cried Rav Abish. "I never saw any spoons and I certainly didn't take them!"

The merchant grabbed Rav Abish and pulled him off his wagon, demanding that he reveal where he had hidden the spoons. When Rav Abish didn't reply, he tied the poor, innocent man to a tree and began to whip him mercilessly. When the merchant saw that his torment wasn't loosening his

tongue, he stalked off to the inn, leaving poor Rav Abish behind, still tied to the tree.

Rav Abish finally managed to untie the bounds and, bruised, battered and humiliated, he made his way to Frankfurt. There he was greeted by a large crowd who had come to honor their new Rav. He disguised his pain and returned their smiles and greetings.

The next day, Rav Abish delivered a brilliant two hour shiur {lecture} which awed the townspeople. Afterwards, people crowded around their new Rav to discuss various points with him.

Among them was none other than the merchant from the inn who kept wondering why the voice had sounded so familiar to him. Suddenly he realized that the 'thief' he had tied to a tree and beaten was none other than the new Rav of Frankfurt. Horrified, he shrank into his seat, wondering if the Rav would ever forgive him.

He finally gathered the courage and approached the Rav with his head bent in shame and remorse.

Rav Abish immediately recognized the man standing before him. Though he was still standing in front of hundreds who were admiring his brilliance, the Rav gave no thought to his own dignity. He ran to the merchant and cried over and over, "Please believe me, I never took your spoons. Please, please believe me..."

Scholars are "marbeh shalom ba'olam"—they increase the peace in the world. Ahavas chinam. Chazak, chazak v'nischazek.

Good Shabbos, Yisroel Ciner

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