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INTERNET PARSHA SHEET ON CHAYEI SARAH - 5767

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Note - I didn't have time to compile the Parsha Sheet this week. So I am including Efraim Goldstein's excellent collection instead (except for one addition in the beginning. Thanks. Chaim

<http://613.org/rav/ravnotes2.html>

Rav Soloveitchik ZT'L Notes (Volume 3)

Notice These are unapproved unedited notes [of R.Y.?] of classes given by Rav Soloveitchik. We do not know who wrote the notes. However we offer this to the world that maybe someone can get some use out of these notes. A member of the family has looked at the notes and said that look like the real thing. (Rav Soloveitchik did NOT write these notes.) [Thanks to David Isaac for typing these notes]

Lecture delivered by Rabbi Soloveitchik on Saturday night, November 17, 1979

"Chaye Sara"

Today's parsha, Chaye Sara, is unique. It has a feature hardly found in the Chumash. Two other parshas are similar in their presentation - sedra "Miketz" and perhaps sections of "Vayeshev". There is something which Chazal noticed and Rashi calls attention to it today. This unique manner, Chazal say, is the characteristic trait of dialogue. It presents to use the very detailed and most complete dialogue of Eliezer, that which he had with Rivka at the well and then it is repeated inside her house before Besuel, her father and Laban, her brother. It is compared to "Miketz" for there the dream is elaborated to Pharaoh. (Also, the dream of the officers in the prison to Joseph is Vayeshev.) It Torah wished this entire account could have been presented in a few P'sukim.

How much is devoted to Shabbos in the Torah? At the most, Shabbos is described in 10 or 15 sentences. Here we have Eliezer's thoughts, what he said, how his prayer was implemented. Here it is complete and also it is complete where Joseph conversed with his brothers. Sometimes, Torah is very brief! It tells us very little about Abraham's early life. Maimonides is the one who gives us the biography of Abraham's life and actually it is not Biblical.

What is the answer? The answer is rooted in a certain concept of Jewish morality as I mentioned last week. What is ethical and what is not ethical? For instance, how humble should a person be? Rambam says a person should not be too humble and naturally not too assertive. It should be the middle of the road.

The answer is that whatever the Alm-ghty does is moral and correct. What he doesn't do is immoral. What does G-d accept and what does He reject?

I once asked my father when I was a youngster. "What is the role of the 'Neviim' in the 24 books of the Bible?" The prophet has no right to change one iota of Torah Moshe. For instance, in a Halachic debate it must be conducted by the scholars and according to the Torah. If, for instance, the prophet says, "Rabbi 'X' is right - Rabbi 'Y' is wrong," then he is no prophet at all. He cannot add or eliminate a precept. If he comes and changes then he is false. The "Neviim rishonim" - the prophets, tell us the footsteps of G-d -- what is correct and what isn't. They tell us what the actions and performances on the part of G-d are. For instance, "Bidrochai Taylaychu" - (In My footsteps shall you go) - be good - honest, sincere, helpful, give tzedakah! However, what is good? How much tzedakah? There may be alternatives! It is hard to decide which alternative is correct and fair.

For instance, Russia lets 52 or 53 thousand Jews a year emigrate from its country. There was no actual agreement but Jewish agencies through the White House have effected this implementation. Why was this done? To get Jews to go to Eretz Yisroel. You must have a visa to enter Eretz but not the United States. Now, 73% of these emigrees refuse to go to Eretz but rather to western-oriented countries. By their doing so the major part of the money collected here goes not to that which it is intended for. The question is, should this financial aid be suspended? Of course, it would be better to see them go to Eretz but it is better to see them leave the hell of Russia than to stay there. This is the category of "Bidrochai Taylaychu". What these "ways" are we don't exactly know and cannot go to Shulchan Orach to find the answer. Here we must go to the prophets. What are the "Drochim" - the ways? It is to be found in Neviim - the prophets.

Now, what the patriarchs did - their actions is very important. They were the Neviim Rishonim - the earliest prophets who explained and made understandable the ways of Hakadosh Boruch Hu. Therefore, so much detail is expended. Apparently, "Chaye Sara" is rich in these problems and in this parsha there is much to learn. Chaye Sara is the source! It represents an idea which often we don't understand and often violate the basic concepts. It is the highest virtues of life which if we observe and follow, we walk in G-d's path.

What is the central idea? Which dominates or guides us to understand the "Drochim" paths of G-d? There are three important units or parts in this sedra. "A" the death of Sara. "B" The story of Eliezer. "C" Turning over the role of Abraham to Yitzchak! The minute Rivka entered the tent of Sara, Abraham lost his role. Again, what is the dominating idea? It is the idea of "Chessed" -- kindness. Eliezer used the phrase "Chessed V'Emes" - kindness and truth. There are two kinds of "Chessed". First, there is a "chessed" which people do in the full grandeur - sacrificing their lives to help others. Then there is a "chessed" in small matters, by being polite, being kind and being helpful. Here, Eliezer's task was to choose the mother of the nation, someone to take over the tent of Sara. This does not literally mean the tent but the lifestyle of Sara. Apparently, Hashgocha had chosen her because she personified these qualities, of gentleness, kindness and patience. Actually, in his effort to insure that he was choosing the right person, Eliezer did not employ tactfulness and we learn this from the words he used in his approach. He declared, "Hagm'ini Noh, M'at Mayim". This is translated not as "May I have a drink," but "let me swallow directly from your pitcher." She, however, was tactful in that she gave him water to drink and went back separately for water for

the camels. She acted in accordance with decency. Torah shows us that there are many ways in how one can be tactful and how "Hachanosas Orchim" can be practiced.

Firstly, we have the example of Abraham and his guests. Torah tells us that Abraham went away from G-d -- from the "Shechina" to attend to those he thought were simple idolators and spent so much time with them, even to the point of accompanying them on their way. It could have taken hours. Meanwhile, G-d "stood and waited". With Rivka we again see "Hachnosas Orchim" hospitality to strangers in that she practically assured a place for them. Although, she was not the boss and had not the authority. We find this also with Lot. To employ the Yiddish, "Kein Mensch Ist Er Nicht Geven," -- he wasn't much of an individual and he had no "sachel" - no common sense. But he was good! He had a certain goodness which he had inherited from Abraham. He was good by nature. The goodness which was implemented from the family of Abraham was great but his fault was that he lacked the courage to shake off the paganism of the time. Which "Midah" - attribute was developed in him? It was "Chessed" - kindness - willing to sacrifice his family for others.

Thus, the "Hachnosas Orchim" the basic quality of this family was "chessed" - kindness and goodness. This is why Eliezer adopted this as the standard to determine if Rivka could take over from Sarah. She had to possess the virtue of chessed; not a heroic action but the "chessed" of everyday life. It was not the heroism of war. This is what he discovered in Rivka and this is why Torah repeats it and is so loquacious because it wants to impress upon us the virtue of "chessed".

Now we go to the beginning of the sedra, the death of Sarah. It is the only place where the Torah records that Abraham cried. He never cried when he thought that he would be childless or in any of his other travails, only when Sarah died. It is recorded that Moshe cried but twice, when he was an infant, which is natural and the second time at the incident of the daughters of Midyan, in his final year. At the golden calf, at the incident with the spies, etc., he prayed, he supplicated. However, at the end of 40 years, having brought up a second generation, having educated them and then seeing them fall to temptation, he wept. At the beginning, he knew that they couldn't change at once but now he saw failure.

Abraham didn't cry during 100 years of waiting. Some think that you must cry at prayer but it isn't so. We are not accustomed to tears on Abraham's face but he did cry at Sarah's death. A great man prays with passion. Apparently, Torah wants to tell us something.

A child cries because it is a reaction to suffering. Rambam writes, "Who does not mourn the passing of someone dear?" Emotional neutrality is equated with being cruel. However, if he grieves excessively he demonstrates stupidity because he testifies that the world is imperfect in its way. "Avaluth" -- mourning, expresses - not too little and not too much because excess testifies against Hashgocha - the Divine Will. It is not sinful but foolish. Sometimes if man cries he enhances his personality as evidenced by Joseph and his brothers. A few tears enhance the riches of man and washes away the ugliness of man. A man cannot be neutral unless he is cruel. (Note: perek tells us that neutrality was the trademark of Sodom.) An animal can be neutral. This doctrine was written in today's parsha. "Avaluth," crying -- yes; but not excessively as demonstrated by Abraham. Why does Torah state: "Vayokom Milifnai Maso" (He arose from his deed). After his crying, it should say that he "spoke with them, the children of Ches." If he didn't have the "vayokom" the ability to rise from his lowly state, he wouldn't

have the courage to continue in his actions. This man was on the ground and this is the halacha. The "Avo!" - the mourner sits low near the ground. The "Vayokom" shows that he can arise from the ashes to take charge. We say it on Friday night in L'cho Dodi. "Arise, shake off the ashes!" Abraham arose, shook off his ashes and took over. It is self-discipline. Yes, he cried a lot but did not surrender to despair. He who surrenders loses his personal dignity. He didn't want B'nai Ches to see this for they would belittle him: "He is not the father of mankind," they would say.

"Sarah is the strong personality; he is weak!" He had to demonstrate his strength to them. He shook off his ashes and then spoke with them. His demand bordered on impunity. Why should Efron sell the best of his property? What gave him the courage? It was the fact that he felt that he'd be able to carry on. They said to him, "You are the divine prince." For a moment, he was completely defeated but it didn't last too long. This is why he carried so much weight with them.

Also, "Kever Yisroel" - the Jewish cemetery - goes back to Abraham. It was the first time that Abraham told them: "My way of life is different." He had to rise as a leader and stand his ground. "I am a stranger but consider myself an old timer."

Lispod V'Liflod. First, you cry and then you begin to assess. Abraham was mourning! What did he lose by Sarah's death? It was motivated by two facts. First, he was loyal; he loved her. How do you love a person? They had lived through all the crises together, the persecutions, the criticism, the waiting for a son which G-d promised. The common experience is the morality of developing friendship, of sharing together happy and tragic moments. This is loyalty.

For example, my brother died in 1967, the same year my mother died. He was four years younger than myself. My mourning is greater for him than for my parents because we grew together. He never had a friend who was not also my friend. The same is here. They shared their moments together. This motivated Abraham to mourn for Sarah. This is Livkosa - crying. However, he had to mourn for a different reason. He mourned for a companion, a "rebbe" -- a teacher. Not only was he the father but she the mother of all nations. As soon as Abraham is mentioned at the end of Noach, Sarah is mentioned. His whole life can only be understood in the personality of another person, Sarah. Together, their names were changed. Until that occurrence, he was the father of a clan. Now he becomes father of all mankind, to be implemented in the messianic age. Her mission was inexpendable. Both appeared in Jewish history together. With her death, he loses his leadership for afterwards not much is told about him. From hence, he passes on the "Yerusha" the inheritance. He did not leave a "yerusha" as is common but he passed it on. It is said that G-d has no patience with he who gives all away during his lifetime. This refers to material wealth. However, the giving of a teacher to a pupil is different. This is the care here. What is the common denominator of today's haftorah? It is not the choice of a king! It is the turning over of the throne during his lifetime. Here it is: "The King lives and the successor lives!" It is not "King dead - King alive". Basheva (mother of Solomon says: "Thank G-d that you see your successor while you are alive." Abraham himself said he'd be satisfied with Ishmael but G-d gave him Yitchak as the successor. Why did he cry? He was lonely! She was the teacher, superior prophet - companion! "In retrospection, I begin to see what I lost."

Weekly Internet Parsha Sheet
Chayei Sarah

DEMOCRACY AND TYRANNY :: Rabbi Berel Wein

Jerusalem Post :: Nov 14 2006

Winston Churchill's famous quip that "Democracy is a horrid system of government but it is far better than any other known and tried system of governing" is borne out on a regular almost daily basis. The reason that democracy is so horrid is that there never is a clear definition as to its limits. Democracy was meant to defend the minority from the tyranny of the majority. However, it must also be able to defend the majority from the tyranny of the minority. And it is in these areas that democratic life and values become sorely tested.

Freedom of speech and expression are values in a democratic society. Yet as Justice Oliver Wendell Holmes of the United States Supreme Court pointed out a century ago, no one has the right to shout "fire" in a crowded theater when there is in fact no such fire burning. There are logical limits to the right of freedom of expression. The line therefore between tyranny and democracy is a very thin one indeed.

The parade/demonstration that occurred last week in Jerusalem is a case in point. The overwhelming majority of Jerusalem's residents, Jews, Moslems, Christians, secular, religious, and charedi opposed the provocative public flaunting of what they considered to be immoral behavior on the streets of the Holy City. The organizers of the event demanded that it be allowed as an expression of freedom of expression. Preventing it, they claimed, would be tantamount to exercising the tyranny of the majority over the minority.

This position was upheld by the attorney general and by a number of vocal left-wing politicians. However, the opponents of the event claimed that this was a premier example of the tyranny of the minority over the majority. No one was persecuting those who wanted the event. There are no discriminatory laws passed or enforced against them and their lifestyle is what it should be – their own personal business and choice. So why the public provocation? What is the agenda here?

It certainly is not really democracy because all democratic norms must take into account public order, sensitivities and the reality and practicalities of given situations. This event was basically a continuation of the decades long campaign in the Western world to force the majority, not only to tolerate the minority, but rather to itself adopt its alternate lifestyle as being correct, progressive and the true expression of human relationships.

Viewed in this light, the event that took place was not as one left wing politician so self-righteously proclaimed it to be – "a triumph for democracy." It rather was a triumph for the tyranny of the minority – and a very small minority at that – over the majority.

A decade ago, the United States Supreme Court allowed a group of American neo-Nazis to parade in the streets of Skokie, Illinois, where the majority population in the town was overwhelmingly Jewish. The Court justified its decision on the basis of freedom of speech, assembly and expression. But repugnant as that event was it was not part of a concerted attempt to force acceptance of its principles on a hostile majority.

America has had a long history of anti-Jewish, anti-Catholic, anti-minority parades. Whether this has been beneficial to American society in the long run is certainly open for debate. Yet the type of parade that was scheduled for Jerusalem last week differs in the fact that it is not so much a provocative demonstration of an ideology in a hostile neighborhood but it is a demand placed upon a majority society that it not oppose, even privately, the values and lifestyle that the organizers of the event represent.

It is a demand on the majority, one that still cleaves unto traditional standards of biblical morality, that it capitulates ideologically and religiously to the demands of the minority. Again, it is an example of the tyranny of the minority in forcing its will on a majority that opposes its

agenda, vehemently, for religious, social, family and community reasons.

In the 1960's America underwent the turmoil and violence spawned by the public marches and demonstrations of the Civil Rights movement protesting the legalized discrimination against American citizens of color. Those demonstrations were against immoral and unjust laws that represented the tyranny of the majority in a number of states of the Union against fellow American citizens. The purpose of those demonstrations was to allow equal housing, education and opportunity to an oppressed minority. It was to grant the oppressed minority in the states of the Deep South the right to vote and run for office.

The majority of Americans and their representatives in Congress had long opposed such "legal" discriminatory practices as held then in the South. That situation is certainly not analogous to the one pertaining to the organizers of the event here in Jerusalem last week. They face no legal barriers, no police dogs or water hoses, no legally enforced segregation from the general society, no poll taxes or literacy tests in order to vote. So what is all the noise and publicity about? It is again only a ploy to somehow force a certain very narrow agenda and a lifestyle that has been considered to be immoral by all of the monotheistic faiths upon an unwilling majority.

I personally agree with the policy of the Grand Rabbi of Gur who instructed his tens of thousands of followers to simply ignore the matter. Had it been ignored, the organizers would not have reaped the benefit of millions of shekels of unnecessary publicity, the matter would not have been politicized as being a left versus right confrontation, the charedi community would not have suffered an unnecessary and mainly undeserved public black eye because of the behavior of its children and renegades, and the event would have been what it should have been – a non-event.

However, once the battle was joined, then it becomes imperative for the sake of the preservation of democracy – the very democracy that the organizers of the event and their political supporters so vehemently advocate – that the tyranny of the minority over the majority be limited if not prevented. Shabat shalom.

Weekly Parsha :: CHAYEI SARAH :: **Rabbi Berel Wein**

This week's parsha records for us the passing of our father and mother, of Avraham and Sarah. The Torah notes these sad events without any undue display of emotion or even of great sadness. The Torah's view of life is that death is inevitable and that death does not end the influence of life – in fact, it does not end life itself. The whole idea of the story of Yitzchak's miraculous birth and his being saved from the altar of the akeida is to emphasize to us the continuation of life and generations in a family and in the Jewish people generally.

If Yitzchak is alive and finds his wonderful mate in Rivka, then Avraham and Sarah are also still here with us. The living generation always perpetuates the past generations, not only in photographs and memories but also in deeds and accomplishments. The Torah emphasizes zechut avot – the merit of previous generations standing in good stead for later generations. But there is also a concept of brah mezakeh abuhu – of later generations justifying and affirming the accomplishments of previous generations.

A generation that sees itself in isolation, without any true connection to the past and without any feeling of duty and responsibility to the future is a generation that truly feels death as being a permanent status. In order to avoid this mistaken and dangerous notion of life, the Torah describes the death of Sarah our mother with the words chayei Sarah – the life of Sarah - for she lives on through all of Jewish eternity.

Our mother Sarah had a very turbulent life, full of frustrations, evil happenings and constant tension. Hagar and Yishmael, Pharaoh and Avimelech, all are part of her challenges. Even the miraculous gift of Yitzchak to her only adds to the tensions in her own home. And she is unable to survive the near death of Yitzchak in the terrible trial of the akeidah. In fact if we look at the lives of all of our patriarchs and matriarchs we can come to the conclusion that Yaakov's assessment of

his life – “few and difficult were the days of my life” – was certainly an accurate picture.

However, that would be viewing the lives of the founders of our people in a very narrow view. It was the very troubles and travails of their lives that fashioned them into the great almost super human figures that they were. Jewish life is and always was a struggle, a place of tensions and challenges and danger and soaring hope and belief. The response to this condition is the test of every Jewish generation.

Sarah lives on after her death because of her spirit and determination during her lifetime. The Torah therefore is most accurate in portraying her in death as still living. Deep down within us this is a source of consolation to all of us who have lost loved ones. They live on in our lives and deeds. There can be no greater comfort in viewing life and its inevitable physical end than this important understanding and lesson. Shabat shalom.

Ohr Somayach :: Torah Weekly :: Parshat Chayei Sara
For the week ending 18 November 2006 / 27 Heshvan 5767
by **Rabbi Yaakov Asher Sinclair**

Overview

Sarah, Mother of the Jewish People, passes on at age 127. After mourning and eulogizing her, Avraham seeks to bury her in the Cave of Machpela. As this is the burial place of Adam and Chava, Avraham pays its owner, Ephron the Hittite, an exorbitant sum. Avraham sends his faithful servant Eliezer to find a suitable wife for his son, Yitzchak, making him swear to choose a wife only from among Avrahams family. Eliezer travels to Aram Naharaim and prays for a sign. Providentially, Rivka appears. Eliezer asks for water. Not only does she give him water, but she draws water for all 10 of his thirsty camels. (Some 140 gallons!) This extreme kindness marks her as the right wife for Yitzchak and a suitable Mother of the Jewish People. Negotiations with Rivka's father and her brother Lavan result in her leaving with Eliezer. Yitzchak brings Rivka into his mother Sarahs tent, marries her and loves her. He is then consoled for the loss of his mother. Avraham remarries Hagar who is renamed Ketura to indicate her improved ways. Six children are born to them. After giving them gifts, Avraham sends them to the East. Avraham passes away at the age of 175 and is buried next to Sarah in the Cave of Machpela.

Insights

The Dust of Greatness

“Come, blessed of Hashem...”

About three hundred years ago in the nineteen sixties, there was a Hollywood hairspray ad whose slogan was, “The closer you get, the better she looks!” Judging by the model in the ad’s hairdo, this particular hairspray made motorcycle crash helmets redundant. (Could it be they were pitching their sales at Hell’s Angels?)

It always struck me that the closer you got to the rich and the beautiful, the less and less better they looked.

Unlike the denizens of Hollywood, to whom proximity usually reveals nothing but larger and larger flaws, the privilege of spending time with a true Torah sage demonstrates the closer you get — the better they look.

I met Rabbi Shlomo Zalman Auerbach, zatzal, just once. The meeting cannot have lasted more than 5 minutes. My grasp of Hebrew at the time was nearly negligible. However, when I left the room, I felt a different person. It was nothing he had said. He had barely looked at me. It came from merely being in his presence. I left his room with the dust of greatness on me.

The four species of Succot, the palm, the Etrog, the willow and the myrtle represent four kinds of Jews.

The Etrog has a beautiful aroma and it tastes good. The Etrog symbolizes a Jew who has both Torah wisdom and mitzvot performance.

The palm tree yields dates, which taste good, but the tree has no aroma. This symbolizes the Jew who has Torah but no mitzvot.

The myrtle has a beautiful aroma, but it has no taste. This is the Jew who has mitzvot but no Torah.

And finally, the willow, which has neither taste nor aroma; this is the Jew who has neither Torah nor mitzvot. Without this willow, however, one cannot perform the mitzvah of the four species – and without the “arava (willow) Jew”, the Jewish People is not the Jewish People. It is not klal Yisrael.

The willow is essential to the wholeness of the Jewish People, by itself however, it has little or nothing to recommend it. Why then, during Succot, is the lowly willow accorded a special day of its own – Hoshana Rabba? Why does the willow, the least auspicious of the four species, have its own day? There is no “Etrog day” or “Lulav day” during Succot. What is so special about the willow that it merits its own special day?

Everything in this world recognizes itself by its opposite. A pigmy can never understand what small is, until he meets a Watussi giant. And someone on a low spiritual level can only recognize where he is when he meets someone great.

When Lavan saw Eliezer, he mistook him for Avraham Avinu. Eliezer was no Avraham Avinu, but to Lavan he was a spiritual giant. Through his encounter with Eliezer, Lavan recognized his own lowliness, and in doing so he was elevated to a point where his words had the power to change reality. For when Lavan said, “Come, blessed of Hashem...” Eliezer emerged from the curse of being a descendent of Canaan, and became in truth a “baruch”, a “blessed.”

The same is true of the willow. By being bound together with the other species and recognizing its lowliness it is elevated to the point that it has a power of its own, distinct from its role of completing the four species. The discovery of true self that comes through self-effacement and humility makes the willow worthy to have its own day in the festival.

Few things can be more depressing that realizing exactly how low we are spiritually; how far we are from where G-d wants us to be — how far we are from where we ourselves want to be.

And yet, that “willow moment” can unlock the key to true spiritual power.

Based on the Kotzker Rebbe quoted by the Shem MiShmuel in his essays on Hoshana Rabba

Peninim on the Torah by **Rabbi A. Leib Scheinbaum**

PARSHAS CHAYEI SOROH

Sarah's life was. (23:1)

The theme of Parashas Chayei Sarah - from its opening episode concerning the burial of Sarah Imeinu until its conclusion with the marriage of Yitzchak Avinu to Rivkah Imeinu - is chesed, acts of loving kindness. In a very inspiring shmues, ethical discourse, Horav Sholom Schwadron, zl, relates how our attitude can transform a common act of courtesy into a holy act of chesed, which will earn us incredible Heavenly reward. He related that many years ago, when one of his younger children was ill, he took his older children to his mother's house to protect them from contracting the same illness and also to ease the load on his wife. As he walked down the street with his children in tow, he met Horav Isaac Sher, zl, "Good morning, Reb Sholom," the venerable sage greeted him. "Where are 'we' going?" he asked.

Rav Sholom explained his situation at home, relating why he was taking the children to his mother's home.

"So, why are you going?" Rav Isaac asked - again.

Rav Sholom once again explained where and why he was going, to which Rav Isaac once again asked, "Why are you going?"

This went on for a number of minutes, as Rav Isaac asked the same question and Rav Sholom reiterated his reply. When Rav Isaac saw that Rav Sholom did not grasp what he was suggesting with his question, he said, "In other words, you are on the way to perform an act of chesed with a Jewish child who just happens to be yours!" They bid each other "good day," and Rav Sholom continued along the way. Suddenly, the depths of Rav Isaac's words dawned on him. He was not simply going to his mother's house with his children; he was involved in carrying out

an act of chesed! He now realized that every mundane act of assistance, if focused properly and with the correct intention, is exactly that: an act of chesed. It is up to us to elevate our activities, to give them the spiritual substance and focus.

We have no idea of the value of everyday, routine activities, because we do not give it any thought. This lack of cognition blurs the distinction between the mundane and the spiritual, between the common and the sublime, between assistance and chesed. While a woman/wife/mother is raising her children, she performs countless acts of chesed daily. Does anybody give it a second thought? Does she? This is pure chesed. The fact that it happens to be her own children does not diminish its significance. The significance is reflected in her attitude.

Rav Sholom relates that he was once walking with Horav Elya Lopian, zl, as they chanced upon a Jewish street worker fixing a crack in the pavement. Rav Elya said, "See! A Jew is involved in the mitzvah of Yishuv Eretz Yisrael, settling Eretz Yisrael, and he does not realize it. If his kavanah, intention, would not simply be to earn a living, but to help the land be settled, so that people can be more comfortable, he would have an incredible mitzvah. Alas, his attitude circumvents him from realizing his true achievement.

Life is about little things. We do them all of the time. When we greet someone with a smile, it is an act of chesed. When we go out of our way to assist someone with a minor favor, it is an act of chesed. The way we act in our homes defines our chesed. It all depends on our attitude. We can either elevate our actions or leave them in the mindless realm of trivial activity.

May You arrange it for me this day. (24:12)

Eliezer realized that he was the beneficiary of Hashem's siyata diShmaya, Divine assistance, so he offered his gratitude. He also asked for future favors in finding a wife for Yitzchak Avinu. We note that while he thanked Hashem for the past, he kept on praying for the future. Horav Shlomo Zalmen Auerbach, zl, explains that one should not take the future for granted just because he has benefited from siyata diShmaya in the past. There is no guarantee for the future. Prayer is an essential prerequisite for all siyata diShmaya. When one is makir tov, shows his appreciation for past favors, he should also offer his prayer for future Heavenly assistance.

Often, we become so wrapped up in the excitement of our success that we forget that, if it is to continue, we must pray for it. Rav Shlomo Zalmen explains that this is the reason that our Matriarch, Leah, ceased giving birth after Yehudah was born. She neglected to pray for the future. Children are a gift, not something to take for granted or to expect blindly. While she certainly offered her gratitude for her gift, she should have immediately entreated Hashem for her future fertility. Her preoccupation in offering gratitude for the present distracted her from petitioning for the future. This is why Eliezer prayed for continued blessing. The past notwithstanding, he now had to look forward to the future.

We take too much for granted. This is especially true when one has been the recent beneficiary of Hashem's favor. His first-hand experience in being spared from disaster can affect his judgment. He may be so excited about his good fortune that he might expect it to continue. After all, does not one miracle beget another miracle? This is a time when he offers his appreciation for the past and supplicates Hashem for continued Divine assistance. As there is no "lock" on the future, there is also no guarantee of siyata diShmaya.

Unless you go to my father's house and to my family and take a wife for my son. (24:38)

Eliezer is relating what Avraham, his master, had instructed him to do. Interestingly, he deletes Avraham Avinu's actual words. Avraham had said, "And you shall take a wife for my son, for Yitzchak." For some reason Eliezer did not repeat verbatim that Avraham had specified a wife for his son, Yitzchak. Why did he neglect to repeat Yitzchak's name? The Bais HaLevi explains that saying, "My son, Yitzchak," implies that Avraham was looking for a girl that would be appropriate for his son, a wife that would be suitable as the daughter-in-law of

Avraham Avinu, as well as a wife for Yitzchak, one that was appropriate for someone of his spiritual stature.

There is a difference between these two criteria. Indeed, while Rivkah's family might be enthusiastic about sealing a match between their daughter and Avraham, they might not be as acquiescent to having Yitzchak enter the family. The actions of many people who do not value spirituality, are regrettable. They seek a distinguished mechutan, father-in-law. They would like their daughter to join into an eminent family. They do not, however, want a rav or rosh yeshivah for a son-in-law. Their daughter deserves a "better" life than to be a rebetzin!

Many people appreciate and respect the Torah and its disseminators - from afar. They support and express their praise, as long as the Torah is enconced somewhere else - not in their home. A talmid chacham who devotes himself to Torah study is someone to revere, someone who should serve as an example of ethicality, erudition and devoutness - but not one to take for a son-in-law. This was Eliezer's concern. If he would add "Yitzchak," thereby implying that the chassan was an individual of unique character, whose life would be devoted to expanding his knowledge of Torah, not increasing his portfolio, the shidduch might be eschewed. He, therefore, only mentioned that it was Avraham's son. After all, who would not want to be mechutanim with Avraham?

And I said to my master, "Perhaps the woman will not follow me?" (24:39)

The word, ulai, perhaps, is usually spelled with a vov. It is spelled here without the vov, so that it could easily be read as eilai, which means, "to me." The Midrash explains that the Torah is alluding to Eliezer's personal hope: He had a daughter whom he would have loved to marry off to Yitzchak Avinu. He was actually hoping that he would not find a suitable wife for Yitzchak. Avraham, however, set him straight and explained, "My son is baruch, blessed. Your daughter, a descendant of Canaan who was cursed by Noah, is an arur, accursed. The accursed cannot unite with the blessed." He had put an end to Eliezer's dream. The two could never unite in matrimony.

Horav Avraham Schorr, Shlita, explains that Chazal are revealing to us the key to Eliezer's spiritual shortcoming: He was an arur. Why? Because he had negios, vested interests, and they dominated his mindset and actions. In order to be included in the baruch group, one must be willing to defer and abnegate his ani, "I." He no longer plays a role. Everything is for others. In order for Eliezer to succeed in his mission for Avraham, he had to be mevatel, nullify, his ani, totally subjugating himself to Avraham.

When Hashem called to Avraham requesting him to sacrifice Yitzchak, the Patriarch's immediate response was hineni, "Here I am." The Sefer Orah V'Simchah explains that the advantage of hineni is that one demonstrates instant preparedness and total negation of oneself. Only when one neutralizes the ani, I/himself, can he stand in total readiness to serve Hashem.

The ani plays a critical role in raising children. Often the demands we make of our children are really for ourselves. When our children look good; we look good. It is all part of the wider picture: nice house, successful business, good kids. After all is said and done, however, the only one we really care about is ani, myself. Rather than recognize that everything in life - including children - is a gift on loan, a deposit from Hashem, which He entrusts in our care, we think that it is all ours to keep and to do with whatever we want.

To serve Hashem correctly, one must divest himself of the ani. To be a proper parent, one must divest himself of the ani and think only of his child. To be a good spouse, one must divest himself of the ani. It all boils down to living for others and not for oneself. After all, why would Hashem have created us merely to live for ourselves?

"The matter stemmed from Hashem! We can say to you neither bad nor good." (24:50)

Rivkah's father, Besuel, and her brother, Lavan, expressed their realization that Hashem had been dominating the entire proceedings concerning her match to Yitzchak Avinu. They could intervene neither negatively nor positively. Horav Aizik Ausband, Shlita, cites Horav Yosef Pogremonski, zl, brother of Horav Mordechai Pogremonski, zl,

who offers an insightful analogy to explain this. As a large locomotive speeds past us, we would never dream, even for a moment, that if we ran behind the caboose and pushed with all our strength, it would make one iota of a difference in the speed of the train. Our efforts would be meaningless, both from behind and certainly from the front, if we attempt to stop the speeding train. The gesture would be ludicrous.

This is what Lavan and Besuel said to Eliezer: our efforts concerning this match are inconsequential. It is totally in Hashem's hands. All we can do is remain on the sidelines and be spectators as the "train" goes by. This is a remarkable and penetrating lesson for life. If we would only take the time to think cogently about these words. Hashem guides the world. We can watch and, in fact, we should observe and learn from what He is doing. As the old adage goes, "If you are not going to follow, then get out of the way."

Rav Pogremonski adds that we derive another valuable lesson in human nature from this incident. Lavan and Besuel had just expressed their inability to either approve or disapprove of this match. They voiced their acquiescence that everything has been orchestrated by Hashem. Yet, we see that the very next day, they quickly shed their facade of righteousness and donned their true colors. Lavan and his mother wanted Rivkah to "remain home for a little while." Besuel attempted unsuccessfully to poison Eliezer. Incredible! Last night, they were believers, and, in the course of one night, they changed their minds and reneged everything that they had said. Last night, it was, "Take and go," and today, it is "Stay a little bit." This indicates that once an individual has achieved a level of spiritual ascendancy, he should immediately concretize and strengthen his commitment. To dawdle is to challenge the ability of the yetzer hora, evil inclination, to undermine everything that he has accomplished. One either moves up or falls down. Status quo is not a viable option.

And Yitzchak brought her into the tent of Sarah, his mother; he married Rivkah, she became his wife, and he loved her; and, thus, Yitzchak was consoled after his mother. (24:67)

The love that Yitzchak Avinu had for his wife was one that was inspired by his appreciation of her sterling character, piety and moral rectitude. One wonders how this phenomenon occurred. Rivkah was raised in a home that represented the nadir of depravity. Her father was evil; her brother was the master of deception. She observed guile and cunning being used to cheat and steal. All of this was carried out under a veil of righteousness and morality. Lavan, her brother, redefined the concept of dishonesty. When he gave his daughter to Yaakov Avinu in marriage, he switched one daughter for another, all under the guise of a caring father who was sensitive to his daughter's feelings. He changed the terms of Yaakov's hire many times - always finding a way to justify his lies. Lavan was not born or raised in a vacuum. He had a father who must have served as a good rebbe to teach him how to raise deception to the level of an art. How did Rivkah survive in such an environment? How was she not influenced?

Horav Yisrael Belsky, Shlita, makes a noteworthy observation. Rivkah was influenced! Indeed, as a young girl, she was impressionable and probably absorbed everything that she saw. When we think about it, what did she really see? She saw a father and brother who were deceivers, but who obscured their corruption behind a mantle of innocence and probity. They were chameleons, but all she saw was their righteousness, morality and piety! It was precisely their deception that concealed the truth about them. Thus, Rivkah saw Lavan's refined and respectable surface, his external persona of integrity and trust. She thought this was her brother's essential character. How was she to know that he was a crook? She saw a kind, benevolent man, who, for all intents and purposes, was someone to respect and emulate. She was young and, as such, had no reason to dig below the surface of the facade that she saw. Lavan's cunning shielded his sister from the truth. She saw good - not bad; kindness - not corruption; refinement - not vulgarity. Lavan taught her well.

And Avraham expired and died at a good old age, mature and content. (25:8)

Avraham Avinu had a long and productive life. All good things, however, come to an end. While our first Patriarch's soul passed on to a better world, where it would now experience the reward for a life lived well, those who remained were left bereft of their mentor, leader and life's guide. In the Talmud Bava Basra 91, Chazal relate the eulogy that was expressed by the gedolei olam, leaders of the world, as their great leader had passed on to eternal life. They mourned, "Woe is to the world that lost its leader, and woe is to the ship that has lost its captain!"

These are words that are often echoed by maspidim, various eulogizers, upon expressing their sorrow and concern at the passing of a gadol, Torah leader. What is the underlying meaning of this statement, and what is its relationship to the passing of a gadol? In his hesped, eulogy, for the Steipler Rav, zl, Horav Yaakov Galinsky, Shlita, gave the following explanation:

When a king dies, the country either follows a line of succession or crowns a new king. In any event, someone is available to assume the previous king's position, so that the country will not remain leaderless. In the event a captain of a ship passes away while the ship is voyaging on the high seas, it creates a much greater and more serious problem. There is no one to assume leadership while the ship is floundering in the sea. There is no way to locate a new captain in the middle of the ocean. This is the approach that David Hamelech took when he eulogized Yonasan. David lamented, "How did the mighty fall?" He then added, "How did the mighty fall during the war?" He supplemented his eulogy, "How did the mighty fall, and the weapons were lost?"

When a general dies, it is a great loss; a vacuum is created in the army's leadership. If the general dies during times of peace, we search for a replacement and give him time to establish himself in the position of leadership. During a war, when the missiles are flying and there is danger all around, when every minute counts and every decision is of crucial importance, the general's passing is of greater significance. It is difficult to replace him at this critical juncture. Yet, if the army has sophisticated weaponry, then, at least, the soldiers are not completely at a loss. They know how to use the available weapons, so that they might continue to fight. If, however, the general dies and access to the weapons is suddenly cut off, the tragedy has greater and more serious ramifications. The army now has no leadership and no weapons with which to wage war.

This is the meaning of "woe to the ship that has lost its captain." When a ship's captain dies during its journey on the seas, there is no one to replace him. There is no one who is proficient in the multitude of switches and dials for maintaining the ship's course, so that it may continue its safe passage.

"Klal Yisrael is in the midst of a raging war between the spiritual and the physical/material dimensions," Rav Galinsky cried. "We have lost our captain. The Steipler led us for so many years, as he guided us through the treacherous seas. What will we do now?"

Va'ani Tefillah

Melech mehullal ba'tishbachos - a king extolled in praises.

Hallel, to extol, and shevach, to praise, are different forms of adoration. If so, why do we conclude the blessing with mehullal ba'tishbachos, which integrates hallel with shevach? It should have been either mehullal ba'tehillos, or meshubach ba'tishbachos? The Baal Hakesav V'Hakaballah explains that shevach is a reflection of one's inner recognition, his profound, well-thought-out understanding and appreciation of the subject. Hallel is an external expression of praise that does not necessarily manifest an intrinsic appreciation of the subject. Often, when we praise a human being, it is nothing more than a superficial commendation which quite possibly is much more elaborate than our inherent regard for that person. In other words, when we praise a human being, the hallel and the shevach do not necessarily coincide. When we praise Hashem, however, the outward praise, the hallel, is never greater than His real esteem, because His true shevach, the intrinsic praise, is much greater than anything we can possibly express. Thus, we say mehullal ba'tishbachos, implying that our internal vision is in accord with what we superficially express, because we can never fully comprehend Hashem's true praise.

Sponsored in loving memory of our Mother and Grandmother Celia Schlesinger Tzirel bas Mendel a'h niftara 21 Cheshvan 5765 You are forever missed. Richard and Barbara Schlesinger and Family

Rabbi Mayer Twersky (The TorahWeb Foundation)

Interment and Eternity: The Mitzvah of Kevuras Hameis (Burial)

Parshas Chayey Sara opens with a detailed description of Avraham Avinu procuring a burial plot and interring Sara Imeinu. The Rav zt"l commented that this account has halachic import. It highlights the halachah of kever Yisroel - viz, that Jews must be buried apart from gentiles in an exclusively Jewish cemetery. In a broader sense, the halachah of kever Yisroel epitomizes that the Torah delineates for us our unique approach not only to living but to death and burial as well.

Baruch Hashem, in general our community faithfully upholds the uniquely Jewish approach to death and burial. I would, however, like to focus attention on one element of our conduct. All too often we approach the mitzvah of kevura (burial) without any sense of urgency. Our attitude towards kevura does not place a premium on promptness. This slow motion approach stands in marked contrast to the alacrity mandated by the Torah.

The Torah in parshas Ki Teitzei stipulates "lo talin nivlaso all ha'etz"; it is forbidden to leave a meis (dead person) overnight. He must be buried promptly. This alacrity is also mandated by a mitzvas aseh (positive commandment) - "ki kavor tikbireno bayom hahu". When kavod hameis (respect for the deceased) warrants it is permissible to postpone the kevura. Examples of kavod hameis include procuring a coffin and shrouds, as well as notifying the community and allowing relatives to attend the funeral. In all other instances, when kavod hameis is not a compelling factor, prompt kevura is absolutely required. (And, of course, even kavod hameis concerns must be addressed as expeditiously as possible.)[1]

Two unique halachos attest to the singular importance of prompt burial.

First of all, the halachah of aninus exempts - indeed, prohibits - the seven immediate relatives (parents, spouse, sibling, children) from fulfilling all other mitzvos aseh (positive commandments) from the time of death until burial. This remarkable stricture is intended to ensure their single-minded devotion to and preoccupation with burying the deceased relative.[2] Second of all, Chazal (our rabbis) allow amira l'akum (instructing a gentile to perform prohibited labor on our part) in the event of a death on the first day of yom tov (holiday). In the event of a death on the second day of yom tov, Chazal suspended the sanctity of the day with regard to kevura. Both of these rabbinic prohibitions (i.e. amira l'akum and yom tov sheini) do not apply in the case of a meis in order to facilitate prompt burial. [3]

The mitzvah of immediate kevura encapsulates basic teachings of Yahadus (Judaism). First of all burial is not a means of disposing of human remains. Instead it is a source of kaparra (atonement), of indescribable benefit to the deceased.[4] This process of kaparra ought to be initiated as expeditiously as possible. Hence the alacrity associated with kevura.

Moreover, in Yahadus, the body, due to its partnership with the soul, is holy. Even in death that partnership has not been permanently sundered because of the promise and prospect of techiyas hameisim (resurrection), the re-unification of body and soul. Accordingly, even in death the body is deemed holy and to be treated accordingly.[5]

The word for holiness in lashon hakodesh (Hebrew) is kedusha. Kedusha etymologically denotes separateness and, thus, consecration for a particular (usually hallowed) purpose. Hence, the definition of kedusha offered by my father zt"l as "purposiveness".[6]

To allow the body, holy even in death, to gratuitously lie idly unburied is thus degrading. The holiness of the body demands prompt kevura.

May we merit fulfilling this mitzvah properly until such time as we merit the fulfillment of the prophecy, "bilah hamoveis lonetzach u'macha Hashem Elokim dimmah mei'al kol panim" (G-d will eliminate death for all eternity and erase tears from all faces).[7]

1 Re. the above halachos see Yoreh Deah 357 and Gesher HaChaim vol. I ch.7 2 Berachos 17b-18a and Tosafos ad loc.

3 Beitzah 6a (C.F., however, responsum of Rav Moshe Feinstein zt"l for a novel different rationale)

4 Sanhedrin 47b

5 Malbim to Breishis 23:20

6 Torah U-Madda Journal vol. VIII, p. 33

7 Yeshayahu 25:8

Meaning in Mitzvot - Chayei Sara

The Eulogy

By Rabbi Asher Meir

Shabbat Shalom | www.ou.org

When Sarah passes away, we learn that Avraham came "to eulogize her and to weep over her" (Bereshit 23:2). Indeed, our Tradition considers it a great mitzva to eulogize the departed properly (SAYD 344). The particulars of this obligation impart many instructive lessons.

STIRRING UP GRIEF

The Jewish Tradition is to encourage expressions of grief over the dead, not to assuage them. The eulogizer is called upon to break the hearts of those present; there used to be a common custom to hire women who would wail mournfully at the grave in order to awaken the crowd to weeping (SA YD 344).

Those present at the funeral are called upon to weep. "Anyone who cries over a decent person, all his sins are forgiven". These tears are so precious that the Holy One blessed be He counts each tear and puts it aside in His treasury (Shabbat 105b).

We have explained before that the essence of joy is unity, breaking down the barriers between people. Conversely, the essence of grief is separation, and there is no separation so great and final as death. By calling for a eulogy which causes weeping, the halakha encourage us to acknowledge the tragedy of separation engendered by a loved one's passage from this world to the next.

UNDUE PRAISE

The eulogizer is called upon to praise the departed appropriately, and is even permitted to exaggerate a bit, as long as the praise is not fulsome. The commentators ask how it is that the eulogizer is permitted to stretch the truth - is not faithfulness to truth a basic tenet of the Torah?

One explanation is that we seldom find the opportunities to properly express our best traits. The eulogizer's praises reflect how the departed would have acted had he had the proper opportunities. (Taz YD 344:1.)

DIGNITY OF THE DEAD

The Talmud makes a fascinating distinction between those rules of mourning which are the "honor of the living" and those which are solely "the honor of the dead". If the honor of the living is involved then the person can not prevent his relatives from dignifying himself in this way after his passing. For instance, leaving a person unburied is a disgrace for the living as well as for the dead, so a person who asks not to be buried is not obeyed (SA YD 348:3 and Shach).

But the eulogy is considered exclusively the honor of the dead. Only his acts are being measured and praised, and a person may decide that he doesn't want this honor, or is unworthy of it (Sanhedrin 46b, SA YD 344:10). Indeed, there are many instances of great scholars who asked that no eulogy be said at their funeral. (In this case, it is usual to say praises of the scholar in an oblique way or at a stage of the proceedings where it is not technically considered a eulogy.)

YatedUSA Parshas Chayei Sarah 26 Cheshvan 5767

Halacha Talk - by Rabbi Avraham Rosenthal

Visiting a Beis Hakevaros

In this week's parsha, Avraham Avinu finds it necessary to buy a burial place for Sarah Imeinu, in what can be called the first Jewish cemetery. Visiting the cemetery and davening at the graves of one's ancestors is a very ancient tradition and is steeped in halacha and minhag. Let us take this opportunity to examine some of the halachos and minhagim that relate to a beis hakevaros.

VISITING GRAVESITES

The concept of visiting and praying at gravesites is very ancient, as we find several sources for this in Chazal: 1) When Yosef was taken to Mitzrayim, he davened at Kever Rachel and his mother answered that Hashem will be with him (Sefer HaYashar, Parshas VaYeishev); 2) Yaakov Avinu tells Yosef that he buried Rachel where he did so that the Bnei Yisroel will be able to pray at her grave when they go into exile (Rashi, Bereishis 48:7); 3) When the spies visited Eretz Yisroel, Calev went to Chevron to pray at the kevarim of the Avos in Me'aras HaMachpeilah that Hashem should save him from the plans of the meraglim (Sotah 34b).

THE BRACHA

When coming to the beis hakevaros, one should wash his hands (Shu"t Maharil #23, quoted in Mishna Berurah 4:42).

Since one of the first things a person does when he comes to a beis hakevaros is to recite a special bracha, we will discuss this first. The Gemara (end of Berachos) discusses various brachos, referred to as "birchos hara'iyah," brachos of seeing. They are recited upon seeing various phenomena, places and people. They include the more common bracha of "oseh ma'ase bereishis," which one recites when seeing lightning, majestic mountains, rivers or the ocean. There are also less common brachos. For example: there are brachos to recite when one sees kings, both Jewish and non-Jewish, when seeing wise individuals, again both Jewish and not; there is also a bracha recited when seeing 600,000 Jews in one place.

Another such bracha mentioned by the Gemara (Berachos 58b) is the bracha of "asher yatzar eschem badin," recited upon seeing Jewish graves. After arriving at the cemetery and coming within four ammos of the graves, one recites this bracha along with the text of "Ata gibor" until "v'ne'eman Ata l'hachayos meisim" (Gesher HaChaim 29:17).

Although we will see later that in general one is not allowed to learn Torah or recite brachos within four ammos of a grave, this bracha is an exception. This is because the bracha relates specifically to the dead, and it is no different from Tehillim recited for the departed, which can be said near the grave (ibid.).

HOW OFTEN?

Unlike birchos hane'enin, the brachos recited prior to eating foods or smelling pleasant aromas that are said every time one benefits from these items, birchos hara'iyah are not recited at every sighting. For example, if a person goes to the beach, he does not recite the bracha every time he looks up to see the ocean. Rather, these brachos are only recited once in thirty days (Shulchan Aruch 224:13). (The bracha "meshaneh habrios," which is recited when seeing unusual creatures, has a different set of rules.)

This is true only if one sees the same place or phenomena, e.g., one visits the same mountain range or ocean repeatedly. However, if after reciting the bracha when seeing the Rockies, one flies to Switzerland, he must again recite the bracha when he sees the Alps. The reason for this is because the bracha is an expression of one's marvelment. When viewing the same place or event repeatedly, the admiration is not as intense. However, if he sees a different place or phenomenon, even if it is the same type, his marvelment is different. (See Piskei Teshuvos 224:11 who quotes Sefer Amudei Or.) (The bracha recited upon seeing lightning has a different set of halachos.)

This is true for most of the birchos hara'iyah. The poskim disagree concerning the bracha of "asher yatzar eschem badin," some maintaining that there is a qualitative difference between seeing two different kings, and seeing two different cemeteries. Each time one sees a different king, he feels the intense respect again. However, this is not true when it comes to batei kevaros, as the second cemetery does not move a person more than the first. According to this opinion, if one recites the bracha in one cemetery, he does not recite the bracha again within thirty days even if he visits a different cemetery (Mishna Berurah 224:17 quotes Sefer Amudei Or.).

However, other poskim feel that if one recited the bracha in one cemetery, he would recite it again in a different cemetery notwithstanding that it is within thirty days of the last time he visited a cemetery (Sha'arei Teshuvah 224:4; Kitzur Shulchan Aruch 60:12; Aruch HaShulchan 224:8).

NEW GRAVES

The poskim also discuss whether one recites the bracha if a new grave was added to the cemetery since his last visit there, even though he has visited the cemetery within the last thirty days. Some are of the opinion that since there is a new grave, the cemetery is considered a new entity and another bracha is required (Sha'arei Teshuvah ibid.). However, others hold that in this situation one should not recite the bracha, unless he sees the new grave that was added (Halichos Shlomo 23:34).

As we mentioned, one only recites the bracha within four ammos of the graves, but if the graves are seen from a distance, he does not recite the bracha. However, if one sees the graves from a distance and subsequently goes to a cemetery within thirty days, he does not recite the bracha since he has seen graves within the last thirty days. In this situation, if a new grave was added in the interim, a bracha may be recited (Pnei Baruch 37:19, footnote 40).

The minhag is that one does not recite this bracha when he enters a cemetery as part of a funeral procession. This is because he is now involved in a different mitzvah and is exempt from other mitzvos. Once the funeral is over he also does not recite the bracha since he has just seen graves (Gesher HaChaim 29:17).

PLACING A HAND ON THE KEVER

There is a minhag (Be'ar Heiteiv 224:8) that when one comes to a kever, he places his left hand (Birkei Yosef 224:7) on it and recites the following psukim (Yeshayahu 58:11-12): "Hashem will guide you always, sating your soul in thirsty places and rescuing your bones; and you shall be like a watered garden and like a never-failing spring of water. From you the ancient ruins will be rebuilt; you will reestablish the structures of the generations; they will call you, 'the one who repairs the breach and resettles the ways of civilization.'" "Lie in peace until the coming of the Consoler who will announce peace" (Gesher HaChayim 29:14).

The reason why one places his hand on the grave is because the fifteen joints of the hand allude to the fifteen words in the possuk (ibid. 26:19), "May Your dead live, 'My corpses shall rise; awaken and sing, you who dwell in the dust, for a dew of lights is your dew, and [to the] earth You shall cast the slackers'" (Ma'avor Yabok, quoted in Ta'amei HaMinhagim pg. 407).

Some recite the following tefillah when coming to daven at a kever: "Yehi ratzon she'tehei menuchaso shel ploni poh b'chavod, uz'chuso ya'amod li" – "May it be Your Will, that the rest of so-and-so here should be honorable, and his merit should stand in my favor" (Elef HaMagen 581:110; Pnei Baruch 37:21).

There is a minhag that one who visits a kever should place a pebble or some grass on the grave. This shows honor to the niftar as people can see that the grave was visited (Be'ar Heiteiv 224:8).

Some Acharonim cite a minhag not to visit the same grave twice in one day (Tzava'as Rav Yehudah HaChasid; Magen Avrohom 581:16; Kitzur HaShelah). LO'EIG LA'RASH

The possuk says (Mishlei 17:5), "One who mocks a pauper (lo'eig la'rash) disgraces his Maker." Based on this, Chazal forbade doing mitzvos in the proximity of a dead body or a grave in order not to mock the dead (Berachos 18a). This is because once a person is dead and no longer can do mitzvos, he is considered a "pauper" – someone who is lacking something – and in this case, he "lacks" the capability to do mitzvos. Therefore, one may not walk in a cemetery while wearing tefilin or carrying a Sefer Torah. Similarly, one may not lein, daven or speak divrei Torah. One may wear tzitzis in a beis hakvaros, but they should be covered (ibid.; Shulchan Aruch Yoreh De'ah 282:4; ibid. 367:3; Sh.A. Orach Chayim 23).

Although one might wonder who would make a minyan for davening or leining near a kever, in Eretz Yisroel this is a common situation, especially at the mekomos hakedoshim. There are regular minyanim for Shacharis, Mincha and Maariv at the kevarim of Rabbi Shimon bar Yochai, Rabbi Meir Ba'al HaNes, and Kever Rachel.

How is this permitted when the Halacha clearly states that it is forbidden?

This issue is discussed in Gesher HaChaim (29:11), written by Rav Yechiel Michel Tukechinsky z"l (died 1955) who lived in Yerushalayim and was the compiler of the famous Luach Eretz Yisroel (among other seforim). He writes that regarding the graves of Rabbi Shimon bar Yochai and Rabbi Meir Ba'al HaNes there is no problem as it is known that they were both buried in caves which are beneath the davening area. Since the caves are more than ten tefachim below, they are considered to be separate places and there is no prohibition.

The basis for the concept that ten tefachim creates a distinct area is found in Hilchos Shabbos. If a public domain contains a hole that is at least four tefachim wide, four tefachim long and ten tefachim deep, the hole is considered to be distinct from the public domain and has the status of a private domain. Similarly here, the burial caves are considered separate from the davening area.

The Gesher HaChaim though is unsure why it is permitted to daven or lein at Kever Rachel. He raises the possibility that maybe Rachel Imeinu is also buried in a cave below. However, since we do not know that this is true, we cannot make such an assumption. He cites the practice of his wife's grandfather, Rav Shmuel Salant z"l, Rav of Yerushalayim from 1841 until 1909, who would leave the room of Kever Rachel and make a minyan in the hallway. On the other hand, Rav Tukechinsky writes that many great people did daven at the kever itself.

If it is forbidden to say divrei Torah or daven in a beis hakevaros, how is it permitted to say Tehillim, tefillos and kaddish when going to a kever?

As we discussed earlier, the prohibition of saying divrei Torah and the like in the proximity of a dead body or a kever is based on the concept of lo'eig la'rash – not mocking the dead who can no longer do mitzvos. However, if what is being said in the presence of the meis is in order to give him honor, one is not considered to be "mocking the dead". Therefore, reciting Tehillim, tefillos and kaddish for the benefit of the neshamah of the deceased is permitted. Similarly, one may eulogize the niftar, even if the hesped contains divrei Torah, since this also bestows honor on the meis (Shach Y.D. 344:11; Pnei Baruch 37:22; Gesher HaChaim 29:10).

ONE'S INTENTION DURING THE TEFILLOS

The possuk says (Devorim 18:10-11), "There shall not be found among you...one who consults the dead (doreish el hameisim)." Many of the Rishonim explain this prohibition that it is forbidden to ask the dead to report what will be in the future (Rambam, Hilchos Avodah Zarah 11:13; Sefer HaChinuch #515). With regards to reciting tefillos at kevarim, there are two opinions in the Acharonim. Some maintain that davening to the niftarim so that they should intervene on our behalf is very similar to the prohibition of doreish el hameisim. According to this opinion, one can only daven at a kever if he disgraced the niftar and wishes to ask his forgiveness or if he wishes to daven in a holy place in order for Hashem to accept his prayer (Bach Y.D., end of 217, in the name of Rav Chaim Paltiel).

The Chochmas Adom (89:7), following this approach, writes that those people who go to the beis hakevaros and relate to the dead all of their troubles, are close to transgressing doreish el hameisim.

On the other hand, some Acharonim cite proofs that one may address his tefillos to the niftarim so that they intercede on our behalf, and this is not included in the prohibition of doreish el hameisim. The Gemara (Ta'anis 16a) discusses the procedure of fasts and tefillos that was followed during a drought. The Gemara mentions that they would go to the beis hakevaros so that the niftarim would ask for mercy for them. Also, the Gemara (Sotah 34b) mentions that when Calev went to daven at the Me'oras HaMachpeilah, he davened, "My fathers, beseech compassion on my behalf that I will be saved from the counsel of the spies" (Shu"t Maharam Shik, Orach Chaim #293; Darchei Teshuva 179:36). The Bach (end of Y.D. 217) also says that the minhag of davening at kevarim is already well established and has basis in the Zohar. One should have in mind that Hashem should answer his tefillah in the merit of the tzadikim buried there.

Although Sefer Gesher HaChaim (29:9) seems to follow the more stringent opinion that one should not daven to the niftarim, rather that Hashem should answer the tefillah in the merit of those buried there, he also cites the practice of saying to the niftar, "Be a malitz yosher – a good defender." He explains that there is no difference between asking a live tzaddik to daven on one's behalf and asking a tzaddik that has already died.

WHO SHOULD NOT GO

According to the writings of the Arizal, one should only go to the beis hakevaros for the sake of a funeral. This is because there are certain detrimental spiritual forces (klipos) which cling to a person when he comes to a cemetery. This is especially true if one is tamei due to tumas keris (Magen Avrohom 559:15; Igeres HaGra). Minimally, one should stand at least four ammos away from the graves (Chayei Adam 135:25; Mishna Berurah 559:41).

According to the Chayei Adom (3:38), a woman should not enter a beis hakevaros as long as she is a niddah. If there is an urgent need, some are lenient and permit her to go if she is no longer bleeding (Beis Baruch ibid.). However, the Igeres HaGra does not draw any distinctions between different women, and he writes emphatically that women should not go to the cemetery.

There is an opinion that a pregnant woman should not go to a cemetery. This is so that the fetus will not be affected by the tumah (ritual impurity) that is present there (Sheivet Mussar, chap. 24).

SPECIAL DATES

There are certain dates in the year when according to various minhagim, it is apropos to visit the beis hakevaros.

Some are accustomed to go to the cemetery on Tisha B'Av after Shacharis (Rema Orach Chaim 559:10). The Mishna Berurah writes (ibid. 41) that it is preferable to go to Jewish graves so that the dead will pray for us. In the event that no Jewish graves are available, one should go to those of non-Jews in order to arouse one's own feelings that due to our sins and the lack of the Beis HaMikdash, it is as if we are not alive.

The Rema also writes (O.C. 581:4) that there is a minhag to go to the beis hakevaros on Erev Rosh Hashanah and recite supplications there. The Mishna Berurah (27) explains that because of the presence of kivrei tzadikim, one's prayers are more readily accepted there.

There are various opinions whether one should go to a beis hakevaros on Erev Yom Kippur. Some maintain that it is a day of tefillah, and rachamim and it is appropriate (Mateh Efraim 604-605:14). Others contend that since Erev Yom Kippur is a Yom Tov, one should not go to the cemetery then. Rather, one should go a day or two earlier (Elef HaMagen 39).

Some have the custom of visiting the graves of tzadikim on Erev Rosh Chodesh and on the fifteenth of the month, unless these days are Shabbos or Yom Tov. Tefillos recited on these days are especially effective for many things (Elef HaMagen 581:110).

WASHING HANDS

After leaving the beis hakevaros one should wash his hands (Shulchan Aruch OC 4:18) since evil spirits accompany one who returns from the cemetery (Shu"t Maharil #23). The Mishna Berurah (39) adds that some people are stringent in this regard and wash their hands three times. There is also a minhag to wash one's face upon leaving the beis hakevaros (Magen Avrohom 20 and Mishna Berurah 42, quoting Maharil).

In addition to washing hands when leaving a cemetery, the minhag is also to wash hands after a funeral or leaving the presence of a meis. The Rema (Yoreh De'ah 376:5, quoted in Mishna Berurah 4:43) cites the minhag of not entering a house before washing one's hands. Interestingly, the Rema concludes with the words: "u'minhag avoseinu Torah hi," "the custom of our fathers is Torah," as if to say that this custom is the way one should conduct oneself.

There is a disagreement whether one is required to wash his hands if he did not come within four ammos of the niftar during a levayah. (See Pri Megadim, Eishel Avrohom 21 who writes that it is unnecessary. Sefer Shemiras HaGuf v'HaNefesh chap. 54, footnote 35, quotes Imrei Yosher L'Seder Nashim (Hanhagos Chazon Ish #116) that washing is required.)

There are various customs regarding whether one should dry his hands after washing when leaving a beis hakevaros or a levayah. Some maintain that the custom is not to dry them, but they should be left to dry on their own (Shi'yarei Knesses HaGedolah Y.D. 376:14). Others maintain that one may dry one's hands. The Ben Ish Chai draws a distinction between winter and summer, and maintains that one should only allow them to dry on their own during the summer. However, during the winter when it is cold, he may dry them (Kaf HaChaim 4:78).

One of the reasons given for the custom of not drying one's hands is to indicate that one is not diverting his thoughts from the eventuality of one's death (Ma'avar Yabok, Sifsei Renanos 19).

Another custom related to washing hands is that one who has finished washing should not hand the washing cup to the next person. Instead, he should put it down (Beis Lechem Yehudah and Chidushei Rebbe Akiva Eiger 376). The minhag is to pour out the remaining water in the cup after one finishes washing (Pnei Baruch chap. 5, footnote 87, in the name of Ma'avor Yabok). It is possible that this is the reason for the custom of placing the cup in an inverted position after washing (Pnei Baruch ibid. in the name of Nachamu Ami).

SANCTITY OF THE BEIS HAKEVAROS

Another area in halacha that relates to a beis hakevaros concerns the halachos of how one should conduct himself while in the cemetery. In fact, we find that many of the activities forbidden in a shul are similarly prohibited in a beis hakevaros (Shiltei HaGiborim, Sanhedrin 86).

The Gemara (Megillah 29a) establishes what one may or may not do while in the beis hakevaros. The reason why one must act with proper decorum in the cemetery is in order to honor the dead.

The list of improper activities includes: frivolity, using the cemetery as pastureland, making it into a shortcut, and doing financial calculations. It is likewise forbidden to eat, drink or smoke while in the cemetery (Shulchan Oruch Y.D. 368).

Based on the fact that the Gemara forbids using cemetery land for pasture, according to some Rishonim, these prohibitions apply to all the grounds of the beis hakevaros, even areas in which no one is yet buried (Rosh, Megillah 4:9).

The Rambam (Hilchos Eivel 14:13) writes that one may not benefit from a cemetery. Included in this prohibition of benefiting from a cemetery and graves is that it is forbidden to sit, lean or walk on tombstones and graves. However, it is permissible to walk on graves for a mitzvah-need. For example, if during a levayah the only way one can bury the niftar is by walking on other graves, one may do so. However, the custom is to ask forgiveness of those buried in the graves he was forced to step on (Pnei Baruch 37:28).

IN THE FUTURE

Let us hope that very soon these halachos will no longer be relevant and we will merit to see techi'yas hameisim and the fulfillment of Yeshayahu's prophecy (25:8), "He has concealed death forever, and Hashem will wipe tears off every face."

YatedUSA Parshas Chayei Sarah 26 Cheshvan 5767

Halacha Discussion

by Rabbi Doniel Neustadt

The Bracha of Hagomel - Part 2 (Continued from last week)

Question: Do Minors recite the Ha-Gomel blessing?

Discussion: Although there are various opinions, the accepted custom today is that minors do not recite ha-gomel, nor does their father recite the blessing on their behalf.1

Question: Which situations call for the recitation of birkas ha-gomel?

Discussion: We mentioned above four categories of people who are supposed to recite ha-gomel. We will briefly discuss those categories and their modern counterparts:

Crossing a desert

Nowadays, a trip on a paved road through a desert is no more dangerous than a trip on an interstate highway; thus birkas ha-gomel is not recited.

Still, were it to happen that one lost his way in a desert and survived, ha-gomel would be recited.²

Imprisonment

The poskim debate if this refers only to imprisonment in which one's life was endangered or threatened, such as being a prisoner of war, or even jail imprisonment for criminal activity, where one's life is not necessarily in danger. In practice, the individual case should be presented to a rav for a ruling, as many modern prisons can be quite dangerous.³

Serious illness

This includes recovery from any illness or medical situation which is or could be life-threatening,⁴ or any surgery which required general anesthesia.⁵ Many poskim maintain that if a patient is so weak that he remains bedridden for three consecutive days, ha-gomel is recited even if according to the doctors the patient's life was not in danger.⁶

Diagnosed mental illness which required that the patient be restrained or hospitalized is considered life-threatening, and birkas ha-gomel is recited upon recovery.⁷

Birkas ha-gomel should be recited upon complete recovery from the illness or condition, even if the patient needs to continue taking medication for his condition. If, according to the doctors, the patient will never completely regain his former strength, then ha-gomel is recited as soon as he is well enough to walk.

Sea voyage

This refers only to voyages far into the ocean that last several days.⁸ However, it also includes shorter trips where harsh weather conditions threatened the safety of the passengers.

Whether or not to recite birkas ha-gomel after an airplane trip is a subject of much debate. There are three opinions:

1. It is doubtful whether ha-gomel may be recited,⁹ unless a potentially dangerous situation developed during the flight.
2. Ha-gomel is recited only if the airplane crossed over an ocean or a desert.¹⁰
3. Ha-gomel is recited after every airplane trip.¹¹

While there is no clear ruling on this issue, the custom today generally follows the poskim who require the recitation of ha-gomel only when an ocean (or a desert) is crossed. [Once the destination has been reached, ha-gomel is recited; the return leg of the trip necessitates its own ha-gomel.¹²]

Question: Is birkas ha-gomel recited in cases other than the four categories mentioned?

Discussion: In addition to the four categories of danger mentioned above, our custom is to recite ha-gomel whenever one finds himself in a life-threatening situation and was saved by the grace of Hashem. As long as one came face to face with actual danger and survived, whether he was saved miraculously or by what appears to be "natural" means, ha-gomel is recited.¹³ For example,¹⁴ a survivor of

- an attack by wild animals who normally kill their prey
- a car accident which according to bystanders should have been fatal
- a bus which was blown up by a suicide bomber
- a shooting attack
- an armed robbery
- a collapsed building
- a soldier who saw combat in war

In the cases mentioned earlier, the person found himself in actual danger and was nevertheless saved. Sometimes, however, a person is merely close to the danger, but was not actually involved in the danger itself. In those cases, birkas ha-gomel is not recited.¹⁵ Some examples are:

- a sighting of a wild animal, but the animal did not attack
- a killer aiming a weapon in one's general direction, but was overpowered
- a car that went out of control but came to a last minute stop
- a low-impact head-on car crash
- a bomb that exploded seconds before people entered that area
- a gun that discharged by accident and missed the person by inches

General note:

If one remains in doubt as to whether or not he is obligated to recite birkas ha-gomel (e.g., it is difficult to determine if he was in "actual" danger; an unresolved dispute among the poskim; a minyan is not available; a father for a minor, a woman who is embarrassed to recite the blessing in the presence of men, etc.), he has two options whereby he can fulfill his obligation:

- He can recite the blessing without pronouncing Hashem's name. The text would then be: Baruch atah ha-gomel . . .
- He can have specific intent to fulfill this mitzvah when reciting the morning blessing of ha-gomel chasadim tovim l'amo Yisrael. Preferably, he should do so out loud in front of ten men, including two Torah scholars. If he wishes, he can add at the end of the text the words "shegemalani (kol) tov."¹⁶

The Weekly Halacha Overview

Rabbi Josh Flug (YUTorah)

Bishul Akum:

The Prohibition of Eating Food that was cooked by a Non-Jew Part I

The Mishna, Avodah Zarah, 35b, states that it is prohibited to eat food that was cooked by a non-Jew (bishul akum). This prohibition applies even if all of the ingredients are assumed to be kosher. This article will provide an overview of the prohibition and discuss which food items are subject to the prohibition of bishul akum.

The Reason for the Prohibition

The Gemara, Avodah Zarah 38a, notes that the prohibition of bishul akum is due to a rabbinic enactment. Rashi presents two distinct reasons for this prohibition. First, Rashi, Avodah Zarah 35b, s.v. V'HaShelakot, states that bishul akum is prohibited as a safeguard to intermarriage. Second, Rashi, Avodah Zarah 38a, s.v. M'Derabanan, states that the reason for bishul akum is that if one regularly eats food prepared by a non-Jew, the non-Jew may end up feeding him non-kosher food.

R. Moshe Ben Avraham Tzvi, Tiferet L'Moshe, Yoreh De'ah 113:9, notes that there is a practical difference between these two reasons regarding a Jewish idol-worshiper. If the concern is one of intermarriage, there is no prohibition of marrying a Jewish idol-worshiper's daughter. However, if the concern of bishul akum is that one may eat non-kosher, the prohibition equally applies to eating food prepared by someone who does not keep kosher. Tiferet L'Moshe's comment is cited by Pitchei Teshuva, Yoreh De'ah 112:1.

There may be another practical difference between these two reasons. Tosafot, Avodah Zarah, 38a, s.v. Ela, cite the opinion of R. Avraham Ben David, who is of the opinion that the prohibition of bishul akum does not apply in a Jewish home. They then cite Rabbeinu Tam who disagrees and maintains that there is no distinction between a Jewish home and a non-Jewish home.

This dispute seems to be rooted in the two reasons for bishul akum. If the concern is that the non-Jew is going to feed non-kosher to those who eat his food, it is arguable that in a Jewish home - where there is no non-kosher food to be found - the concern is mitigated. However, if the concern is intermarriage, there should be no distinction between a Jewish home and non-Jewish home. Tosafot do not analyze the dispute between R. Avraham Ben David and Rabbeinu Tam in this manner. However, there is one version of Mordechai, Avodah Zarah no. 830, which implies that this is the point of contention between the two opinions.

As a matter of practical Halacha, Rama, Yoreh De'ah 113:4, rules that b'dieved (ex post facto- if the food was already cooked) one may rely on the opinion of R. Avraham Ben David. However, one may not rely on this opinion to allow a non-Jew to cook in a Jewish home. [This understanding of Rama's opinion is based on the comments of Issur V'Heter HeAroch 43:13, the source for Rama's ruling and Rama's own

comments in Torat Chatat 75:17. See also, Shach, Yoreh De'ah 113:7, who presents an alternative understanding to Rama's opinion.]

The Leniencies of Bishul Akum

There are numerous leniencies built in to the prohibition of bishul akum. The two most prominent leniencies are that it is permissible to eat food that was cooked by a non-Jew if the item was edible in its raw state (ne'echal k'mot shehu chai) and that it is permissible to eat a food item that is not fit for the king's table (aino oleh al shulchan melachim) if it was cooked by a non-Jew (Gemara, Avodah Zarah 38a).

Regarding these leniencies, there is a discussion regarding a food item cooked by a non-Jew in which some of the ingredients are subject to these leniencies and some are not. Tosafot, Avodah Zarah 31b, s.v. Tarveihu, question why beer is not subject to the prohibition of bishul akum. They present two reasons. First, beer is not for the king's table. Second, the water is the main ingredient of beer and as the main ingredient, it defines the whole food, or in this case, beverage. Water is not subject to bishul akum because it is drinkable "raw."

R. Meir Eisenstat, Panim Me'erot 2:62, notes that there is a practical difference between the two reasons. According to the first reason, coffee that was made by a non-Jew is prohibited because coffee is fit for a king's table. However, according to the second reason, coffee that was made by a non-Jew is permissible because the water is the main ingredient. Panim Me'erot's comments are cited by his grandson, R. Tzvi H. Eisenstat, Pitchei Teshuva, Yoreh De'ah 114:1. R. Ovadia Yosef, Yechave Da'at 4:42, concludes that it is permissible to drink coffee that was made a non-Jew.

Regarding the definition of oleh al shulchan melachim, R. Menachem Genack (Mesorah Vol I.) notes that most poskim are of the opinion that the food item must be fit to be served at a royal banquet. However, Chazon Ish, in an oral communication with R. Shimon Schwab, ruled that even something that a king would eat in an informal setting is subject to bishul akum. R. Genack then quotes R. Yosef D. Soloveitchik that if one follows the majority opinion, (in conjunction with other leniencies) many canned foods are not subject to bishul akum. The Star-K has consulted the White House executive chef regarding what is served at a state dinner in order to determine what is oleh al shulchan melachim. [See R. Moshe Heinemann, Food Fit for a King at <http://www.star-k.com/kashrus/kk-issues-bishul.htm>. R. Heinemann notes that if the food item is fit for a royal banquet before the packaging process, it is subject to bishul akum even if it becomes unfit through the packaging process.]

Desserts

The Gemara states that an item is only subject to bishul akum if it is something that is eaten with bread (l'afet bo et hapat). Rashba, Torat HaBayit 3:7, rules that this leniency does not apply to appetizers or side dishes. It only applies to items that cannot be served on their own and are not generally eaten with bread.

Rambam, Hilchot Ma'achalot Asurot 7:19, adds that items that are eaten for parperet are subject to bishul akum even if they are not generally eaten with bread. There is a dispute regarding the translation of parperet. R. Yosef Karo, Beit Yosef 113, translates parperet as desserts.

R. Chizkiyah De Silva, Pri Chadash 113:3, translates parperet as appetizer or side dish. According to R. Karo, desserts are subject to bishul akum (if they are fit for a king's table). According to R. De Silva, they are not.

Is Fish Edible Raw?

Regarding food items that are eaten raw, Pri Chadash, op. cit., discusses a situation where certain people eat the item raw and others will only eat it cooked. He concludes that in order to consider something to be edible raw, it must be something that majority of the world population would eat raw. R. Yechiel M. Epstein, Aruch HaShulchan 113:12, qualifies the ruling of Pri Chadash and concludes that if one locale eats a certain item raw and another locale does not, the item is considered edible raw

in the locale that eats it raw and not it edible raw in the place that does not.

R. Shmuel Vosner, Shevet HaLevi 9:163, addresses this issue in discussing whether fish that is eaten as part of sushi is subject to the laws of bishul akum (if that particular fish is cooked by a non-Jew). He notes that according to Pri Chadash, it is not considered edible raw unless most of the world would eat that particular fish raw. He also adds that if one travels from a place that does not eat that fish raw to a place that does, one cannot consider it edible raw.

R. Vosner's responsum was written in 1994. Sushi has certainly become much more widespread in the last twelve years. However, there is another consideration that must be addressed before deeming certain types of fish as edible raw. While sushi is currently very popular, the raw fish is not eaten by itself, but rather with rice. Perhaps, in order to deem an item as edible raw, it would have to be something that people would eat by itself and not with rice or vegetables. [Although sashimi (raw fish) is eaten without any significant additional ingredients, sashimi is not as popular as sushi in the U.S. and one can question whether it is popular enough to assume that these species of fish are eaten raw (in the U.S.) based on sashimi alone.]

Part II

Bishul Akum: The Prohibition of Eating Food that was cooked by a Non-Jew

Last week's issue discussed the prohibition of bishul akum and the foods that are subject to the prohibition. This week's issue will discuss which cooking processes are subject to bishul akum and what may be done to avoid bishul akum.

Cooking Without a Heat Source

There is a halachic principle that soaked items are considered cooked (kavush k'mevushal) and salted items are considered broiled (mali'ach k'rotei'ach). Rashba, Torat HaBayit 3:7, rules that the prohibition of bishul akum does not apply to foods that were soaked or salted by a non-Jew. He explains that the prohibition is limited to food items that were cooked using a heat source.

R. Aryeh L. Bulchover, Shem Aryeh, Yoreh De'ah, no. 22 was asked about food items that are steamed by a non-Jew. R. Bulchover responds that although the food does not come into direct contact with fire, the steam is heated by a fire, and the prohibition of bishul akum does apply. R. Avraham Braun, in his commentary on Issur V'Heter He'Aroch titled "Zer Zahav" 43:4, disagrees and maintains that if a food is cooked by a non-Jew using steam, there is no prohibition of bishul akum.

It is arguable that R. Bulchover would agree that foods that are cooked in a microwave oven are not subject to bishul akum. There is absolutely no fire in a microwave oven. The microwaves cause the water molecules in the item to rotate, thus causing them to produce heat. Since there is no heat source, it should be permissible to eat food that was cooked in a microwave oven by a non-Jew. R. Binyamin Cohen, Chelkat Binyamin 113:126 (and note 320), notes this logic as a valid reason to permit items cooked by a non-Jew in a microwave. However, he is reluctant to rely on this reason in light of R. Moshe Feinstein's ruling (Igrot Moshe, Orach Chaim 3:52) that cooking in a microwave constitutes a biblical violation on Shabbat (despite the lack of fire).

Food That Was Cooked Jointly by a Jew and Non-Jew

The Gemara, Avodah Zarah 38a, states that if a food item was placed on the fire by a Jew and a non-Jew stokes the coals, the item is permitted. The Gemara, Avodah Zarah 38b, further states that if a non-Jew places food on the fire and a Jew stokes the coals, the food is permitted.

The implication of the Gemara is that the food is only permitted in a situation where there was Jewish involvement in the actual cooking process. If the Jew lights the fire prior to a non-Jew placing the food on that fire, the item would be subject to the prohibition of bishul akum.

This, in fact, is the opinion of Ran, Avodah Zarah 15b, s.v. Ve'af. Shulchan Aruch, Yoreh De'ah 113:7, codifies the opinion of Ran.

Issur V'Heter He'Aroch 43:9 and 43:13, assumes a more lenient stance on this issue. He rules that it is sufficient for a Jew to throw a splinter into the fire (ostensibly prior to the non-Jew placing the food on the fire). Additionally, he quotes the opinion of Maharam MiRutenberg who rules that if the non-Jew lit the fire from a fire that was lit by a Jew, the food is not subject to the prohibition of bishul akum. This leniency is known as "eish me'eish" (a fire from a fire). [A fire that is lit from a pilot light that was lit by a Jew is considered eish me'eish.] Rama, Yoreh De'ah 113:7, codifies both rulings of Issur V'Heter He'Aroch.

It should be noted that the comments of Issur V'Heter He'Aroch imply that the leniency of eish me'eish is only to be relied upon b'dieved (ex post facto). Ideally, one should ensure that a Jew (at least) lights the actual fire that is being used to cook. Taz, Yoreh De'ah 113:6, is reluctant to accept Issur V'Heter He'Aroch's leniencies altogether. He claims that one should only rely on these leniencies in a Jewish home by combining these leniencies with the leniency of R. Avraham Ben David (mentioned in last week's issue) that bishul akum does not apply in a Jewish home. In a non-Jewish home, Taz requires a Jew to place the food onto a fire that is already lit.

Because Sefardim generally follow the opinion of Shulchan Aruch, Sefardim should, ostensibly, be prohibited from eating in a restaurant that relies on Rama's ruling and permits non-Jews to cook food on a fire that was lit by a Jew. Nevertheless, R. Ovadia Yosef, Yechave Da'at 5:54, notes that based on a combination of leniencies, there are sufficient ground to justify the actions of Sefardim who eat in these restaurants.

A Fire that was Ignited by a Timer

Suppose an oven or range that is ignited electronically is placed on a timer that was installed by a Jew and set to ignite every day during the hours that the oven (or range) is normally in use. Would it then be permissible to allow a non-Jew to cook using that fire? While the initial ignition of the fire may be considered a direct action of the Jew (see B'ikvei HaTzon 7:4 and Me'orei Eish ch. 4), all subsequent ignitions should be considered gerama (indirect action, see Sanhedrin 77b, and Rashi ad loc. s.v. Aval). Is it permissible for a non-Jew to cook on a fire that was ignited via gerama?

R. Yitzchak Weiss, Minchat Yitzchak 4:28, proves that it is permissible based on a ruling of Maharil, Teshuvot Maharil no. 193. Maharil rules that if a Jew blows on the fire it is permissible for a non-Jew to cook on the fire subsequently. He provides two reasons for this leniency. First, the Gemara, Baba Kama 18b, states that if a chicken blows into a vessel and it breaks, the owner of the chicken must pay for the damages. This proves that blowing is considered a halachically significant action. Second, the leniency that allows a Jew to stoke the coals and the non-Jew to cook is for symbolic purposes (to attribute part of the cooking process to the Jew). This symbolic act can be accomplished by blowing on the fire.

R. Weiss notes that if a Jew ignites a fire indirectly, his act is nevertheless significant enough to permit a non-Jew to subsequently cook on that fire. R. Binyamin Cohen, Chelkat Binyamin 112:91 (and note 263), disagrees and maintains that Maharil's primary reason to permit blowing on the fire is that blowing is a halachically significant action. Maharil specifically states that blowing is not considered gerama. Therefore, if one accepts the first answer as the primary answer, one cannot allow a non-Jew to cook on a fire that was ignited via gerama.

R. Weiss' ruling can be supported through an analysis of the leniencies associated with bishul akum. It would seem that all of the leniencies are based on the idea that bishul akum is only prohibited if the non-Jew's cooking is the sole factor in producing a quality food item. Regarding items that are eaten raw, the leniency is based on the fact that the food was edible prior to cooking and therefore, one cannot attribute the quality of the item solely to the cooking. Regarding food that is not fit for a king's table, the leniency is based on the fact that quality of the

food is inherently lacking. Fit for a king's table is the gauge to measure the quality of the food. [This idea is further elaborated by this author in Beit Yitzchak Vol. 33.]

Based on this analysis, the leniency that allows a Jew to merely light the fire is not a function of the one igniting the fire being Jewish. Rather, it is a function of the cooking process not being solely attributable to the non-Jew. If a non-Jew cooked food with a fire that was produced by a bolt of lightning, the food would also be permissible since the fire was not lit by a non-Jew. If so, even if one were to divorce the fire ignited by a timer from the Jew who programmed the timer, the fire, nevertheless, was not lit by a non-Jew and one may then permit the non-Jew to cook on that fire.

Rosh Chodesh Kislev is celebrated on Tuesday, November 21, and Wednesday, November 22.