

INTERNET PARSHA SHEET
ON KI SAVO - 5758

B'S'D'

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Hamaayan@torah.org Hamaayan / The Torah Spring Edited by Shlomo Katz
Ki Tavo 21 Elul 5758 September 12, 1998

Today's Learning Mikvaot 10:8-11:1 Pesachim 27

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Aviva Benoff

This week's parashah tells us (28:9), "You shall walk in His ways," teaching that a person, through his good deeds, actually can walk in Hashem's footsteps. R' Eliezer Zvi of Komarno z"l (died 1898) observes, though, that most of us don't believe this teaching; we do not believe in our own spiritual potential. For example, how often do we pray, and, when we see that we are not answered, we assume that our prayers cannot really make a difference? The Ba'al Shem Tov z"l (died 1760) taught that this is the result of excessive self-deprecation. A person must believe that his prayers have untold consequences in the heavens, even if he does not see those effects. If a person did believe this, R' Eliezer Zvi adds, how joyfully would he pray?! How carefully would he pronounce every letter, every syllable?! If a person believed that he is (in the words of Bereishit 28:12) "a ladder standing on the ground with its head in the heavens," if he believed that every movement, every word, every step and every business deal makes a spiritual impact on the world, he would do all of those things for the sake of Heaven. Also, the Zohar comments, "If people knew the love with which Hashem loves the Jewish people, they would roar like lions in their eagerness to follow Him." On the other hand, if a person thinks that he cannot make a difference, he should know that he is on the road to heresy. If a person thinks that way, it is a sign that the yetzer hara has succeeded with him and will soon deprive him of life in this world and in the next. Rather than despair, one can learn from Yaakov, who said (Bereishit 35:5), "I lived with Lavan and I delayed until now." The letters of "Lavan" are the reverse of the letters of "Naval"/"degenerate one," a reference to the yetzer hara. Why was Yaakov successful in turning around the "naval" and "whitening" (from "lavan"/"white") it? Because "I delayed until now," i.e., because he did not expect immediate results from his prayers and mitzvot, but rather had faith that the results would come with time. (Zekan Beto, p.216)

... "On this day you have become a people . . ." (27:9) Rashi writes: "Every day should be in your eyes like the day that you entered into His covenant." The gemara similarly comments: "Was the Torah given on that day? The Torah had been given 40 years earlier! However, the intent of this verse is that Torah should be beloved by those who study it as if it had been given that day. The sage, R' Tanchum the son of R' Chaninah from Kfar Acco, said, 'A person may recite Shma every morning and every evening, but if he misses it once, it is as if he never recited the Shma.'" R' Moshe Sternbuch shlita explains: A person is obligated to improve himself every day, and, having done so, to enter the covenant anew on the higher level where he now stands. This, in turn, will make him realize that he never kept the Torah sufficiently before, and he will begin to observe it as if it is new. This is the idea behind the daily recitation of Shma. Every day, a person accepts the yoke of Heaven upon himself, but, hopefully, on a different level than his acceptance on the day before. And, if a person is improving himself daily, than yesterday's Shma will be insignificant compared to today's - as if he never recited the Shma. It follows that if one missed today's Shma, it is as if he never read Shma at all. (Ta'am Va'da'at)

Does Hashem punish man for failing to observe the positive commandments, or does man merely lose the opportunity to be rewarded? For example, if a man misses an opportunity to wear tzitzit, is he punished for it? The gemara (Menachot 41a) teaches that Hashem does not punish for

such sins alone, but when He becomes angry and punishes for other sins, he throws into the equation man's failure to observe the positive commandments. Is a person punished only if he wears a four-cornered garment and fails to attach tzitzit to it, or also if he fails to wear a four-cornered garment so that he will not have to wear tzitzit? R' Yosef Dov Soloveitchik z"l (died 1892) writes that even the latter person is punished because his actions demonstrate his disdain for mitzvot. (Bet Halevi: D'rush 11) In contrast, the proper attitude towards mitzvot is demonstrated by Moshe Rabbenu, who wanted to enter Eretz Yisrael in order to observe its unique mitzvot. Although he was not presently obligated to observe them, he wanted to be obligated. (Tosfot: Shabbat 32a)

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Ravfrand@torah.org "RavFrاند" List - Rabbi Frاند on Parshas Ki Savo

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 251, Shidduchim and Parental Wishes. Good Shabbos!

Staying On Top of One's Blessings In the prelude to the Tochacha (section of chastisement), the Torah says "...And you will be only on top and you will not be on the bottom..." [Devorim 28:13]. What does the verse really mean? Is it not redundant after having said, "you will be on top" to say, "you will not be on the bottom"? Perhaps we can explain this verse with an insight from Rav Tzadok HaKohen of Lublin. In Divrei HaYomim (I:4:10) we find a prayer uttered by a person called Ya'avetz. In this prayer he says "If you will bless me and extend my borders..." Why does he ask for both a blessing and an extension? Rav Tzadok makes the following point: Many times we see people that merit unbelievable blessing and bounty, but they don't know how to handle it. They are ill equipped. They are not suited to handle the blessing. Rabbi Berel Wein gives two classic examples of people who merit blessing but are not equipped to handle it: movie stars and athletes. We find people in the field of entertainment who become overnight sensations. Because of their voices, acting abilities, or good looks they become sudden stars. They become millionaires overnight and are flooded with more money than they know how to handle. What happens to them? Per capita, there is more drug abuse, divorce, broken and ruined lives in Hollywood than anywhere else in the world. The reason is because very very ordinary people had the great fortune of receiving bountiful blessing. But they didn't know how to handle it. They didn't know how to deal with it. As a result the blessing becomes a curse. We find the same with athletes. A fellow can throw a ball 95-mph. Another person has a talent for knocking people down. All of a sudden they are making \$10,000,000 a year. People are hanging on their every word. "What did you think of this? What did you think of that?" "Think? What does that mean?" The guy is a millionaire, his picture is on magazines everywhere and kids are asking him for autographs. He thinks he is 'someone' and he is nothing! He received a blessing, but he is not equipped to handle it. That was the prayer of Ya'avetz. "If you bless me, whatever it may be, please also expand me as a person. Expand my horizons so that I am not the same little person I was yesterday before I had the ten million dollars. Now I have it. Make me a bigger person so that I am equipped for it." How does one become a 'bigger person'? The Talmud [Temurah 16a] elaborates on the prayer of Ya'avetz: "If you will bless me WITH TORAH, you should expand my borders WITH DISCIPLES". The way one becomes a bigger person, expands his horizon, and grows as an individual, is by giving to others. "If You give me all this Torah, give me the disciples to share it with so that I can grow as a person." The way to expand

one's horizons is to focus outward and not to focus inward. Anyone who has the privilege of having children, can certainly attest to the fact that we are different people as parents than we were as single people. We have grown from the experience of being parents. We had to. We could no longer remain self-centered, only concerned about ourselves. We grew as individuals because people needed us. We expanded. This is the blessing of expanded borders. We see people who we knew in their youth, we knew them when they were in Yeshiva. Perhaps we did not expect the greatest things from them. They were perhaps nothing special intellectually, just another bocher. Sometimes these people go out and blossom. How do they do this? By getting involved, by becoming community-minded individuals (anshei haTzibur). Not only do they have family; they have friends and community. This makes them grow. This growth turns one into a different person -- bigger, broader, more sensitive -- a person with expanded horizons. Rav Tzadok says that this concept explains the statement of the Talmud: [Tanis 9a] "Tithe in order that you become rich". Everyone thinks that this is some type of Segulah (mystical charm) -- write out the check, invest the next day and wealth will be on its way! Rav Tzadok says that is not what the Rabbis had in mind. "Tithe, give more money away, make people more dependent on you, and you -- as a result of that -- will have to become bigger. The more your needs will be, the more G-d will have to give you; the more your spheres of influence will grow, the bigger you necessarily will have to become." For this is the nature of things. The more one makes oneself indispensable to others, the more one grows. The more one grows, the more one is capable of handling it. This perhaps is the interpretation of the verse "You will be only on top, and you will not be on the bottom". Not only will G-d shower us with gifts and help us to the top, but He will also help us learn to handle it. The verse is saying that we will not become stingy, disgusting individuals -- like some people who only have the wealth, but don't have the expanded boundaries and personality to handle it. One can have \$20 million, but he can be 'beneath'. He can be down in the gutter because he can't handle the blessing. We ask G-d not only to shower us with blessing, but also to give us the expanded horizons to properly use it, and not let the blessing become a curse.

Sources and Personalities Rav Tzadok HaKohen (1823-1900) of Lublin -- Chassidic sage and thinker; author of Pri Tzadik. Transcribed by David Twersky; Seattle, Washington twerskyd@aol.com Technical Assistance by Dovid Hoffman; Yerushalayim dhoffman@torah.org RavFrاند, Copyright (c) 1998 by Rabbi Y. Frاند and Project Genesis, Inc. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801 <http://www.torah.org/>

-parsha-summary@torah.org Preparing for Selichos

The moment we hear the Chazan sing the hauntingly beautiful melodies of the Yomim Noraim, a hushed sense of expectation descends over the congregation. The Day of Judgment is almost here. Am I ready? Am I prepared? If not, it is definitely time to begin. This is the intended reaction to the Selichos which we will begin September 13, at 12:30 a.m. Chazal established two basic rules for Selichos. 1. Always start on a Sunday 2. We must say Selichos for a minimum of 4 days prior to Rosh Hashana. We start on Sunday to give ourselves the added advantage of starting our appeal while still cloaked in the sanctity of Shabbos. We start at midnight so as to grab every possible moment of preparation for the Day of Judgment. We say Selichos for a minimum of 4 days to imitate the 4 day process of preparation that a Korban - sacrifice had to undergo before it could be offered on the Mizbeach. The Selichos themselves capture the hopes and tears of generations as they beseeched Hashem for continued protection and benevolence. Highlighting the entire service is the repetition of the 13 names of G-d as He manifests His love, compassion, and mercy for His people and universe. The names by which we refer to Hashem (the Name) describe how we wish G-d to relate to us at a given moment. Taught to Moshe in the aftermath of the Golden Calf, this 13 name formula evokes G-d's mercy.

Rosh Hashanah means going to court, which should foster in us an overwhelming sense of vulnerability. This feeling should humble us into recognizing how much we need G-d's mercy and forgiveness. Saturday night, through the words of the Selichos, we will be able to express that sense of humility and vulnerability.

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parsha-insights@torah.org Parsha-Insights

This week we read the parsha of Ki Savo. It begins with two commandments applicable to when Bnei Yisroel will dwell in the Land of Israel. The first mitzva, bikurim, is that the first fruits are to be brought to the Beis Hamikdash {Temple} and given to the Kohen. The second mitzva is called viduy maaser. On the last day of Pesach of the fourth and the seventh years of the seven-year cycle of maaser {tithes}, a person recites a viduy {confession} that he has distributed the tithes to the appropriate people in the prescribed manner. Moshe also commands Bnei Yisroel what to do when they'll cross the Yarden, entering Eretz Yisroel. "Elah ya'amdu l'varech es ha'am ol Har Grizim... v'elah ya'amdu ol ha'k'lala b'Har Aival {These (tribes) will stand on Mount Grizim to bless the nation ... and these will stand on Mount Aival for the curse}[27:12-13]." Rashi quotes the Talmud [Sotah 32A] which elucidates the exact proceeding which took place. Six tribes ascended Har Grizim and six ascended Har Aival. The Kohanim, Levi'im and the Holy Ark were assembled in the middle. The Levi'im turned toward Har Grizim and began with the first blessing: Blessed is the person who will not make a molten image etc. Both groups answered: Amein. They then turned toward Har Aival and pronounced the curse: Cursed is the person who will make a molten image etc. Again, both groups answered: Amein. This was the procedure for each of the eleven blessings and curses. The final blessing was: "Blessed is the person who upholds the words of this Torah to fulfill them [27:26]." Rashi explains that this encompasses the fulfillment of the entire Torah. The Ramban quotes the Talmud Yerushalmi which explains differently. This commandment, according to the Yerushalmi, applies to the king and the other leaders in power. They are commanded to use this power to make sure the Torah is upheld and fulfilled.

The Chofetz Chaim carries this concept a step further. This obligation doesn't apply just to the national leaders but to every person who can influence others... In truth, there isn't a person in the world who can't influence others to a certain degree. Every person, using their abilities within their circle of relatives/friends/co-workers/acquaintances can have a profound impact. Very often we'll procrastinate with a certain endeavor until a little push, coming from left field, will finally impel us to begin. We then realize how our procrastinating caused us to miss out, both on the aforementioned blessing and on the wonderful sense of gratification gained by touching others in a meaningful way.

I teach at a Yeshiva called Neveh Zion. For quite a while, the person running our web-site had been asking me to write something on the weekly parsha. Not wanting to have the responsibility of turning something out each week, I repeatedly refused. Many months later, during a trip to the States, one of my talmidim {students} related to me that he and others would enjoy reading some thoughts from me each week. I agreed to write some divrei {words of} Torah and send them out. Upon returning to Eretz Yisroel, I informed our web-master that I'd be writing weekly and that he could post it on our web-site. For me, that little push opened up a whole new world. People run to different tzaddikim and mekubalim {kabbalists} to receive their blessings. Imagine how we'd jump at an opportunity to receive a blessing from all of the Kohanim and Levi'im, in the presence of the Aron {the Holy Ark}, with the entire nation answering 'amein'. That opportunity to 'plug-in' to this resounding blessing given by Har Grizim and Har Aival is available to us constantly.

The Chofetz Chaim lived by this concept. Family purity was a cause that the Chofetz Chaim constantly sought to promote. When he would hear that a town was not maintaining proper mikvah facilities, he would tirelessly travel there to speak to the townspeople and urge them to correct the situation. If it was a town that was close to his hometown of Radin, he felt an even stronger sense of responsibility to impress upon them the importance of this mitzva. The Rav of Lida asked the Chofetz Chaim to come speak to his people about the importance of family purity. He was hoping to raise the necessary funds to rebuild the mikvah which had fallen into a state of disrepair. The Chofetz Chaim asked his son-in-law, Rav Zvi, to accompany him but the trip kept getting delayed. A few weeks later, during the month of Elul, the Chofetz Chaim suddenly confronted Rav Zvi. "The High Holy Days are approaching and I have nothing to show for myself when I'll be judged. Let's travel to Lida and try to convince them about the mikvah." They went but were unsuccessful in their bid. One freezing cold day, in the middle of the winter, the Chofetz Chaim informed his family that he had decided to travel back to Lida. "Wait until the weather warms up," they urged. The Chofetz Chaim's pointed response was that when they'll ask him in heaven why he didn't try again at Lida, the excuse that it was too cold would certainly not be very well received. Again the Chofetz Chaim tried to convince them and again he was unsuccessful. When the Chofetz Chaim was preparing to move to Eretz Yisroel, he traveled to bid farewell to his neighboring towns. He arrived at Lida and summoned the community leaders. "You know how much effort I've expended to convince you to renew the mikvah. You also know that I didn't succeed. I'm not blaming anyone because I don't know who is to blame. However, I am asking you to do me a favor. I am already an old man and will soon be entering the World of Truth. They will demand of me: 'Yisroel Meir! You lived near Lida! How were you silent when you knew that they didn't have a proper mikvah?' I'm asking you to write and sign that I was not at fault... Please write that I asked, I pleaded, I begged but my words were not adhered to." The community leaders sat in shocked silence. Such a request shook them to their very core. Finally, one leader began to speak. "Rebbe, don't say we didn't listen -- it's not too late!" Right there, sufficient sums of money were pledged to renew the mikvah. We may not exactly be 'Chofetz Chaims', however, every person can have a positive influence on their surroundings. Every person -- their impact... Every person -- those blessings... Good Shabbos,

Yisroel Ciner

This week's parsha-insights is dedicated in mazel tov to Howie Hershkovich and Martha Vays in honor of their upcoming wedding. May they be zocheh to much happiness together and to build a bayis ne'eman b'Yisroel. Parsha-Insights, Copyright (c) 1998 by Rabbi Yisroel Ciner and Project Genesis, Inc. Rabbi Yisroel Ciner is a Rebbe at Neveh Zion, <http://www.neveh.org/>, located outside of Yerushalayim. Project Genesis: Torah on the Information Superhighway 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215

kindnesses especially at the time when one would feel tempted to say, "Look what I did." The first fruits, the products of the sweat of the farmer's brow, might provide the Jewish settler with justification in feeling proud of his accomplishments. This is why he must pointedly make a declaration at this time, at the holiest site in the Holy Land, reminding all that our good works are only due to HaShem's merciful kindness towards us. The Mishnah in the third chapter of the Tractate Bikkurim describes the giving of the first fruits. When a farmer goes into his field and sees a fig or bunch of grapes that have ripened (first fruits were only taken from the seven species mentioned in the Torah in connection with Israel), he ties a string around them and designates them as Bikkurim, the first fruits. When these were collected, entire districts of farmers would make the journey to Jerusalem together. They formed a grand procession, with musical accompaniment, all being led by an ox with gold-plated horns and a wreath of olive leaves on its head. When they reached Jerusalem they were greeted by the Temple leadership. They approached the Temple Mount and now even the wealthiest and most influential landowner insisted on carrying his basket of fruits himself. As they reached the Temple court the Temple choir of Levi'im would begin to sing. A bird offering was sacrificed and then came the declaration of "Arami oved ovi" (Deuteronomy 26:5). The Mishnah in Tractate Sotah (page 32a) tells us that this declaration had to be recited in Hebrew, and that no other language may be substituted. This led to difficulties for some, as not everyone was able to perform this rite in the original. The Mishnah tells us that while many were able to recite this prayer on their own, others had to have the formula stated for them, word for word, while they repeated in response. Eventually, the custom was changed so that none should be embarrassed over their lack of education. It was decided that everyone should repeat the recitation, so that none should feel ashamed.

This Hebrew requirement is curious, especially in light of the fact that the declaration made over the Ma'aser Sheini, the second tithe which is described in the very next paragraph of this week's Parashah, could, according to this same Mishnah, be made in any language the giver chose. In fact, the Mishnah lists a number of recitations we are required to make, and categorizes them according to whether they must be recited in Hebrew only, or whether any language will do. Those that must be said in Hebrew seem to be mostly communal in nature, such as the Priestly blessing and the declaration of the Kohein addressing those about to go to war, while those that may be said in any language are more personal, such as davening, bentsching, and oaths taken regarding stolen or missing funds. The question could then be asked regarding the farmer--his first fruits are his own, and not communal property. He should therefore have been permitted to make his personal declaration in the language of his choosing. Why have a congregation repeat a formula that might be meaningless to many? Why prohibit the use of a translation, which could only have helped the intention of so many? We know that the passage of "Arami oved ovi" is said on Pesach night. It tells in summary form the course of events that led to the Exodus from Egypt. Our rabbis tell us that one of the reasons why the Israelites, who by that time had descended to the forty-ninth level of impurity, were still deserving of G-d's salvation was the fact that they had not changed their language. Generations of slaves still gave their children Jewish names and spoke Hebrew in their homes. Such merit must not be forgotten, and the remembrance of those events, the declaration at the giving of the first fruits, must be done in the Holy tongue as well. Therefore, the Hebrew requirement is consistent within this context. Curiously, another issue of "haves" and "have nots" arises regarding the financial circumstances of those who brought the first fruits. The Mishnah relates that wealthy patrons gave their first fruits in baskets of gold and silver. The Kohanim would accept the fruits, but would not take the baskets. Those who weren't wealthy gave their gifts in wicker baskets made of willow branches. The Kohanim accepted these, and kept the baskets! Unlike the change in the recitation that required everyone to repeat, this bizarre practice was never changed. Why doesn't the Halachic process express concern for the poor man who was embarrassed because he couldn't bring a golden basket? Why do the Kohanim keep the baskets of those who can least afford to lose them?

yitorah@virtual.co.il NCYI Weekly Divrei Torah - Ki Tavo

Guest Rabbi Rabbi Sholom Steinig Young Israel of Bayside, NY

Dedicated in honor of the Bar Mitzvah, this Shabbos, of Binyamin Nissan Steinig by his parents, Rabbi Sholom and Judi Steinig

The Parashah of Ki Savo begins with a well-known statement. The pronouncement that one declared when bringing the Bikkurim offering also serves as the essential text which is expounded upon at the Pesach Seder. The fact that an ancient service associated with the Holy Temple is still recited by millions each year tells us that these words are indeed special, and demand a deeper understanding. What was the concept of Bikkurim? It seems strange that our people, so bound up in spiritual matters, should have so many Mitzvos that have us looking at the ground, that which most typifies the substance of materialism. Yet HaShem tells us that ground can be elevated. The earth can, by means of G-d's designation, become holy. It is especially important that, in the land that G-d identified as holy, we act in a way that reflects holiness. It is therefore most appropriate that the Jewish people be told to go out of their way to express appreciation for G-d's

Why not return the inferior baskets of the poor, and accept the elegant baskets of the wealthy as charitable donations? There are several possible answers. It may be presumed that the poor already felt a sense of shame because their first fruit offerings could not be as lavish or as abundant as those of the rich. So as not to humiliate them further, the Kohanim did not remove the offerings from the baskets, so that no one could see them. The wealthy givers, however, probably would have wanted their offerings to be displayed, to show how generous they were in giving, and so their fruits were removed from the baskets with the congregation watching. The process itself was responsive to the preferences, and sensibilities, of the different types of giver.

The Tosafos Yom Tov commentary on that Mishnah also discusses the point. Halachah was expected to function equally for all, and the idea of shaming some because they could not afford to do a Mitzvah as beautifully as others is anathema to us. The laws of funeral services were amended because the shame of needy mourners actually led to disgracing the bodies of some of the deceased. Why not respond to the cries of the needy here, and simply ban the use of golden baskets? The Tosafos Yom Tov replies that when it comes to service in the Holy Temple, we pay no attention to the shame of the poor. I understand this to mean that when standing before G-d, no individual can be concerned with his own dignity, but only with HaShem's dignity. Banning the use of gold and silver baskets would be a diminution of G-d's glory here on earth. We therefore dismiss the claims of those who bring wicker baskets, and expect that they themselves should be thrilled to see how others demonstrate their love for HaShem and His Mitzvos. Everyone surely knows that they too would use precious baskets also, if they could, so no slight is intended. The honor displayed before G-d should dispel any individual feelings of inferiority.

As we approach the High Holiday season, we mark the conclusion of another year spent in exile, with no Holy Temple. May we soon see the day when our Beis HaMikdash stands gloriously in a re-built Jerusalem, and may we all proceed together to show honor to HaShem, once again bringing His gifts as mandated by His Torah.

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weekly@virtual.co.il * TORAH WEEKLY * Highlights of the Weekly Torah Portion Parshas Ki Savo <http://www.ohr.org.il/tw/5758/devarim/Kisavo.htm>

A Present From The Queen "And you will rejoice in all the good which Hashem gives you" (26:11) When you get a present from the Queen, what's more important to you: The present itself or the inscription "Presented by Her Majesty to..."? When we rejoice in all the good that Hashem gives us, what foremost makes us happy is not what we receive, rather from Whom we receive it.

Getting To The Top "Since you did not serve Hashem, your G-d with joy and goodness of heart" (28:47) It was common knowledge that anyone who got to the top of the skyscraper earned a prize of spectacular proportions. The only trouble was that to get there you had to walk. A hundred floors is a long way by elevator -- but by foot... They both started out together. The first ten floors were easy. The second twenty floors were harder. By the time they had reached the fiftieth floor, they were both gasping for breath. Sweat was pouring from them. 56, 57, 58. On and on they climbed. Could this be easier than Hilary and Tenzing scaling Everest? 75, 76, 77... By the 80th floor, they had both stopped walking, now they were crawling on their hands and knees. As they reached the 89th floor, one of them fell back on the cool stone and gasped "That's it! I can't go on -- I'm finished!" "I can't go on either," said the other, "But I'm not giving up!" With every bone in his body aching, he clawed his way up one more floor. He turned the corner and saw the sign in front of him: "90th Floor." It was then that he saw what was written underneath: "If you get this far -- you can take the elevator. Congratulations!" There before him were the open doors of an elevator. With a weak tired smile, he crawled in and pushed the golden button. The doors closed and he sped to the top of the building and the grand prize. Life is about getting to the top. Some people think that "getting to the top" means

appearing on a TV talk show or owning a Fortune 500 company. But there's only one "top" that's really important -- the top of the spiritual ladder. Climbing the spiritual ladder, however, is not so easy. Sometimes it seems that it's just too much. Why exert yourself to climb and climb? Why not just stay where you are and coast? Life is like the down escalator. Just to stay where you are, you have to keep walking. If you stand still, you'll go down. To rise, you have to do a lot more than walk -- you have to run. In this week's Parsha, we read horrifying predictions of what will happen to the Jewish People if they fail to keep the Torah. But it's not enough just to keep the Torah. The above verse teaches us that the full weight of punishment will result merely if the Jewish People fail to serve G-d with joy and goodness of heart. This is very difficult to understand. Why should we be punished so severely merely for failing to do the mitzvos with joy? Our negative inclination is no fool. He doesn't tell us to go and steal. He doesn't tell us to start worshipping idols. He starts us off on the "baby slopes." He starts by suggesting that we do something that doesn't seem to be a sin at all. He makes the mitzvos feel heavy when we do them. He suggests we do them without enthusiasm. And after a steady diet of this, there comes a day when we're under some kind of pressure and he helps us to forget to do the mitzvah altogether. From then on, bit by bit, he encourages us to bigger and bigger things until we find ourselves looking in the face of an idol. This was exactly what happened in the generation when Jerusalem was destroyed. They didn't start off by worshipping idolatry. They started off by feeling that doing the mitzvos was a burden. Fine. But what do you do if your negative drive has already got you on the "baby slopes?" What do you do if you have already lost the feeling of joy when you do a mitzvah? What if you already feel apathetic? You can't argue with an emotion. You can't fight feelings with logic. If you feel apathetic, trotting out a list of logical reasons why you should improve isn't going to help. The only way you can fight feeling is with feeling. Psychology posits a syndrome called "cognitive dissonance." Cognitive dissonance is when we buy a watch at a store for \$200 and later that day we see an advertisement for an almost identical watch for \$130. We think to ourselves: "My watch must be better." Even though someone could prove to us that the watches are practically identical, we still feel that our watch is better. Why? Because, we invested in it. "It's my watch which belongs to me and I own it." When we invest in something, we feel it must be good. After all, I invested in it, didn't I? When we invest tremendous energy into a project, you can't tell me it's valueless. This is the key to dealing with apathy. When we invest our time, our energy, our love, our very selves into something -- we value it. With this principle, we can understand how to generate a love of the mitzvos in our hearts. To love the mitzvos we must invest in them. When we do them with all our heart, the cynical voice that tries to knock the gloss off our service of the Creator will find no receptive ear in our psyche. Subconsciously, we will say to it: "You can't tell me these mitzvos are a drag. I put my guts into them. I have invested my love and my life." You can't fight emotion with logic. Only emotion can wield an effective sword against an opposing emotion.

Sources: * A Present From The Queen - Tiferes Shlomo in Mayana shel Torah * Getting To The Top - Ksav Sofer

Haftorah Annuals & Perennials "And your people, they are all righteous, fo-rever shall they inherit the Land, a branch of My planting..." (60:21) People think that re-incarnation is an Eastern concept. It is. A Middle-Eastern concept. One of Judaism's gift to Eastern thought is reincarnation. If a person doesn't follow the path that G-d indicates in this world, his soul will return until he corrects his character flaws. The above verse alludes to this process: "And your people are all righteous..." The unspoken question arises: "They're all righteous?! I see many people who are a long way from being righteous!" To which the next phrase answers -- "a branch of My planting" -- those who fail to achieve righteousness will be "re-planted" many times until their good deeds finally come to fruition. Even the least righteous person returns and returns to this world until he eventually becomes virtuous and noble. * Mahram Mizrachi in Mayana shel Torah

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Yankel - Cast Down Your Load! Yankel the peddler would travel from town to town, peddling his wares. Day after day he would drag his heavy cases and chests full of goods across the mud-ridden roads of Poland. One day, as Yankel was dragging along, he heard behind him the distinctive drumming of horses' hooves - a horse-drawn wagon was approaching. Yankel stood aside to let the wagon pass. But this was Yankel's lucky day. The Jewish owner of the wagon, seeing Yankel schlepping along, bowing under the weight of his baggage, had stopped his coach, and was inviting Yankel to come along with him for the ride into the next town. Yankel happily accepted, and dragged his baggage up onto the carriage. He took a seat, and the wagon again began to move. A few minutes later, the wagon-owner noticed that Yankel, seated in the wagon, still carried his entire burden upon his shoulders. "Yankel," he said, "why don't you put your bags down?" "Oh, it's alright," replied Yankel, "I don't want to be any trouble." "Yankel, you fool!" he exclaimed, "My horses are pulling the wagon, and you and all your chests and cases anyway. It makes no difference at all whether you carry them upon your shoulders or not! Please - throw them down on the floor of the wagon, and stop carrying all this unnecessary weight!" Oh foolish Yankel! Didn't you realize the wagon's horses were pulling all the weight anyway! Yet, says the Dubner Maggid, is Yankel really that foolish?

Isn't there a little Yankel in all of us? How so? you ask. Well, we all know that *parnasah*, our sustenance and financial well-being, is ultimately in the hands of Hashem. True, one must put in the required effort; that is part of the curse which mankind received through our forebear Adam (Bereishis 3:19), "By the sweat of your brow will you eat your bread." But ultimately it is not through our efforts, our *hishtadlus*, that we achieve success, but by the help of Hashem, "Who sates and sustains all His creations." As we say every day in *Ashrei* (Tehillim 145:16), "You open Your hand, and satisfy the needs of every living thing." Thus we all acknowledge that ultimately our *parnasah*, our material success or lack thereof, is not dependent on us. So why, asks the Dubner Maggid, do we spend so much time fretting over it? Why do we vainly attempt to carry the psychological burden of making a living upon our shoulders, if in the end it's really not up to us? Yankel, wake up! Throw down your burden - and let Hashem, Who carries us and all our needs, do His job. This is precisely what David HaMelech says in Tehillim (Psalms 55:23), "Hashleich al Hashem yehavcha, Throw your 'baggage' upon Hashem, ve-Hu yechalkalecha, and He will sustain you." I heard this *mashal* (parable), many years ago at a Friday-night *Tisch* (Chassidic gathering) of the Bobover Rebbe Shlita. Its powerful message found a place in my heart, and I have never forgotten this thought.

However, it actually goes a little further. By trusting in Hashem, by "throwing down our peckele" and letting Him carry the load, our "eyes" are opened and we actually *see* Hashem helping and providing for us from day to day. The more trust we put in Hashem, the greater the "revelation" we experience of Hashem's hand in our lives, guiding our every move. Chazal, our Sages say (Beitzah 16a), "A person's entire livelihood [for the coming year] is decided on Rosh Hashana." The rest of the year, it's just a matter of going out and collecting what's already waiting for us. The effort still has to be there. If something's waiting, but no one comes to pick it up, it will not be received. But, by the same token, even a herculean effort can not change what Hashem has arranged for us. Incessant anxiety and stress will get us no where.

This week we read the *Tochachah/Admonition*. The numerous curses which the Torah promises will befall our nation if we fail to live up to our mission as members of Hashem's "Chosen nation." Undoubtedly, one of the greatest curses of our time is the "curse of livelihood." This curse, says the

Belzer Rebbe R' Sheyale, is homiletically alluded to in the following pasuk (28:66), "And your life will hang before you; you will be frightened night and day, and you will not trust in your life." "Life," refers to livelihood. "And your life will hang before you" - your livelihood has been hung out for you by Hashem - Who sustains and provides for all of His universe - since Rosh Hashana, like fruits hanging on a tree, waiting to be picked. There is no reason to fret and be anxious; it's not up to you. So why is it that, "You are frightened night and day" - constantly worrying about earning a living? It's because, "You do not trust (ve-lo ta'amin) in your life" - you lack *emunah*, belief in Hashem. You don't really believe in the words of Chazal, that a person's livelihood is decided and apportioned on Rosh Hashana. You mistakenly feel its "up to you" - so you worry. Yankel, you've been carrying that burden for far too long. Enough already! Cast it off, and let Hashem, Who lovingly carries you and your load, do His job.

Good Shabbos.

This week's publication is sponsored by R' Yitzchak Feiner, in loving memory of his wife, Chaya bas R' Avraham Ezra, whose Yortzeit was 14 Elul.***** Olas Shabbos, Copyright (c) 1998 by Rabbi Eliyahu Hoffmann and Project Genesis, Inc. The author is a Maggid Shiur (teacher) and Menahel (principal) in Mesivta Chassidei Bobov of Toronto. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

yated-usa@mailserver.ttec.com Peninim Ahl HaTorah Parshas Ki Savo
by Rabbi A. Leib Scheinbaum Hebrew Academy of Cleveland

"It shall be that when you cross the Yarden you shall erect these stones" (27:4) The two mountains clearly symbolize the concept of life and death, good and evil, for the people. Har Gerizim in full bloom, the symbol of viridity and life, stood in stark contrast to the barren peak of Har Eival, the symbol of desolation and death. The tribes were split into two groups, each taking its position on one of the mountains. The tribes listened to the choices, the blessings and curses, the consequences of good and evil. The people's acceptance and affirmation of Hashem's doctrine was, essentially, a renewal of their acceptance of the Torah on Har Sinai. Horav Eli Munk, zl, distinguishes between the settings of the new covenant and the original circumstances surrounding the giving of the Torah. Now the people were told to stand upon the mountain, as opposed to Har Sinai at which they were told to stand at the foot of the mountain. Rather than accept the law passively, they could now express their sense of conviction confidently, declaring their unshakable resolution to upholding the Torah. They now accepted the Torah actively and were prepared to transmit it to others. This approach, claims Horav Munk, is the manner of acceptance which every Jew should emulate. We begin by receiving the Torah and inculcating it within ourselves until that point at which we are prepared to reach out to others, to teach, guide, inspire, and enrich the lives of the next generation. This is the process of *mesorah*, transmitting the tradition from generation to generation. It is not sufficient for one to remain passive in his acceptance of Torah doctrine. He should go forth, take the initiative and reach out to others. By doing so, every individual Jew expresses his faith in Hashem.

"And you do not turn away right or left to follow gods of others and to worship them." (28:14) There seems to be an inconsistency in the Torah's text. The pasuk begins by admonishing us not to turn away from Hashem ever so slightly to the right or to the left. Immediately following this statement, the Torah concludes its admonition by saying "to follow gods of others." To whom are we referring? All that these individuals did was to turn "aside" briefly and indulge themselves. Is this considered full-blown idol-worship?

Sforno interprets "to follow gods of others" as being a reference to one who performs *mitzvos* by rote, out of habit, or as a response to peer pressure. He worships Hashem and performs *mitzvos* because that is what his father did. He has no feelings of his own, either because he does not care or because he simply does not know. Complacency in *mitzvah* observance, claims Sforno, is tantamount to rebellion against Hashem. It

only takes one small slight turn in either direction, one bit of insensitivity towards the manner in which we serve Hashem, to create the perception of idol-worship! To serve Hashem is to have conviction and demonstrate commitment at all times. To obey when it is convenient, to observe when it is in vogue, is not the manner in which we serve Hashem. Avodas Hashem is an endeavor that should be carried out with enthusiasm and excitement as befits the Melech Malchei Ha'melachim.

"And you will grope at midday, as a blind man gropes in the darkness." (28:29) In the Talmud Megillah 24b Chazal offer a profound insight into this pasuk. They question whether a blind man discerns day from night. They recount that Rabbi Yosi had an experience that provided him with an answer to this question. He once met a blind man walking in the dark, holding a torch. "Of what use is the torch to you?" asked Rabbi Yosi of the blind man. He replied, "When the torch is in my hand, people see me and keep me from falling into the pits." Rabbi Yosi then understood the pasuk's message. It predicts a time when people will walk around like blind men at night, stumbling, because no one can see to help them avoid the obstacles.

Moshe shares with the people the tragic punishment that awaits those who rebel against the Torah. He presents an image of a blind man who is groping helplessly in the dark. He now suffers doubly from his own helplessness, as well as from the lack of a companion to ease his plight. Indeed, this has been the lot of the Jew throughout time immemorial. He has been subjected to the most inhuman and bestial persecution, where no one in the "free-world" surfaced to ease his plight. We have only to look back a short time to the European Holocaust, in which six million Jews were slaughtered while a world remained silent. The Jew has suffered throughout the ages in darkness. He has stood alone, groping, reaching out for someone to help, someone to hold on to, but as usual they had all disappeared. We were

locked away in the dirty ghettos, isolated from a world which did not care. Even when we cried out, when our screams of pain and torture wrent the stillness of the night, the world simply did not heed. This was the fulfillment of the curse no one would care. Even today there are those who would revise history; to extinguish our torch, so that once again our suffering will have been ignored or worse eradicated from history. This will, regrettably, continue as long as we "deserve" our curse. There is yet another aspect to the problem. At least in the story, the blind man made every attempt to be seen. What about the Jew who is groping but does not want to be seen? What about the Jew who has assimilated his religion so that he does not stand out as a "blind man"? Nothing is as pathetic as the individual who is challenged but refuses to acknowledge it. The internal problem of the assimilated Jew presents a new type of "blind man" one who does not want to be seen. It is one thing if our enemies refuse to look at our plight; it is completely another situation if we seek to delude ourselves by ignoring the problem. The torch is our Torah, our banner which we must vigilantly cherish in order to retain that ability to transmit it to our successors.

"You will go mad from the sight of your eyes that you will see." (28:33) Rav Akiva Eiger, zl, interprets "your eyes," as alluding to the "eyes" of the nation, the spiritual leadership of Klal Yisrael. Hence, the curse is that we will be dumbfounded by the behavior and the rhetoric which will emanate from some of our people's own leadership. The mar'ei einecha, image, presented by these "leaders" will be humiliating and degrading. They will act in a manner unbecoming a Torah Jew, let alone a spiritual leader. This is our thrice daily prayer to Hashem "Return (to us) our judges as before," we pray to Hashem that our leaders be worthy of their role, that we will be blessed with the calibre of leadership which was the standard years ago. This is the meaning of our daily tefillah, "And light up our eyes with your Torah," we implore Hashem to give guidance to open the 'eyes' of our leaders with His Torah. Perhaps if these misguided, self proclaimed spokesmen for Orthodox Jewry would be enlightened by studying Torah, they would be more discerning when rendering baseless halachic decisions and injudicious advice.

"Because you did not serve Hashem, your G-d, amid gladness and goodness of heart, when everything was abundant." (28:47) The Torah emphasizes that the underlying reason Klal Yisrael fell prey to the many

curse that Moshe enumerated was their lack of joy in mitzvah observance. This is enigmatic! Imagine that one is careful to observe the mitzvos, even punctilious in their observance. Yet, if he lacks "gladness of heart" in performing the mitzvos, he might be subjected to terrible curses. Is this right?

Horav M.D. Soloveitchik, Shlita, distinguishes between two types of sin. The first is represented by the sinner who transgresses and is remorseful about it. He is aware that he did something wrong, that he fell into the clutches of the yetzer hora, evil inclination. In such a case, we hope that he will one day repent his sins and return to Hashem. Unfortunately, a second type is represented by the sinner who is really not concerned with his actions. He does not view his deeds as iniquitous. Indeed, he even "feels good" about what he has done. Such an individual has fallen into an abyss that offers very little hope for his return.

With the above in mind, Horav Soloveitchik presents a homiletic rendering of the pasuk. "Because you did not serve Hashem your G-d," How was this lack of service manifest? In what manner was the sin executed? "With gladness and goodness of heart." There was joy implicit in your transgression. Because it meant nothing to you that you sinned against Hashem, you have created a situation in which hope for teshuvah, repentance, is not realistic. Thus, the curses will befall you. Even in iniquity there is hope, as long as the sinner is remorseful.

Weekly-halacha@torah.org SELECTED HALACHOS RELATING TO BEIN ADAM L'CHAVEIRO: LO SALIN By Rabbi Doniel Neustadt A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

On that day shall you pay his hire; the sun shall not set upon him... (Devarim 24:15)

QUESTION: Must a baby-sitter be paid immediately upon completion of the job or can the payment be delayed? DISCUSSION: In the verse quoted above, the Torah commands that a laborer who completes his work must be paid "on that day." This means that a worker who finishes his job during the daytime must be paid by sunset of that day. If the worker has not been paid in full by sunset, his employer has transgressed a Biblical prohibition(1). Similarly, a worker who completes his job during the night must be paid in full before daybreak. If the worker is hired for a full day [or night] or for a full week or month, he must be paid by the morning [or evening] after his term of employment is over.

These laws apply also to rental fees. When the rental period is over, payment must be made by the end of that day [or night](2). There is a dispute among the Rishonim over whether these laws apply to property rentals as well(3). The Chafetz Chayim(4) rules that one who is late with his house rent has transgressed this prohibition. Payment for work contracted by the job is also included in this commandment. Thus, when an item is taken in for repair or cleaning, etc., or if a plumber or an electrician comes into one's home for a specific job, payment must be made "on the day" that the item is picked up(5) or the job completed(6). However, when contracting for a job in which the raw materials belong to the worker [as in the case of a builder], these laws do not apply. In this case, we view the relationship between them as one of a buyer and a seller, not as one of an employee and his employer(7). An employer cannot force his worker to accept compensation other than cash(8). Payment, therefore, must be in cash, or with a check that can be easily and quickly cashed(9).

Payment must be made on time to a minor as well(10). Thus, when a baby-sitter is hired, she must be paid before the day [or night] is over.

There are, however, several exceptions to the above rules. Thus: This prohibition applies only if the worker asks, either himself or through a messenger(11), to be paid. If the worker does not mind being paid at a later date, it is permissible to defer payment(12). If, however, the worker would like to get paid but is too shy to ask outright, payment must be made on time(13). If the common practice in a given locality is to pay a laborer's wages at the end of the month or at a time when accounts are calculated, then the payment does not have to be made until then(14). It follows, therefore, that if a baby-sitter is hired on a one-time basis, she must be paid "on that day." This is because she expects to be paid immediately upon completion of her job. If, however, the baby-sitter is hired on a steady

basis, then there is no deadline for the time of payment since many people do not pay their regular baby-sitter after each session(15). One is allowed to make a pre-condition with his worker that he will not be paid on time(16). This condition must be made before the worker agrees to do the job. Thus, even a one-time baby-sitter may be paid at a later time if she was told of this condition before she agreed to take the job. An employer who has no money(17) to pay his employee does not transgress this prohibition(18). If he has no money but is able to borrow, he must do so. Not having the exact change on hand is no excuse to delay payment(19).

FOOTNOTES: 1 Depending on the circumstances, there could be up to 6 different commandments that are transgressed when payment is not made on time; see C.M. 339:2 and Sma 4. 2 C.M. 339:1. 3 Pischei Teshuvah 339:1. 4 Ahavas Chesed 9:5. This is also the ruling of the Ketzos ha-Choshen 339:1. See Avnei Yashfe 2:118 who quotes Harav S.Y. Elyashiv as ruling that the prohibition applies only to rent which is due for past rental, not for rent which is paid ahead of time (pre-payment). 5 If the item is not being picked up, even though the repairman notified the owner that it is ready, the owner does not have to pick up the item and the payment rules do not apply; Beir Halachah O.C. 242. 6 C.M. 339:6. 7 Ketzos ha-Choshen C.M. 339:3; Aruch ha-Shulchan C.M. 339:7; Nesiv ha-Chesed 10:4. 8 Shach C.M. 336:4. See also Pischei Teshuvah C.M. 336:1. 9 Harav M. Feinstein (written responsum published in Mili de-Nizakin, pg. 122) in a locale where it is customary to pay by check. See Pischei Choshen (Hilchos Sechirus 9 note 36) who questions a payment by check if it is made after the bank's closing hours. 10 Ahavas Chesed 9:5. See Nesiv ha-Chesed 16 who takes to task those who promise compensation to a minor and then do not pay him on time. 11 R' Akiva Eiger C.M. 339; Aruch ha-Shulchan 339:12. 12 C.M. 339:10. According to some poskim, it is not proper to delay payment even if the worker does not explicitly ask for the money. 13 Nesiv ha-Chesed 9:29, in a situation where the worker enters the employer's house but is too intimidated to ask for money. 14 C.M. 339:9; Ahavas Chesed 9:13. 15 Harav M. Feinstein (written responsum published in Mili de-Nizakin, pg. 121). 16 Shach C.M. 339:2. 17 Even if the only money he has is needed for Shabbos expenses, he still must pay the worker first; Beir Halachah O.C. 242. 18 If he had money at the time the worker was hired and he spent it on other expenses, he has transgressed the prohibition; Ahavas Chesed 9:9. 19 Ahavas Chesed 9:7 and Nesiv ha-Chesed 21. He adds that if one has items which are available for sale, he should sell them in order to pay. Weekly-Halacha, Copyright (c) 1998 by Rabbi Neustadt, Dr. Jeffrey Gross and Project Genesis, Inc. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. http://www.torah.org/ Baltimore, MD 21215

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daf-insights@shemaisrael.com Insights to the Daf: Pesachim 21-23 brought to you by Kollel Iyun Hadaf of Yerushalayim Rosh Kollel: Rabbi Mordecai Kornfeld Charts: Pesachim #4 (Daf 22b-23b)

THE ISUR HANA'AH OF FOODS WHICH ARE ASUR B'ACHILAH

(A)	(A)	(B)
THE ISUR	WORDING USED	HANA'AH
1) CHAMETZ	"Ye'achel"	Asur(1)
2) NEVEILAH	Achilah	*Mutar(2)
3) TEREIFAH	Achilah	*Mutar(3)
4) GID HA'NASHEH	Achilah	Mutar(4)
5) DAM	Achilah	Mutar
6) EVER MIN HA'CHAI	Achilah	Mutar
7) SHOR HA'NISKAL	"Ye'achel"	Asur
8) ORLAH	"Ye'achel"	Asur
9) TERUMAH	Achilah	Mutar
10) NAZIR	Achilah	Mutar
11) CHADASH	Achilah	Mutar
12) SHERATZIM	"Ye'achel"	*Mutar(5)
13) CHULIN	Ki Yirchak Mimcha	Asur(6)

SHENISHCHATU BA'AZARAH

This is the source, according to one Amora, that Chametz and Shor ha'Niskal are Asurim b'Hana'ah FOOTNOTES: (1) This is the opinion of everyone except Rabbi Yosi ha'Gelili, who permits deriving Hana'ah from Chametz during Pesach. The Halachah does not follow his opinion. (2) According to Rabbi Avahu's understanding of Rabbi Meir, this is the source for the Isur Hana'ah of Chametz and Shor ha'Niskal. (3) According to Rabbi Avahu's understanding of Rabbi Yehudah, this is the source for the Isur Hana'ah of Chametz and Shor ha'Niskal. (Rebbi Yehoshua ben Levi maintains that Rabbi Avahu said his statement only according to the opinion of Rabbi Meir, while Rabbi Yehudah derived the Isur Hana'ah of Chametz from somewhere else. See Insights to 23:2.) (4) However, according to Rabbi Shimon, Hana'ah is *Asur*. The Gemara is in doubt whether it is Asur b'Hana'ah also according to Rabbi Yosi ha'Gelili (23b). (5) This is Chizkiyah's source that wherever the Torah says, "Lo *Ye'achel*" it implies an Isur Hana'ah as well. The Gemara explains that even though it is permitted to derive Hana'ah from Sheratzim, it is forbidden to deal in business with them. (6) The Amora'im (and Tana'im) argue whether Chulin she'Nishchatu ba'Azarah are Asur b'Achilah and b'Hana'ah from the Torah, or only mid'Rabanan.

Pesachim 23 TRADING NON-KOSHER LIVESTOCK QUESTION: The Gemara cites a Mishnah that states that one may not make profit through the commerce of animals and creatures which are Teme'os, even if one sells them only to non-Jews. Only if one happened to have come across a Behemah Teme'ah by chance may he sell it, but he may not make a business out of it. Does this mean that a Jew may not sell horses, donkeys, dogs or cats? ANSWER: TOSFOS cites a Yerushalmi which says that it is not prohibited to sell such animals, because they are not used for eating. The prohibition applies only to making a business out of selling animals which are eaten, but not to selling animals that are used for other purposes. This Halachah has practical ramifications for Jews in the commodities industry, as well as for owners of shares in companies which profit from selling non-Kosher animals. RAV MOSHE STERNBUCH (Teshuvos v'Hanhagos 2:392) responds to a Ba'al Teshuvah's question concerning whether he must leave his company that trades in Neveilos, in which he is a primary share-owner. Rav Sternbuch says that it is forbidden to deal in non-Kosher animals, but he cites a Machlokes with regard to a partnership with a non-Jew. The IMREI ESH and MAHARAM SHIK forbid trading in non-Kosher animals even in partnership with a non-Jew, while the DEVAR MOSHE (cited by the BIRKEI YOSEF 117:7) permits trading in non-Kosher animals in partnership with a non-Jew -- on condition that the Jew is not in the shop or market at all. HALACHAH: Rav Sternbuch concludes that it is best to follow the opinion of those that forbid trading in partnership. He says, however, that if one is already involved in a partnership he may rely on the lenient opinion, especially since the company is called by the name of the gentle partner and not by the name of the Jew. It is permitted, though, only on condition that the Jew is not present at all in the store or involved in the consumer level of buying and selling, but is involved only in the upper administrative and executive levels. He concludes that a Jew should make an effort to leave the business of trading non-Kosher animals in any case.

Pesachim 24b

EATING OR DERIVING BENEFIT FROM A FORBIDDEN ITEM IN AN UNUSUAL

MANNER OPINIONS: Rebbi Yochanan states that one who eats a forbidden item in an unusual manner is Patur. The Gemara records two versions of Rebbi Yochanan's teaching. In the first version, Rebbi Yochanan says that one gets Malkus only for eating something in the normal manner of eating, and not for *eating* something in an abnormal way -- such as eating Chelev when it is raw. In the second version, Rebbi Yochanan says that one gets Malkus only for *deriving benefit* in the normal manner of getting Hana'ah, but not for an abnormal way of deriving benefit -- such as smearing the Chelev of a Shor ha'Niskal as a salve on one's wound. Certainly, the Gemara concludes, according to this second version one does not get Malkus for *eating* a forbidden item in an unusual manner, such as eating raw Chelev. It is clear from the Gemara that the second statement provides for a broader range of exemption. What exactly is the point of argument between the two versions? That is, what types of actions will be included in the exemption according to the second version, but will not be included in the exemption according to the first version?

(a) From RASHI (DH Ika d'Amri) it may be inferred that the first version is only discussing Isurei Achilah which are Mutar b'Hana'ah -- items which are forbidden to be eaten but from which it is permitted to derive benefit, such as Neveilah. If something is Mutar b'Hana'ah, then only an act of "Achilah" is prohibited. Eating it in an abnormal way is not called an "Achilah," even though it might still be a Hana'ah, and therefore one is Patur for eating it in such a way. However, if an object is also Asur b'Hana'ah one will not be Patur for eating it in an abnormal way, because one has still derived benefit from it. The second version, though, holds that even if an item is Asur b'Hana'ah as well, one is still Patur if he either eats the item in an abnormal manner or has Hana'ah from it in an abnormal fashion.

(b) The MISHNAH LA'MELECH (Hilchos Yesodei ha'Torah, beginning of 5:8), though, rejects this logic (without noting that it has a basis in Rashi's words). Instead, he suggests another explanation. The only normal use of Chelev, according to Rashi (DH Chelev), is to burn it as fuel or to rub it into hides. Therefore, if one eats raw Chelev one is doubly modifying its normal usage. First he is not burning or smearing it, but eating it, which is not the normal form of Hana'ah that one gets from Chelev. Second, even those few who deviate from the normal usage of Chelev and eat it do not eat it raw; they cook it first. Hence, a person who *eats* *raw* Chelev is deviating in two ways from the normal usage. The first version of Rebbi Yochanan's statement requires one to make a double change in order to be Patur. The *type* of Hana'ah that one gets must be one that is not normally had from this item, and the *way* in which he gets that type of Hana'ah must also be unusual. The second version maintains that even if there is only one deviation from the norm, such as using the forbidden item for a different *type* of usage than normal, that suffices to exempt him, even though the *way* in which he gets that type of Hana'ah does not deviate from the norm.

(c) The MISHNAH LA'MELECH suggests another approach based on the words of the RAMBAM (Hilchos Ma'achalos Asuros 14:10) and on the MAGID MISHNAH (Ibid. 8:16). According to the first version of Rebbi Yochanan, one is Patur only if he eats or has Hana'ah in a different way than normal. The second version holds that if something is fit to be eaten, then *any* Hana'ah at all* other than eating is considered she'Lo k'Derech Hana'aso. One does not have to change the normal manner in which he gets Hana'ah; the very fact that he is getting Hana'ah in any way other than eating is already considered to be an "unusual way" of deriving benefit. (According to this understanding, when the Gemara says that if one is Patur for smearing Chelev on a wound then certainly one is Patur for eating Chelev Chai, even though one is getting Hana'ah by *eating* the item in the latter case, the Gemara means that eating something in an *unusual* way, she'Lo k'Darcho, has more reason to be Patur than deriving benefit from it in a *usual* way.)

25b KILL OR BE KILLED OPINIONS: The Gemara discusses the principle of "Yehareg v'Al Ya'avor." Of all the Mitzvos, only three require that one give his life in order not to transgress -- Avodah Zarah (idolatry), Shefichus Damim (murder), and Giluy Arayos (immorality). The Gemara explains that the source for one's obligation to be killed in order not to kill is based on logic -- "Mai Chazis d'Dama Didach Sumek Tefei..." -- one is unable to determine that his own life is more valuable than the other person's life. Why exactly is it forbidden for a person to kill someone else in order to avoid being killed himself? Does the Isur of "Lo Tirtzach" apply in such a case, or is that Isur suspended because the person is being forced to kill, but it is nevertheless forbidden because of a new reason -- the logic of "Mai Chazis?"

(a) RASHI (DH Mai Chazis) writes that if not for the logic of "Mai Chazis," it would be permitted for the person to kill someone else in order to avoid being killed. The normal exemption of Piku'ach Nefesh, saving one's life by transgressing the Torah, would apply, permitting him to murder someone else. The logic of "Mai Chazis," though, teaches that Piku'ach Nefesh does *not* permit someone to kill in such a situation. Piku'ach Nefesh means that saving a Jewish life is more important than performing a Mitzvah. But in this case, either way a Jewish life is going to be lost, and therefore the Heter of Piku'ach Nefesh does not apply. Once the Heter of Piku'ach Nefesh no longer applies, the Isur of "Lo Tirtzach" remains. It is thus the Isur of "Lo Tirtzach" which prohibits one from killing someone else in order to save his own life.

(b) A number of Rishonim appear to disagree with Rashi on this point, though. 1. TOSFOS (DH Af) writes that the logic of "Mai Chazis" applies only if the perpetrator of the coercion demands that one do an action to kill someone else. If he demands that one merely stand still and allow himself to be thrown upon a baby, the logic of "Mai Chazis" allows him to be thrown on and to kill the other in a passive fashion. Tosfos explains that "Mai Chazis" means that one should always be passive -- "Shev v'Al Ta'aseh" -- and perform no action, whether the consequence will be that one will be killed for his inaction or one will kill as a result of his inaction. >From the words of Tosfos it is evident that a person does *not* transgress "Lo Tirtzach" by killing, since Lo Tirtzach does not distinguish between action and inaction. Apparently Piku'ach Nefesh exempts one from "Lo Tirtzach." The only reason one must give up his life is because of the logic of "Mai Chazis" but not in order to avoid transgressing "Lo Tirtzach" 2. The RAMBAM (Hilchos Yesodei ha'Torah 5:4) writes that if a person did not keep the Mitzvah of giving up his life in order to avoid killing someone else, but instead he followed the demand of the oppressor and murdered someone else, he is not liable to punishment. The reason is because his transgression was done under coercion, and the Torah exempts an "Ones" from punishment. The Rambam apparently understands the rule of "Yehareg v'Al Ya'avor" like Tosfos, that the Isur of "Lo Tirtzach" does not apply and the person has only transgressed the principle of "Mai Chazis," for which there is no punishment. If the Isur of "Lo Tirtzach" applied even when he is being forced to kill the other person, then just like being an "Ones" does not exempt him from the obligation of "Lo Tirtzach," it does not exempt him from the

punishment for transgressing that obligation either. According to Rashi, though, one is not considered to be under coercion; the fact that someone is threatening to kill him if he does not kill someone else is not enough of a reason to permit transgressing the Isur of "Lo Tirtzach," and therefore he should be Chayav if he does not keep the Mitzvah and he kills someone. If the Isur applies, then the punishment should apply as well.

3. Some explain that this argument is actually the subject of dispute among Amora'im in Maseches Avodah Zarah (54a). One must allow himself to be killed in order not to transgress the Isur of Avodah Zarah. Is it prohibited to worship Avodah Zarah in order to save one's life because of the normal prohibition against Avodah Zarah, "Do not bow down to them," or is it prohibited because of a different reason -- "You shall love Hashem your G-d?" The Gemara there discusses a case where a person is forced, by mortal threat, to bow down to an animal. If the person transgresses the principle of "Yehareg v'Al Ya'avor" and bows down to the animal, does the animal become forbidden to be brought as a Korban? Rami bar Chama says that the animal becomes forbidden. Rav Zeira says that the animal does not become forbidden, because the person was coerced, and the Torah exempts a person when he is coerced. Rava defends Rami bar Chama and says that the Mitzvah of "v'Chai ba'Hem" -- "You shall live in them (the Mitzvos)" and not die in order to safeguard their fulfillment -- does not apply to Avodah Zarah. It could be that according to Rav Zeira, bowing down to an idol in order to avoid being killed is prohibited because of a separate injunction in the Torah: "You shall love Hashem your G-d." Since one was coerced, one has not transgressed the prohibition against bowing down to idols, and therefore the animal is not an idol and may be brought as a Korban. According to Rami bar Chama, the injunction of "You shall love Hashem" merely teaches that the regular exemption of "Ones" does not apply in this case (where it is an action which goes diametrically against the love of G-d), and one must give up his life not to transgress the Isur of idolatry, "Do not bow down to them." Since the person who was coerced has transgressed the prohibition of idol-worship, the animal to which he bowed down should be considered an idol, and be prohibited to be brought as a Korban.

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Whose Blood Is Redder? If non-Jews demand of a group of surrounded Jews that they deliver one of the group for execution or else they will put the entire group to death, the Jews must all sacrifice their lives rather than deliver a single Jew to death. Even if the non-Jews designate a particular victim and threaten to kill all of them if he is not delivered, the Jews may do so only if the designated person is guilty of a capital crime. If, however, the designated person is not guilty of a death penalty, then all the members of the group must be ready to give up their lives rather than deliver him to death. (Such was the case with Sheva ben Bichri. He was a rebel against King David who sought refuge from his pursuing forces in the city of Aveil and was slain by the residents of the besieged city in order to save themselves from being put to death as conspirators (see Shmuel II chapter 20). This is the ruling of Rambam (Hilchos Yesodei HaTorah 5:5) based on the view of the Sage Reish Lakish in the Jerusalem Talmud (Terumos 47a). This ruling is challenged, however, on the basis of an exchange found in our own gemara: A Jew came before the Sage Rava and asked him the following question: "The ruler of my town ordered me to kill a fellow Jew, or else this ruler will kill me. What should I do?" "Allow yourself to be killed," answered Rava. "Who says your blood is redder than that of the other Jew? Perhaps his blood is redder than yours?" Rashi explains that Rava understood that the question put to him was based on the knowledge that the commandments can be put aside in order to save a life, and the assumption was that this should include even the ban on murder. To this, Rava countered that a commandment is suspended only for the purpose of preserving a life, which is so precious to the Creator. But regarding murder, a life will be lost in any case. One therefore cannot take the initiative of taking the other person's life on the assumption that one's own life is more precious. If this is the only rationale for murder to be prohibited even for saving a life, it is difficult to see how it applies to the ruling of Reish Lakish codified as law by Rambam. Since the designated victim is anyway doomed to die together with his comrades if he is not delivered by them, it would seem to make sense that they should be permitted to sacrifice him in order to save themselves. The argument of "whose blood is redder" seems irrelevant here! Rabbi Yosef Karo, author of the Shulchan Aruch, writes in his Kesef Mishneh commentary on Rambam that the rule that murder is forbidden even for saving a life -- or many lives -- is something we know from an oral tradition dating back to Sinai. Our Sages merely tried to provide a tangible perception of its basic logic by presenting the "red blood" explanation. They never intended, however, to limit the ban only to situations where that criterion applied. Handing over someone to be executed, even if he is destined to be killed in any case, is still considered an act of murder and is therefore forbidden, even for the purpose of saving the life of the entire group. Pesachim 25a

With All Your Might A Jew faced with the choice between idol worship and death is required to choose death. The basis is the Torah command (Devarim 6:5) "love Hashem with all your heart, all your soul and all your might." It is understandable why the Torah had to write "all your soul" to instruct that loyalty to Hashem takes precedence over life. It is difficult, however, to understand why it was also necessary to stress the need to sacrifice "all your might," which means all your possessions, to maintain that loyalty. If life itself must be sacrificed, is it not obvious that one must sacrifice his money as well? To this Rabbi Eliezer replies that there are some people for whom their money is more precious than their lives, and they too are instructed to sacrifice what is most precious to them in order to remain faithful. The above cited passage appears in the first chapter of the Shema we recite each morning and evening. In the second chapter we recite we are again instructed in regard to loving and serving Hashem, but this time only "all your heart and all your soul" are mentioned (Devarim 11:13). There is no mention of "all your might." Why is the concept of sacrificing money for faithfulness deleted in this chapter? Ohr Hachayim points out that the first chapter of Shema appears in the singular form while the second chapter appears in the plural. Amongst individuals, explains the Ohr Hachayim, it is possible to find some with such an exaggerated love of money that they must be reminded to sacrifice even that for their faith. But when the Torah addresses a community, it is inconceivable that any society should be so perverted in its priority of values. Once they have been told to sacrifice their lives, they will arrive at the natural conclusion that their possessions are also expendable. Maharsha (Mesechta Berachos 35b)

offers a different approach, based on the view of Rabbi Shimon bar Yochai, that a person who dedicates himself totally to the study of Torah need not be concerned about earning a livelihood, for his needs will be provided by Heaven. The passage (Devarim 11:14) about "gathering in your grain" which implies the need for human effort is interpreted by him as applying to situations in which Jews are not fulfilling the will of Hashem and therefore not deserving of such Divine assistance. But how can we limit this to when they are not behaving righteously, when that chapter begins with the words "And it shall be if you hearken to My commands?" The answer, as already partially suggested by Tosefos, is that the first part of the chapter relates to Jews who indeed obey the Divine commands, but who are not completely righteous and therefore forfeit extraordinary Heavenly assistance. This characterization, points out Maharsha, is evident from the deletion of "all your might" in that chapter. Jews who love and worship Hashem with all their hearts and souls but fail to do so with all their money are condemned, measure for measure, to earn their livelihood through their own efforts. Pesachim 25a

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