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 ON KI SAVO - 5766

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From **Darash Moshe**

A selection of Rabbi Moshe Feinstein's choice comments on the Torah.

**By Rabbi Moshe Feinstein**

Parash Ki Savo

"An Aramean tried to destroy my forefather. He descended to Egypt and sojourned there" (26:5)

Whenever we thank Hashem for His kindness to us, it is also important to mention the merits of our forefathers and Hashem's promises to them. We do this to be certain we realize that the kindness Hashem does for us are not in the merit of our own mitzvos and good deeds. Indeed, in the opinion of Sefer Mitzvos Gedolah such thoughts are forbidden. Many people make the mistake of thinking that Hashem blesses them because of their own righteousness, but this is an error for which they are required to do teshuvah like any other sin.

On the surface there seems to be no connection between the attempt of Laban the Aramean to destroy our forefather Jacob and Jacob's later descent to Egypt. Why, then, does the Torah relate the two events in the same verse? Although Rashi comments that not only Laban but others, including the Egyptians sought to destroy us, we would like to suggest a more direct connection between these two events.

Elsewhere (Bereishis 32:5), Rashi tells us that in spite of all the trials to which Jacob was subjected throughout his sojourn with Laban, he observed all the commandments. We may assume that had he succumbed to Laban's wicked influence in any way, he would not willingly have taken his family to Egypt, with the far greater trials he knew awaited him there. True, Joseph was ruler over all of Egypt and still remained as much of a tzaddik as he had always been. Nonetheless, Jacob would not have exposed his family to the spiritual dangers of Egypt in the hope that they would remain committed there to the path of Torah and Mitzvos based on the experience of one individual.

Hashem wanted Jacob to go to Egypt of his own free will, not in chains as Joseph has gone. It was therefore necessary that Jacob spent time in Laban's house to assure himself of his ability to overcome Laban's attempts to destroy him and his family as a Torah unit. Having prevailed in that situation and having left there intact, he would agree to go to Egypt. Thus the attempt of Laban the Aramean to destroy our forefather Jacob was a necessary precondition for Jacob's voluntary descent to Egypt.

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**Rabbi Zvi Sobolofsky**

**A Personal Story**

The parsha of havaas bikurim begins with "arami oved avi"- pesukim that a farmer recites when bringing his bikurim to the Beis Hamikdash. These pesukim describe our exile in Mitzrayim and our subsequent deliverance and entry into Eretz Yisroel. They are familiar to all of us as they are the same pesukim we recite on Pesach night as we fulfill the mitzvah of retelling the story of yetsias Mitzrayim. Why did Chazal structure the Hagadah around the text of the parsha associated with bikurim? Wouldn't it have been more appropriate to focus on the pesukim of sefer Shemos in which the original story of yetsias Mitzrayim is recorded?

Before the farmer begins the actual story he is about to relate, he presents the bikurim to the kohein and recites "higadeti hayom laHashem Elokecha ki bassi el haaretz - I have declared today to Hashem that I have arrived in the land." There are two problems with this declaration. The statement is said in the past tense, yet the farmer has not yet said anything. It would have been more correct to make this statement after he has concluded the story of yetsias Mitzrayim which culminates with entering Eretz Yisroel. Besides the placement of this statement at the seemingly incorrect place, the statement itself is difficult. How can the farmer who was born in Eretz Yisroel and is bringing the bikurim many generations after his ancestors arrived in Eretz Yisroel declare "ki bassi el haaretz - I have arrived in the land"?

In trying to understand these difficulties, we can think about the two ways that a story may be told. One can tell it in the third person, as a detached narrator, or, one can relate it in the first person as an active participant. We are commanded to tell the story of Eretz Yisroel and the subsequent entering into Eretz Yisroel every year when we bring bikurim. The Torah wants this story to be told as a personal one, not merely relating events that occurred to others. "Arami oved avi" is written specifically in the first person.

In addition, a story can be told with words alone, but a more effective presentation is achieved by dramatizing the actual events. Actions can express a message that words sometimes cannot. The Kli Yakar explains that when the farmer declares in the past tense "higadeti hayom - I have already told my story", he is not referring to the words of "arami oved avi"- but rather to the story told through his actions. The act of separating the first fruit, placing the fruit in a basket and coming to the Beis Hamikdash with basket in hand is itself a powerful story. Through this dramatization, the farmer has already declared, albeit without words, that Hashem has brought him to the land and he is expressing his gratitude for his harvest by presenting his first fruit to the kohein. The farmer now embellishes upon this "story" by reciting "arami oved avi".

The Torah requires that the introduction to the narrative of yetsias Mitzrayim emphasize "ki bassi el haaretz - I have arrived in Eretz Yisroel." Each time we bring bikurim we are commanded to do so as if it is our first year in Eretz Yisroel. The actual dramatization of placing the bikurim by the mizbeach and speaking in the first person of recent arrival in Eretz Yisroel places the story of "arami oved avi" in the proper context. It is a personal recounting of a Jewish history culminating with entering Eretz Yisroel.

There is another occasion when we are required to tell a story. The mitzvah of telling the story of yetsias Mitzrayim on the night of Pesach is also derived from the word lhagid - "vhigadeta lbincha" - a phrase similar to "higadeti hayom" of bikurim.

On Pesach we are also required to tell our story in a personal manner. The Rambam in Hilchos Chametz Umatzah teaches us that the actions of

drinking four cups and leaning are fulfillments of our obligations to relate the events of yetzias Mitzrayim. We tell the story of our deliverance from slavery to freedom through our words and through our actions. On Pesach night there is an obligation to view oneself as leaving Mitzrayim at that moment. The Rambam formulates this requirement as "bechol dor vador chayav adam liros es atzmo kilu yatzah ata miMitzrayim - in every generation one is required to view oneself as if he is leaving Mitzrayim right now." It is not sufficient to even view yetzias Mitzrayim as a personal event of one's past. One has to internalize it as an event of the present. The physical dramatization of the seder and the obligation of "bechol dor vador" put the seder night in its proper context.

What more appropriate a text to use for the seder than the parsha of bikurim. "Arami oved avi" is the personal story of Jewish history. Yetzias Mitzrayim as recounted in sefer Shemos in the third person would place the events that occurred to others in the distant past. "Arami oved avi" told in the context of drinking four cups and leaning is the personal story of yetzias Mitzrayim told both by word and action.

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**Rabbi Yonasan Sacks**  
**Perspectives of Bikurim**

The mitzvah of bikurim encompasses three distinct elements: hafrasha-designating one's first fruit, havaah- bringing these fruits to the Beis Hamikdash, and mikra bikurim- declaring one's gratitude to Hashem. Although the Rambam treats hafrashah as a single mitzvah (Sefer HaMitzvos, Aseh 125), he counts mikra bikurim independently (Aseh 132).

The Ramban cites the mitzvah of bikurim in his fascinating characterization of birchas hatorah. Based on the Gemara (Berachos 21b) the Ramban maintains that the daily requirement to recite birchas hatorah is a mitzvah min haTorah. Accordingly, he challenges the Rambam who does not include birchas haTorah in the minyan hamitzvos. The Ramban rejects the notion that birchas hatorah is included in the broader mitzvah of talmud Torah, for just as mikra bikurim is listed as a separate mitzvah, so too birchas haTorah should be counted separately.

If indeed the Rambam acknowledges that the recitation of birchas haTorah is a Torah obligation (see Mabit, Kiryas Sefer), one must distinguish between mikra bikurim and birchas haTorah. Rav Asher Weiss suggest that although mikra bikurim is recited at the time one brings his bikurim to the Beis Hamikdash, it is nevertheless viewed as an independent mitzvah, i.e., mikra bikurim is not a brachah on havaas bikurim, but rather an expression of thanks to HKB"H for all the berachos He has bestowed on us. This transcendent quality of mikra bikurim is evident in "arami oved avi" when we recall the very history of our nation. Accordingly, mikra bikurim is seen independently, not merely as a function of havaah, and is therefore counted as a separate mitzvah. Birchas haTorah however is a brachah on the substance and essence of Torah itself - "ki shem Hashem ekra, hovu goddeil l'Elokeinu - when we declare the name of Hashem we must assign greatness to Him" (Devarim 32:3). This obligation, the Mabit explains, is not an independent one but rather part of the broader mitzvah of talmud Torah.

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From: [ravfrand-owner@torah.org](mailto:ravfrand-owner@torah.org) on behalf of **Rabbi Yissocher Frand** [[ryfrand@torah.org](mailto:ryfrand@torah.org)] Sent: September 07, 2006 To: [ravfrand@torah.org](mailto:ravfrand@torah.org)  
From: Rabbi Yissocher Frand <[ryfrand@torah.org](mailto:ryfrand@torah.org)> Subject: Rabbi Frand on Parshas Ki Savo

**The Basket Too Has Holiness**

The parsha begins with the mitzvah of 'Hava'as Bikkurim.' There is a positive Torah commandment for a person to bring his First Fruits up to the Bais HaMikdash [Temple] in Yerushalayim [Jerusalem]. He presents the First Fruits to the Kohen and recites a special text.

The Mishneh in Tractate Bikkurim describes in great detail the tremendous procession of the people who would come up to Yerushalayim with their first fruits in their baskets or trays. The Torah writes [Devorim 26:4] "And the Kohen will take the vessel from your hand and leave it before the altar of the L-rd your G-d." On this pasuk [verse], the Sifrei comments that the Bikkurim required delivery in a "vessel". The Mishneh notes that the "vessel" of rich individuals would be trays of silver or gold while the "vessel" of the poor people would be reed or wicker baskets. Furthermore, the Sifrei writes, the reed or wicker baskets would be given to the Kohanim (to keep) "in order to bring merit to the poor people."

[There are two textual readings of the Sifrei. One is "L'zakos matanah l'kohanim" -- in order to give the gift to the priests. The other reading, which the Malbim says is the correct reading, is "L'zakos l'anyim" -- to bring merit to the poor people."]

The Gemara in Bava Kama [92a] comments that the gold and silver trays which were used as delivery vessels by the rich, were returned to them. However, ironically, the reed or wicker baskets, in which the fruits of the poor were delivered, were kept by the Kohanim. The Gemara cites this as an example of the principle that "poverty follows the poor".

Why in fact was this done? The last thing one could accuse the Torah of is being insensitive to the needs of the poor! Why then does the Torah sanction returning the trays of the rich and keeping the baskets of the poor?

The Malbim offers the following interpretation. The reason why we do not return the baskets to the poor people is -- as the Sifrei itself comments -- "to bring merit to the poor." It is a privilege for the poor person that the Kohen keeps his basket. Where does he get his basket? He collects the reeds by hand and manually weaves them into a basket. Not only are the Bikkurim the fruits of his labor, even the basket itself has personal importance because it is made with his own sweat and toil.

The rich person, who can afford gold and silver, did not work personally to mine and shape these metals. He simply bought a gold tray. In the case of the wealthy, there was absolutely no holiness to the tray, because it did not represent his labor. In the case of the poor, however, even the basket has certain holiness to it by virtue of the poor person's toil. Therefore, the basket becomes part of the Matnos Kehuna. Giving up the basket is not an embarrassment for the poor person. It is a privilege. It is making a statement that the Torah greatly appreciates his effort and his toil.

This is the intent of the words of the Sifrei -- "the basket of the poor is kept to bring merit to the poor person."

**Purim Behavior May Be More Revealing Than Neilah Behavior**

The Parshiyos we are currently reading -- Ki Savo, Nitzavim, Vayelech narrate the events during the final days of the life of Moshe Rabbeinu. Towards the end of the Parsha, the pasuk says, "Moshe summoned all of Israel and said to them: 'You have seen every thing that Hashem did before your eyes in the land of Egypt, to Pharaoh and to all his servants and to all his land -- the great trials that your eyes beheld, those great signs and wonders.'" [Devorim 29:1-2] This is followed by a puzzling pasuk: "And the L-rd has not given you a heart to understand and eyes to see and ears to hear until this very day." [Devorim 29:3]

To what is Moshe referring? What is the missing wisdom and lack of understanding that were so evident amongst the children of Israel until "this very day"?

Rashi explains that on this day, Moshe Rabbeinu wrote and gave a Sefer Torah to the Tribe of Levi. Representatives of all the other tribes appeared before him in protest and demanded: "We too were present at Sinai. We too accepted the Torah. We too are deserving of our own copy of the Sefer Torah. Why do you allow your own tribe to be owners of the Torah? Maybe one day they will deny the Torah was ever given to us."

Rashi notes that Moshe rejoiced over this reaction. Concerning this reaction he commented, "This day you have become a nation." Today I recognize that you are desirous of clinging to the Almighty.

Rav Baruch Ezrachi has a problem with this Rashi. This claim of the other tribes is a ridiculous claim. It is childish. It is reminiscent of juvenile complaints to parents in sibling rivalries: "We want the same thing Levi has!" It is ludicrous to suppose that the Tribe of Levi would one day try to deny that the other tribes received the Torah as well. It is irrational!

Why then did Moshe Rabbeinu become so happy? Why did this enable Moshe to say "Today I know that you want to cling to the Almighty?" What does this mean?

Rav Ezrachi explains that when we really want to judge a person, it is best not to judge him by the way he acts at Neilah (at the end of Yom Kippur). It is better to judge him by the way he acts when he is drunk on Purim. When people get drunk on Purim, they sometimes say ludicrous things, ridiculous things. But when a person is not on guard, sometimes one can see the true person from his infantile reactions. The fact that Klal Yisrael was so offended and so concerned that "they got a Torah and we did not get a Torah," says something about them. This was not a prepared remark. This was not a coached response. That was a gut reaction -- the essence of the person was speaking. It was unrehearsed, unpolished, non-varnished, and non-diplomatic. But this juvenile cry of "me too!" spoke volumes.

Of course, it was a ridiculous claim. But the fact that it bothered them to such an extent, gave Moshe the best indication that deep down, the essence of the Tribes were individuals seeking out closeness to the Torah and closeness to the Ribbono shel Olam. When Moshe saw this, he rejoiced.

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These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 604, Reading the Tochacha. The halachic topics dealt with in the portion of Ki Savo in the Commuter Chavrusah Series are the following: Tape # 021 - The "Ins and Outs" of Mezzuzah Tape # 066 - Learning Hebrew: Mitzvah or Not? Tape # 111 - Allocating Your Tzedaka Dollar Tape # 157 - The Prohibition Against Erasing G-d's Name Tape # 204 - Giving a Sefer Torah To a Non-Jew Tape # 251 - Shidduchim and Parental Wishes Tape # 294 - Geirim and Davening: Some Unique Problems Tape # 384 - The Prohibition of Chodosh Tape # 428 - Mentioning G-d's Name in Vain Tape # 472 - Tefilin Shel Rosh Tape # 516 - Hagbeh Tape # 560 - Selichos Tape # 604 - Reading the Tochacha Tape # 648 - The Onain and Kaddish Tape # 692 - The Staggering Cost of Lashon Ho'rah Tape # 736 - Your Aliyah: Must You Read Along? Tape # 780 - Can You Sue Your Father? Tape # 824 - Hitting an Older Child Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail [tapes@yadyechiel.org](mailto:tapes@yadyechiel.org) or visit <http://www.yadyechiel.org/> for further information.

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**Parsha Page by Fred Toczek** - A Service of Anshe Emes Synagogue (Los Angeles)

Ki Sovo 5757 & 5762 NEXT PARSHA: NETZAVIM

I. Summary

A. Bikurim. Moshe concluded the legal section of his discourse with an account of the ceremonies to be performed in Israel re: the Bikurim (the first fruits of the 7 "Minim" [species] brought to the Kohein in the central Sanctuary). The donor was then to recite a prayer of thanksgiving recalling how Hashem delivered his ancestors from Egypt and brought the new generation into a land flowing with milk and honey.

B. Ma'aser. The Ma'aser (10% of the crop) of the 3rd year of the Shemittah cycle was to be given to the poor, following which the donor would offer a prayer declaring that he had obeyed the commandment to set aside Ma'aser for the Levi, orphan and widow.

C. Several Ceremonies. Moshe and the Elders then instructed the people to observe several solemn ceremonies once they crossed the Jordan river:

they were to erect large stones on Mt. Eival, and clearly inscribe on them all words of the Law; they were to build an altar of stones and sacrifice burnt and peace offerings thereon, the latter to be followed by a sacrificial meal of the peace offerings to be eaten in a joyful atmosphere; and the acceptance of the Law was to be ratified by the Twelve Tribes as follows: six Tribes were to stand on Mt. Gerizim, representing the blessings; the other six Tribes were to stand on Mt. Eival, representing the curses. The Levi'im were to stand in the valley between the mountains and proclaim curses on those who performed the following sins (and blessings on those avoided them): idolatry; dishonoring one's parents; removing a neighbor's boundary lines; misleading the blind; acting unjustly towards the stranger, widow or orphan; behaving in an immoral fashion; murdering someone in secret; taking a bribe to give false testimony in a case involving capital punishment; and failing to observe the commandments in general. The Tribes were to respond to each blessing and curse with "Amen" ("truth").

4. The consequences of their behavior. The people had frequently been warned about the consequences of disobeying Hashem's commandments. As they were about to enter Israel, Moshe felt it incumbent upon him to place even greater emphasis on the results their future behavior would bring -- if they observed Hashem's words, they would receive numerous blessings (e.g., prosperity, the subjugation of their enemies, etc.); the alternative would lead to disaster (e.g., disease, famine, death, being overrun by a cruel nation and scattered and again being enslaved).

5. The third and final discourse. Moshe began his third and final discourse, during which he appealed to them to remember Hashem, Who watched over them in Egypt, during their wanderings in the wilderness and Who would continue to protect them in the future.

II. Divrei Torah

A. Something to Say (**R' Dovid Goldwasser**)

1. Proper Kavanah (Intent). "I have not transgressed any of Your commandments and I have not forgotten." Why the apparent redundancy? Obviously, one who has not transgressed has not forgotten. The S'fas Emes that sometimes we perform a mitzvah only out of habit, forgetting the reason behind it. While we perform the commandment, we lack the proper kavanah. Therefore, we declare in this verse that not only have we fulfilled the commandment but we have not forgotten its meaning.

2. A Silver Lining. "And it will be that just as Hashem rejoiced over you to benefit you and multiply you, so shall Hashem cause [them] to rejoice over to make you perish and to destroy you." This verse seems to suggest that Hashem will, G-d forbid, cause rejoicing at the destruction of the Jewish people. How can this be? All punishment and suffering for our sins are not, G-d forbid, an act of revenge but are for our own good. Just as we are happy to see a clean garment after we wash our soiled clothing, so too

there is happiness when we are "cleansed" from our sins. This explains G-d's happiness. He is happy to see His children as a "new garment," cleansed from our sins. We know that when tza'ras afflicted a building, the affected bricks had to be removed. While this seems to be a punishment, many times hidden treasures were found as part of this process. Through the punishment, positive results occurred. It is noted that the word "nega" (plague) has the same letters as "oneg" (delight), alluding to the idea that a seemingly negative experience can have positive results.

#### B. Soul of the Torah (**Victor Cohen**)

1. Educating Our Children. "Gaze down from Your Holy abode, from the heavens and bless Your people Israel." The Sifri commented that "He should bless His children with sons and daughters." The author of Avnei Nazer noted that one fulfills the giving of the first fruits for Hashem's sake, he not only brings the first mature "fruits" from the ground, he also his own produce - fruit from the womb. We must, during our children's early years, instill holiness in them through thorough Torah education, bringing them closer to G-d. When this is done, we are blessed with sons and daughters who are blessings to their parents and the entire Jewish people.

2. Proclaiming G-d's Name. "Then all the peoples of the earth will see the Name of Hashem is proclaimed over you and they will be in awe of you." R' Baruch of Mizidaz notes that the nations of the world will revere G-d when they see that "you" (each of us) is proclaiming His greatness.

#### C. Torah Gems (**Aharon Yaakov Greenberg**)

1. The True Owner. "You shall take of the first of all the fruit of the earth which you shall bring of your land that the L-rd your G-d gives you . . ." The concept of the bringing of the first fruits is to rid you of idea that it is your land and to bring you to the realization that it is the land that L-rd your G-d gives you. Akeidah.

2. Blessings Upon Us. "And all of these blessings shall come on you and overtake you." Sometimes, because of ignorance, we flee from that which is good for us simply because we don't recognize its goodness. Thus, the Torah promises that these blessings will come on, and overtake, us. Degel Mahaneh Ephraim

#### D. **Rabbi Frand** on the Parsha

1. They Will Reach You. "And all of these blessings shall come on you and overtake (reach) you." Is not the latter part of the verse redundant? Even if blessings come upon you, you will not be totally satisfied if you do not appreciate what Hashem has truly done for you. Only if they penetrate - they reach you - will you be considered truly blessed. The Beis Av applies this line of reason to curses as well. What good does it do if Hashem sends us hardships and difficulties to gain our attention and we fail to get the message? Rav Noach Weinberg once met a Jewish man and invited him to his yeshivah. "I don't need a yeshiva," the man told him, since "the L-rd and I are already tight." "How do you know that?," Rav Weinberg asked. The man explained that he had been driving on his motorcycle when a monster truck came at him head on. His bike went over a cliff and crashed in a ball of flames, but he was miraculously able to grab hold of a branch and walk away unhurt. Rav Weinberg nodded and said, "terrific story. The L-rd definitely put that branch there to save you. But, tell me - who do you think sent that monster truck?!" How often we all overlook the message in blessings and apparent curses?

2. Expanded Borders. "And you will be only on top and not on the bottom." One can't be on top and on bottom on the same time. What, then, is the Torah teaching us? Rav Tzaddok HaKohein of Lublin draws attention to the prayer of Yaavetz, "if You will bless me and extend my borders." Why does he ask for both a blessing and an extension? Rav Tzaddok explains that people may be given tremendous bounty, but if they are not equipped to handle it, it can destroy their life. Yaavetz thus asked that G-d "extend his borders" - make him a better and wiser person in order for him

to be able to handle the blessing. How do we "expand our border"? By giving to our others - by giving our time and money to our others, by being attentive spouses, parents and children. The Talmud (Taanis 9a) states: "tithe in order to become rich". At first glance, this seems to be some sort of segulah (charm). However, it is nothing of the sort. By tithing - giving to others - the bigger we become and the more we grow and, in turn, the more we are capable of handling wealth. May we all be blessed with being on top - being blessed with wealth - and not on bottom - having expanded borders with which to accept such blessing. possess within our souls.

#### E. **Lilmode Ul'lamed (Rabbi Mordechai Katz)**

1. Doing mitzvos quickly and eagerly. "Vi'ata Hinei Heiveisi," says the bringer of the first fruits. "And now, behold, I have brought." Chazal tells us that the word "Vi'ata" means right away, the word "Hinei" signifies happiness, and "Heiveisi" indicates that one gives of himself. Therefore, the performer of this mitzvah, like the doer of any mitzvah, is indicating this willingness to perform Hashem's law quickly, eagerly and selflessly. This is proper approach to all of Hashem's commandments.

2. Ma'aser for the poor. In this Parsha, the Torah reminds us that a tenth of one's crop should be reserved the third year of the Shemittah cycle for the poor and needy. Once again, the Torah calls our attention to the plight of the destitute, and tells us that it is our obligation, we who have benefited from Hashem's graces, to help them. One who contributes to charity shouldn't think that he is losing through his donations, for he will actually gain in the long run. The rewards for giving Tzedakah are great. It is said that "Giving charity spares one from death." Sometimes, the reward can come in unexpected ways, such as described in the following story. A certain man was so dedicated to giving tzedakah (charity) that he sold his own house to be able to continue doing so. Once, on Hoshana Rabba, his wife gave him a few coins and told him to buy something for their children in the marketplace. While on the way there, the man met someone who was collecting money to clothe an orphan. The man readily gave away all the money his wife had given him. But then, ashamed to return to the children empty-handed, he searched for something he could take from shul, where he found some abandoned esrogim (the citron used on Sukkot) used by children for play. He collected a sackful and brought them home. It so happened that the man had to go overseas and while packing accidentally included the sack of esrogim. When he arrived at his destination, he heard that the country's king was suffering from a severe stomach ailment. The king's physicians decided that only the fruit of the citron could provide relief, but no one could secure such a fruit on short notice. It was then that the man discovered the esrogim in his bag. He brought them to the palace, and upon the king's recovery was rewarded handsomely for his contribution. The money he spent to aid the poor had been returned to him many times over. He indicated his gratitude by making a very large donation to those in need. Sometimes the reward for the charity-giver consists of the expressions of thanks offered by the recipients. However, one should be willing to give tzedakah simply because it is a mitzvah to do so.

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From: [rabiwein-owner@torah.org](mailto:rabiwein-owner@torah.org) on behalf of **Rabbi Berel Wein** [[rbwein@torah.org](mailto:rbwein@torah.org)] Sent: September 07, 2006 1:06 PM To: [rabiwein@torah.org](mailto:rabiwein@torah.org) Subject: Rabbi Wein - Ki Tavo [www.RabbiWein.com](http://www.RabbiWein.com)

Jerusalem Post 14 Elul 5766 / 07 September 2006

SCHOOL

<http://www.rabiwein.com/modules.php?name=News&file=article&sid=21>  
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The new school year here in Israel and throughout most of the Western world began in earnest this week. For millions of children this would be a nerve-wracking event, beginning a long journey of perhaps decades of

attendance at educational institution. The idea of universal school education is a relatively modern one in most of the world. As late as a century ago most children received no formal schooling and universal literacy was confined to only a few countries in the world.

The advent of the great wars of the twentieth century, the speedy progress of technological innovation and the radical change in employment field opportunities, coupled with the pressures of ever increasing population urbanization gave great impetus to the ideas and programs of universal education. The demands of modern life and industry require an educated society.

The last century has witnessed an explosion in the number of schools and the number of students in attendance. There was and still is a firm belief in the idea of the Enlightenment that education is the key to the solution of most of the social and societal ills of the world. Whether that belief is in fact justified is open to question. After all, fully one-third of the commandants of the German death camps in World War II possessed either a Ph.D. or M.D. degree! But we can probably all agree that society generally benefits from an intelligent, literate, educated populace. How best to achieve that state is the rub.

The idea of school and universal education lies at the heart of all Jewish history. The Talmud records for us the great attempts by King Chizkiyahu in First Temple times and Yehoshua ben Prachya and others during the time of the Second Temple to establish a universal educational system in the Land of Israel. This was done so that entire population would be literate and possess knowledge of Torah, its values and ways of living.

In Eastern Europe all boys attended school from the ages of three till at least ten - this in a time of abject poverty and relatively short life expectancy. Girls however received no formal educational training. The Bais Yaakov school system for girls' and women's education did not begin until the 1920's. Since then women's education in the religious Jewish world has progressed by leaps and bounds.

In my opinion, it is the single most revolutionary societal occurrence within Judaism's community over the past century. Even though initially there was strong opposition in certain rabbinic and Chasidic circles to the idea of formal and intensive education for women, Bais Yaakov and similar school systems for women became the norm in the religious Jewish world. Both the Chafetz Chaim and the Rebbe of Gur championed the idea and cause of the Bais Yaakov school system and their imprimatur of holiness carried the day.

The creation of the modern-day yeshiva in the early nineteenth century in Lithuania also changed the Jewish educational system for boys and men. Today almost all Jewish boys in the religious world receive a yeshiva-type intensive education in Torah and Judaism. In terms of actual numbers of students engaged in yeshiva-type learning I believe that there has never been such a great number so occupied as exists today in our educational institutions.

But formal schooling has its drawbacks. Not all children adjust well to its discipline and rigors and not all teachers and instructors are truly skilled and adept at their profession. Large class sizes, bullying students, inadequate physical facilities and unrealistic curriculums all complicate the learning process in schools. The system of tests and grading often breed intense feelings of insecurity and jealousy within the students. Many times knowledge of facts is stressed over the acquisition of learning skills and the absorption of a Jewish value system within the student. And the shy, retiring student, though blessed with a good mind and great potential oftentimes falls between the seats due to lack of notice and identity.

These problems are pretty much inherent in all schools and most students are able to overcome them and gain a good education. However, the administrators and teachers in schools should certainly recognize these inherent shortcomings in our current educational system and take whatever steps they can to ameliorate these situations. I am certain that all of you join with me in extending blessings to our students and teachers on this

forthcoming year of educational progress and achievements in their studies and teachings. Such educational accomplishments are only fitting for the People of the Book.

Weekly Parsha 14 Elul 5766 / 07 September 2006  
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Ki Tavo

Every year I am impressed and frightened even more by the description of Jewish history that appears in this week's parsha. Ramban almost eight hundred years ago stated how wondrous and chilling the prophesies of Moshe were in their precise accuracy and clarity of vision and outlook. The description of the Jewish future that we encounter here is so frightening as to be disheartening. Who can withstand such enmity, persecution and genocide?

A cynical professor of mine once said to me that Jewish history is "books and blood." This is a vast oversimplification but it does contain a kernel of truth. A large element that contributed to the abandonment of Jewish practice and faith, if not even Judaism itself in Western and later in Eastern Europe during the eighteenth and nineteenth centuries, was the unremitting enmity and persecution of the Jews by the general society. Put simply, many Jews were no longer able or willing to bear the burden of the toachachah - of the grinding poverty and violent bigotry that was the lot of European Jewry.

They opted out, hoping that they would thereby escape the Torah-predicted fate of the Jewish people. The irony to all of this was that the German annihilation of the Jews during the Holocaust was not based on religion but rather upon race and ancestry. Thus Jews who converted to Christianity also found themselves standing on the railroad platform at Auschwitz. The toachachah hunted them down as well.

However a careful reading of this parsha will allow us to adopt a more hopeful and sanguine view of our future. The Torah guarantees us our survival as a people - not necessarily as individuals per se, but as a people. As a people, we are indestructible and eternal. Eventually, the Lord will not forsake us for we will return to treasure Him and His Torah in faith and practice.

The seven haftorot of comfort and consolation which lead us from the toachachah of Tisha B'Av to the greatness of the High Holy days and Succot all reaffirm the prediction of God's mercy and redemption towards Israel. The Lord does not allow us to be vanquished physically or spiritually. "Will a woman forget her infant? So, too will I not forsake you," states the prophet Yeshayahu.

A loving reconciliation between G-d and Israel is predicted by all of our prophets from Moshe to Malachi. The wait may be long and nerve-racking, but the outcome is certain and sure. This is no less the message of the toachachah than are its most dire predictions. To paraphrase Rabi Akiva who saw the ruins of the Temple strewn on the ground before his eyes, we can also state: "If the terrible predictions have proven to be so unerringly accurate in detail and form, then we can rest assured that the prophesies of comfort and triumph are also true even as to their most minute detail." This faith of Israel has sustained us throughout our long night of exile. It continues to sustain us now in the midst of our angst and travails.

Shabat shalom.

Rabbi Berel Wein

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Covenant & Conversation

Thoughts on the Weekly Parsha from

**Sir Jonathan Sacks**

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 2 years ago - currently 5764]

<http://www.chiefrabbi.org/tt-index.html>

Ki Tavo - The Blessing and the Curse

THE SEDRA OF KI TAVO CONTAINS ONE OF THE MOST TERRIFYING PASSAGES in the Hebrew Bible, rivalled only by the parallel text in Vayikra/Leviticus 26. Both are known to tradition as tokhachah, "reprimand" or "rebuke." Essentially they are warnings of the terrible fate that will overtake Jews if they neglect or abandon their covenant with G-d. Reading them in the context of our time, after the Holocaust, they sound like terrible prefigurations of what in fact occurred. If much of Deuteronomy is a prophetic vision or dream, the tokhachah is the nightmare. Here is its conclusion:

Then the LORD will scatter you among all nations, from one end of the earth to the other . . . Among those nations you will find no repose, no resting place for the sole of your foot. There the LORD will give you an anxious mind, eyes weary with longing, and a despairing heart. You will live in constant suspense, filled with dread both night and day, never sure of your life. In the morning you will say, "If only it were evening!" and in the evening, "If only it were morning!" - because of the terror that will fill your hearts and the sights that your eyes will see. The LORD will send you back in ships to Egypt on a journey I said you should never make again. There you will offer yourselves for sale to your enemies as male and female slaves, but no one will buy you. The passage raises the most fundamental questions. Is G-d a G-d of anger and retribution? What about the sufferings of the innocent? Is every bad thing that happens to human beings an instance of Divine justice? Do the victims always deserve their fate? Did not Abraham say: "Will you sweep away the innocent along with the guilty? What if there should be fifty innocent people within the city? . . . Shall not the Judge of all the earth deal justly?" Did not Moses say, "Shall one man sin and will You be angry with the whole congregation?"

The question is most acute in relation to the Holocaust itself. Why did G-d not stop the slaughter? To put the dilemma in its sharpest form: Either G-d could not have prevented Auschwitz, or He could but chose not to. If He could not, how then can He be all-powerful? If He could but did not, how can He be all-good?

These are difficult questions. No tradition has wrestled with them longer or with greater courage than Judaism. For these are not doubts raised by

unbelievers. They were raised by some the greatest believers of all time - by Abraham, Moses, Jeremiah and Job, by the sages of the Babylonian Talmud and the writers of the medieval kinot (elegies).

There is no answer that will resolve all doubts. The Talmud itself states that G-d answered every question Moses asked of Him except one: Why do bad things happen to good people? There is profound wisdom in the knowledge that there are some things that will always lie beyond the horizons of human understanding. "If I could understand G-d," said one Jewish sage, "I would be G-d." In his essay Kol Dodi Dofek the late Rabbi Joseph Soloveitchik gives a striking analogy:

To what may the matter be compared? To a person gazing at a beautiful rug, a true work of art, one into which an exquisite design has been woven - but looking at it from its reverse side. Can such a viewing give rise to a sublime aesthetic experience? We, alas, view the world from its reverse side. We are, therefore, unable to grasp the all-encompassing framework of being. And it is only within that framework that it is possible to discern the divine plan, the essential nature of the divine actions. A Persian carpet turned upside down looks like a mass of disconnected threads without pattern or purpose. It is only when we view it the right way up that we see its intricate design. So it is with history. We are on the ground, looking up. We cannot see things from the point of view of G-d, looking down. We are human, not divine.

Nothing therefore in what follows should be taken as more than a speculation - one among many in the Jewish tradition. When one speaks of such things one should do so with fear and trembling, for they are among the deepest mysteries of faith. If these words do not speak to you, please ignore them and turn to some among the many other writings on the subject. There is no one answer. But Jews throughout the ages have not flinched from asking the question. That is part of what makes us Israel, the people who "have wrestled with G-d and with human beings and survived."

The blessings and curses in the Bible are both supernatural and natural. It is one of the essential aspects of the Book (as the sages and Maimonides noted) that it can be read at many levels. On the one hand the entire vision of the Bible is dedicated to the proposition that Israel's destiny as a people depends on its faithfulness or lack of it to the covenant it made, at Sinai, with G-d. In that sense it is supernatural.

On the other hand, there is a profound sense that there is something natural at work also. Not by chance are the children of Israel and the land of Israel exemplars of the relationship between humanity and G-d. The people of Israel will always be small ("It is not because you are the most numerous of peoples that the Lord has set His heart on you and chose you - indeed, you are the smallest of peoples"). The land of Israel will always be vulnerable, occupying as it does a strategic location between three continents, Europe, Africa and Asia, and two traditional bases of empire, the Nile and Tigris-Euphrates valleys. Only by almost superhuman achievements of national unity and moral purpose will Israel survive as a nation in its land. So it was in biblical times. So it is today.

The geography of Israel is also significant. Lacking as it does a constant, predictable water supply, its people will constantly find themselves looking up to the heavens for rain. They will know that (agricultural) prosperity is not entirely in their own hands. They will know also that there will be times of drought and famine during which the poor (small farmers) will be dependent on the generosity of others. The strength of the social bond - tzedakah, the charity which is also justice - will be constantly tested. Any age in which the rich fail in their responsibilities to those less well off, or in which the sellers exploit the buyers, will be full of danger because the nation can only survive on the basis of a strong sense of collective responsibility.

For these reasons, the external fate of Israel peculiarly mirrors its internal faith. In good times it will seem to record almost miraculous achievements, outperforming nations far larger, wealthier and potentially more powerful than itself. In bad times it will suffer grievously as the surrounding empires

take vengeance on its mere existence as an independent nation whose laws and customs, beliefs and values are different from theirs.

As I pointed out in *Radical Then, Radical Now* (called in America *A Letter in the Scroll*), you do not have to be Jewish to sense the presence, in Israel's history, of something larger than merely human. As Pascal put it in his *Pensées*:

It is certain that in certain parts of the world we can see a peculiar people, separated from the other peoples of the world, and this is called the Jewish people . . . This people is not only of remarkable antiquity but has also lasted for a singularly long time . . . For whereas the peoples of Greece and Italy, of Sparta, Athens and Rome, and others who came so much later have perished so long ago, these still exist, despite the efforts of so many powerful kings who have tried a hundred times to wipe them out, as their historians testify, and as can easily be judged by the natural order of things over such a long spell of years. They have always been preserved, however, and their preservation was foretold . . . My encounter with this people amazes me . . . Israel is the supreme example in history of a nation whose very existence depends on a national covenant with something greater than a king or "We, the people," namely G-d Himself - G-d, moreover, not as a philosophical concept or theological construct but as a Presence intimately involved in the life of the nation and its fate.

Likewise, the collapse of the nation will be dramatic. It will happen because the unity of G-d is no longer reflected in the unity of the people. Some will be faithful, others will not. They will worship idols or adopt, in other ways, the prevailing culture of their times. The institutions of power - the king, the government, the market and its traders, the priests and self-styled prophets - will become corrupt. Strains will develop in the social fabric. Prophets will warn of this, but their words will not be heeded.

The people of Israel have always been obstinate. This is their greatest strength and greatest weakness. It helped them stand out against the idols of their age. But it also at times made them arrogant - ungrateful to G-d, unmindful of their vulnerability, at times unsympathetic to their own vocation. The danger has always been that Israel would simply fail to cohere as a nation - the verdict delivered in the last verse of the Book of Judges: "In those days there was no king in Israel; everyone did as he pleased." It would lack the (moral, political, social) unity absolutely necessary to its survival as an independent nation.

The result would be catastrophe. The nation that once seemed invincible would be defeated. Worse: it would sometimes seem (as it did to Josephus, witnessing the catastrophic revolt against Rome) as if Jews were more intent on fighting other Jews than the enemy at the gates. The result would be that the people who once seemed to be under the special protection of G-d now appeared to be abandoned by G-d. As Moses puts it in the *tokhachah*: "You will become a consternation, a proverb and a byword among all the peoples to which the Lord will drive you."

Israel would find itself in exile. The significance of exile is not merely geographical. It is political and spiritual as well. Jews would no longer be under the unmediated, direct sovereignty of G-d. They would be under the sovereignty of the rulers or governments in whose lands they lived. Their fate would depend on the whim of a king or the shifting winds of popular opinion. In this sense *galut*, exile, is a metaphysical dislocation - a lack of freedom in every sense of the word. The Torah calls this the "hiding of the face" of G-d.

This means that what happens to Israel in exile is not the work of G-d but of human beings. Exile is precisely the loss of the protection of G-d and subjection, instead, to human powers. This is how Moses himself puts it in the name of G-d:

On that day I will become angry with them and forsake them; I will hide my face from them, and they will be destroyed. Many disasters and difficulties will come upon them, and on that day they will ask, 'Have not these disasters come upon us because our G-d is not with us?' And I will certainly hide my face on that day . . . The major Jewish thinkers of the

Middle Ages - Judah Halevi, Maimonides and Nachmanides - all agreed on this: that Divine providence governs the affairs of Israel only when they exist as a sovereign people in their own land. Then there is reward and punishment, prophecy and a correlation between what happens to the people and what they do. But exile, *galut*, dispersion, precisely mean being removed from the mercy of G-d and being placed at the mercy of the nations. Exilic history is not providence but the loss of providence, what Maimonides calls "being left to chance."

This has immense consequences. Ralbag (R. Levi ben Gershom, Gersonides, 1288-1344) points this out in his commentary to the episode in the Book of Judges (7:1) in which the Israelites are defeated at Ai, with the loss of thirty-six men. The problem in this passage is this: The people killed in battle were not guilty of a sin. Indeed it was the sin of someone else (Achan ben Zerach) that brought about the defeat. How could it happen that the guilty survived while the innocent died?

Gersonides draws a fundamental distinction between a tragedy which is the work of Providence (for example, the destruction of Sodom and Gemorrah) and a tragedy that comes about because of a withdrawal of Providence (as happened at Ai). When G-d destroys, He destroys only the guilty. When G-d withdraws and man destroys, the innocent suffer as well.

Abraham (to Joshua 7:1) makes essentially the same point:

There is a distinction between punishment which comes about by a Divine action and punishment which comes about through removal of Providence. When G-d punishes by direct action, he does not punish the person who has not sinned on account of him who has . . . Not so the punishment which comes about by chance as a result of G-d's withdrawing his Providence. For this befalls the community in its entirety in that, because there are sinners among them, G-d hides His face from them all. . . All of them become exposed to the workings of chance and accident, so that occasionally a person who has not sinned is also smitten when he is exposed to danger, and the sinner, who may not have been there, escapes unharmed. In rabbinic times and throughout the Middle Ages there were great catastrophes of which Jews were the victims. There were the Hadrian persecutions, the murder of Jews in the Crusades, the blood libels, the Inquisition, the pogroms. All of them were faithfully recorded in Jewish memory, written down and recited in elegies which we say to this day. In each case the rabbis and poets tried to find religious meaning in tragedy. But rarely if ever did they find that meaning in terms of sin and punishment. The poets of catastrophe during the Crusades compared their sufferings to the binding of Isaac, the tragedy of Job, and the suffering servant of Isaiah - all the cases in the Bible where suffering is not related to sin.

The Holocaust does not tell us about G-d but about man. It tells us not about Divine justice but about human injustice. The question raised by Auschwitz is not "Where was G-d?" but "Where was man? Where was humanity?" This is not radical post-Holocaust theology but a view already adopted by Judaism's greatest exponents in the eleventh to fifteenth centuries

. Nor is it accidental that the rise of anti-Semitism in Europe in the second half of the nineteenth century led to the birth of Zionism, the desire of Jews to return to their land and recover their sovereignty as a people. This too was foreseen by Moses:

When all these blessings and curses I have set before you come upon you and you take them to heart wherever the LORD your G-d disperses you among the nations, and when you and your children return to the LORD your G-d and obey him with all your heart and with all your soul according to everything I command you today, then the LORD your G-d will restore your fortunes and have compassion on you and gather you again from all the nations where he scattered you. Even if you have been banished to the most distant land under the heavens, from there the LORD your G-d will gather you and bring you back. There is in Jewish history an extraordinary interweaving of history and prophecy, the natural and supernatural, the

choices of human beings and the overarching tutelage of G-d. The suffering of Jews in the Diaspora is not Divine punishment but rather a consequence of exile itself - the loss of Providence, the hiding of the face of G-d, and being "left to chance." The idea that there is one answer to the problem of evil and the sufferings of the innocent, true at all times, is simply wrong. There are different historical eras, and these represent different relationships between Israel and G-d.

The return of Jews to Israel marks the start of an old-new era in the life of the people of the covenant. Once again, as in the days of Joshua, Jews are faced with the challenge and opportunity of constructing a society on the principles of the covenant: an arena of justice and compassion, liberty and the rule of law, respect for life and for human dignity. It was never easy. Now, as then, Jews face enemies outside and tensions within. Now, as then, there have been moments when the people must have come close to despair. Yet one principle has always been engraved on the Jewish heart, allowing it to emerge from tragedy with hope intact. It is the principle of "the blessing and the curse" of which Moses spoke so eloquently. When Jews have suffered, their first reaction is not to blame others but to examine themselves. That is why bad times - the times spoken of in the tokhachah - have always led to national renewal, and the worse the times, the greater the renewal. A people capable of seeing suffering as a call from G-d to return to the covenant, choosing and sanctifying life, is one that cannot be defeated because it can never lose hope.

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From: Aish.com [mailto:newsletterserver@aish.com] Sent: September 03, 2006 8:59 AM Subject: New @ Aish.com - September 3, 2006

**Do I Send My Child to Study in Israel**  
**by Stephen Flatow**

The war in the Mideast this summer has brought back to the forefront the issue of travel to Israel, even as students by the thousands are leaving for a year of study in Israel.

As the head of the Alisa Flatow Memorial Scholarship that provides scholarships for study in Israel, I can testify that we have seen increasing numbers of applicants no matter what the situation is in Israel. But as the parent of a terror victim, I have been asked many times by other parents since Alisa's murder by Palestinian Islamic Jihad whether they should let their children travel to Israel to study and play.

I usually pause when asked that question and I think back to how my children reacted about going to Israel after Alisa was murdered. My daughter Gail, who had come home for Passover that year while Alisa opted to stay in order to fully imbibe what Israel has to offer, was on the plane back to Israel less than a week after getting up from shiva.

Francine, who began a year of study a few days after the 1997 bombings on Ben Yehuda Street, was asked by CNN about her parents' reaction to her going to Israel. "I think they're probably a little bit nervous," she answered, "but they don't have a choice. I'm going. I'll call them."

Since then, all my children have been back several times, including Ilana and her husband, who lived there for a year while he learned in yeshiva. Today, after spending time on kibbutz milking cows and cleaning kitchen pots and pans, my son Etan is living in Jerusalem.

I relate those facts as a way to assure them that all will be well. But I know that Alisa's murder is still on their minds.

There is a little known story about Alisa's last bus ride. The truth is that Alisa did not want to go to Gush Katif for here pre-Passover vacation. She had hoped to go to Petra in Jordan and see its famous Nabatean buildings made more famous by "Indiana Jones and the Last Crusade." But Alisa's friends couldn't justify spending \$1,000 to travel to Petra. So, Gush Katif and its beaches became the destination with Alisa's life ending on the road outside Kfar Darom. But the story continues nine months later.

In February 1996, the Hamas bombing of a No. 18 bus in downtown Jerusalem took the lives of two young Americans, Sara Duker and Matthew

Eisenfeld. Sara and Matt were also on their way to a vacation that Sunday morning -- but their destination was not Gush Katif, it was Petra. Two Sundays, two destinations, two bombings.

Yet I am in favor of letting students study in Israel.

I believe our children understand it better than their parents. For 12 or more years many of us expose our children to a Jewish education and lifestyle. In many cases, we take them to Israel to become bar mitzvah at the Kotel, or simply to tour the country. We demonstrate our Zionism by giving charity to Israeli causes, and we swell the parade route along Fifth Avenue for the Salute to Israel Parade. What, then, do we expect when they start meeting with Israeli yeshiva and seminary representatives a year before they graduate from high school?

Our children also understand that we are enjoined by our tradition to choose life. And it is life in its fullest that Israel is about. It is the exhilaration of Jerusalem's holiness, the thrill and spectacle of Tel Aviv's night life, the quiet of the desert that combine into an experience that changes the lives of Jewish kids from the diaspora. Our children understand this and desperately seek it. Fortunately, it's an experience now made more accessible to others by programs like Taglit birthright Israel, Masa, Aish HaTorah and others.

So do I send my son or daughter to Israel? As one parent, I say, "Yes, I choose life." For me, there is no other answer.

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From: [weekly-halacha-owner@torah.org](mailto:weekly-halacha-owner@torah.org) on behalf of Jeffrey Gross [jgross@torah.org] Sent: September 06, 2006 5:21 PM To: [weekly-halacha@torah.org](mailto:weekly-halacha@torah.org) Subject: Weekly Halacha - Parshas Ki Savo

WEEKLY-HALACHA FOR 5766

**By Rabbi Doniel Neustadt**

Rav of Young Israel in Cleveland Heights

A discussion of Halachic topics.

For final rulings, consult your Rav

SHE'ALOS U'TESHUVOS

**QUESTION: What is the halachic definition of Tefillah b'tzibur?**

DISCUSSION: Tefillah b'tzibur means that ten adult men are davening Shemoneh Esreh together.(1) L'chatchilah, the ten men should begin davening Shemoneh Esreh at the exact same moment,(2) but b'diavad, even if all ten men did not begin the Shemoneh Esreh at the same time. it is still considered tefillah b'tzibur.(3)

Some poskim hold that if ten men are present but only six of them are davening Shemoneh Esreh, it is still considered tefillah b'tzibur.(4) Many other poskim, however, disagree.(5)

Some poskim hold that one who davens his own Shemoneh Esreh along with the sheliach tzibur's chazaras ha-shatz also fulfills the obligation of tefillah b'tzibur.(6) Most poskim, however, disagree.(7)

**QUESTION: If one came late to shul for Shacharis, can he still manage to daven tefillah b'tzibur?**

DISCUSSION: It depends on how late he came. Shulchan Aruch rules that it is more important to daven tefillah b'tzibur than to recite the entire Pesukei d'zimrah. Therefore, one who came late should skip as much of Pesukei d'zimrah as necessary - except for Boruch she'omar, Ashrei [Nishmas on Shabbos] and Yishtabach - in order to be able to begin davening Shemoneh Esreh with the rest of the congregation.(8)

If one came so late that even if he would skip Pesukei d'zimrah he would still be unable to begin Shemoneh Esreh with the tzibur, he should still skip Pesukei d'zimrah as long as he will be able to a) begin Shemoneh Esreh while there are still ten (at least) people davening;(9) and b) complete his entire Shemoneh Esreh before the sheliach tzibur begins to recite Kedushah during chazaras ha-shatz.(10) If, however, he estimates that he does not have enough time to complete his Shemoneh Esreh before Kedushah will be recited, he should not daven Shemoneh Esreh with the tzibur. Instead, he should wait and daven Shemoneh Esreh along with

sheliach tzibur's recitation of chazaras ha-shatz.(11) [Whether or not it is permitted to skip Pesukei d'zimrah in order to be able to daven Shemoneh Esreh along with the chazaras ha-shatz will depend on the previously-mentioned dispute among the poskim as to whether or not reciting Shemoneh Esreh along with chazaras ha-shatz is considered tefillah b'tzibur.]

**QUESTION: Should a woman who comes late to shul for Shacharis skip parts of Pesukei d'zimrah in order to be able to daven Shemoneh Esreh with the tzibur of men?**

**DISCUSSION:** Contemporary poskim are divided on this point: Some hold that since women are not considered as part of a tzibur in any way, even if they daven at the same time that the tzibur does, their tefillah is not considered tefillah b'tzibur. They should not, therefore, skip any part of Pesukei d'zimrah - which, according to many poskim, they are obligated to recite(12) - in order to daven with the tzibur.(13) Other poskim, however, disagree. In their opinion, a woman who davens Shemoneh Esreh while the tzibur is davening is considered as if she davened tefillah b'tzibur, and she is permitted, therefore, to skip parts of Pesukei d'zimrah in order to be part of the tefillah b'tzibur.(14)

**QUESTION: What is the proper berachah rishonah over avocado?**

**DISCUSSION:** A plant whose trunk survives the winter months and produces fruit annually is classified as a tree in regard to hilchos berachos.(15) The avocado is such a tree and its berachah rishonah, therefore, is Borei peri ha-eitz.

When avocado is eaten as part of a vegetable salad, and the majority of the salad consists of vegetables such as lettuce, tomatoes or cucumber, then a Borei peri ha-adamah is recited over the entire salad and no specific blessing is recited on the avocado.(16) Even if, mistakenly, one made a Borei peri ha-eitz over the avocado, he would be required to recite a Borei peri ha-adamah over the rest of the salad.(17)

**QUESTION: If avocado is eaten as a spread on crackers, does it require its own berachah rishonah?**

**DISCUSSION:** It depends if one is eating avocado spread on crackers or crackers with avocado. In other words, if the main intent is to eat crackers and the avocado is merely being used to enhance the flavor of the crackers, then only a Borei minei mezonos [and Al ha-michyah afterwards] is recited over the crackers. If, however, the main - or equal - intent is to partake of the avocado, and the crackers are merely being used as a "base" for the avocado spread, then two berachos are required - first a Borei minei mezonos on the crackers and then a Borei peri ha-eitz over the avocado.(18) [Afterwards, Borei nefashos must be recited as well, but only if at least 1 oz. of avocado was consumed.]

The same halachah applies to other foods which are not cooked together but are still eaten together, like tuna fish salad eaten along with vegetables. If the core of the meal is the tuna, and the vegetables are merely enhancers for the tuna, like diced celery or pickles that are added to perk up the flavor of the tuna, then only a Shehakol is recited. If, however, an entire salad is served with the tuna and the intent is to serve both tuna and vegetables as equally important parts of the meal, then two separate berachos are required.

**QUESTION: If a utensil was mistakenly used several times without immersion, does it still need tevilah?**

**DISCUSSION:** Yes. The obligation of tevilah remains no matter how many times a utensil was previously used, even if years elapsed from the time it was purchased. Thus a newly-observant family must immerse all of their old dishes. If the dishes also need to be koshered, then the koshering is done first, followed by the tevilah.(19) But, b'dieved, if the tevilah was done first, the immersion does not need to be repeated after the koshering. (20)

**QUESTION: Is it permitted to eat food that was inadvertently cooked in a pot which was not immersed?**

**DISCUSSION:** Yes. Non-immersed utensils are not treif utensils and the food cooked in them does not become non-kosher.(21) Even if one knew

that the pot was not immersed and cooked food in it anyway, the food may still be eaten.(22)

**QUESTION: On Shabbos [or Yom Tov], is it permitted to discuss purchases, e.g., to ask someone where he bought a particular item such as a suit or a painting?**

**DISCUSSION:** If the questioner is interested in buying a similar item, then it is forbidden for him to ask the question and it is forbidden to answer him. If, however, the question is being asked as part of a theoretical discussion with no intent to act upon the topic being discussed, it is permitted.

The same halachah applies if the questioner wants to know how much that particular item cost. If the question is being asked because he is contemplating buying a similar item, it is forbidden to talk about that on Shabbos. If, however, he has no interest in buying such an item but is just asking out of curiosity, it is permitted.(23)

Please note that while this type of conversation is not halachically forbidden on Shabbos, it is still considered "idle talk." Shulchan Aruch expressly urges us to minimize idle talk on Shabbos.(24)

**FOOTNOTES:** 1 Mishnah Berurah 90:28, quoting Chayei Adam 19:1. 2 Mishnah Berurah 66:35. 3 See Igros Moshe, O.C. 3:4 and Halichos Shelomo 8:7. 4 See Eimek Berachah, Tefillah 6, Chelkas Yaakov 2:138 and Minchas Yitzchak 3:10 and 9:6-7. 5 Harav Y.Z. Soloveitchik, quoted in Teshuvos v'Hanhagos 1:104; Orchos Rabbeinu 1:160; Igros Moshe, O.C. 1:28-30; Halichos Shelomo 1:5-8. [All poskim agree that it is permitted to recite Kaddish or chazaras ha-shatz for only six mispallelim, as long as ten men are present; Mishnah Berurah 69:8.] 6 Eishel Avraham, O.C. 52; Chasam Sofer (Igros Sofrim 14). 7 Peri Megadim (Eishel) 52:1 and 109:4; Shalmas Chayim 91, Igros Moshe O.C. 3:9. 8 See Shulchan Aruch, O.C. 52:1 who lists the various parts of Pesukei d'zimrah in order of "importance." Certain parts of Pesukei d'zimrah take priority over others when time constraints prevent one from reciting all of Pesukei d'zimrah. 9 Halichos Shelomo 8:7 and Devar Halachah 8. 10 See Mishnah Berurah 109:2 and Beur Halachah, s.v. ha-nichnas. 11 Mishnah Berurah 109:14; Aruch ha-Shulchan 109:11-12. 12 See Mishnah Berurah 70:1 and Sha'ar Ha-Tziyun 4. See also Aruch ha-Shulchan 47:25. 13 Harav S.Z. Auerbach (Avnei Yashfei, Tefillah, 16 note 13 and Halichos Shelomo 1:5, Devar Halachah 4); Harav M. Shternbuch (Rigshei Lev, pg. 156) 14 Harav Y.S. Elyashiv and Harav S. Wosner (Avnei Yashfei, Tefillah, 16 note 12); Harav C.P. Scheinberg (Rigshei Lev, pg. 154); Harav M. Halberstam (Rigshei Lev, pg. 155) 15 Rama O.C. 203:2. 16 Mishnah Berurah 212:1. 17 O.C. 206:1. 18 Based on Mishnah Berurah 168:44, 212:6 and Igros Moshe O.C. 4:43. 19 Y.D. 121:2. 20 Dagul Mirevavah, Y.D.:121:2; Aruch ha-Shulchan Y.D. 121:9. 21 Rama, Y.D. 120:16. 22 Igros Moshe, Y.D. 2:41. 23 Mishnah Berurah 307:27, quoting Rambam. 24 O.C. 307:1.

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