

From Efraim Goldstein (efraimg@aol.com)
Weekly Internet Parsha Sheet
Nitzavim Vayelech 5767

Mazal Tov to the Handler family on the engagement of Jessica to Josh Greenstein.

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PRUZBUL :: Rabbi Berel Wein

The Talmud in Gittin discusses an apparent innovation of the great Hillel, about a century before the destruction of the Second Temple. The shemitta year carries with it not only the obligation of having the ground of the Land of Israel rest but also the requirement of shemittat ksfim – allowing all personal loans and debts to be automatically cancelled.

The Torah is very explicit about this requirement stating that one should not hold back from lending money to the needy in the sixth year, fearing that it will not be repaid before the shemitta year when the debt will automatically be cancelled. Hillel, aware that in his time lenders were in fact withholding loans as the shemitta year approached, constructed a legal mechanism – the pruzbul – to transfer the private loan into a loan made by the courts, which was not legally subject to the laws of the cancellation of debts on the shemitta year.

This legalism in assigning the loan of the borrower to the court and removing it from the purview of shemittat ksfim had the desired effect and the flow of money and loans between lenders and borrowers remained unaffected by the impending shemitta year.

However, at first glance, one must be puzzled by the institution of pruzbul. What empowered Hillel to construct such a legalism? On the surface it clearly contradicts the very reasoning of the Torah in establishing shemittat ksfim? This is a great topic of discussion in the Talmud and throughout all later rabbinic responsa and writings.

In the Talmud there are two opinions voiced on this matter. One is that during the entire period of the Second Temple the laws of shemitta, as outlined in the Torah, were no longer applicable. All of the laws of shemitta then were only of rabbinic effect – a remembrance to the shemitta ordinances of the Torah - and the rabbis did not ordain shemittat ksfim at all.

Thus Hillel's achievement was to create a positive remembrance of the Torah's ordinance of shemittat ksfim by instituting the pruzbul so that the public would always recall that when the Torah ordinances would once again be applicable in the future, the concept of shemittat ksfim would be present.

Tosfot comments that during the entire period of the Second Temple the Torah concept of shemitta was not applicable because a majority of the Jewish people lived outside of the Land of Israel. There was no yovel – no Jubilee year – and therefore no shemitta either. According to Tosfot's opinion one can state that the Torah shemitta was never observed properly in the Land of Israel by the Jewish nation. The First Temple Jews were exiled because of non-observance of shemitta and the Second Temple Jews only had a rabbinically ordained remembrance of shemitta in their time.

The second opinion is that Hillel's ordinance was not a new thing but merely publicized an already existing "loophole" in Torah law which allowed private debt to be converted into the debt to courts. Hillel's act was merely one of publicizing this loophole in order to allow the free flow of credit to continue even in the year before the shemitta. Thus, even when the Torah shemitta is reestablished the use of the pruzbul will continue since the legal "loophole" will still be present.

Over the ages there has been much discussion over the pruzbul and its necessity. For a long period of time, Jews living in the Diaspora never used a pruzbul. The logic was that shemitta in our time after the destruction of the First Temple was only a rabbinic remembrance and the rabbis never instituted it to be followed outside the boundaries of the Land of Israel.

Just as there is no shemitta of land outside of the Land of Israel there is no shemittat ksfim either. However, there were great rabbis who dissented from this view and stated that shemittat ksfim still prevailed outside the Land of Israel and therefore a pruzbul was necessary to prevent the

automatic cancellation of the loan. Rabbi Asher ben Yechiel (Rosh) when he became the rabbi in Toledo, Spain at the beginning of the fourteenth century attempted to introduce the pruzbul in his community. But he himself ruefully wrote of his inability to have the Jews of Toledo follow his ruling in this matter.

Over the generations, the institution of pruzbul has taken hold even in Diaspora communities. Many rabbis saw it as a matter of sanctity and remembrance even if not of necessity and therefore encouraged its general use. It became one of the methods of keeping the Land of Israel fresh in the minds of Jews living in a dark and far exile. Hillel's foresight had many positive results. Shabbat Shalom.

Weekly Parsha :: NITZAVIM – VAYELECH :: Rabbi Berel Wein

The mood of this almost final portion of the Torah is one of seeming contradictions – sadness on one hand and soaring optimism on the other hand. Moshe's sadness is evident in his words and his disappointment in not being able to enter the Land of Israel. But his optimism is abundantly evident in his statements regarding the eventual survival and triumph of the Jewish people and the reconciliation of God and Israel at the end of days.

This duality of emotion has continued within the Jewish people throughout our many years of existence. There is more than enough sadness to go around in the story of the Jews in history. Yet Jews on the whole have always been upbeat, even sanguine about their future. This attitude is reflected in the summation of the rabbis regarding the end of the old year and the coming of the new year. "Let the curses of the old year end with the passing of that year; let the blessings of the new year commence with the advent of this new year."

Even though we know that the new year will not be free of problems and even difficulties, nevertheless we are confident that we will benefit from its attendant blessings. Hard realism always tempered with optimism seems to be the Jewish formula towards life and circumstances. The mood of the parsha seems to be not a temporary one but rather it is a guideline for all later generations of Jews. Sadness is not in order but seriousness is. The struggle to prosper begins with a spirit of inner optimism.

Moshe's demise is not only his personal tragedy. It is a tremendous blow to the Jewish people, though as is usual in human affairs, it is not appreciated until after it happens. Yet the Torah views Moshe's death as being a source of comfort and strength for the Jewish people. It teaches us that even without the physical Moshe being present and active in our midst, the spiritual Moshe – the Torah of Sinai that he transmitted to Israel – will be sufficient in itself to be the guarantee of Jewish survival and success.

No human being, even Moshe is indispensable. Yet no human being is replaceable either. Moshe teaches this to the Jewish people on his final day on earth. He cautions them to heed the Torah and its commandments. It is their only guarantee of success and longevity in this world.

Life will be different without the presence of Moshe. Yehoshua is not Moshe. Yet all of this is immaterial in the long run of the Jewish story. For the people will remain and the Torah, which is eternal, will always be there to guide and inspire Israel.

Moshe, who sees all of the events that will befall the Jewish people until the end of days, is serene and peaceful at the end of his life. He is comforted by the knowledge that the God of Israel will see the people through the times of sadness and not allow them to despair of their future and fate. His optimism overcomes his sadness and out of this is born the nature of Israel in all of its generations. Shabbat Shalom.

TORAH WEEKLY :: Parshat Netzavim – Vayelech
For the week ending 8 September 2007 / 25 Elul 5767
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OVERVIEW

Netzavim

On the last day of his life, Moshe gathers together all the people, both young and old, lowly and exalted, men and women in a final initiation. The covenant includes not only those who are present, but even those generations yet unborn. Moshe admonishes the people again to be extremely vigilant against idol worship, because in spite of having witnessed the abominations of Egypt, there will always be the temptation to experiment with foreign philosophies as a pretext for immorality. Moshe describes the desolation of the Land of Israel which will be a result of the failure to heed G-d's mitzvos. Both their descendants and foreigners alike will remark on the singular desolation of the Land and its apparent inability to be sown or to produce crops. The conclusion will be apparent to all - the Jewish People have forsaken the One who protects them, in favor of idols which can do nothing. Moshe promises, however, that the people will eventually repent after both the blessings and the curses have been fulfilled. However assimilated they will have become among the nations, eventually G-d will bring them back to Eretz Yisrael. Moshe tells the people to remember that the Torah is not a remote impossibility; rather its fulfillment is within the grasp of every Jew. The Parsha concludes with a dramatic choice between life and death. Moshe exhorts the people to choose life.

Vayelech

On this, the last day of his life, Moshe goes from tent to tent throughout the camp, bidding farewell to his beloved people, encouraging them to keep the faith. Moshe tells them that whether he is among them or not, G-d is with them, and will vanquish their enemies. Then he summons Yehoshua, and in front of all the people, exhorts him to be strong and courageous as the leader of the Jewish People. In this manner, he strengthens Yehoshua's status as the new leader. Moshe teaches them the mitzvah of Hakhel: That every seven years on the first day of the intermediate days of Succos, the entire nation, including small children, is to gather together at the Temple to hear the King read from the Book of Devarim. The sections that he reads deal with faithfulness to G-d, the covenant, and reward and punishment. G-d tells Moshe that his end is near, and he should therefore summon Yehoshua to stand with him in the Mishkan, where G-d will teach Yehoshua. G-d then tells Moshe and Yehoshua that after entering the Land, the people will be unfaithful to Him, and begin to worship other gods. G-d will then completely hide his face, so that it will seem that the Jewish People are at the mercy of fate, and that they will be hunted by all. G-d instructs Moshe and Yehoshua to write down a song - Ha'azinu - which will serve as a witness against the Jewish People when they sin. Moshe records the song in writing and teaches it to Bnei Yisrael. Moshe completes his transcription of the Torah, and instructs the Levi'im to place it to the side of the Aron (Holy Ark), so that no one will ever write a new Torah scroll that is different from the original - for there will always be a reference copy.

INSIGHTS

Understanding and Comprehension

“It will be when all these things come upon you, the blessing and the curse that I have presented before you, then you will take it to your heart, and you will return to the L-rd, you G-d and listen to His voice.” (30:1)

The human mind is like a computer; it has many modes. There is a mode that perceives through ears like microphones and eyes like cameras; it senses movement through the inner ears and the skin; it senses heat and cold. The mind can understand what it is seeing/hearing/feeling. It can piece together a sufficiently accurate picture of reality to act with confidence. It may not be right all the time, but it's right enough of the time to steer the body through decades of existence.

There's another part to the mind, however; a part that takes individual pieces of information and processes them into a comprehensive whole - that converts understanding into comprehension.

The history of the Jewish People is written with our blood. We are a byword for exile and suffering. “The wandering Jew” “ghetto” and “genocide” are all words that have entered the lingua franca of the world courtesy of the Jewish People.

When you read the Torah's dire warnings of what befalls us when we break its eternal laws and compare that to our blood-stained history, chills run down your spine.

On the other hand, the periods of great blessing of prosperity that Jewish People enjoyed in our Holy Land before the exiles must not be forgotten. Distant as they are from us, those were days of incomparable spiritual and physical bounty.

“It will be when all these things come upon you, the blessing and the curse that I have presented before you, then you will take it to your heart, and you will return to the L-rd, you G-d and listen to His voice.”

What we know today, our comprehension of both the blessings and the curses of over three thousand years of Jewish history, will eventually lead to a true return to belief and trust in G-d.

For the incontrovertible evidence of our anti-historical survival, that perspective of thousands of years of history viewed through the reflection of the heart, yields a true perception of our destiny.

Adapted from Rabbi Shimson Rafael Hirsch

Peninim on the Torah by Rabbi A. Leib Scheinbaum

PARSHAS NITZAVIM-VAYEILEICH

Parashas Netzavim

And you will return unto Hashem, your G-d, and listen to His voice, according to everything that I command you today. (30:2)

People repent for a number of reasons. A desire to return to one's source - not to run away from suffering - catalyzes true long-term repentance. Often one seeks to escape from a difficult situation and start his life over again. While this may be a shadow of repentance, it lacks the element of sincerity. One can achieve true repentance when he understands that he has strayed from Hashem, his Creator, his G-d, his Heavenly Father, and he now wants to return home. Hashem welcomes him, embracing his efforts. The term teshuvah conjures up the connotation of repentance from wrongdoing and grievous sin. This image is not necessarily present in the wider pictures, as the following incident demonstrates.

Rav Saadia Gaon, leader of Babylonian Jewry in the tenth century, was once seen crying bitterly. He was heard declaring that he must do teshuvah; he must repent immediately. Those who observed this spectacle wondered what kind of sin this great sage could have committed. He was an individual of impeccable character who lived life to the fullest extent in accordance with what the Torah dictates. If he was guilty of sin, what can we say? One of the spectators gathered the courage to approach Rav Saadia and question him. Rav Saadia explained, “It is not only for our sins that we must do teshuvah. We must repent for our mitzvos as well.” He explained that he had once visited a Jewish community in a distant land. Seeking to conceal his identity, he sat in the back of the shul and made sure not to call attention to himself. He spent a few days at the home of a very hospitable man who treated him with the same cordiality that he would any other guest. After awhile, his identity was revealed, and people came flocking in droves to his host's home. Everyone clamored to speak and consult with the gadol ha'dor, leader of the generation. Realizing now who his distinguished guest was, his host was extremely apologetic for not having treated Rav Saadia with greater reverence. He wept uncontrollably, begging forgiveness for not having displayed greater honor than he did.

Participating in this experience caused Rav Saadia to think about his own relationship with Hashem. With time, we develop a deeper recognition of Hashem as we learn to acknowledge the awesomeness of His Presence - more and more. Thus, even if we have meticulously kept all of His commandments, we feel a greater sense of sorrow at not having done more and better. We should have been more diligent. We should have shown greater reverence. Given what we know now, our original actions seem to be but a feeble attempt at serving the Almighty. Consequently, there is no act that cannot be improved by teshuvah, because with every mitzvah, with every day, our awareness of Hashem becomes more profound. This is especially true of one who has experienced a miracle, such as surviving a grave illness, or emerging from a serious accident without sustaining severe injury. He now knows more, and, therefore, must do more. This obligates him to repent.

The process of teshuvah is a generative one as it recreates the individual and transforms him into a new being. Horav Shlomo Freifeld, zl, cites the Rambam in Hilchos Teshuvah 2:4, who posits that a person who does teshuvah should give himself a new name. He is a new person. Teshuvah cleanses the impurities and corrects the defects in his life. As the generative force of teshuvah accelerates, the defects and impurities disappear. Teshuvah is more than an act of piety. It is a means of drawing on the incalculable creative power that resides in the wellsprings of the cosmos. To paraphrase Rav Freifeld, "If a person can harness the generative force and renew himself instantaneously, then it is never too late. Try, and—if you fail—try again. You can always come back."

This spark, this deep-rooted desire to return, exists in the hearts of all Jews. For some, it is buried deeply; for others, it is buried very deeply, but it exists. This is why, claims Horav Mosh Shternbuch, Shlita, that one who repents is - and should be - called a chozeir biteshuvah, rather than the popular term, baal teshuvah. One who returns is chozeir, he comes back through teshuvah. He is really only restoring his soul to its true, natural inclination.

The concept of teshuvah is comforting and encouraging, for no matter how deep one has descended into the abyss of sin, regardless of how far he has distanced himself from a life of Torah and mitzvos, he can return, and, when he does, the Almighty will welcome and forgive him. There is no such thing as having gone too far, since teshuvah helps us to erase the past and start over again.

Why do people not take advantage of this unique Heavenly gift? First, when we take the two requisites for teshuvah into consideration, we might understand that these two activities may actually be, for some, serious impediments to teshuvah. As his first step towards a meaningful way of life, one must renounce a regrettable past. This part of the "turning" process is integral to teshuvah. For many people, these two tasks seem impossible. To concede that one is imperfect, that the lifestyle he has previously led, at best, lacks meaning is a difficult pill to swallow. This renunciation, coupled with the need to change—at times, drastically—can be a mountain too high to scale. After all is said and done, when that feeling of discomfort with one's life - regardless whether it is sinful or pious - arises, it is the first step on the road to "turning."

Teshuvah is a lengthy process, because, in effect, it has no clear end. One can always be better. One must always strive for perfection. With each ascension on the spiritual ladder, the individual realizes from where he is leaving and how far he must go. Each subsequent moment of change throughout life becomes another rung on the ladder, part of the unfolding of the initial inner resolve to make a turn. It may not be easy, but standing still is not different than falling downward.

Rav Shternbuch addresses another impediment to teshuvah: complacency. Some say they understand the need for returning; they recognize that the life they lead leaves much to be desired. They ask, however, what is the rush? Why today? Tomorrow will be just as good. A young person will especially want to push off until tomorrow what he should be doing today. Time does not carry the same level of importance for the young as it does for the old. They do not realize that the dirtier a shirt becomes, the more difficult it is to clean it. One who spends more time immersed in the filth will find it increasingly difficult to wash away the stains.

The individual must take another concept to heart. Every hirhur teshuvah, thought of repentance, is a Heavenly message. It is Hashem's subtle reminder to get his act together, to turn his life around. If he ignores his Heavenly messages, he is wreaking enormous damage upon himself, which later on may be hard to repair. Therefore, as soon as he finds his conscience gnawing at him, he should seize the moment - while it is there. Hashem knows that one does not become a baal teshuvah overnight. He knows the difficulties encountered in attempting to change habits that have become a way of life. What He does want, however, is for the individual to be chozeir biteshuvah, to turn and begin the process. The entire process takes a lifetime, but the actual decision to "turn" takes very little, and it will probably be the most compelling decision of his life.

And you should choose life. (30:19)

Bechirah, the ability to choose between right and wrong, is a unique gift which Hashem granted to man. While the actual determination remains in

our hands, the Torah has "suggested" that we should choose a life of Torah. Horav Nossan Wachtfogel, zl, observes that the direction of one's life is ordained by one's choices. In a profound understanding of this concept, the venerable Mashgiach teaches us that choice is everything. It is all encompassing. One who opts for the path of the righteous, who chooses to do good, is considered a good person. The sins that he commits do not detract from his spiritual standing. He will, of course, pay for his sins, but he is a good person who just happened to sin. One who chooses the path of evil, becomes "registered" as a bad person. The mitzvos that he performs certainly earn him a reward, but as long as his choice is for evil, he is an evil person who "just happened" to perform mitzvos. It all depends on his choice.

Furthermore, this selection is not a one-time deal. His personal status changes every time that he makes a choice. A person is judged commensurately with his spiritual standing at that time. Hence, one who chose life will be viewed as a tzaddik, righteous person, who happened to sin. Woe is he who ignores the Yom HaDin, Day of Judgment, and chooses evil, thinking that he can get away with it. The foundation of his judgment is based upon the choices he has made. Therefore, a person should be sure to make the correct selection - each and every time, because we never know when Hashem is judging us.

Parashas Vayeilech

So now, write this song for yourselves, and teach it to Bnei Yisrael, place it in their mouth. (31:19)

The Torah refers to itself as a song. Why? Horav Sholom Yosef Elyashiv, Shlita, explains that the Torah is likened to a song, because it is to be written in a manner that makes it accessible to every member of Klal Yisrael. He applies the following analogy to explain this. A distinguished scholar was coming to town to deliver a lecture. If his specialty was mathematics, medicine or any other scientific, scholarly field, it is highly unlikely that anyone, other than those specifically interested in that field, would attend the lecture. The remainder of the community would have no reason to attend, because the subject matter would not be of interest to them. If, however, a world-renowned singer were to come to town, everybody would show up at his concert. Even those who have no musical talent would be present, because each person, commensurate with his level of musical cognition could appreciate the songs, melodies and musical accompaniment.

In other words, some areas of endeavor that appreciated by everyone, and some are only appreciated by a few individuals who have a special interest in affinity to the subject matter. This is the meaning of the words simah b'fihem, "put it in their mouth." The Torah must be transmitted in such a manner that it is appreciated by all - on their individual intellectual and spiritual plateau. It is only when one teaches Torah as a shirah, song, in a manner suitable, palatable and appreciated by all, that he sees a siman brachah, sign of blessing, in his work. The students must sense a sweetness in the Torah - even if it is only on the elementary level. By placing it in their mouths, it will enter their hearts and minds and be integrated into their entire beings.

And it shall be when many evils and distresses come upon it. (31:21)

In the Talmud Chagigah 5A, Chazal make a startling comment concerning this pasuk. According to Tosfos' commentary, the cause of the many evils and distresses is a punishment for the person "who makes money available to a poor man when he is in dire need." What are Chazal teaching us? Is not sustaining the poor and down-trodden a staple of Jewish belief? How can supporting the poor man be reason for all the misery and distress that visits a person? Furthermore, this statement is in direct contradiction of another statement in the Talmud Yevamos 63A, where it is stated that one who lends money to a poor man merits the reward expressed by Yeshayah HaNavi:

"Then you will call out and Hashem will respond; you will cry out and He will say; 'Here I am.'" (Yeshayah 58:9). This pasuk makes it clear that helping the poor will increase our chances of being helped by Hashem. How do we reconcile these two seemingly disparate statements?

The Maggid, zl, m'Dubno, explains that, indeed, reaching out to the poor is an enviable and much needed act of kindness. There are, however, two ways to reach out, and only one is laudable. An individual notices that his

friend's business is not doing well; he sees his friend is struggling with his livelihood, so he makes an attempt to assist him, by purchasing his products, sending him customers, or by investing in his business. In another instance, he might offer him a job, teach him a trade, or put in a good word with another employer. He does all of this to help, to increase his independence, to preserve his dignity. This is part of the mitzvah, V'hechezakta bah, "You shall strengthen him." (Vayikra 25:35)

Sometimes, however, this assistance arrives too late, when a person has waited too long to come to the aid of his friend. His business has already failed; his bank account is already dry; his food pantry is already empty. By that time, his friend is already down and out, going from door to door in utter humiliation, begging for alms - just to eat. This prolonged interval has reduced his friend to an emotional wreck. In some cases, it can even drive a person to do the unthinkable. Why? Because some self-righteous, arrogant individual decided that he would wait until the situation became desperate before offering his assistance.

In the case of the second "benefactor," Hashem responds middah k'negged middah, measure for measure. When this person cries out to Hashem for his personal needs, Hashem asks, "What took you so long when your friend needed assistance? Why did you wait until his dignity was totally destroyed before you decided it was time to help him? Now, you need assistance. It all about you. Well, you will have to wait - the same way you made your friend wait." Hashem will help him, but it will be in the same manner and with the same compassion that he displayed to the other fellow.

In citing this penetrating exposition, Horav Avrohom Pam, zl, in the latest anthology of his shmuessen, ethical discourses, by Rabbi Sholom Smith, exhorts us all to be finely attuned to the needs of those around us who are struggling. Let us reach out with assistance, some advice, a good word, even a smile - before it is too late. The manner in which we respond to others, is the same manner in which Hashem will respond to us.

He cites the Rambam in Hilchos Matnas Aniyim (10:1,2) who makes some highly emotional remarks about the centrality of tzedakah, charity, in the life of a Jew. Of all of the mitzvos of the Torah, tzedakah stands out as being the legacy of Avraham Avinu. It is his unique characteristic which he bequeathed to his descendants. No person will suffer any loss or harm by giving charity. Indeed, it can only enrich him. Jews are like brothers, and if a Jew cannot turn to his brother for assistance, to whom else can he turn? These are powerful words from an individual that was naeh doreish u'naeh mekayeim, preached inspirational words and lived up to his preaching by personally practicing what he asked others to do.

The Rambam was a physician as well as a scholar. His devotion to people was consummate, and it gives us a glimpse of the level of chesed we must strive to emulate. What inspires me is the fact that Rav Pam dedicates a portion of his shmuss to the Rambam's reply to a letter sent to him by Rabbi Yehudah Ibn Tibbon, the translator of the Moreh Nevuchim, Guide to the Perplexed. The Rosh Yeshivah's overwhelming devotion to his fellow Jew and his outstanding love of chesed and commitment to helping anyone in need were legendary. He infused these wonderful qualities in his talmidim, students, and in all those who came in contact with him. Indeed, he was a wellspring of loving kindness that nurtured all of those around him.

When Rabbi Yehudah completed the translation, he asked the Rambam for an appointment, so that he could discuss a number of issues that were troubling him. Under normal circumstances, any author whose work is being translated or interpreted by another person would insist on reading the final galleys to make sure that they coincide with what he had in mind when he wrote the original work. Surprisingly, the Rambam demurred, citing overwhelming responsibilities and a lack of time to fit anything else into his already hectic schedule. It seems that his day would stretch from before dawn until late at night, seeing to the ills of first the sultan's royal family and then the people in his community. His day did not end until very late. Shabbos was the day that he addressed the spiritual needs of his community.

He simply could not fit anything else into his day.

The Rambam was a person who did not live for himself. His entire day was devoted to the physical and spiritual service of others. This was all

executed at the expense of his own personal health and comfort. He was not only the embodiment of Torah as the codifier of the law for the generations, but he was also the consummate ish ha'chesed, man of lovingkindness.

Rav Pam felt that Horav Moshe Feinstein, zl, exemplified the dual qualities of the Rambam. As the posek ha'dor, halachic arbiter of the generation, he was the last word in interpreting Torah and Talmudic law, addressing some of the most difficult and compelling halachic dilemmas of the century. He was also a paragon of humility and exemplar of lovingkindness. No favor was too small, nor was no act of chesed too great. Rav Moshe always found time and made the effort to help. This was in addition to replying to thousands of halachic questions that found their way to him from all over the world. Yet, he still found the time to learn! When people asked him how he maintained the physical stamina to continue along on this super human pace, he responded, Vi lang mir kenen tuhn, darf min tuhn, "As long as we can do, we must do." These are timely words of wisdom that we should take to mind and to heart.

Va'ani Tefillah

Anochi Hashem Elokecha ha'maalcha mei'eretz Mitzrayim, harchev picha va'amaleihu I am Hashem your G-d, Who took you up from the land of Egypt, open wide your mouth and I will fill it.

Horav Avigdor Miller, zl, notes that the exodus from Egypt entailed two aspects: the going out of Egypt, the going up from Egypt. Leaving the premises, being liberated from the Egyptian bondage, was a major endeavor in its own right. The Jews were finally free from slavery. Another aspect of this freedom is being liberated from the accursed Egyptian influence. The years that the Jews spent in Egypt had a devastating spiritual effect on them. In order to become the am Hashem, nation of G-d, a "kingdom of Priests and a holy nation," it was critical that any vestige of Egypt must be expunged from them. They had to be taken up from Egypt, elevated from its spiritual muck. Indeed, the second element has greater significance, because the primary reason for taking us out of Egypt was so that Hashem could be our G-d (Bamidbar 15:41). Leaving Egypt will have no lasting value if we end up taking Egypt with us.

Once we achieve this elevation, then the word of Torah will fill our mouths and have meaning. To fill the mouth of an individual who is filled with Egypt will not succeed. He must empty "Egypt" out, before his mouth can become a receptacle for Torah.

l'zechar nishmas aveinu malkeinu Avraham Aharon ben Yekusiel Yehuda z"l sheholeich l'olamo b'erev Rosh Hashana 5753 Rabbi & Mrs. Harry Mayer and Family Queens, New York

"RavFrاند" List - Parshas Nitzavim-Vayelech Paying Attention to the Voice of the Almighty: Delivered 9/11/2001 + 2

"And it will be when all these things come upon you - the blessing and the curse - that I have placed before you, then you will take it to your heart among all the nations where Hashem, your G-d, has dispersed you." [Devorim 30:1]

I think that perhaps the most appropriate reaction to this occasion is the words of Parshas Nitzavim.

The pasukim [verses] talk about a person who fails to react to "all these curses". It speaks of one who—upon hearing the words of the previously presented imprecation - blesses himself in his heart saying: "Peace will be with me, for I walk along as my heart sees fit." [Devorim 29:18] G-d will not be willing to forgive the person who does not react to the curse he has witnessed [Devorim 29:19].

In any year, Parshas Nitzavim always has a profound impact, as the last parsha before Rosh HaShannah. In the context in which we stand following the horrific events of the past week, it is only necessary to read the verses.

"And you will return to Hashem your G-d and hearken to His voice." [Devorim 30:2]. The first step of repentance is to hearken to His voice (v'sha-mata b'kolo). Perhaps this is not to be interpreted as we normally would, to listen to His voice and fulfill His commandments. "You shall

hearken to His voice” means that when the Almighty speaks to us we need to pay attention.

When Hashem speaks through natural phenomenon or through historical events, we must attune our ears, lift up our antenna, and receive His message. This is the first step in Teshuva [repentance].

The Talmud says that thunder was only created in order to straighten out the crookedness and perversions in a person’s heart. [Berachos 59a] When a person hears a clap of thunder and flinches, the experience may give him pause. When the Chofetz Chaim, ז”ל, used to hear thunder he would ask “What does Father want?” (Vos vill der Tata?)

If the Chofetz Chaim was alive today and he saw and heard what happened this week, what would he do? If he even saw the Voice of Hashem in a clap of thunder, what would he say to the events of this last week? Vos vill der Tata? What does Father want?!

There is a strange passage in Tractate Avodah Zarah [18a]: Rabbi Chanina ben Teradion asked Rabbi Yosi ben Kisma “Am I destined to go to Olam Haba [the World to Come]?” Rabbi Yosi ben Kisma responded, “Did you ever do anything special?” [This, mind you, is the same Rabbi Chanina ben Teradion who publicly taught Torah against the edict of the Roman Government forbidding Torah study.] Rabbi Chanina ben Teradion responded: “I once had Purim money (for my personal Purim meal) that got mixed up with money I set aside for charity. I then gave the entire sum away to poor people.” Rabbi Yosi ben Kisma responded, “If that is the case, may my portion in the World to Come be as great as your portion. You are certainly destined to go to Olam HaBah!”

What does this Gemara mean? I once saw a unique interpretation. Rabbi Chanina ben Teradion saw in this incident that the Almighty was trying to tell him something. The Master of the Universe was sending him a message. The message was that really this money (that he had set aside for his Purim meal) should be given to charity. Rabbi Chanina ben Teradion was so sensitive and so open and receptive to Heavenly messages that in that small, almost trivial incident he recognized that “the Almighty is trying to tell me something.” Rabbi Yosi said, “If that is the case—if in such a small little incident you see and you hear the Hand of G-d, I can be confident that you are destined for the World to Come. It is obvious that you go through life in such a way that when G-d merely taps you on the shoulder you hear it and you get the message.

It is about hearing such messages that the Torah states in this week’s parsha “And you shall hear His Voice” (v’sha-mata b’kolo).

“And with a great shofar blast He shall blow and with a small silent voice He shall be heard” [Yomim Noraim liturgy]. Do we ever stop to consider the paradox of the contrast in this pasuk from our High Holiday prayers? If He blows with a great shofar blast, why is it then only a small little voice that we hear? If the shofar blast is so powerful that even the angels tremble from it, then when it reaches us, why is it only perceived as a small silent voice (kol demama daka)?

This is the nature of people. The Almighty could give out the loudest blast possible. It could be a cataclysmic event, but we only hear the small silent voice. People can react in all sorts of ways, but are they hearing the Voice of Hashem? Are they asking the one simple question: What does Father want?

We heard tonight all sorts of suggestions as to what our reaction must be from people who are far greater than us. Some suggest it has to be a strengthening of the honor of the synagogue and the honor of prayer. Others suggest an increased diligence in avoiding monetary improprieties. Still others suggest it must be restraint in expenses when it comes to Simchas. One hears a variety of suggestions.

I say one thing. DO SOMETHING. We cannot let an event like this go by and not do SOMETHING. I told the students in my class, who are for the most part between 20 and 23 years old, that every generation has an event that is seared into the collective memory of that generation. To my father’s generation it was September 1, 1939. Every year on that day, my father would say “Today Hitler invaded Poland.” For my generation it was November 22, 1963 (the day John Kennedy was assassinated). In the sum total of history it is probably an insignificant event, but it is something that everyone of my generation remembers. For this generation it is and will be September 11, 2001.

It was a cataclysmic event. No one knows how this is going to play out. No one knows whether this is the first volley of the Final War. No one knows whether this is going to be “good for the Jews” or “bad for the Jews”. No one knows whether the initial reaction of “blame those Arabs” will prevail or whether the secondary reaction will be “but it is because of those Jews.” No one knows whether this economy that is already teetering on the cusp of a recession will now be thrown into the throes of a full depression. No one knows.

But let us not make the collective mistake of just letting this moment pass. When the Ribono shel Olam has spoken to us more clearly than He has in decades, we must listen. The last time this country lost more than 3,000 people in one day was during the Civil War! If we don’t hear this, we are spiritually dead. If we don’t respond, we are beyond help.

Don’t make the mistake of saying “Well, who says it’s because we talk during davening! Who says? How do you know?” Don’t make the mistake of saying: “What does this have to do with spending too much money on weddings? What does this have to do with Lashon Hara [slander]? What does this have to do with bitul Torah [wasting time from Torah study]?”

I don’t care. One thing I do know. If after 120 years, I go to Heaven and stand before the Heavenly Throne and they ask me “What did you do in the aftermath of this day?” and I tell them that I did such and such, and they tell me “That was not the correct reaction to why this happened,” I’ll know how to respond. I will say, “I’m sorry. I did not have a prophet. I did not have a proper spiritual guide. I just listened to the great men of my generation and did what they told me. This is what I thought. What else could I do? I tried.”

I do not know for sure how Judgment works up there, but I am fairly confident that the Almighty will accept such an answer. “I tried; I did SOMETHING” is an acceptable answer. But if I go up there and I say: “I did not do anything,” and they will exclaim “How could you not do anything?” What will I say? “Because I was unsure what to do. I did not know for sure. Therefore, I did nothing and my life did not change when I saw such an event.” Heaven forbid what the Almighty might say if we offer such a response.

This is my message: Whatever it is - DO SOMETHING! The Ribono shel Olam talked to us like he has not spoken to us in generations. Do not ignore your father when He speaks to you! Do not just walk out of the room.

“Yes father. What do you want? I am going to do something, father, because I know you want something. I do not know exactly what you want, but I know you want something.” A person that always asks himself “What does Father want?” is guaranteed a place in the World to Come.

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h a a r e t z

Portion of the Week / A time for divine compassion

By Benjamin Lau

Tomorrow is the last Sabbath of 5767. It has not been an easy year, and many clouds still hover above the State of Israel - both domestic and foreign. In last week’s Torah reading, we were given a chilling depiction of the disintegration of an arrogant, callous Jewish society. The list of curses it includes left us with a sense of bewilderment and a total loss of self-confidence.

This week’s reading opens with, “Ye stand this day all of you before the Lord your God” (Deuteronomy 29:10). The Torah tries to encourage us after the shock produced by the previous week’s portion. Commenting on this verse, Rashi remarks: “Why is Parashat Nitzavim [half of this week’s double portion] juxtaposed to the curses? When the Jews heard 98 curses, they turned pale, saying, ‘What mortal can withstand such calamities?’ Moses therefore addressed them with words of conciliation: ‘Ye stand this day all of you before the Lord your God,’ adding, ‘You have angered God, yet he has not destroyed you utterly. Look, you are standing before him today!’”

According to this interpretation, the Torah teaches us the secret of conciliation. Although conciliation must be accompanied by reproach, and

all wrongful acts - even minor ones - must be exposed and revealed, we should realize that such disclosure can break the spirit of the one being criticized. The bottom line is not to destroy their self-confidence but rather to encourage them to mend their ways. God's criticism must not daunt us; instead, we must learn to correct our conduct and continue standing erect before him.

The Torah also teaches us how to atone for our sins. The important thing is to return to the road of righteousness. God has given us not only the wisdom of conciliation, but also the art of seeking forgiveness. Just as we must know how to rebuke others if they have acted wrongly, we must know how to make amends with those whose feelings we have hurt. This coming week, Ashkenazic Jews join their Sephardic brethren in reciting Selikhot (the prayers of atonement integrally linked to the High Holy Days), which combine yearning for spiritual cleansing with aspirations for a juster society. King Solomon writes: "My son, if thou be surety for thy friend, if thou hast stricken thy hand with a stranger, Thou art snared with the words of thy mouth, thou art taken with the words of thy mouth. Do this now, my son, deliver thyself, when thou art come into the hand of thy friend; go, humble thyself, and make sure thy friend. Give not sleep to thine eyes, nor slumber to thine eyelids. Deliver thyself as a roe from the hand of the hunter, and as a bird from the hand of the fowler" (Proverbs 6:1-5).

These verses guide us in instances in which we have offended others, and instruct us to immediately conciliate them. The passage's rhythm is rapid, its images taken from the world of hunting. Since all beings walk the tightrope between life and death, even a second's inattention can plunge an animal into the hunter's pit. Solomon stresses the immediacy with which conciliation should be pursued. The use of hunting symbols teaches us that we must urgently dismantle explosive devices and fill in pits that can trap others. Through interpersonal conflicts, we can find ourselves thrown into the depths. "Hurry," cautions Solomon, "do not hesitate for even a moment." We must quickly end our quarrels, terminating them the moment they arise.

Timing is critical

However, our Sages also teach us (Babylonian Talmud, Tractate Berakhot, p. 7a) the secret of timing the appropriate moment for conciliation: "Do not try to conciliate others when they are angry, as it is written, 'My presence shall go with thee, and I will give thee rest' [Exodus 33:14]. God said to Moses, 'Wait until the face of anger has passed and then I will leave you alone.'" Profoundly understanding human nature, our Sages instruct us that it is vain to seek conciliation if the other party is still boiling with rage. Such attempts cannot bring true peace. The Talmud (Tractate Yoma, p. 87a) illustrates the dangers involved when we try to obtain conciliation before the time is right. Rav quarreled with a butcher on the eve of Yom Kippur (Day of Atonement). Seeing that the butcher was now avoiding him, Rav resolved: "I will go to him and conciliate him." On the way, he met one of his students, Rabbi Huna, who asked him where he was going. When Rav informed him that he was on his way to reconcile with the butcher, Rabbi Huna replied, "Abba [= Father, Rav's title], you are going to end up killing someone." Nonetheless, Rabbi Huna proceeded toward the butcher's and entered his shop. At that precise moment, the butcher was slicing the bones of an animal's head. When Rav entered, the butcher looked up, rage immediately filling his heart: "What, Abba, you have come here?! Get out, I don't want to talk to you!" As he said these words, the butcher continued slicing the bones; however, since he had become angry and tense, he was not paying attention to the task at hand, and a fragment of bone penetrated his skull, killing him instantly. Rav wanted to begin Yom Kippur with a pure soul that had been cleansed of sin. Knowing that Yom Kippur does not atone for sins that we commit against others and that conciliation of the injured party is essential for us to achieve true atonement, he sought to end his quarrel with the butcher; however, in his zeal, Rav did not determine whether the butcher was ready to be appeased. Rav was so focused on mending his own soul that he did not heed the warning of his pupil, who saw the danger. Instead of correcting the situation, Rav only made it much, much worse. Although we must become

reconciled with others if we want a just society, we must do so with caution and sensitivity.

In the traditional "Shema Yisrael" (Hear O Israel) prayer recited at bedtime, we declare that we forgive all those who tormented, or sinned against, us. Every Friday night we light the Sabbath candles to express the light of peace, which is the foundation of each home. During this period in the Jewish calendar, when we seek divine compassion and forgiveness, we must open our hearts to forgive those who have hurt us and conciliate those we have hurt. May the coming days be filled with God's mercy, to protect and comfort us, Amen.

The alter on the parsha

Shmuessen of Rav Nosson tzvi finkel, the alter of slabodka

adapted from sefer ohr hatzafun

Edited & Compiled by Rabbi Eliezer Grunberg Chaver Kollel Ner David

PARSHAS Nitzavim-vayeilech 5767

עומק רחמי ה'

"אתם נצבים היום" (דברים כ"ט:ט) "You are standing here today..." (Devarim 29:9)

Midrash Tanchuma (פ' נצבים א) explains the juxtaposition between the portion of Nitzavim and the end of Parshas Ki Savo which describes the curses Klal Yisrael will receive if they do not follow the word of Hashem. After hearing the curses that would possibly befall them, Klal Yisrael was severely frightened, and questioned their own ability to survive. Moshe Rabbeinu immediately reassured them by pointing out that while other nations are afflicted and eventually destroyed, Klal Yisrael might fall but will rise once again. The nations of the world might disappear but Klal Yisrael will always remain. What is the key to our survival? When Hashem brings misfortune upon the Goyim, they show contempt and disparagement. But Klal Yisrael is different – (תהלים קט"ז) "צרה ויגון אמצא ובשם ה' אקרא" – "Distress and grief I would find, and in the name of Hashem I would call." When a Jew is punished, he turns to Hashem, he humbles himself and he prays. This is what Hashem tells Klal Yisrael: "אע"פ שקללות הללו באות עליכם הן הן מעמידות אתכם" – "Even though these curses come upon you, they themselves cause you to stand." Therefore it says, "אתם נצבים היום" - You are standing here today... – it is through punishment that we continue to stand - it is the very source of our survival.

Hashem is the source of all good and kindness. No matter the extent of man's rebellion, Hashem's mercy and compassion still exist. In the midst of punishment itself, Hashem's chessed continues. In the darkest of moments there is light, through oppression - salvation, amongst the curses – there is room for blessings. The Jew recognizes this and through this he continues to stand – his punishment itself is a blessing in disguise.

In the times of Noach, although Hashem decreed destruction upon the world, his chessed did not cease to exist. Before bringing the Mabul, Hashem commanded Noach to take with him into the ark a pair from each living species and food with which to feed them. Noach understood that despite the harsh punishment, Hashem wished to perform chessed with His creations – Noach took Hashem's directive and followed in His ways. Noach did not just supply them with food, he gave each species the specific food they desired, serving them separately at their regulated times. "Twelve months in the ark, Noach did not sleep by day or by night – he was involved in feeding the species that were with him." (תנחומא נ"ה:ב)

We find a similar concept by the destruction of Sedom and Amora. Before the destruction, Hashem told Avraham, (בראשית י"ה:ל) "Because the outcry of Sedom and Amora has become great, and because their sin has been very grave, I will descend and see: if they act in accordance with its outcry which has come to Me – then destruction." Avraham Avinu understood Hashem's middos - if Hashem was revealing to him the future punishment, then there was still room for His kindness. Avraham recognized his responsibility to evoke Hashem's mercy – he prayed to

Hashem to save the people of Sedom in the merit of the righteous ones. The people had sinned greatly, but Avraham begged Hashem repeatedly, being so bold as to state, "Shall the Judge of all the earth not do justice?" Hashem was teaching Avraham the great midda of chessed – he was to pray for these people to the best of his ability.

After the sin of the Golden Calf, Hashem told Moshe, (שמות ל"ב:כ) "ועתה (שמות ל"ב:כ) – "And now, leave from Me. Let My anger flare up against them and I shall destroy them." Moshe understood that Hashem did not want to destroy Klal Yisrael and that he must beseech Hashem for their forgiveness. Moshe answered Hashem, (ע' ברכות ל"ב) "And now if You would but forgive their sin! – but if not, erase me now from Your book that You have written." Moshe totally gave of himself to help save his people, as Moshe himself said, (דברים פ' ו) "ימות משה ומאה כיוצא בו ולא – "Let Moshe and a hundred like him die but do not harm even a fingernail of one of them." Klal Yisrael had angered Hashem – but Hashem still desired that Moshe emulate His goodness and attempt to arouse His compassion. Moshe prayed and Hashem forgave – in the midst of Hashem's wrath, His ultimate kindness still exists.

Noach, Avraham Avinu and Moshe Rabbeinu all recognized Hashem's chessed even in times of severe retribution and they followed the same path. Yet, Moshe is the only one about whom Chazal say "עשה בשלמות" (זוהר פ' וירא) – "He fulfilled his task completely."

Noach served the creatures in the ark with the utmost kindness. Furthermore, he built the ark for one hundred and twenty years, rebuking the people for their actions and warning them of the impending flood in the face of their ridicule and embarrassment. Nevertheless, there was a complaint against him, as Chazal say, "He kept quiet and did not request Hashem's mercy." Noach did not try to overturn Hashem's decree – for that he was held responsible as if he himself brought the flood – the Mabul was called "מי נח" – "the waters of Noach" because he did not pray for his generation. Avraham Avinu followed in Hashem's kindness and sacrificed of himself to pray for the people of Sedom. Yet, he too did not reach the depths of Hashem's goodness. He prayed for the people asking how Hashem could destroy the righteous with the wicked – but he did not pray for the wicked as its own entity. Only Moshe Rabbeinu truly prayed for the all the people in their own right, despite their grave sin and Hashem's decree to destroy them. He sacrificed of himself and would not budge until he roused Hashem's mercy and Hashem said "סלחתי" – "I forgive."

We are shortly approaching the יום הדין – the Day of Judgment, when each individual must pass before Hashem מרון כבני מרון – like individual members of a flock, but at the core of Hashem's justice there is much room to evoke his compassion. We must not only pray for our own forgiveness and well being but our responsibility is to utilize our strength and pray for others. We pray that Hashem bestow his kindness and compassion upon every individual. With our Tefilos we have the power to awaken Hashem's mercy, nullify evil decrees and cause good to be brought upon the world. May we merit to recognize Hashem's chessed and through our prayers turn the curses into blessings – and whatever Hashem decrees we should accept with love and joy – as it is the key to our survival.

ערך חיי האדם

Rosh hashana 5768

It is difficult for us to imagine the true value that every second of human life encompasses, man's immeasurable abilities and his potential accomplishments. The creation of Adam Harishon can give us a glimpse into this understanding.

Hashem created Adam as the sole human being in a great world containing a myriad of different creations on the land and in the seas, as well as the sun, the moon, billions of stars, cosmos and galaxies. An awesome world created to serve man – for him to enjoy and to rule over. When Hashem created man, He took pride in His handiwork and presented him before the angels saying, "ראו בריה שבראתי בעולמי" – "Look at this creation that I created in My world."

Chazal (אבות דר' נתן פ' א) say that in the ninth hour of the day, after Adam was fully created, Hashem put him in Gan Eden. In the tenth hour he was

commanded not to eat from the Eitz Hadaas and in the eleventh hour he sinned. In the twelfth hour, Hashem threw him out of Gan Eden bringing with it the full gamut of punishment – curse and death befell the world – Adam's great stature and that of the whole world was diminished. The world as we know it today is completely different than it was before Adam's sin.

When Hashem created the world which Adam entered, Hashem knew that he would sin. Hashem also knew the consequences of Adam's sin – a complete transformation and the resulting inferior status of all creation. Yet, Hashem obviously thought it worthy to create the world in its original state for the short period of time in which Adam would exist there. This is how valued every minute of human life is and this is what man deserves. Man differs from all the other creations – he possesses Koach Habechira – freedom of choice – he decides the course of his actions, whether for good or for evil, and this is his greatness.

This is how we must view the life of every human being in all generations. The posuk in Iyov (ל"ג:כ"ג) says, "אם יש עליו מלאך מליץ אחד מני אלף להגיד – לאדם ישרו ויהננו ויאמר פדעוהו מרדת שחת מצאתי כפר" – If there will be someone but a single defending angel out of a thousand to declare a man's uprightness on his behalf, then Hashem will be gracious to him and say, 'Redeem him from going down to the grave. I have found him atonement.'" The Gemara says that this applies even if there are nine hundred and ninety nine prosecuting angels and only one angel finds him merit. R' Eliezer says, even if this one angel out of a thousand who finds this merit is himself also a prosecutor and the merit itself is only a thousandth of his testimony – this merit can still save him. How great is one good deed and how valuable is human life that a small goodness found amongst much evil can be the key to his salvation.

In the Musaf of the Yamim Nora'im we say, "ונתנה תוקף קדושת היום כי הוא נורא ואיום...ומלאכים יחפזו וחיל ורעדה יאחזון ויאמרו הנא יום הדין לפקוד על צבא מרום" – "Let us relate the power of the holiness of this day for it is awesome and frightening... Angels panic; terror and trembling seize them and they say 'Indeed it is the Day of Judgment, to indict the hosts of heaven in judgment – for they will not be acquitted in Your eyes in judgment.'" The angels are not referring to the judgment of man but to their own judgment. These holy, spiritual angels about whom we say, "כלם" – "They are all beloved, they are all flawless..." – they are also being judged and they are afraid. These same angels who understand so clearly the severity of sin, also understand the enormous value of human life and human potential – and therefore even amongst man's vast sins, the angels pursue man's good deed in an effort to save him from the grave.

Chazal (ויקרא ר' פ' כ"ט) say, "באחד בתשרי נברא אדם הראשון ובו ביום חטא ובו ביום, – "On the first day of Tishrei, Adam was created – on that same day he sinned, on that day he was judged and he went out with a favorable decree." What is the meaning of Adam going out from judgment with a favorable decree? He was banished from Gan Eden and he brought curse and death upon the world! If we truly understand the significance of human life, than in truth it was favorable – Adam was still alive! There is nothing greater than living and having the ability to serve Hashem. Adam repented and lived on – from him came all future generations. Seventy years of Adam's life were given to Dovid Hamelech from whom Moshiach will descend, bringing mankind to good and the knowledge of Hashem to the world. Every second of man's life can bring about limitless amounts of good.

Just as Adam's actions affected the world in enormous proportions so do our actions. Just as Adam was judged on the first of Tishrei, so too are all future generations. Just as Adam went out "בדימוס" – with favor and merited life, Hashem promises that his children will also go out "בדימוס" – "Remember us for life... and write us in the book of life..." This is what we pray for – even interrupting the first blessings of Shmoneh Esrei with this request. May we all merit to be written in the book of life and value every minute of life in its truest sense – serving Hashem and fulfilling our potential in this world.

YatedUSA Parshas Nitzovim-Vayeilech 24 Elul 5767

Halacha Discussion

by Rabbi Doniel Neustadt

Selichos and Erev Rosh Hashanah: Questions and Answers

Question: May the Selichos prayer be recited at night before going to sleep or must it be recited only upon awakening in the morning?

Discussion: Ideally, Selichos should be said at the end of the night, 1 since that is an *eis ratzon*, a “time of appeasement.” But it is permitted to recite Selichos anytime from midnight on.² Before midnight it is prohibited to recite Selichos.³ Under extenuating circumstances — if one cannot recite Selichos at any other time — Selichos (without *nefilas apayim*⁴) may be recited once a third of the night has passed. But this leniency should not be relied upon on a regular basis.⁵

Question: Must *Birchos ha-shachar* be recited before Selichos ?

Discussion: *Birchos ha-Torah* should be recited before Selichos.⁶ The other blessings need not be recited before Selichos, but may be recited then even though it is before *alos ha-shachar*.⁷ [If *Al netilas yadayim* is recited before Selichos — as recommended by some⁸ poskim — one should be sure not to repeat it after Selichos from force of habit.]

Question: Are women obligated to recite Selichos?

Discussion: Since the recitation of Selichos — even for men — is not an obligation but an ancient custom which has been practiced for many centuries, we are not obligated to do more than what custom dictates. Customarily, women did not go to shul to recite Selichos. If they wish to do so, however, women may go to shul to recite Selichos, or they may recite Selichos at home. But the following rules apply when reciting Selichos without a minyan (for both men and women): 1) When reciting *E-l melech*, some poskim hold that the words *Zechor lanu ha-yom bris shelosh esrei* are omitted.⁹ 2) The 13 *midos* are omitted.¹⁰ 3) *Machei u'masei* (recited towards the end of the Selichos) and any other segment which is in Aramaic is omitted.¹¹

Question: Is a person who was accustomed to fast on erev Rosh Hashanah obligated to continue fasting every year even if he is no longer as robust as he once was? ¹²

Discussion: The *Shulchan Aruch* writes that it has become customary to fast (until *chatzos*)¹³ on.¹⁴ Many men,¹⁵ especially during their younger years, adopt this custom but find it difficult to maintain as they get older. The process for giving up fasting on erev Rosh Hashanah depends on how the custom was adopted originally. There are three possible cases:

.. If the custom was accepted initially as a lifelong commitment, one must annul his vow.

.. If the custom was accepted initially on a year-by-year basis, no *hataras nedarim* (annulment of vows) is required.

.. If the custom was accepted initially without specifying the length of the commitment, then one follows the general principle that any proper custom which was accepted without a *b'li neder* stipulation automatically becomes a *neder* and may not be dropped without *hataras nedarim*.

Note that this halachic problem is not unique to the custom of fasting on erev Rosh Hashanah. Any proper custom, once accepted and followed, may not be dropped without undergoing *hataras nedarim*. People who adopt even “simple” customs which they are not really obligated to practice, like reciting *Tehilim* daily or studying the *daf yomi*¹⁶ without making the *beli neder* stipulation, require *hataras nedarim* should they decide to discontinue their practice.

An exception to this rule is when one undertakes a practice which he thinks is obligatory, but later finds out that it is not. In that case, he may drop his practice without *hataras nedarim*.¹⁷ [For instance, a person who ate *chalah Yisrael* butter only because he thought it was absolutely required, but later found out that this is not the case, may discontinue his practice without being *matir neder*.]

A possible solution to the problem of discontinuing a custom may be found in the concluding declaration that is recited after the *hataras nedarim* ceremony that takes place every year on erev Rosh Hashanah. The declaration states that “I cancel from this time onward all vows and oaths that I will accept upon myself... and that all of them are totally null and void, without effect and without validity.” Several poskim rule that this declaration covers any proper custom that was undertaken without a *beli neder*.¹⁸

Question: Can anyone be a member of the court for the purpose of annulment of vows (*hataras nedarim*)?

Discussion: Any adult¹⁹ male can be a member of the court, even if he is related to the other members or to the petitioner.²⁰

Three judges suffice for *hataras nedarim*. Some poskim prefer ten²¹ or eleven²² judges, but it has become customary to have only three.

Question: Must women officially annul their vows on erev Rosh Hashanah?

Discussion: *Hataras nedarim* on erev Rosh Hashanah,²³ even for men, is a custom, not an obligation. It was never customary for women to annul their vows on erev Rosh Hashanah, and there is no compelling reason to begin such a custom now.²⁴

Many men are accustomed to include their wife’s vows at the time that they annul their own.²⁵ *L’chatchilah*, a wife should appoint her husband to be her emissary for annulling her vows.²⁶ If, however, she forgot to do so, her husband may annul her vows for her without being expressly appointed as her emissary, as long as he is absolutely certain sure that she wants him to annul her vows for her.²⁷

A married woman who has a specific vow that she must annul (and does not wish to appoint her husband as her emissary) should do so in front of a court of three judges. Although her father and brother [or any other relative] may be members of that court, her husband may not.²⁸

A daughter cannot appoint her father [or anyone else] to petition the court on her behalf.²⁹

For the annulment to be valid, the petitioner and the members of the court must understand exactly what is being said. A person who does not understand the published Hebrew text should annul his vows in his native language.³⁰

Minors, even a boy over the age of twelve and a girl over eleven, need not perform *hataras nedarim*.³¹

(Footnotes)

1 O.C. 581:1 and Mishnah Berurah.

2 It is also permitted to begin the Selichos before midnight as long as the Thirteen Middos are said after midnight ;Halichos Shlomo 2:1, Devar Halachah 4.

3 Mishnah Berurah 565:12. One who finds himself in a shul where Selichos are being recited before midnight should not recite the Thirteen Middos along with the congregation; Sha’arei Teshuvah 581:1 quoting Birkei Yosef.

4 O.C. 131:3.

5 Igros Moshe, O.C. 2:105. See Yechaveh Da’as 1:46, who advises reciting Selichos before Minchah as the better alternative.

6 Mishnah Berurah 46:27.

7 Rama O.C. 47:13. See Mishnah Berurah 31 who writes that *asher nassan la-sechvi binah* should *l’chatchilah* not be recited before *alos ha-shachar*.

8 Sha’arei Teshuvah 6:5; Aruch ha-Shulchan 4:5; 6:10. Chayei Adam 7:6 and Mishnah Berurah 4:4 and 6:9, however, recommend that it be recited right before davening , after using the bathroom.

9 Be’er Heitev 565:6; Mateh Efrayim 581:21; Kitzur Shulchan Aruch 128:9.

10 O.C. 565:5. It is permitted, however, to read them as if reading from the Torah, with the proper cantillation marks. See also Igros Moshe, Y.D. 3:21 who allows them to be chanted to any melody, as long as it is different from the melody used in davening.

11 Mateh Efrayim 581:21; Mishnah Berurah 581:4. When reciting Selichos with a minyan, an individual who falls behind may still recite the Aramaic segments until the final Kaddish after Selichos is recited; Halichos Shlomo 2:1-4.

12 If one is not feeling well, he is exempt from fasting on erev Rosh Ha-shanah. It is proper to mention this problem to the members of the court who are going to annul his vows on erev Rosh Hashanah after Shacharis.

13 Once *chatzos* arrives, there is no requirement to daven Minchah first; Elef ha-Magen 581:73, quoting She alas Ya avetz 2:147.

14 O.C. 581:2.
 15 And some women; see Mishnah Berurah 581:16.
 16 See Teshuvos Ohr ha-Meir
 75 (Rav M. Shapiro), who remains undecided as to whether one may switch his study schedule from the study of daf yomi. See also Yechaveh Da'as 6:52, who rules that one who switches from studying the daf yomi to studying practical halachah does not need any hataras nedarim, since he is raising his level of learning.
 17 Y.D. 214:1. See Igros Moshe, Y.D. 1:47.
 18 Salmas Chayim 2:38; Minchas Shlomo 1:91-20; Yabia Omer 2:30, 4:11-9. [Although women do not customarily petition for hataras nedarim on erev Rosh Hashanah, as discussed later, it would be advisable for any woman to recite this declaration, even to herself, thus preventing questionable situations in the future.]
 19 See Rav Akiva Eiger and Pischei Teshuvah, Y.D. 228:3. [An adult is defined as being over thirteen if he has visible beard growth, and at least over eighteen if no beard growth is noticeable; see Magen Avraham, Shulchan Aruch Harav and Pri Megadim, O.C. 39:1, and Chayei Adam 14:1. See also Beur Halachah 39:1, who is even more stringent.]
 20 Y.D. 228:3.
 21 Since vows which were undertaken during a dream can be annulled only by ten judges; see Mateh Efrayim and Elef ha-Magen 581:49.
 22 Since a court should not be made up of an even number of judges; see Mishnas Ya'avetz, O.C. 53.
 23 If not done on erev Rosh Hashanah, it may be done anytime during the week, even at night (Y.D. 228:3), until Yom Kippur; see Mateh Efrayim 581:49.
 24 Halichos Shlomo 2:1-10.
 25 Although this is customary in many places, Harav S. Vosner is quoted (mi-Beis Levi, Tishrei, pg. 18) as dismissing this custom.
 26 Teshuvos v Hanhagos 1:338; Yabia Omer 2:30.
 27 See Hebrew Notes, pg. 576-581, for an explanation of this halachah.
 28 Y.D. 234:57.
 29 Y.D. 228:16.
 30 Chayei Adam 138:8; Kitzur Shulchan Aruch 128:16.
 31 She'arim Metzuyanim b'Halachah 128:24. See Shevet ha-Levi 5:129-3

YatedUSA Parshas Nitzovim-Vayeilech 24 Elul 5767

Halacha Talk

by Rabbi Avraham Rosenthal

The Simanim of Rosh Hashanah

Leil Rosh Hashanah. The first night of the new year. Trepidation mixed with optimism. Trepidation, as it is yom hadin, and we contemplate “mi yichye u'miÉ;” optimism, because we know that “teshuvah, tefillah u'tzedakah ma'avirin es ro'a hagezeirah” and much of the coming year's outcome is dependant on us. In order to help us focus our tefillos and hopes for a good, sweet year, we have the minhag of the “Simanim” – the special foods which serve as “indicators” or “omens” of those expectations.

This custom, according to one of the Rishonim, dates back to the days of Ezra HaSofer, as is evident from the possuk (Nechemiah 8:10), “And he said to them, ‘Go, eat tasty foods and drink sweet drinks and send portions to whoever has nothing prepared, for the day is holy to our L-rd; and do not be sad, for the joy of Hashem is your strength’” (Ra'avyah, vol. II, #537 and 547).

Let us take this opportunity to examine the various aspects of this very old and beautiful minhag.

SEEING VERSUS EATING

The Gemara (Horayos 12a) discusses various activities that are considered to be good omens. The first of these is the instruction that when inaugurating a king's monarchy, he is anointed near a spring. This serves as an omen that just as the waters of the spring constantly flow, so should his kingship endure forever. This is based on the fact that when Dovid instructed Tzadok and Nossan to anoint Shlomo as his successor, he said (Melachim I 1:33), “Take him down to Gichon,” which is a spring outside Yerushalayim.

The Gemara then cites several more practices that can be used as fortuitous omens. One of these includes lighting an oil lamp in a draft-free room during the aseres yemay teshuvah. Since a person's soul is compared to a flame, as it says (Mishlei 20:27), “A man's soul is the lamp of Hashem,” if

the flame burns as long as there is oil, this is an indication that he will live out the year (see Rashi and Maharsha, Horayos 12a).

Subsequently, the Gemara formulates the basis for Simanim on Rosh Hashanah: Now that we have seen that omens are significant, as indicated by the previous Gemaros, “one should always be accustomed to see at the beginning of the year, a gourd, fenugreek, leek, beets and dates.”

This discussion of good omens is duplicated in another Gemara (Krisus 5b-6a) with one minor but significant change, “one should always be accustomed to eat at the beginning of the year, a gourd, fenugreek, leek, beets and dates.”

During the times of the Geonim, there was much discussion regarding this minhag, and Rav Hai Gaon writes (Otzar HaGeonim, Teshuvos, pg. 115) that the custom is to look at the various foods, touch them and recite the appropriate tefillos for each type. Additionally, someone who visited Rav Hai on Rosh Hashanah reported that this was indeed his practice (Otzar HaGeonim, Rosh Hashanah, pg. 52). This is apparently based on the text of the Gemara in Horayos that reads, “to see.”

Although several Rishonim cite this practice of merely looking at the special foods and reciting the various tefillos (KolBo #64; HaManhig, Hilchos Rosh Hashanah #1), many maintain that one should actually eat the Simanim (Machzor Vitri #323; Maharil, Minhagim, Rosh Hashanah #6-7). Indeed, this is the opinion of the Tur and Shulchan Aruch (Orach Chaim 583) and it is the prevalent minhag, as evident in the poskim (Kitzur Shulchan Aruch 129:9; Aruch HaShulchan 583; Mateh Moshe 583).

NOT INTERESTED IN EATING

The fact that the Gemara reads, “to see” and this was the minhag of the Geonim, has practical halachic ramifications. If, for whatever reason, one cannot eat any of the special foods designated as Simanim, he should follow the practice of the Geonim by bringing the foods to the table and reciting the appropriate tefillos while holding them (Kaf HaChaim 583:6; see also Shu't Teshuvos v' Hanhagos, vol. II #266).

THE PROHIBITION OF NICHUSH

Although, as we said, the minhag of simanim is rooted in the Gemara and Geonim, many Rishonim and Acharonim grapple with the question of why it is permitted. In order to understand the problem, an introduction is required.

The Torah prohibits “nichush” – omen-reading (Vayikra 19:26 and Devarim 18:10). The Gemara in Sanhedrin (65b-66a, Rashi ad. loc.) illustrates this with several examples: bread falls out of one's mouth, one's cane falls from his hand, a deer crosses one's path, or if a tax collector or gabai tzedakah comes and the person does not want to be the first one to give away money, or in the same situation and he does not want to start off the day, week or month by losing money and wishes to postpone it to a more auspicious time. This Gemara is cited in Shulchan Aruch (Yoreh De'ah 179:3) as practical halacha.

Based on this, many wonder why simanim is not a form of nichush. Just as it is prohibited to ask the gabai tzedakah not to collect money from him on Rosh Chodesh because he considers it a bad omen to start off the month with a loss, so should the practice of eating foods at the beginning of the year as a good omen be likewise prohibited. Many approaches have been suggested to resolve this issue, and we will present several of them:

- 1) The Me'iri explains that in and of themselves, eating these foods on Rosh Hashanah would be considered nichush. However, since we use the Simanim to arouse ourselves to teshuvah and to daven for a good year, it is not considered nichush, but rather something that it is bringing us closer to Hashem (Commentary to Horayos 12 and in Chibur HaTeshuvah 2:2).
- 2) The Mordechai (beginning of Yuma), unlike the Me'iri, does not mention the idea of teshuvah vis-à-vis the simanim. However, he contends that the mere fact that the foods are used as a vehicle for tefillah alone is sufficient to remove the prohibition of nichush.
- 3) In his comments to the Gemara Horayos quoted at the beginning of this article, the Maharsha explains as follows: A distinction can be drawn between making good omens, which is permitted, to being concerned about bad omens. The reason for this is that everything Hashem does is good, as it says (Eichah 3:38), “From the mouth of the Supreme will not

come out bad.” Rather, it is a person’s sins which change into bad the good that Hashem wishes to bestow on a person.

By making good omens on Rosh Hashanah, a person indicates his trust that Hashem will grant him a good year and that no bad emanates from Him. Therefore, this is not included in the prohibition of nichush. However, when a person is concerned about bad omens, this shows that he believes that the bad occurrences are dependant on chance and luck, which is prohibited.

4) The last approach requires an introduction. The commentators and especially the Ramban point out throughout Sefer Bereishis, how ma’ase avos siman labanim – actions done by Avrohom, Yitzchok and Yaakov were portents of what was going to occur to their descendants. The Ramban explains why Hashem found it necessary to command the Avos to perform these symbolic acts as a prelude to what would happen to their children, as opposed to merely showing them what was to occur through prophecy. For example, when Avrohom Avinu arrived in Eretz Canaan, the first place he went to was Shechem. By entering that city, he made a symbolic acquisition which was the forerunner of his grandchildren’s domination of Shechem.

Why was it necessary for Avrohom to physically “pave the way” for his descendants, when Hashem could have merely showed him in a prophetic vision that they would conquer Shechem? The Ramban explains that Hashem’s verbal decree or promise is only assured of fulfillment after a physical, symbolic act took place by one of the Avos. He refers to this as “motzi min ha’koach el hapo’el” – “transforming the abstract into the concrete.”

By the same token, explains the Maharal, the Simanim of Rosh Hashanah serve the same function. Through the physical act of eating these foods which allude to the various tefillos and brachos, we are not performing nichush, rather a symbolic act which “transfers from the abstract to the concrete,” and will assure manifestation of those brachos (Be’er HaGolah 2:7).

CHALLAH AND HONEY

According to most minhagim the first item eaten after kiddush on Leil Rosh Hashanah is challah and honey. (Some have a minhag to eat the apple and honey immediately after kiddush [Darchei Chaim veShalom #707].) Therefore, we will discuss this combination first. It is interesting that the two food combinations most closely identified with the Simanim of Rosh Hashanah, namely, challah with honey and apple with honey, are not mentioned either in the Gemara or the Geonim. The custom of eating apple with honey on Rosh Hashanah is first mentioned by the Rishonim, and I could not find the custom of eating the challah with honey mentioned before the late sixteenth century. The Levush (583:2) writes that this is the custom in Ashkenaz and it alludes to the hope that the coming year will be sweet.

There are different customs whether a yehi ratzon is recited over the challah and honey. The Mateh Efraim (583:1) maintains that one recites the same prayer recited over the apple with honey: “tischadeish aleinu shanah tovah u’mesukah.” However, he warns not to interrupt between the bracha and the eating. Rather, one should eat the bread and then recite the yehi ratzon. The Alef HaMagen (583:8) writes that in his locale the minhag is not to recite this yehi ratzon when eating the challah, but to delay it until eating the apple and honey. However, he suggests that if one wishes to recite it when eating the challah, he should eat a little of the challah, recite the yehi ratzon and then eat more. Although the Mishna Berurah cites the minhag of dipping the challah in honey, he does not mention the yehi ratzon.

HONEY, SALT OR BOTH

When starting a bread meal during the year, many are accustomed to dip the first piece of bread in salt. Although the reasons behind this practice are beyond the scope of this article, we are not required to do so from a halachic perspective because our breads already contain salt or other flavors. Rather, this practice is based on the kabbalah (see Shulchan Aruch 167:5 and Mishna Berurah ad. loc.).

There are various minhagim regarding what one should put on his challah during this time of year. Some maintain that salt is placed on one side and honey on the other (Kaf HaChaim 583:4; Ta’amei HaMinhagim #606).

Others initially dip the challah in honey and eat it in order not to detract from the sweetness of the honey, and later dip a piece in salt and eat that (Shu”t Salmas Chaim vol. I, #39). There is also a minhag to reverse this order and eat one piece with salt first and then a piece with honey (Minhag Yisroel Torah, vol. III, pg. 260). Some are of the opinion that whenever the challah is dipped in honey, salt is not used (Orchos Rabbeinu vol. II, pg. 173 in the name of the Chazon Ish and the Steipler).

CHALLAH AND HONEY AGAIN?

Although generally speaking the Simanim are only eaten on Rosh Hashanah, it is a very prevalent minhag to dip challah into honey at every Shabbos and Yom Tov meal through Simchas Torah (Ketzei HaMateh 605:38; Orchos Rabbeinu pg. 173). Some even do so on Shabbos Bereishis as well (Luach Devar Yom beYomo).

ROUND AND ROUND WE GO

As long as we are on the topic of the Rosh Hashanah challo, we should mention the minhag of round challo. This custom is cited in the Acharonim as a minhag Ashkenaz. Although many reasons are given for this custom, we will cite only two: 1) round challo do not have a beginning or end. This alludes to our hope for arichus yamim; 2) they are also reminiscent of a crown. Of course this theme is apropos for Rosh Hashanah when we declare Hashem’s Sovereignty (Minhag Yisroel Torah, vol. III, pg. 259).

WE DIP THE APPLE IN THE HONEY

As we mentioned, the minhag of eating an apple dipped in honey is not mentioned either in the Gemara or the Geonim. The earliest printed source of this custom is the Tur, who states that it is the minhag in Ashkenaz to eat a sweet apple in honey at the beginning of the meal.

The question raised by the Rishonim is, granted it is considered to be a good omen to eat sweet foods on Rosh Hashanah, but why should one specifically choose apples? Also, as we will see, the name of each siman is meant to be indicative of either a bracha to Klal Yisroel or a curse to our enemies, as expressed in the various tefillos recited before partaking of each siman. The exception to this rule is the apple. The tefillah recited before eating it, she’ tischadeish aleinu shanah tovah u’mesukah, in no way alludes to the word “tapuach” – apple. The question is, why?

Some explain that the reason why we eat an apple on Rosh Hashanah is because the apple hints to an apple orchard, which is the aroma that accompanied Yaakov Avinu when he entered Yitzchok’s room to receive his bracha. This prompted Yitzchok to exclaim (Bereishis 27:27), “See, the fragrance of my son is like the fragrance of a field which Hashem had blessed” (see Rashi ad. loc; Maharil, Minhagim, Hilchos Rosh Hashanah #7). The Gra points out that this took place on Rosh Hashanah (Biar HaGra, Orach Chaim 583). Thus, we eat an apple on Rosh Hashanah in order to invoke the merit of the Avos and the brachos that were bestowed on Yaakov Avinu.

Another reason given for eating apples specifically is that the apple is unique among fruit, as one can enjoy its appearance, aroma and taste. These three aspects allude to the fact that we are beseeching Hashem that He shower upon us the brachos of banei, chayei u’mezonei – children, life and sustenance (Ben Ish Chai I, Netzavim #4).

We therefore see that apples are different from the other Simanim. While we eat the other foods because their names allude to the various blessings and curses in the respective tefillos, apples are eaten for other reasons, as we explained. Hence, when reciting the yehi ratzon over the apple and honey, our focus is their sweetness and not the name of the item.

THE PRIMARY FOOD

There is a major discussion in the poskim regarding the apple-honey combination, as to which of the two is the primary food. The practical halachic difference between the two opinions is, as in all situations of ikar and tafel (primary and secondary foods), over which does one recite the bracha and thereby exempt the other. If the apple is primary and the honey merely enhances it, one recites borei pri ha’etz over the apple and this exempts the honey. However, if the honey is the primary food, and the apple is there to make it easier to eat the honey, one recites shehakol over the honey and the apple is exempt.

Several approaches have been suggested to resolve this issue. We will mention three of them:

1) Some maintain that the apple is primary. They base this on the fact that we always find the expression, “we take the apple and dip it into honey,” and not “we eat honey with an apple.” While the latter would indicate that the honey is primary, we can understand from the former that the opposite is true (Maharil, Minhagim, Hilchos Rosh Hashanah #6).

2) Others suggest that this question is possibly the basis for the custom of dipping in honey the piece of bread eaten for hamotzi. By eating the bread with honey, the honey is exempted by the bracha of hamotzi and any honey subsequently eaten would no longer require a bracha (Machatzis HaShekel’s explanation of Magen Avrohom 583:1).

3) Another method to avoid the entire question of whether to recite borei pri ha’eitz on the apple or shehakol on the honey, is to eat the apple and honey together with the slice of bread eaten after hamotzi. In this way both the apple and honey are considered secondary to the bread and no bracha is required (Shu”t Shevus Yaakov, vol. II #27).

Most of the poskim maintain that the honey is secondary to the apple and does not require its own bracha (Magen Avrohom 583:1; Aruch HaShulchan 583:2; Sha’arei Teshuvah 538:2; Mishna Berurah 583:3).

SHEEP’S HEAD

Another of the Simanim not mentioned in the Gemara is the head of a sheep. The source of this minhag is the responsa of the Geonim (Teshuvos HaGeonim – Musafia #8). It is interesting to note that the custom then was to cook the head together with sweeteners, and when they ate it they said, “so we should eat sweets the entire year.” Additionally, they would specifically eat fatty meats as a siman that the whole year should be sweet and delectable and that nothing bad should occur. As we mentioned earlier, the minhag of eating apples in honey only dates back to the period of the Rishonim, and was not practiced by the Geonim. Therefore, they used a sweetened sheep’s head as their siman for a sweet year.

The KolBo (#64) cites two other reasons for eating a sheep’s head, which he heard from his teacher: 1) as a remembrance of the ram that Avrohom Avinu offered in place of Yitzchok and 2) to symbolize that we should be leaders (see also Maharil, Rosh Hashanah #8; Shulchan Aruch 583:2). Although the prevalent minhag is only to mention “ni’heye le’rosh velo lezanav” in the yehi ratzon prior to eating the sheep’s head, some have the custom to add, “and remember for us the binding and the ram of Yitzchok the son of Avrohom” (Ben Ish Chai, Netzavim #4).

One who does not have a sheep’s head can use the head of another animal or that of a chicken (Kitzur Shulchan Aruch 129:9; Mishna Berurah 583:7). Additionally, many have the minhag of using a fish head. However, the Ben Ish Chai (Netzavim #4) points out that one can only include a tefillah that Hashem should remember akeidas Yitzchok when using the head of a sheep.

AN EXOTIC SIMAN

It is fascinating to note how one minhag retains its popularity over hundreds of years and another falls into disuse and is almost unheard of. The Tur writes (583), “In Provence (Southern France)É they eat the head of a sheep and the lungÉ” The custom to eat of a sheep’s head is cited in Shulchan Aruch and although not as widely practiced as eating an apple in honey, it is still quite popular. However, the minhag of eating lung, which is quoted in the Tur and Darchei Moshe, is virtually unheard of!

One of the earliest sources for this minhag is Sefer HaManhig (Hilchos Rosh Hashanah #1). After quoting the Gemara in Horayos, which we discussed earlier, he writes, “From here I have a basis for the custom of Provence to takeÉ and to place on the table on the night of Rosh Hashanah [that it should be] for a good omen for the entire coming year, the head of a sheepÉ and a lungÉ and the custom of our fathers is Torah.”

One reason cited for using lung as a siman is that it is “light” (kalah) (Sefer HaManhig ibid.; Tur 583). The Taz in Hilchos Treifos (Yoreh De’ah 36:18) writes that out of all the limbs and organs of an animal, the lung is the lightest because it is full of air. The question is what does this have to do with a siman on Rosh Hashanah? Rav Chaim Falagi explains that lung, which is light, symbolizes the hope that the coming year should be light and unencumbered from trials and tribulations (Moaid l’Kol Chai 12:25). Indeed, some recited the following tefillah, echoing that hope: “May it be your willÉ that this year be light for us like a lung” (Moaid l’Simcha, vol. I, pp. 98-99).

Another reason to use lung as a siman is that according to the Gemara (Chulin 49a), lung meat is beneficial for the eyes (KolBo, cited in Darchei Moshe 583). Based on this, some had a minhag of reciting the following yehi ratzon, “that You should enlighten our eyes in Your Torah” (Moaid l’Simcha pg. 99).

While the two previous minhagim focused on the qualities of the lung and used them as a good omen, a third custom stressed the Hebrew word for lung – ray’ah. Based on this, before eating lung they used the text of the seventh bracha in Shemonah Esrei, “Re’eih na b’anyeinuÉ” – “Please see our oppression and champion our fight and quickly redeem us with a complete and speedy redemption for the sake of your Name, and enlighten our eyes with the light of Your Torah (Rav Chaim Falagi in Ruach Chaim, quoted in Kaf HaChaim 583:15).

Although, as we mentioned, the Tur cites this minhag, Rav Yosef Karo in his commentary to the Tur, Beis Yosef, does not discuss it and he also does not codify it in the Shulchan Aruch. The Rama, who mentions it in Darchei Moshe, also does not cite it in his notations to the Shulchan Aruch. The question is, why not? (Yalkut Avrohom [Rav Avrohom Lifshitz zt”l of Munkatch, 5691] Orach Chaim 583 #147.)

Some contend that the reason why this minhag fell into disuse and is not cited by the poskim is because animal lungs are infested with bugs and worms and cannot be properly cleaned and examined (Sefer Ha’Eshel, Likutei Shoshanim, Reish #5 [Rav Shabsai Lifshitz zt”l, Debrecen 5708]). Nevertheless, it was the minhag of Rav Chaim Falagi and Rav Pinchas of Koritz, among others to eat lung on Rosh Hashanah (Moaid l’Kol Chai 12:25; Imrei Pinchas 4:81; Moaid l’Simcha pg. 101).

THE INTENT OF THE SIMANIM

Earlier in this article we discussed why eating Simanim does not transgress the Torah prohibition of nichush and we presented four explanations. Those approaches can provide us with direction regarding the proper kavanah one should have when eating the Simanim. In summation: 1) By eating the Simanim, one can awaken himself to teshuvah. 2) The Simanim are vehicles through which one can focus his tefillos. 3) Eating these foods shows that he trusts in Hashem that He will inscribe him for a good year. 4) The physical eating transforms the abstract into the concrete thereby assuring the manifestation of those brachos.

Due to space constraints, we will pause at this point, but B’ezer Hashem, next week in the Rosh Hashanah edition, we will pick up from where we left off with more interesting tidbits about the Simanim.

THE WEEKLY DAF :: Ketubot 4 – 10

For the week ending 8 September 2007 / 25 Elul 5767

from Ohr Somayach | www.ohr.edu

by Rabbi Mendel Weinbach

GUARD YOUR EARS

How careful we must be regarding what enters our ears is stressed in these two statements of Tannaim cited in our gemara:

“Why is the entire ear formed from firm matter while only the lobe is soft? In order that if one hears something improper he should be able to fold the lobe into the ear and block out the sound.”

“One should avoid allowing idle words to enter his ears because the ears are the first of all the parts of the body to become burned (they are the most susceptible to extreme temperature—Rashi).”

Maharsha thus explains the connection between these two statements:

After first being warned about hearing forbidden words, we are cautioned to avoid hearing even things that are not forbidden but which have no positive purpose for serving Hashem through mitzvot. In this matter the sense of hearing is radically different from the other senses. Although it is certainly forbidden to see things that are forbidden as they can provoke improper thoughts, there is no need to avoid seeing neutral things, even if such viewing serves no positive purpose in mitzvah performance.

The reason for this distinction is that hearing is the most susceptible of all the senses, as forbidden words are so prevalent in human affairs. It is therefore necessary to exercise special discipline regarding our ears by blocking out even those neutral words, lest they lead to receiving improper communications as well.

The ear was therefore created in a manner which will bring home this concept of susceptibility. Whether it is the unprotected ear turning a painful red in freezing weather, or tingling in an overheated room, we are constantly reminded of how sensitive that part of the body is to external influences. This serves to remind us that the sense of hearing rooted in that ear is also susceptible to external influences, and that special caution must be exercised regarding what we hear. Ketubot 5b

A SECOND LOOK AT SEVEN BLESSINGS

The "sheva berachot" (seven blessings), which are said at a wedding and at the feasts of celebration during the following week, contain something for everyone, from the parties getting married to the people helping them celebrate. We here offer the observations of Rashi in regard to a few of those berachot.

The first beracha (at the chupah itself this blessing comes after the beracha on wine) is the praise of Hashem "Who created everything for His glory." This is not really a part of the ensuing order of berachot which deal with the institution of marriage itself. It is rather a tribute to those who have gathered to do kindness with the chatan and kallah (groom and bride) by celebrating their simcha. This is a glorification of the Creator because it reflects the role that He played in the first wedding in history when He took care of every detail to unite the first man and woman as a couple.

The final two berachot seem to have similar climaxes, one praising Hashem for "bringing joy to the chatan and the kallah," and the other for "bringing joy to the chatan with the kallah." The first of these deals not with the joy of marriage itself but is rather a prayer for the success, prosperity and happiness of both the chatan and kallah for all their days. Since each of them is being blessed our climax is "and." It is only in the final beracha that we praise Hashem for creating the special relationship of husband and wife through shared affection and joy. We therefore conclude this beracha with the term "chatan with the kallah" for it is this togetherness which Hashem has blessed with simcha. Ketubot 8a

TALMUDIGEST Ketubot 9 - 15

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A DIVORCE IN TIME Ketubot 9b

A woman who commits adultery is forbidden to both her husband and her partner in sin.

The question then arises as to how King David could marry Batsheva when the simple reading of the text (Shmuel II, 11:2-3) indicates that he had relations with her while she was still the wife of Uriah.

Rabbi Shmuel Nachmeni solves the problem by revealing that everyone who went to battle for King David wrote a get (divorce document) to his wife before leaving home.

Rashi's explanation is that since David's soldiers were afraid that they might not survive the war and thus compel the widow to face yibum, they divorced their wives on the condition that if they did not return from the battlefield the divorce would take effect retroactively to the day the get was given. Since Uriah did not survive the war his marriage had already been dissolved when David took her.

Tosefot challenges this approach and offers the opinion of Rabbeinu Tam that the get was not a conditional one but an outright dissolution of the marriage. The problem with this approach is that the gemara (Bava Metzia 59a) refers to David's action as relations with a "dubious married woman". If Batsheva had been properly divorced why should her status be in doubt? The answer given is that such divorces were given in secret so that no one should exploit the opportunity to marry the woman before her ex-husband returned to remarry her. Since the public was not aware of the divorce of Batsheva there was a suspicion that he was guilty of adultery even though this was not the case.

WHAT THE SAGES SAY

Why is a widow call an almanah?

"Because the man who marries her is only obligated to obligate himself to a manah in her ketubah (as opposed to double that amount for a virgin)."

Rabbi Chana of Baghdad - Ketubot 10b

Selling Your Soul

by Sara Yoheved Rigler

Do we each have our price?

My husband and I checked into our hotel room with plenty of time to get ready for our five o'clock treatments at the hotel spa. All I had to do was phone into my New York publisher the final corrections for my new book.

I sat down at the desk, munching on the cake provided by the hotel, and dialed. The line was busy. Five minutes later the receptionist picked up, but my editor was not at her desk. By the time I finally succeeded in delivering the corrections, it was 4:40.

I scrambled to get ready for my treatment. As I took off my watch and gold pendant and placed them on the desk, my husband, who hates when I make him late, told me that he was putting my wallet into the safe in the closet. He was already standing at the door when I noticed my opal ring on my finger. I quickly took it off and placed it next to my watch. Then we zipped off.

After our treatments, my husband went to the hotel shul to pray the afternoon prayers, and I returned to our room. As I approached, I saw that the door to our room was wide open, and the maid was just exiting. At first I was startled, but then I realized that the amenities of a five-star hotel sometimes include an evening cleaning. I smiled and thanked her, but she didn't return my smile.

I noticed right away that she had cleaned the desk. The cake crumbs were gone and the manuscript pages, which I had left helter-skelter, were in a neat pile. Fifteen minutes later, when I had finished dressing for dinner, I went to put on my jewelry. The watch and gold pendant were exactly where I had left them, but the ring was missing.

I searched under every object on the desk. I looked all over the floor. With mounting panic, I checked the entire room and the bathroom, although I was absolutely sure that I had left the ring on the desk, next to my watch.

There were only two possibilities: either my husband had put the ring in the safe or the maid had stolen it. I had no way to check the safe; the credit card to unlock it was with my husband, who was in the middle of his prayers. Besides, I vaguely remembered that he was already standing at the door when I took off my ring. As for the maid, a glance down the hall revealed that she had finished our floor and was standing by the service elevator. If I confronted her immediately, while she still had the ring on her, perhaps she would return it. Once she went home, I realized with a sinking feeling, I would never get my ring back.

I loved that ring with its glistening blue opals, a gift from my husband for my birthday this year. In the back of my mind, I heard a whispered warning: "You're not allowed to hastily accuse the maid. There are mitzvot [commandments of the Torah] that apply here." But the whisper was drowned out by the loud shriek: "I WANT MY RING BACK!"

I darted down the hall. Through clenched teeth, I said to the maid in Hebrew, "My ring is missing. If you give it back to me now, I promise I won't say anything to anyone."

She looked at me expressionless. "Which room is yours?" she asked with a Russian accent.

"Room 710."

She started walking to my room. She wants to give it back to me in private, I surmised with satisfaction. I was glad I had acted quickly.

Standing beside the desk, I pointed to the scene of the crime. "The ring was right here. I know I left it right here."

Instead of handing me the ring, she started canvassing the floor. Angrily, I repeated my offer: "If you give it back to me right now, I won't tell anyone. I just want my ring back."

The maid looked at me with steely eyes. "I have worked here for six years," she fairly spit the words at me, "and I have never stolen anything."

At that moment, I knew she was telling the truth. My accusation ricocheted back and hit me with full force. She was not guilty of any wrongdoing, but I was guilty of transgressing the Torah by hurting a vulnerable person with my words.

It turned out that my memory of the sequence of events had tricked me. Before we left the room, while I was rushing to get ready, my husband had put the ring into the safe.

IT'S THE MONEY

The ring was worth \$175, not a trifling amount in our family budget, but certainly not worth transgressing the Torah for it. That night, as I agonized over how I had allowed myself to contravene my own standard of behavior, a scene out of a B movie occurred to me: If a sleazy character had sidled up to me and said, "I'll pay you \$175 to ignore one of the Torah's commandments," I would have responded with outrage: "How dare you! I would never ignore a single mitzvah for \$175, or for ten times that amount. You can't buy me off!"

But, in fact, that's exactly what I had done; I had allowed myself to compromise my moral standards for \$175. If I had quieted my shrieking mind long enough to weigh the matter, I could have asked myself: "If you don't hastily accuse the maid and she really did steal it, what's the most you would lose?" The answer would have been: "\$175 and the time it takes to walk to the jewelry store five minutes from our house and buy a new ring." If someone offered you several thousand dollars to never speak to your brother or sister again, you might answer with indignation, "My relationship with my sister/brother is not for sale!" Yet how many adult siblings engage in furious fights, and even lifelong feuds, over the terms of their parents' will?

A startling statistic claims that over half of all divorces are caused by squabbles over finances. At first it seems preposterous that a thinking adult would choose the pain and loneliness of divorce, as well as the psychological scars it inflicts on children, over any amount of money. However, the financial rift is usually so buried in layers of other issues that one rarely sees the reality for what it is.

My friend Marcia once told me this story: Marcia's husband Barry had lent \$5,000 to an old college friend of his, Neil. Marcia had never liked Neil, and, since their finances were never flush, she was horrified that Barry had lent him such a sum. Barry hadn't consulted her, however, so she could only hope that Neil would pay the money back.

About a year later, Marcia, a fellow writer, got an advance on her next book. She was thrilled to be able to deposit \$5,000 into the family vacation fund. That very night, Barry broached what was clearly a painful subject for him. Their car and house insurance was due and he had hoped to pay it with the repayment of the money he had loaned to Neil, but Neil, after several reminders, had finally confessed that he didn't have any way to pay back the money. They would have to use Marcia's \$5,000 for the insurance.

Marcia went ballistic. She had never approved of the loan, and now that Barry's low-life friend had reneged on the repayment, she would have to sacrifice the family vacation?! "If you so much as touch my \$5,000, I'll never speak to you again!" she cried as she stalked off.

She took a walk around the block, fuming over her husband's gullibility in trusting that low-life. By her third time around the block, though, it suddenly occurred to her: If someone had approached her and said, "I'll pay you \$5,000 to turn your home into a battleground," she would have scoffed at the offer. But here she was, sacrificing her marital harmony for \$5,000.

"Yes, my husband's a lousy judge of character," Marcia thought to herself. "And he was wrong to lend money without consulting me. But if \$5,000 would drop out of the sky right now, I'd be big enough to forgive all his faults."

As the maxim goes: Whenever someone says, "It's not the money, it's the principle," know for sure that it's the money.

"WITH ALL YOUR MONEY"

The second line of "Shema Yisrael" states: "And you should love the Lord your God with all your heart, with all your soul, and with all your might." The classical commentaries explain that "with all your heart" means with both your good and bad inclinations, "with all your soul" means with your very life, and "with all your might" means with all your money. Since the mitzvah seems to be stated in order of ascending difficulty, the question is asked how loving God with all your money can be more difficult than

giving up your life. The answer: "Some people love their money more than their life."

This Talmudic teaching used to make me think of wealthy German Jews in the 1930s, who chose not to leave Germany without their property and paid for that choice with their lives. After my debacle with my opal ring, however, I realized that none of us is immune to the power of money to distort our values and corrupt our choices. Sad to say, we all have our price.

The cure for this Faustian predicament is to clearly identify the two sides of the choice. If we could strip away the layers of principles, and expose the choice for what it is, we would be shocked to discover how often we are swayed by money.

Next time you're involved in an interpersonal dispute with a relative, friend, or neighbor, ask yourself what amount of money could solve the problem. For example, let's say your neighbors' pet rabbit escaped from its cage and feasted on your beautiful flower bed. You politely asked your neighbors, with whom you've always had a good relationship, to make sure that the children are more careful to latch the cage, and you asked your gardener to replace the ravaged annuals with new plants. Several weeks later, the rabbit again escaped and devastated your annuals. This has now become a point of real conflict between you and your neighbors, causing you no end of aggravation. The problem is, of course, that your neighbors are not sufficiently responsible, don't watch their children closely enough, and don't teach their children their civic duty. But if you asked yourself how many times in a summer's growing season the rabbit gets out and how much it would cost you to simply replace the annuals that number of times, you would realize that you could purchase peace with your neighbors for less than \$100.

One rabbi recommends that just as you put away money into a vacation fund or a retirement fund, so you should keep a "shalom fund." Then, when disputes arise with relatives and neighbors, you can use that money to reestablish peace. In the long run, such a "shalom fund" pays off, not only morally, but also physically. Isn't it worth spending \$100 rather than getting an ulcer or high blood pressure?

BUYING YOURSELF OFF FOR THE GOOD

As Rosh Hashana approaches, we are bidden to improve ourselves, to do tshuva, to undertake to make better choices this new year. Awareness of our human propensity to be bought off can help us make better choices in two ways.

The first is to call that sleazy dark figure out of the shadows and identify him clearly. Whenever you find yourself involved in an argument either about money or that could be solved by money, visualize that mobster-like character offering you, "I'll pay you x amount of dollars to sacrifice your ___ (moral standard, relationship with your spouse or sibling, harmony in your life, etc.)." Then ask yourself, "Am I really willing to be bought off for that amount of money?"

The second device is to buy yourself off for the sake of good. If you can't bring yourself to do something worthwhile but difficult, buy yourself off! For example, this new year, you want to establish a better relationship with your parents, but every phone conversation degenerates into their pressing your buttons and your responding rudely. Tell yourself: "For every five minutes on the phone with my parents that I don't speak a disrespectful word, I'll give myself \$10 toward that new x that I've been wanting but really can't afford." You'll be amazed at how quickly you can reach new heights of parental respect.

As the Talmud says: If you do the right thing for a base motive (such as money), you'll eventually end up doing the right thing for its own sake.

We can also harness our propensity to be bought off by asking ourselves: "I can't say a civil word to my brother-in-law, but if he suddenly gave me \$1,000, would I change my behavior toward him?" An honest, "yes" should lead us to the next stage: "If I would do it for \$1,000, why not just do it for the sake of harmony in the family?"

Jack Benny used to tell the following joke: "When I was on my way here tonight, a mugger held me up at gunpoint and threatened, 'Your money or your life. [PAUSE] I SAID, YOUR MONEY OR YOUR LIFE!'

"I'm thinking, I'm thinking!" was the famous cheapskate's reply.

On Rosh Hashana and Yom Kippur, life and death is decreed for each of us. Our moral choices can, as the High Holiday prayer book asserts, "reverse the severe decree." Seen clearly, your choices often are between "your money or your life."

This Rosh Hashana, choose life.

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meditation. Since 1985, she has been practicing Torah Judaism. A writer, she resides in the Old City of Jerusalem with her husband and children. Her articles have appeared in: Jewish Women Speak about Jewish Matters, Chicken Soup for the Jewish Soul, and Heaven on Earth.

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