

INTERNET PARSHA SHEET
ON ROSH HASHANAH - 5758

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ravfrand@torah.org "RavFrand" List - Rabbi Frand on Parshas Nitzavim

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's
Commuter Chavrusah Tapes on the weekly portion: Tape # 252, Buying Seforim. Good Shabbos!

The Day of Judgment: Fear -- Yes; Hopelessness -- No

Rash"i cites a very famous Medrash explaining the juxtaposition of the
verse "You are all standing here today..." [Devorim 29:9] with the section of
the 98 Curses which we read in last week's Parsha. The Medrash says that
after hearing all of the curses, the Jewish people turned green and became
despondent, asking, "who can withstand all of these curses"? They lost hope.
"What is going to be with us?" they asked. Therefore, in this week's parsha,
Moshe tries to appease them. "You are still here after forty years in the
wilderness. You many times angered G-d -- the Calf, the Spies, and the
complainers -- and He never destroyed you. You are still here..." Consider
what Moshe Rabbeinu is doing here. This appeasement appears to be
self-defeating. The whole purpose of the Curses was to put the 'Fear of G-d'
in the people. The curses were very effective. The people were scared stiff.
He accomplished what every leader wants to accomplish -- he shook them
up. But now he seems to be undoing the whole thing. "Don't worry, you've
gotten away with a lot in the past, etc..." Doesn't this destroy the whole
impact of the Tochacha? Many commentaries direct us to a very
simple truth. There is a vast difference between 'The Fear of G-d' and
hopelessness. It is one thing to be afraid and frightened and nervous about
the future. It is a totally different thing to feel that the situation is hopeless
(to be meya-esh). That is what had happened. The Jews gave up hope. They
threw in the towel.

The worst thing that any Jew can do is to give up hope. This is a lesson
we should all bear in mind as we approach the Day of Judgment. The Yom
HaDin is nothing to take lightly. It is serious business. If we really
understood, honestly understood what it was about, we would be scared and
frightened. But this is not the same as looking at the situation as hopeless.
Hopelessness is not a Jewish characteristic. Never give up hope. Our
Sages tell us that after the destruction of the Temple, "all the Gates (which
prayers travel through) were closed, except for the Gates of Tears" [Bava
Metzia 59a]. It is much more difficult for our prayers to penetrate the
Heavenly Court after the destruction of the Temple. But there is one Gate
that remains open -- the Gates of the Tears. It is said that the Kotzker
Rebbe asked: if the Gates of Tears never close, then what is the purpose of
the Gates? A gate implies that some get in and some do not. He answered
that tears of desperation don't get through. When a person cries because he
feels he needs the help of G-d, when the tears represent the innermost and
purest of a person's thoughts ('the sweat of the soul') those tears have terrific
power. But not if they are tears of helplessness and hopelessness -- those
tears don't get in and that is why the gates are necessary.

In halacha, if a person has an object stolen from him there is a concept of
'yiuish' -- giving up hope. If an object is stolen, and the former owner gives
up hope of ever getting it back, and then it is sold to an unsuspecting
purchaser, the purchaser is allowed to keep it. The reason for this is that once
the victim gives up hope (of getting the object back), his last connection with
the object is severed. As long as one has not given up hope, there remains a
thin thread that still connects him to his lost object. It is not totally lost from
him.

In Jewish thought (hashkafa) as well, the same concept exists. For every
plague there is a cure. G-d creates the remedy before he creates the plague
[Megillah 13b]. We somehow need to connect with that remedy. How do we
connect with the remedy when a plague seems to have no end? There is only
one tenuous connection between that remedy and us. The connection is hope.

B'S'D' The same hope that according to Jewish law connects me to my lost object is
the connection that can connect me in the dire straits of my illness to the
cure that G-d potentially has for it. But once one gives up hope, once he
feels the situation is futile, he has severed the connection between the Cure
and the Plague. That is why no matter how desperate and
overwhelming a situation may seem, a Jew cannot give up hope. The
Izbitzer Rebbe once commented that the reason all Jews are called after the
Tribe of Judah (Yehudim) is because when Yosef confronted his brothers
and planted the incriminating evidence, all the brothers gave up hope. Only
Yehudah didn't give up hope. "And Judah drew near to him..." [Bereshis
44:18]. Yehudah never gave up hope -- and that is the attitude that must
typify all Jews. As frightening as the Yom HaDin should be for every Jew,
there is a difference between fright and hopelessness. We have to enter the
Day of Judgment sober and afraid, nervous as if we were entering a Court.
But we cannot enter the Yom HaDin without the attribute of Yehudah -- the
attribute of hope.

Sources and Personalities Kotzker Rebbe -- (1787-1859) Rav Menachem Mendel Morgenstern
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An Astonishing Midrash When Bnei Yisrael entered Eretz Yisrael, a
Heavenly voice proclaimed, "The Torah that Moshe commanded us is the
heritage of the Congregation of Jacob." R' Akiva Sofer z"l (died 1960)
explains: The lesson of this midrash is, very simply, that we were not given
Eretz Yisrael because of its physical beauty or to reap its agricultural bounty.
Rather, we are given Eretz Yisrael because it is Hashem's land and is,
therefore, the best place to study Torah. It is for this reason that we prefer
Eretz Yisrael over all other lands, although they are more bountiful. With
this understanding, writes R' Sofer, we can understand the following verse in
this week's parashah (30:1): "When it will be that these things will come
upon you - the blessing and the curse that I have presented before you - then
you will take it to your heart among all the nations where Hashem, your G-d,
has dispersed you." We can readily understand that the fulfillment of
Hashem's curse will cause Bnei Yisrael to repent, but the blessing?! Rather,
the verse is promising that notwithstanding the blessings which many Jews
will find in the lands of their dispersions, they will, nevertheless, recognize
that their true place is in Eretz Yisrael, and they will repent. (Da'at Sofer)

Rosh Hashanah Three books are opened on Rosh
Hashanah, one for the completely wicked, one for the completely righteous,
and one for those in between. Where is this alluded to in the Torah? In the
verse (Sh'mot 32:32), "And if not, erase me please from Your book which
You have written." "Erase me please" - this is the book of the wicked; "from
Your book" - this is the book of the righteous; "which You have written" -
this is the book of those who are in between. (Rosh Hashanah 16b) What
are these three books? Also, the relationship of the verse to the three books
is unclear. In particular, we usually assume that Hashem writes in these
books, whereas the verse speaks of erasing! R' Yosef Engel z"l (1859-1920)
explains as follows: The gemara (Ta'anit 11a) teaches that a person should
not say, "I will sin in private, and who will testify against me?" In fact, the
gemara states, a person's soul will testify against him. How does a person's
soul testify against him? R' Engel explains that the soul is a living Sefer
Torah. Each of the mitzvot, in all of its halachic detail, is engraved on a part
of the soul. If a person observes a particular mitzvah properly, the
corresponding part of the soul shines with holiness. On the other hand, if a
person neglects a particular mitzvah (or a particular detail), the
corresponding part of the soul is dulled. The writing on that part of the soul
is, so-to-speak, erased. This is how the soul "testifies" against the sinner.
When the Heavenly Court looks at the soul, the soul shows for all to see
which mitzvot that person observed and which he neglected. In a similar
vein, R' Engel continues, the soul is itself the "book" which is opened on

Rosh Hashanah. If a person has been a complete tzaddik, Hashem will be able to read the entire Torah from that person's soul. That soul will be (in the words of the verse) "Your book," i.e., the complete book of the Torah. The soul of an "in-between" person will no longer contain the entire Torah but will be a mix of clear writing and erasures. It will retain only some of that "which You have written." Finally, on the soul of the wicked person, the Torah which had been engraved there will have been completely erased. (Kuntres Shav D'nechemta p.53)

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Rabbi Yosef Adler

As Moshe warns B'nai Yisrael to be loyal unto Hakodesh Baruch Hu and to avoid His wrath, he concluded one segment with a well known pasuk. "Hanistoros LaHashem Elokanu v'haniglos lanu u'l'vananu ad olam lasos es kol divray HaTorah hazos".

This pasuk is recited on Yom Kippur in the Vedyu section of each Teffilah. The words Lanu u'l'vananu are graced with dots on all of their letters. This phenomenon appears several times in the Torah. What exactly is the significance of the dots? What do they convey to us?

Rav Joseph B. Soloveitchik z"l once suggested that in ancient civilizations all forms of written communication were etchings in stone. If an error was made or the writer intended to alert the reader that something should not be taken that seriously, it was much too difficult to erase the word or the phrase. Placing a simple dot upon the letter or word was the technique used to highlight the error or to sensitize you to an alternate reading of that word. Apparently, this is the purpose of the dots in the Torah as well. In Parshas Vayishlach the Torah discusses the encounter between Eysau and Yaacov. It reads Vayichabkuhu vayishakuhu, literally translated he embraced and kissed him. Rashi, however, translates Vayihakuhu he bit him. What alerted Rashi to this? The word Vayishakuhu has dots on each of its letters, suggesting that you not take the text literally. Instead of a Nishikah it was a Nishichah. A second example is found in Parshas Bahalawscha in conjunction with the eligibility to offer Pesach Shayne. It states "Eish eish key yehyeh tame l'nefesh oh baderech rechokah". The Mishna in Pesachim records a Machlokes between R' Akiva who says Min Hamodein U'lachutz and R' Eliezer who believes Min Haaskufos HaAzara V'lachutz. And R' Yosi adds Lifichach, Nakod Al "Hay" lomar lecha min Haaskufos HaAzara. If you do not drop the "Hay" the word reads Rechoka an adjective describing Derech. Hence R' Akiva would be correct that we are describing a specific geographic distance form Yerushalaym to be eligible to bring Pesach Shayne. However, if you drop the "Hay" the word reads as Rechok, which is modifying the Eish at the beginning of the pasuk. Physically he is standing right outside the Mikdash but mentally and spiritually he is not yet prepared to bring a Korban Pesach on Yud Daled Nisan and include himself in Knesset Yisrael. Consequently, we offer him a second opportunity on Yud

Daled Eyar.

Our pasuk conveys the notion that Nistar belongs exclusively to the realm of G-d. Why young children succumb to cancer, why national disasters suddenly wreak havoc on entire communities. But there are certain things which we believe are Niglah and these are given Lanu U'livananu. We believe that we can comprehend the cause and effect of certain social, economic or historical events. But the dots indicate that even that which we believe is Niglan, truly rests in the hands of HaKodesh Baruch Hu. As we approach the Yemay Hadin we indeed recognize that "Hanistaros U'haniglos L'HaShem Elokanu". Hopefully, we will at least be privileged to hindsight U'R'eisav es achurai v'pawnai lo yiru.

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Rosh Ha-shana Messages from the Roshei Yeshiva In these days of private and public self-scrutiny, it is natural that one's misgivings and disquieting thoughts become sharpened; consequently, the need to confront them grows stronger. Permit me to share with you some of my thoughts in this vein. During the month of Elul, we read of the "ben sorer u-moreh" (the rebellious son). The gemara in Sanhedrin quotes a beraita: "We have learnt: the case of a rebellious son never took place and never will. Why, then, was it written in the Torah? In order to study it and receive reward." In other words, the intention of the Torah was to convey to us a moral lesson. Let us therefore try to learn something from this passage. According to the Sages, the rebellious son exhibits signs of hedonism: "A glutton and a drunkard" - He eats meat and drinks wine ravenously" (Rambam). Yet he does this while fully adhering to the precepts of the Shulkhan Arukh! "If he ate forbidden foods, or ate on a fast day (which is only a rabbinic offense)," then he would not be considered a "rebellious son." One of the dangers confronting our generation is that we religious Jews can unwittingly adapt a hedonistic lifestyle; we are drawn to forms of entertainment and the "leisure culture" of a world intrinsically different from our own. At the same time, we placate and dull our religious conscience by ensuring that all of our hedonistic pleasures bear a glatt kosher stamp of approval. This is what the Ramban had in mind when he coined the phrase, "decadent with the Torah's permission." To avoid this pitfall, we were commanded to be a holy people ("Kedoshim tihyu"). In order that the concept of holiness remain relevant to us, we must refresh its meaning each year, in accordance with the changing needs, problems and trials which confront us. With the advent of the new year, let us make an effort to renew our appreciation and understanding of the concept of holiness in our lives. We pray to God that He grant us a blessed year, a year of peace, security and prosperity. Ketiva va-chatima tova, Harav Yehuda Amital

As permanent fixtures of the calendar, Rosh Ha-shana, Yom Kippur and the days of repentance are often perceived as part of a routine. The yearly cycle repeats itself, and when the expected month approaches, we encounter the High Holy Days. It appears that there is no escape from this. Familiarity has its effect, the flow of life leaves its impression, and even the most wonderful festivals, with all the magic and power of their experience, remain static in our consciousness and existence. Nevertheless, it remains our aspiration and obligation to grapple with this phenomenon and to blunt its edge - whether as part of a general effort to overcome a life of religious routine, or due to the special traits and messages of these days. "Said R. Shemuel bar Yitzchak," reads the gemara in Rosh Hashana (27a), "Whose opinion do our prayers reflect [when we say]: 'This day is the beginning of Your works, a remembrance of the first day'? We follow R. Eliezer, who is of the opinion that the world was created in Tishrei." These days - Rosh Ha-shana with

respect to the creation of the world, and Yom Kippur regarding the establishment of the covenant - have been times of creativity and innovation from the very beginning; and for us, they must be observed as days of renewal. There are several facets to this renewal, the central one being teshuva (repentance), viewed both as a command and as a process. It is not performed in a vacuum, nor is it characterized by an ex nihilo transition. On the contrary, its focus is the experience of today as a link between yesterday's way of life and tomorrow's direction. Nevertheless, this is founded on an awareness that "Ha-yom harat olam" - "Today the world was created." This is the case on all levels: individual, national, as well as institutional. Both the individual and the community are required to examine the past - deriving satisfaction from achievements, and pain from faults and failures - and to mold the future - with determination, responsibility and vision. May we gird ourselves for the tasks at hand, to sanctify and to renew our existences. In particular, I send my best wishes to the greater Yeshiva community, whether near or far - our students, employees, supporters and friends - and to your families. May we merit to ascend with the holiness of the day and the purity of the time. Let us hope that, with the help of Heaven, we will possess the wisdom and the ability to continue contributing our share towards perfecting the world; and that through this effort, "May the favor of the Lord, our God, be upon us; and may He prosper the work of our hands" (Psalms 90:17). Ketiva va-chatima tova, Harav Aharon Lichtenstein

"Ha-Melekh Ha-kadosh:" Changes in Prayer During Asseret Yemei Teshuva By Rav Yair Kahn (Translated by Hillel Maizels and Rav Ronnie Ziegler.)

From Rosh Ha-shana until Yom Kippur, we make two minor changes made in the Shemoneh Esrei prayer. The terms "ha-Kel ha-kadosh" and "Melekh ohev tzedaka u- mishpat" ("the holy God" and "King who loves righteousness and justice") are changed respectively to "ha-Melekh ha-kadosh" and "ha-Melekh ha-mishpat" ("the holy King" and "the King of justice"). The source for this switch is found in a short passage in Berakhot (12b): "Raba the son of Chinina Saba said in Rav's name: The entire year a person prays 'ha-Kel ha-kadosh' and 'Melekh ohev tzedaka u-mishpat,' except for the ten days from Rosh Ha-shana till Yom Kippur, when he prays 'ha-Melekh ha-kadosh' 'ha-Melekh ha-mishpat.' R. Elazar said that even if one said 'ha-Kel ha-kadosh,' he [nevertheless] fulfilled his obligation ... What is our conclusion? Rav Yosef said: 'Ha-Kel ha-kadosh' and 'Melekh ohev tzedaka u-mishpat.' Raba said: 'Ha-Melekh ha-kadosh' and 'ha-Melekh ha- mishpat.' The halakha is in accordance with Raba." Although the gemara explicitly states that the halakha follows Raba, Raba's position can be understood in two different ways. 1) According to Tosafot, the Rif and Rambam, Raba agrees with Rav that "ha-Melekh ha-kadosh" is indispensable. 2) However, according to the Ra'avia and the Ba'al Ha- ma'or, Raba acknowledges that "ha-Melekh ha-kadosh" is preferable, but nevertheless rules that it is not indispensable. The Shulchan Arukh accepts the interpretation of the Rambam and the Rif. Therefore, if one inadvertently says "ha-Kel ha-kadosh," he must repeat the entire tefilla (i.e. Shemoneh Esrei). Aside from its practical ramifications, the above argument lies at the conceptual heart of the sugya as well. From an analytical perspective, it is critical to define the precise roles of "ha-Melekh ha-kadosh" and "ha-Melekh ha-mishpat." Are they to be viewed as external additions to the tefilla? Or, on the other hand, do they perhaps form an integral part of the tefilla, functioning as a reformulation of the actual berakhot necessary during Asseret Yemei Teshuva? If they function as integral parts of the tefilla, it would be reasonable to conclude that "ha-Melekh ha-kadosh" and "ha-Melekh ha- mishpat" are indispensable. However, if we consider "ha-Melekh ha-kadosh" and "ha-Melekh ha-mishpat" to be external additions, then we would be most likely to regard them as dispensable.

The Ra'avia cites the following beraita to support his ruling that it is not critical to mention "ha-Melekh ha-kadosh:" "On days that have a korban mussaf, such as Rosh Chodesh and Chol Ha-mo'ed, ... one mentions

to occasion in [the berakha of] 'avoda; if he did not [mention it], he must repeat [the prayer]. On days that do not have korban mussaf, ... the occasion is mentioned in 'shome'a tefilla; if he did not, he needn't repeat." (Shabbat 24a) The Ra'avia argues that since the Asseret Yemei Teshuva are days in which there is no korban mussaf, one needn't repeat his prayer if he neglects to mention "ha- Melekh ha-kadosh." (Whether one must repeat the prayer on Rosh Ha-shana and Yom Kippur, which are days on which there is a korban mussaf, is an interesting question. However, this issue was not raised by the Ra'avia. I will briefly touch on this question later.)

The Ra'avia's comparison to the mention of special occasions is revealing. The korban mussaf is an expression of kedushat ha-yom - the inherent sanctity unique to a specific day. It is possible that days which have this special characteristic demand a unique tefilla as well. Therefore, the mention of the specific occasion can be considered integral to the tefilla, insofar as it adapts the tefilla and makes it suitable to this unique day. However, the requirement to mention special occasions on days that have no kedushat ha-yom is only an external addition. Therefore, failure to make such mention does not invalidate the tefilla. It is reasonable to conclude that the Ra'avia considers "ha- Melekh ha-kadosh" to be only an external mention of a special occasion. This is, of course, consistent with his ruling that if one fails to mention "ha-Melekh ha- kadosh," he does not have to repeat the tefilla.

In contrast to the Ra'avia, Tosafot argue that a mistake regarding "ha-Melekh ha-kadosh" and "ha-Melekh ha- mishpat" constitutes an alteration in the wording of the berakhot coined by the Sages. Therefore, this alteration invalidates the berakha. Evidently, Tosafot considered these phrases as parts of the wording of the berakhot themselves, coined specially for Asseret Yemei Teshuva. This position apparently views "ha-Melekh ha-kadosh" and "ha-Melekh ha-mishpat" as integral to the berakha. Therefore, Tosafot conclude that any alteration disqualifies the berakha, and consequently the entire tefilla. However, Talmidei Rabbeinu Yona distinguish between "ha-Melekh ha-kadosh" and "ha-Melekh ha-mishpat." According to them, if one recited "ha-Kel ha-kadosh" instead of "ha-Melekh ha-kadosh," he must repeat the entire tefilla. However, if one replaced "ha-Melekh ha- mishpat" with "Melekh ohev tzedaka u-mishpat," he doesn't have to repeat, since in any case "Melekh" was mentioned. Clearly, Talmidei Rabbeinu Yona interpret this halakha as an external obligation to mention the term "Melekh," and not as a reformulation of the entire berakha. Nevertheless, they argue that failure to mention "Melekh" obligates the repetition of the entire tefilla. This opinion forces us to concede the possibility of repeating the tefilla based on failure to mention even an external addition. There are several examples of this phenomenon; however, for our purposes, one will do. The gemara in Berakhot (29a) states: "If one forgot and did not mention ... havdala in [the blessing] 'Chonen Ha-da'at,' we don't require him repeat, since he has the opportunity to recite it over a cup [of wine]." Evidently, havdala is only an external addition to tefilla. Nevertheless, the gemara seems to suggest that if there was no opportunity to recite havdala over wine, one would have to repeat the entire tefilla in order to fulfill one's obligation of havdala, even though he has already fulfilled his obligation of tefilla. Obviously, it is possible to repeat the entire tefilla in order to recite external insertions. Both the Ra'avia and Talmidei Rabbeinu Yona agree that "ha-Melekh ha-kadosh" is an external addition and not an intrinsic part of the berakha. The Ra'avia identifies the addition with the requirement to mention special occasions. Consequently, he rules that this mention, although preferable, is not critical. Talmidei Rabbeinu Yona, however, define "ha-Melekh ha-kadosh" as an obligation to express malkhut, the infinite reign of Hashem, within the context of tefilla. Although failure to express malkhut may not invalidate the tefilla, one must nonetheless repeat the entire tefilla in order to properly express malkhut. The Sefer Ha-mikhtam quotes an opinion of the Ra'avad that one must explicitly say "ha-Melekh ha- mishpat," meaning "the King who is justice." If one inadvertently said "Melekh ha-mishpat," the King of justice, he did not fulfill his obligation. (Rashi disputes this

opinion.) This clearly opposes the opinion of Talmidei Rabbeinu Yona, who suffice with any mention of "Melekh." Apparently, the Ra'avad (like Tosafot) maintains the view that on Asseret Yemei Teshuva, certain berakhot in tefilla were altered and reformulated to relate more precisely to the unique context of the period. Therefore, any deviation from this modified formulation invalidates the berakha of the tefilla itself. It follows that if the berakha is invalid, then the entire tefilla is void and must be repeated.

SUMMARY: We noted a debate among the Rishonim whether or not "ha-Melekh ha-kadosh" during Asseret Yemei Teshuva is indispensable. a)

The Ra'avia says that the reason for this change of phrase is the requirement to make mention of special occasions within the context of tefilla. Therefore, he concludes that such mention is not critical during Asseret Yemei Teshuva, since there is no korban mussaf. b) Talmidei Rabbeinu Yona argue that there is an independent obligation to express the attribute of malkhut on Asseret Yemei Teshuva. Failure to make such mention necessitates the repetition of the entire tefilla, in order to fulfill this obligation. c) The Ra'avad and Tosafot maintain that "ha-Melekh ha-kadosh" and "ha-Melekh ha-mishpat" are reformulations of the regular berakhot during Asseret Yemei Teshuva. Consequently, an error is considered to invalidate the berakha, which disqualifies the entire tefilla.

From a conceptual perspective, we showed how these differing opinions depended on whether "ha-Melekh ha-kadosh" and "ha-Melekh ha-mishpat" are external elements introduced into the tefilla, or whether they actually merge with the berakha and are therefore intrinsic to the tefilla.

Perhaps a distinction can be suggested between Rosh Ha-shana and Yom Kippur, on the one hand, and the rest of the Asseret Yemei Teshuva, on the other. Normally, "ha-Melekh ha-kadosh" is just an external addition. However, on Rosh Ha-shana and Yom Kippur, the entire berakha is altered. (This possibility is supported by the opinion of R. Yochanan ben Nuri, who ruled that "malchiyot" should be inserted into the berakha of "ha-Melekh ha-kadosh." See Rosh Ha-shana 32a.) Therefore, it may be possible to claim that this alteration is a result of the reformulation of the berakha unique to Rosh Ha-shana and Yom Kippur, which reflects the kedushat ha-yom characteristic of both.

Faith in the "Land of Life:" An Analysis of Psalm 27 by Rav Avi Baumol

Psalm 27, "Le-David Hashem Ori," is customarily recited between the beginning of the month of Elul and Shemini Atzeret. When we examine the literary structure of this mizmor, we can easily discern that it splits into three units: I. Verses 1-3 might be entitled "Hymn of Confidence." This section reflects David in his most trusting state towards his Creator. II. Verses 4-6 have David requesting "one thing" of God. III. The last section of the poem (verses 7-14) exhibits a temperament contradictory to that of the first section: fear leading to despair. Here are some verses characteristic of each section: I. "Le-David: God is my light and my salvation; from whom shall I fear? God is the stronghold of my life, of whom shall I be afraid?" (27:1) II. "One thing I ask from God, it I shall beseech of Him: that I may dwell in the house of God all the days of my life, to behold the beauty of God and to inquire in His Temple." (27:4) III. "Hide not Your face from me [God]; do not withhold Your help in anger ... cast me not off, nor forsake me, O God of my salvation. Deliver me not unto the will of my adversaries; for false witnesses have risen up against me, and breathe out cruelty." (27:9,12) Several questions arise after reading this psalm: Structurally, how can we resolve the seeming contradiction between the first section and last section? What is the link between King David's trust in God, his fear of man and his uncertainty about God's salvation? Additionally, how does the middle segment, the request from God, fit into any aspect of the psalm? A third question is a grammatical one: verse 12 ("Were it not for ..., I had believed to see the goodness of the Lord in the land of the living") appears to be incomplete.

Additionally, this verse is interesting because the word "lulei" (were it not) has a set of dots over and under it. The interpretation of this word might be the key to understanding this sentence, or even the psalm as a

whole. As stated, the first and last sections of the psalm reflect David's contradictory stances towards God. On the one hand, he calls God "my light and my salvation;" on the other hand, he begs, "Hide not Your face from me, do not withhold Your help in anger." How can the psalm posit such inconsistent feelings by a man towards God? The answer is clear. Poetry can be defined as the ability to transmit to paper that which one feels at any given moment. The beauty of the Psalms lies within the poetic medium through which King David allows to experience his thought processes. This permits us to feel the emotions which reverberated in his soul. This principle is a guide to understanding many of David's psalms.

Man, by his very nature, is inconsistent. Perfection, absolute consistency, is left for God and His angels. The tension which exists between the sublime faith in God as one's salvation versus the harsh reality of life (where one might sometimes feel abandoned by God) leads to a complex set of emotions regarding faith in religion. The drastic change in tone between the sections of this psalm has led some scholars to suggest that the two halves of this psalm were originally two separate songs combined by an editor. According to our understanding of this psalm, this is far from the truth. It is precisely this tension which King David intended to convey through the different tones of this psalm. Precisely when King David feels implicit trust that God will ultimately save him, he looks around in this world and sees his enemies, his misfortune and his uncertainty, all of which lead him close to despair. Often, our relationship with God wavers between blind faith and the practicality of a troubling present. The struggle lies in trying to overcome our fear of reality and simultaneously bringing our faith to the forefront of our lives. King David lived through many trials and much loneliness, when it seemed as though he had been abandoned by everyone who loved him. In this psalm we witness David's endeavor to rise above his apprehensions and to integrate his faith into the real world. Perhaps this is the message which emerges from the psalm. We cannot deny our humanity, which includes inconsistent feelings towards God. Instead, we should harness our energy to overcome these fears and ask for God's help in accomplishing this. The second question we asked challenges the relevance of the middle section in light of the rest of this psalm. It is here that David requests "to sit in the house of God all my life." This section functions as the transition between the former and latter segments of the poem. In the first part, David pledges his unbending confidence and trust in God. This confidence could be described as David's "other-worldly" faith in God. The latter half reflects his "this-worldly," practical feelings of tribulation and affliction, which prevent him from attaining undying trust in God. The middle paragraph comes to bridge the gap that exists between his ironclad confidence in God and his uncertainty in life. The appeal is that if God allows him to "sit in the house of God" (21:4) - possibly a metaphor for having the glory of God as a constant in his life - he will no longer fear his enemies and doubt God's guidance. From this request stem all the other components of his plea: "to witness the beauty of God, and inquire in the holiest of places;" "to be guarded against the evils in the tent of God;" "to raise myself up against my adversaries," and ultimately: "to sing and praise God consistently throughout my life." The notion that the middle section acts as a bridge implies a direct relation to both the former and the latter segments of the poem. I stress this because one might assume that the supplication of 'sitting in the house of God' does not come into play until one finds himself in the abyss of despair. When all is well, when one is immersed in religious practice, why would such an "exaggerated, all-encompassing" prayer be needed? David, by specifically setting up the two components of the psalm with the middle section acting as a bridge, might be correcting that misconception. He designs his artistry so that one cannot accept one without the other. Turning to God in despair as well as in confidence deepens trust, builds the relationship, and forges a path for the future.

However, we still have not resolved the grammatical problems posed by verse 12. To understand this verse better, let us first look at the surrounding verses. Perhaps the context will give us some insight:

"Deliver me not unto the will of my adversaries; for false witnesses have risen up against me, and breathe out cruelty." (27:11) "Were it not for ..., I had believed to see the goodness of the Lord in the land of the living." (27:12) "Wait for the Lord, be of good courage and He will strengthen your heart; wait for the Lord." (27:13) Many commentators explain verse 12 as a sentence fragment, saying that it really should have read, "Were it not for the fact that I had believed in God, I would have fainted." Or, as Rashi states, "If I had not believed in God, the evildoers would have breathed out cruelty to destroy me..." Rabbi Shimshon Raphael Hirsch reads the passage differently. According to him, the strange dots over "lulei" inform the reader that this word is referring to the previous sentence. According to Rav Hirsch, the verse reads as follows: "Were it not for the fact that these false witnesses are rising up against me causing me harm, I would be able to [consistently] believe that I would see the revealed good of God already in this world, the world of the reality, and not only after my death (in the world-to-come). But it is those suspicions and the slander that they speak against me which pain me, and therefore, against them, I ask You, God, for Your help." Rav Hirsch recognized that until the very end of the psalm, King David was pained by the harsh reality of his world, and turned to God in supplication to influence his destiny. The last line has David encouraging himself not to give up hope, to continue to wait for God to grant him salvation. "Wait and hope for God [to alter your predicament]; be strong, and God will strengthen your heart; wait for God." Psalm 27 relates to us the deepest emotions the King of Israel felt at a troubling time in his life. His constant struggle between absolute faith in God and uncertainty due to his enemies left him with a "single" multifaceted request: to bestow upon him the glory of God, in all aspects of his life, to certify that his enemies will no longer detract from his uncompromising faith in his Savior. Through this understanding of David's poetry, we can relate his message to our everyday lives. We also struggle between faith in God's active role in our lives and the seeming lack of God's presence when we hear of tragedies or misfortunes. Our goal, like King David's, is to pray and hope that, with God's help, we will be able to overcome our mundane feelings and sing and praise God in the house of God, consistently, in "the land of life." May we all integrate King David's message into our lives during this season of repentance. Shana tova.

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weekly-halacha@torah.org Weekly-Halacha: Parshas Nitzavim - Eating Before Tekias Shofar WEEKLY-HALACHA FOR 5758 SELECTED HALACHOS RELATING TO PARSHAS NITZAVIM By Rabbi Doniel Neustadt A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav. **EATING BEFORE TEKIAS SHOFAR** There are conflicting customs in regard to eating before Tekias shofar. Some communities not only permit but encourage the congregants to eat by serving a kiddush, while others forbid eating altogether and object to it strongly(1). These customs are based on divergent views among the poskim. Basically, the poskim fall into three groups:(2) Some are very strict and prohibit eating altogether(3). Others are lenient and allow anyone to eat before Tekias shofar(4). A third group allows eating only for the weak, elderly or ill(5). They do stipulate, however, that the infirm individual should eat in private so that the prohibition will not be taken lightly by others. Since both customs have valid sources in the poskim, each community should follow its own custom as directed by their Rav(6). However, all poskim agree that it is forbidden to be kov'ea seudah (partake of a meal) before Tekias shofar. [It is similarly forbidden to be kov'ea seudah before shaking a lulav or reading the megillah(7)]. It is also the general consensus that eating more than a k'beitzah of bread(8) or cake(9) is considered kevius seudah. A k'beitzah is usually defined as approximately 2 oz., although according to the measurements of the Chazon Ish, a k'beitzah is 3.5 oz.(10). It is important, therefore, to remember not to eat more than a k'beitzah of cake

when eating before Tekias shofar(11). Eating fruit, cheese, kugel, rice cereals, etc., whether raw or cooked, is not considered kevius seudah even when a large amount is consumed(12). [Consequently, when estimating the amount of cake that may be eaten before Tekias shofar, only the amount of flour in the cake is included. Fruit, cheese, or any other ingredient baked along with the dough is not counted towards the amount for kevius seudah(13).] Almost all the poskim agree that drinking tea, coffee, juice or soft drinks is permitted before Tekias shofar, but they disagree as to whether one should recite Kiddush first. Since Kiddush must be followed by a seudah, many poskim advise that the beverage should be drunk without Kiddush(14), and this is an accepted custom in some communities. Since not all poskim agree, however(15), the preferred option is to hear Kiddush from a weak, elderly or ill person who is permitted to eat(16), as stated above. Another option would be to drink an additional revi'is (about 3.3 fl. oz.) of grape juice, in addition to the amount being drunk for kiddush(17).

WOMEN The restriction on eating before Tekias shofar is more lenient in regard to women, because they are generally exempt from "time-bound" mitzvos like listening to the shofar which is restricted to a certain time of the year and day(18). There are, however, poskim who hold that although women are technically exempt from listening to shofar, they have, nevertheless, accepted this mitzvah upon themselves as an obligation(19). Based on this view, it has become customary all over the world for women to go to shul to listen to the shofar, or else to hear the shofar blown in their homes by a qualified ba'al toke'ia. Not all poskim, however, agree that women have accepted upon themselves an obligation from which they are clearly exempt(20). Some poskim rule, therefore, that women are not obligated to listen to Tekias shofar(21). As stated earlier, though, the custom has followed the first view and most women observe this mitzvah stringently. Still, a woman who must eat before Tekias shofar may do so(22), even if the amount of food she requires is considered a kevius seudah.

SHABBOS When the first day of Rosh Hashanah falls on Shabbos and Tekias shofar is canceled, all poskim agree that it is permitted to recite Kiddush and eat before Mussaf, provided that the amount eaten is less than a kevius seudah(23). One who is weak and needs to eat more than that amount may eat as much as he needs(24). One who did not drink before davening and realizes that Mussaf will end after chatzos is required to drink or eat something before Mussaf, since on Shabbos it is prohibited to fast past chatzos(25).

DURING THE BREAK During the break before Tekias shofar, care should be taken that at least a minyan remains in shul, since Shulchan Aruch(26) rules decisively that it is prohibited for the congregation to leave the shul before the Sifrei Torah are returned to the Aron. If this cannot be arranged, several poskim suggest that the Sifrei Torah be returned to the Aron before the break(27). In other shuls, the Sifrei Torah are covered with a tallis and somebody is appointed to watch over them(28). In most shuls, the break before Tekias shofar, whether Kiddush is served or not, is a short one. Consequently, even if one removes his tallis, no blessing is recited when it is put back on. [This is so even if one used the bathroom while his tallis was off.] If, however, there is a long break [a break of over two hours is considered a long break(29)] then a blessing is recited over the tallis when it is put back on(30).

FOOTNOTES: 1 See remarks by Harav Y.Y. Henkin, ha-Pardes, Tishrei 5730. 2 Interestingly enough, Shulchan Aruch does not discuss this prohibition concerning Tekias shofar, although he does mention it concerning netilas lulav (O.C. 652:2) and the reading of Megillas Esther (O.C. 692:4). The source of this halachah, however, which is a Tosefta in the first chapter of Shabbos, lists Tekias shofar among those other mitzvos. 3 Beis Yitzchak Y.D. 2:18; M'harsham 1:1 quoting Besamim Rosh. See also Sedei Chemed (Daled Minim 3:22). 4 Mikroei Kodesh 29; Tzitz Eliezer 6:7; 7:32; 8:21; Moadim u'Zemanim 1:4; Az Nidberu 1:10 This has become the accepted custom in many Yeshivos. 5 Chasam Sofer Y.D. 7; Mateh Efrayim 588:2; Sha'arei Teshuvah 584:3; Minchas Yitzchak 5:11; Shevet ha-Levi 4:54. This seems to be the view of the Mishnah Berurah (see 652:7 and Sha'ar ha-Tziyun concerning lulav) as well. Harav S.Z. Auerbach (quoted in Nishmas Avraham 585:1) maintains that the Mishnah Berurah's opinion is more stringent concerning shofar because the eating on Rosh Hashanah necessitates Kiddush. 6 If at all possible, those who eat before Tekias shofar should do so on the shul premises where they will be summoned in time for the tekias. 7 The Rabbis forbade partaking of a meal before performing a mitzvah since one could easily become distracted and forget to perform the mitzvah in question. It follows, therefore, that if one appoints a shomer - another individual who is not eating who will remind him to perform the mitzvah - he may

eat before performing the mitzvah (Mishnah Berurah 235:18 concerning Kerias Shema). 8 Mishnah Berurah 692:14. [See, however, Chayei Adam 119:7 and Aruch ha-Shulchan 431:26 who allow only a k'zayis of bread.] 9 Pri Megadim O.C. 431:4. See Sha'ar ha-Tziyun 286:7 and Mishnah Berurah 639:15. 10 One who generally follows the Chazon Ish's ruling regarding shiurim can surely rely on him concerning this halachah as well. It is questionable, however, if it is proper to rely on the Chazon Ish's measurement in regard to this halachah only. 11 Pure mezonos cereals [whose raw batter rises like bread dough], e.g., Cheerios, Grape Nuts, Wheat Chex, are also considered like cake. 12 O.C. 286:3 and 639:2. 13 Based on Igros Moshe O.C. 1:71 and Divrei Yoel 13. 14 See Elef ha-Magen 585:2 and Ktzei ha-Mateh, ibid. 15 See Divrei Yoel 1:29. 16 See Sedei Chemed (Rosh Hashanah 2:31) and Mikroei Kodesh 28. It is important that Kiddush be repeated before the meal, since some maintain that such a Kiddush is not valid. 17 Mishnah Berurah 273:27. 18 O.C. 589:6. 19 Maharil (Hilchos Shofar). See also Magen Avraham (O.C. 489:1, concerning sefiras ha-omer) who says that women have accepted [certain] time-restricted mitzvos as obligations. He does not, however, single out shofar more than any other time-restricted mitzvah. Chayei Adam (141:7) and R' Akiva Eiger (Teshuvos 1, addendum) also state that women have accepted shofar as an obligation. 20 See Minchas Chinuch 306, who questions the Magen Avraham quoted above. In his opinion, women can only accept a mitzvah whose obligation is questionable, such as davening Ma'ariv. A mitzvah from which they are clearly exempt, like listening to shofar blowing, cannot be "accepted." See also Nezirus Shimshon (quoted in Sdei Chemed, Ma'areches Mem, 136) and Teshuvos Sha'arei De'ah 2:237. 21 Harav Y. C. Sonnenfeld in Salmas Chayim 1:88. Note also that neither the Mateh Efrayim, Kitzur Shulchan Aruch, Mishnah Berurah or Aruch ha-Shulchan quote the opinion that women have accepted Tekias shofar as an obligation. 22 Chayei Adam 141:7; Kitzur Shulchan Aruch 129:19. 23 O.C. 286:3. 24 Mishnah Berurah 286:9. 25 Mishnah Berurah 584:5; Elef ha-Magen 597:2. 26 O.C. 149:1. 27 Ktzei ha-Mateh 590; Orchos Rabbeinu 2:181, relating the custom by the Chazon Ish and the Steipler Gaon; Nitei Gavriel, pg. 84; Kitzur Hilchos Moadim, pg. 45. 28 Luach D'var Yom b'Yomo. 29 Ketzos ha-Shulchan 8:7; Kitzur Hilchos Moadim, pg. 45. 30 Entire paragraph based on Shulchan Aruch Harav O.C. 8:23 and Mishnah Berurah 8:37.

We would like to thank all of our readers for a wonderful year. Wishing you all a k'siva v'chasima tova, A year filled with health and nachas for all. Jeffrey Gross and Rabbi Doniel Neustadt Weekly-Halacha, Copyright (c) 1998 by Rabbi Neustadt, Dr. Jeffrey Gross and Project Genesis, Inc. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zchus Doniel Meir ben Hinda. Weekly sponsorships are available - please mail to jgross@torah.org. The series is distributed by the Harbotzas Torah Division of Congregation Shomre Shabbos, 1801 South Taylor Road, Cleveland Heights, Ohio 44118 HaRav Yisroel Grumer, Marah D'Asra. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. http://www.torah.org/Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

innernet@virtual.co.il InnerNet Rosh Hashanah True Story! INNERNET MAGAZINE SEPTEMBER 1998

"THE FORGOTTEN LOAN" by Rabbi Paysach Krohn

The High Holidays is the time for correcting mistakes. Quite often we judge an individual with the smug self-assurance that we know the "whole story." However, there are many instances and incidents that are not as obvious or simple as they appear. Often a hurried judgement leads to embarrassing retractions and deeply hurt feelings. Consider the following episode.

The Rashash (Rabbi Shmuel Shtrashun of Vilna, 1819-1885) was known for his great Torah erudition and great wealth. He spent many hours immersed in Torah study (his commentary on virtually the entire Talmud is printed in most editions of the Talmud) and took off time from his role as merchant banker to administer a free-loan fund. One day, a tailor named Reb Zalman came to borrow money. He explained his desperate needs to the Rashash, who granted him a loan of 300 rubles to be repaid in one year. The transaction was recorded in the Rashash's ledger. One year later, to the day, Reb Zalman appeared with the money at the home of the Rashash. Deeply involved in a talmudic discourse, the Rashash did not wish to be disturbed. Reb Zalman, who knew that the loan was due that day, came into the room where the Rashash was learning, excused his interruption and returned the 300 rubles. Wishing to minimize the interruption, the Rashash took the money, and tucked it into the back cover flap of the volume he was using, with the intention of removing it later on. He continued with his studies and was deeply engrossed for the rest of the afternoon. When he finished, he returned each of his books to its proper shelf, including the volume which now held the money tucked away in the cover flap. A few weeks later at his office, the Rashash reviewed his ledger and saw that the loan to Reb Zalman had not been crossed out and was apparently overdue. He summoned Reb Zalman to inquire about the money. Naturally, Reb Zalman claimed that not only had he returned the loan but that he had returned it on the very day it had been due. Yet, there were no witnesses to the event, nothing had been

recorded and the Rashash had no recollection of the matter. A discussion ensued and it was decided that both parties would go to a rabbinic court where the matter would be decided. The news spread around the town like wildfire that the plain, simple tailor, Reb Zalman, was involved in a din Torah with the revered Rashash. People were outraged that anyone had the audacity to contradict the scholarly and saintly Rashash, and the tarnishing of Reb Zalman's character and reputation had begun. The rabbinical court ruled that since there had once been a debt and it was now the word of one man against the other, Reb Zalman would have to swear that he had indeed repaid the loan and then he would be absolved of further debt. The Rashash, however, did not want to take a chance of having a fellow Jew possibly swear falsely, and so he relented and dropped the case. Anger and bitterness were cast upon the hapless tailor. People stopped doing business with him, and the tailor and his family became the objects of mockery and degradation. Soon, unable to cope with the constant abuse, Reb Zalman gave up his business and moved to a hamlet out of town, a broken and sorrowful man. A year later, the Rashash once again was involved with the same subject as he had been studying on that fateful day. Once more, he pulled out the rare volume he had used then. As he leafed through the pages he noticed a large number of bills in the back flap. At first he was puzzled, but then it struck him! Reb Zalman! This was the money that Reb Zalman had claimed he had paid. Immediately he sought Reb Zalman to make amends. He went to Reb Zalman's place of business and couldn't find him. He went to his old house and was told that he had moved. The Rashash didn't rest until he found Reb Zalman living in a dilapidated shanty in a desolate area far from the city. "Please forgive me," pleaded the Rashash, "I just found the money in the book and I realized that it was you who was right, not I." "What good is forgiveness!" said Reb Zalman bitterly. "My business is gone, my money is lost, I have nothing, I am the laughing stock of the community." "Not only will I return your money," said the Rashash, "but I will go to every synagogue, and announce that it was my mistake and that people should restore their proper respect towards you." "No," said Reb Zalman sadly. "People will only say that the Rashash is a tzaddik, and it is his compassion that compels him to act in this manner. They will never believe that I was really right." The Rashash was perplexed, for he understood human nature and knew that Reb Zalman was right. People wouldn't believe him after such a long period of doubt and rebuke. The Rashash thought a moment about how to rectify the situation and then said, "I have a daughter... now if I take your son as a son-in-law, which means that you would become part of my family, then no one would doubt that you are indeed a respectable man." Reb Zalman agreed to this proposal. The prospective bride and groom agreed as well, and a marriage was arranged between Reb Zalman's son and the Rashash's daughter, and Reb Zalman regained his former status in the community.

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Weekly@virtual.co.il * TORAH WEEKLY * Highlights of the Weekly Torah Portion Parshas Nitzavim For the week ending 28 Elul 5758 / 18-19 September 1998 http://www.ohr.org.il/tw/5758/devarim/nitzavim.htm Insights ...

Head's Up "You are standing today, all of you, before Hashem your G-d" (29:9) Standing means in this context "with your head held high." A person can hold his head high for two reasons. He can think a lot of himself and stand tall with self-important smugness. Or he can hold his head high for a different reason. Man is set between the animals and the angels. If he fills his life with vanity and the empty frenetic rush to fulfill his own desires, then he falls to the level of an animal. Really however, he is worse than an animal, because an animal is supposed to behave like an animal. A man isn't. On the other hand, if he conquers his negative instincts, sanctifies and purifies his thoughts, his words and his actions, Man raises himself to the

level of an angel. In reality, however, he has raised himself higher than an angel, for angels have no negative drives to overcome. This makes Man's ascent so much the greater. That's the other meaning of standing with your head held high: The whole year round a person is constricted by the pressures of the material world -- his head and his thoughts bent downwards like an animal, dealing with all the petty nonsense that is part of survival. On Rosh Hashana, however, (it's no coincidence that rosh in Hebrew means head) his head -- the head of the angel -- is held high over his body -- the animal. And necessarily if he is an angel, then he must be even higher than an angel, for "Today you are all standing" -- with your heads held high.

The Will And The Self "For this commandment that I command you today -- it is not hidden from you..." (30:11) How is it possible for us to have a relationship with G-d? We are finite mortal beings confined by time and space. G-d is none of these things. How can we ever bridge this chasm and have a relationship with the infinite? Let's answer one question with another: How do you know what a person is really like on the inside? How can you know a person's essence? A person is what he wants. What someone wants is who they are. The will expresses the self. The mitzvos -- the commandments -- are the Will of G-d. They are, quite literally, what G-d wants. So the mitzvos show us, within the limits of our comprehension, "Who" G-d is. G-d's mitzvos however, are not like those of a flesh and blood monarch. The commandments of an earthly ruler are mere words. They don't connect us to the monarch. The mitzvos of Hashem, however, in themselves are the conduit by which we attach ourselves to G-dliness. We can see this in the terminology of the beracha "Who has commanded us in His commandments.." This power of the command "is not hidden from you," for when a person puts his heart and soul into doing a mitzvah, he can connect to the power which G-d has locked into every mitzvah, the power to connect to the Source of the mitzvah, to connect to G-d. We can see this idea in the teaching of our Sages: "The reward of a mitzvah -- is a mitzvah." The reward of a mitzvah is that we connect to the power of the mitzvah which is the power to connect us to its Source.

Sources: * Heads Up! - Rabbi Shlomo Yosef Zevin

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Parshas Nitzavim: Don't Use Rav Alleh's Hechsher - It's a Kuntz! I have placed life and death before you, blessing and curse. Choose life! (30:19)

"Perhaps Israel will say: Hashem has placed two paths before us - the path of life and the path of death - it is our choice to take whichever path we desire... Therefore the Torah concludes: Choose life!" (Sifri Parshas Re'eh piska 53) Apparently, were it not that Hashem concluded with the words, "Choose life!" there would have been some confusion as to which is the right path to take. Why? Isn't the "living" path of the Torah and its holy mitzvos easily distinguishable from the "deathly" path of sin and immorality? In the beginning of parshas Re'eh we find a verse almost identical to the above pasuk. "Behold I have placed before you today blessing and curse..." Interestingly, though, there the pasuk uses the plural form, "Behold I have placed before you (lifneichem = you (plural))." Here, the pasuk uses the singular form, lifanecha.

I know a very talented person. He can sing, dance, and compose rhyming verse on the spot. Once, after attending a chasunah (wedding) in Williamsburg, he stood outside the hall trying to find a ride back to Boro Park. Someone picked him up. Seeing who his passenger was, the driver asked, "How come you didn't come with your own car?" "Actually," he answered, "I don't know how to drive." "What - you don't know how to drive? But you're so talented - you know all the kuntzen! (Kuntz is a Yiddish word, not easily translatable. The best I can do is 'trick' or 'feat'.)" "True," he answered, "and were it a kuntz to drive, I would surely be able to do that too!" It has been said that it is no kuntz to do good when everyone else is

doing good. What distinguishes the true G-d-fearing individual from the rest of the crowd is that he is doing the right thing even when everyone else is not. That is a kuntz! Does Hashem want us to be kuntz-machers? No. The point is not to go around looking for the difficult situations in life. They present themselves all the time. Situations where it's so easy to just "go with the flow." Everyone else is doing this. All my friends do it. So it must be all right. No?

I once attended a shiur (lecture) on kashrus by Rav Heinemann of Baltimore. "Who can name," he threw out a question to the audience, "the most popular hechsher (kashrus supervision) in our generation? OU? OK? No. It's the hechsher of Rav Alleh. 'Who's this Rav Alleh?' you ask. You never heard of him? He's the one giving the hechsher on the bakery down the street, and the pizza shop around the corner. I walk into these stores, and see religious Jews eating there. 'Who supervises this place?' I ask them. They shrug their shoulders. 'Alleh essen du - Everyone ('alleh' in Yiddish) eats here,' they answer." This is the hechsher of Rav Alleh. His kosher stamp of approval is not only found on the food we eat. He also supervises the words we speak, the places we go, the way we do business and deal with people. This prodigious rav ha-machshir gives us instruction and guidance in all aspects of our lives.

That's why teshuvah (repentance) is such an individualistic process. It's not okay just to follow the crowd. What everyone else is doing might not necessarily be right *for you*. Whether it's right for them or not is their responsibility to decide. But each person has to look inside himself and ask: Is what I am doing right for me, or am I just getting caught up in whatever everyone else is doing? This process requires deep introspection and self-honesty. It's not easy to divorce one's thought process from societal norms, and completely expose himself to the penetrating light of the Torah. One might at first be tempted to say that this "hechsher of Rav Alleh" actually makes some sense. After all, everyone can't have their heads screwed on backwards, can they? No? How about Beanie Babies - do they make any sense? Their success is not because of any inherent value they might possess, but because "everyone's talking about them." It's not to say that *everything* people do is wrong or makes no sense, but that *not everything* people do makes sense. Our job is to take the time and effort to separate the chaff from the grain. In real life it's a lot harder than exposing the Beanie Babies farce - it's a real kuntz!

This, explain mefarshim (commentators), is why the first time the choice between "life and death" is mentioned, it's done so in the plural. The choice is out there for everyone to make. But the second time, in our parshah, when the Torah urges, "Choose life!", it is written in the singular. To choose "life" is something which can only be done by the individual. It demands that one separate himself from conventional "wisdom" and make a decision about what's right for me. This also, says Rabbi Tzvi Pesach Frank ("Har Tzvi"), explains the above Midrash. The choice between "life and death", between blessing and curse, is in and of itself clear and obvious. Our clarity, however, is blurred by what those around us do. What's the right way - do I blindly do as others do, or do I bravely attempt to forge my own path? Choose life! urges Hashem. The choice isn't always an easy one.

There's never a bad time for cheshbon ha-nefesh (introspection). The month of Elul is especially good - it's set aside for it. Shulchan Aruch (603:1) writes, "Even one who is not meticulous not to eat bread from a gentile baker a whole year should be meticulous during the Ten Days of Teshuva (repentance)." The days of teshuva are a time to inspect the hechsherim we rely on all year. Watch out for the hechsher of Rav Alleh! Good Shabbos.

This week's publication was sponsored by Mr. Pinky Goldstein, in memory of his father, R' Yisrael David ben R' Yaakov. Olas Shabbos, Copyright (c) 1998 by Rabbi Eliyahu Hoffmann and Project Genesis, Inc. The author is a Maggid Shiur (teacher) and Menahel (principal) in Mesivta Chassidei Bobov of Toronto. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. http://www.torah.org/ Baltimore, MD 21215

yitorah@virtual.co.il NCYI Weekly Divrei Torah - Rosh Hashana
Rosh HaShanah 1-2 Tishrei 5759 Daf Yomi: Pesachim 36-37

Guest Rabbi: Rabbi Sholom Tendler Young Israel of North Beverly Hills, CA

Imagine the following story. I live in a middle class neighborhood in a kingdom ruled by a powerful, yet benevolent king. There are many young children living in my neighborhood and there is no playground. This has become quite a problem. We live in small apartments and the streets are thick with speeding cars. I have gotten together with my neighbors and we have tried approaching the local authorities, but to no avail. We just hear promises and excuses. We have tried to raise the money on our own, but we failed to come even close to the necessary amount. Finally, in desperation, we wrote our king, requesting an audience. Now, our king, who does not wish to rule in isolation, has a custom whereby he will invite people like you and me to come and express our opinions. To receive such an invitation is like winning the lottery. Years passed and nothing happened. Our children grew older, new children were born, and still no playground. Finally, the invitation for an audience with the king arrived. I planned for this day. I prepared the exact words and tone of voice for my presentation. I chose the clothing I would wear with the utmost care and consideration. Excitement and anxiety filled my life as I waited for my audience with my master. The day arrived and I appeared in the great hallway of the kings palace. The kings personal advisor was waiting for me. He briefed me on proper protocol and handed me a sheet of paper, explaining that the king would like to hear my views on any of the listed issues. My face turned white and I felt faint as I scanned the list. It read, The King would like to hear the opinions of his loyal subjects on any of the following topics: - The war in Bosnia - The Crisis in the Middle East - Nuclear Proliferation - Nuclear Energy - Global Pollution I turned and pleaded to the personal advisor. Sir, I am a simple person. I dont really follow current events. I am sad to say that I have no real opinions on anything on this list and I would not like to waste the kings time. But I have needs about which I feel passionately. I have children I must raise. I want them to be healthy and happy. My neighborhood needs a playground. The advisor courteously and gently removed the list from my hands and explained that the king does not deal with these issues and that I must continue to petition with local government. End of story.

The King of Kings grants each and every one of his subjects a private audience once a year. At this audience, He gives us a chance to be heard. He will govern the world based on the input we give Him on this day. I am anxious for this moment. Thirty days beforehand, the Shofar is blown in my community, exhorting us to wake up and make ready. I begin davening a little better - good practice. I say Selichot, begin doing Teshuva and cleanse my soul (this King has x-ray vision). I buy new clothes, groom myself properly and arrive in the Kings palace. To enter for my private audience, all I have to do is take three steps forward, and I am transported to a different dimension for a one-on-one with Him. As I am about to take the three steps forward, I am handed a list - a list of things about which the King wishes to hear from me. This list is called a Machzor. I scan the list, my face turns white, and I feel weak and hopeless. The list reads... - Peace on Earth - One society for all nations - How can we get all people to recognize the King? - How can the exile of the Jewish people end? - This is a Day of Judgment on all Nations. Any input? The great message of the Shofar of Sinai is waiting to be repeated once again for all of Mankind. How can we get the people to listen? I feel inadequate, but this King of Kings has no one to prevent me from entering and speaking my mind. No guard, no chief of staff, no chief of protocol. So I enter.

Me: HaShem, I truly feel inadequate. I am not on the spiritual level to enable me to address You regarding the items on your list. But I do have needs. My job is in jeopardy and the pressure of the bills is enormous. My best friend was just diagnosed with a serious illness. Our next door neighbors have no children and it pains me to see them so miserable. I have much more to talk about. I can speak to You passionately and, I believe, eloquently about these issues. But, I am embarrassed to say, that I am a simple person and the global concerns outlined in the Machzor are above me.

HaShem: My child, I do understand. But I must still hear from you. Please say the words. Use an ArtScroll Machzor. Look at the Hebrew and at

the English and then again at the Hebrew. Take your time. Or do the whole thing in English. Just make sure you speak sincerely and know what the words mean. But dont take three steps back when you are finished! Before you take the three steps back, I do wish to hear from you about your personal concerns. I care. At that point, you may cry. You may take as much time as you need and I will listen.

Me: But I know that prayer is avodah shebalev (service of the heart) and I am embarrassed that I wont be able to address You with passion and depth of feeling for the main body of the Amidah, which deals with national and global concerns.

HaShem: Have no fear. Just do your best. I have given you a device which will take your words and infuse them with feeling. Your words will be intertwined with those of your fellow Jews and the great Tzaddikim of all generations. They will rise before Me framed and accompanied by the most glorious music imaginable. This device is called a Shofar. All you have to do is to blow from your very spirit- your actual breath of life - into this Shofar, and this Mitzvah will do the rest.

A project of the National Council of Young Israel <http://www.youngisrael.org> Kenneth Block, Internet Administrator kenblock@youngisrael.org

Shabbat-zomet@virtual.co.il Shabbat-B'Shabbato - Parshat Nitzavim
EXPLAIN A MIDRASH: "It is not in Heaven" [Devarim 30:12]
by Rabbi Yehuda Shaviv

Moshe said to the people: "For this mitzva ... is not in the heavens ... and it is not across the ocean ... but this matter is very close, it is in your mouth and your heart to accomplish it." [Devarim 30:11-14]. To which mitzva is he referring? The Ramban at first suggests that it refers to "the entire Torah." But the word "THIS" leads him to change his mind and conclude that the Torah is only referring to one mitzva. He singles out the mitzva of teshuva, repentance, described in the previous verses. And this mitzva is close, and it is related to "your mouth and your heart," in that true repentance requires not only feeling of the heart but an explicit confession.

There are several interpretations in the Midrash, and all of them explain that "this mitzva" refers to the Torah; however, they do not include all the mitzvot of the Torah, as suggested by the Ramban, but refer to the words and the concepts of the Torah. Thus, "this mitzva" might be the commandment to study Torah. The Midrash has a suggestion for one who feels that the Torah is beyond his reach: "What will one do if he is smart? He will study a single chapter every day, until he has accomplished the task of finishing the entire Torah." [Devarim Rabba 8:3].

The truth is that the two concepts of Torah and teshuva are intertwined with each other. Just as there can be no true repentance without Torah, so true Torah requires a constant process of review and progress. This is the reason that in the Shemona Essrei, we pray for both teshuva and Torah in the same blessing: "Return us to your Torah ... and return us to you with full repentance."

TORAH AND ... TECHNOLOGY: Hearing Shofar Through a Hearing Aid

by Rabbi Uri Dasberg

Many people use a hearing aid, even if they are not totally deaf. Such people can often hear loud noises on their own but prefer to use a hearing aid to make life easier. Can they listen to a shofar through a hearing aid?

Many caves have been discovered in recent years in the regions of Yehuda and the Gallil, which served as hiding places during the Bar-Kochba revolution. From the size of the caves, it is clear that when necessary an entire town could quickly disappear under the ground. If this had happened during Rosh Hashana, it is reasonable to assume that the people would have wanted to hear the shofar. However, at first glance this might seem to violate the halacha, which states: "If a shofar is blown into a pit ... if the sound of the shofar is heard, the mitzva is fulfilled, but if an echo is heard, the mitzva has not been fulfilled." [Mishna, Rosh Hashana 3:7]. On the other hand, the Talmud explains that this only refers to one who is standing at the entrance of the cave and not one who is inside together with the shofar itself. Since a

guard outside the cave might not be sure whether he heard the direct sound or an echo, it might be possible to rotate guards and make sure that everyone was able to fulfill the mitzva. The late Rabbi S.Z. Auerbach compares a hearing aid to the above situation (Minchat Shlomo 9): one who wears an aid does not hear the shofar but a sound made by a mechanical membrane or an electrical device. Even one who is able to hear loud sounds on his own has his ears blocked by the instrument, and it is possible that he does not hear the direct sound of the shofar. Rabbi Auerbach wrote that he discussed this with the Chazon Ish, who suggested that the halacha which rejects an echo refers to a real echo, heard some time after the original sound. However, it might be that the mitzva of shofar is fulfilled if the two sounds are heard at the same time. But Rabbi Auerbach hesitated to accept this distinction, and he therefore ruled that one who can hear without a hearing aid should not use one, even if this will make it more difficult for him to hear the sound. Finally, let no one claim that one who can only hear very loud sounds has the halachic status of a deaf person and is therefore not obligated to fulfill the mitzvot. This was discussed by the Rosh (Responsa, 85:13) and the Shevut Yaacov (volume 3, 33), who both rule that such a person has the same obligations as anybody else, and can perform the duties of a cantor or even blow the shofar for a congregation..

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Talmudic Methodology by Rav Moshe Taragin
The Halachic Definition of the Mitzva of Shofar

The Torah's description of the mitzva of blowing shofar on Rosh Hashana is atypical in that a direct verb is not employed. The Torah writes that we must EAT (tokhlu) matza, SIT (teshvu) in the sukka and BIND (u- keshartam) tefillin upon our arms. Yet, when describing the mitzva of shofar, no such verb appears. Instead, the Torah refers to the DAY of Rosh Hashana as "Yom Teru'a," a day of blowing, and "Zikhron Teru'a" – a day of remembrance mediated through the shofar. This week's article will explore the ramifications of this phenomenon, particularly as it regards the definition of the mitzva. The Rambam is quite explicit in altering the definition of the mitzva. He consistently defines the mitzva as one of HEARING the shofar rather than BLOWING. This definition appears three times: in the Sefer Ha- mitzvot (positive commandment 170), in the title of Hilkhot Shofar, and in Hilkhot Shofar (3:10). This definition affects the syntax of the berakha, as well. Since the mitzva constitutes hearing the shofar, the berakha formulated by the Rambam reads, 'lishmo'a kol shofar' – (to hear the shofar sound), and not 'litko'a shofar' – (to blow the shofar). A second indication of the Rambam's position can be inferred from the Rambam's comments concerning a shofar which was stolen and then used to perform the mitzva. In general, one cannot use a stolen item to perform a mitzva. The classic example of this principle can be found in the gemara Sukka (30a) concerning a stolen lulav. This principle is known as 'mitzva ha- ba'a ba- aveira' – a mitzva whose performance was facilitated through the performance of an aveira – such as stealing. A stolen item is invalid for use as an article of a mitzva. However, the Rambam (based upon a Yerushalmi in Sukka) permits using a stolen shofar since 'a sound cannot be stolen' (ein be- kol din gezel). Had the mitzva been viewed by the Rambam as one of blowing, the actual shofar itself would be considered the article of the mitzva. A stolen shofar would therefore be invalid. If, however, the mitzva is defined as hearing, the ARTICLE OF THE MITZVA is the actual sound, and the shofar merely the TOOL by which the article of the mitzva is manufactured; hence, it may be used to generate the sound. Ultimately, the sound which is the article of the mitzva is not stolen. This rule further establishes that the Rambam viewed the definition of the mitzva as hearing the shofar.

Though this position – that the mitzva is to hear and not to blow – stems from the aforementioned textual aberration, it has little foundation in the gemara. The only Talmudic source which might support this position can be found in Rosh Hashana (27b) – a gemara cited by the Lechem Mishneh in his comments to the Rambam. The gemara addresses a situation whereby the shofar is blown in a 'pit' or cave while the audience stands beyond or above. Being that they do not hear the actual sound of the shofar but only the echo, the gemara asserts that they do not fulfill the mitzva. This disqualification applies even to the person blowing the shofar – for example, if he inserts the shofar into the sound cave while he (and his ears) remain beyond. One can conclude from this gemara that the shofar must be heard in order for the mitzva to be fulfilled. If the authentic shofar sound is not heard, the mitzva is not performed – even if it was blown. Evidently, the mitzva involves hearing and not blowing. (It should be noted that this gemara does not prove that hearing is sufficient, only that it is necessary!!)

Though most Rishonim follow the Rambam's lead and define the mitzva as hearing the sound of the shofar, there are those who disputed this notion. The Ri"f in Rosh Hashana (page 11a in the pagination of the Ri"f) cites a question which was presented in the contemporary academies of learning (mesifita) about talking between the berakha of shofar and the actual blowing. The question assumes the berakha is recited as 'AL TEKIYAT SHOFAR,' as opposed to the aforementioned berakha of the Rambam's lishmo'a. Similarly, the Rosh (both in his commentary to Pesachim as well as his commentary to Rosh Hashana) quotes the Rabenu Tam who claims that the berakha should be recited upon the actual blowing ("al tekiyat shofar"). Evidently, he felt that the mitzva consists of the act of blowing and not the actual hearing. The Semag, as well, rules that the mitzva consists of blowing and that a similar berakha should be recited.

Though the pasuk and the weak verb seem to support the position of the Rambam, there

exist two gemarot which would seem to question his theory and suggest that the mitzva DOES constitute some form of BLOWING and not just HEARING. The mishna in Rosh Hashana (29b) invalidates a cheres, shoteh ve- katan (a deaf person, mentally handicapped, or minor) from blowing the shofar on behalf of others. Had the mitzva consisted merely of hearing a shofar blast, why would we disqualify a minor from providing this sound? The blowing is merely the manufacturing of the sound rather than the actual performance of the mitzva and, in theory, could be performed by a minor. For example, the gemara in Shabbat (23a) cites an opinion which claims that the mitzva of Chanuka candles is to see the lit menorah and not necessarily to perform the act of kindling. According to this position, a minor can light and another person can see these lit candles, recite a berakha and fulfill the mitzva. According to the Rambam, the same should apply to shofar. Since the mitzva is merely experiencing the sound (parallel to experiencing the light), a minor should be allowed to blow while others hear and thereby fulfill their mitzva. From the rule that the shofar must be blown by a 'gadol' – someone above the age of 13 – we might deduce that the actual blowing comprises part of the mitzva. (This question was first posed by the author of the Kapot Temarim in his commentary to Rosh Hashana called 'Yom Teru'a').

In defense of the Rambam, we might claim that the manufacture of a shofar blast is not as effortless as lighting a candle. As the shofar blast is not meant to be a bare sound but rather a symbolic note comprising various experiential moments of Rosh Hashana, it must be generated by someone who is sensitive to these facets. Though the mitzva consists of hearing, the listener must hear a halachically viable shofar sound which can be generated only by a gadol.

A second halakha which might pose a challenge to the Rambam's position is the question of kavana – or intention. Generally, we rule that 'mitzvat ein tzrikhot kavana' – mitzvot can be performed without intent to fulfill them. For example, if a person eats matza on the 15th of Nissan without any intention of performing the mitzva, he still fulfills the mitzva. Yet, with regard to shofar, the gemara claims that some form of kavana (intent) is indispensable (see Rambam Hilkhot Shofar 2:4). Particularly puzzling is the rule that the blower must intend to include the listener and the listener to hear from the blower. If the mitzva is merely hearing a shofar blast, we might not be able to justify this kavana requirement. If, however, we claim that the mitzva entails the act of blowing we might better understand the need for the person blowing to blow with some consciousness of what he is doing as well as intention to include others (who are also obligated to blow) within his blowing. This question (and proof) was posed by the Sha'agat Aryeh in chapter 6.

The full range of options for solving the kavana requirement according to the Rambam are beyond the context of this article. A related issue, though, should be examined and might, ironically, support the Rambam's position: The very fact that Reuven's blowing can be considered fulfillment of Shimon's obligation – the kavana requirement not withstanding. The Rambam wrote a responsum (see Responsa of the Rambam [Blau] volume 1 142) in which he reiterated his opinion that the mitzva consists of hearing. Had the mitzva consisted of blowing, it would not be possible for one to blow for many. Just as Reuven cannot sit in the sukka on Shimon's behalf and put on tefillin for him, similarly, he should not be able to blow for him. Evidently, the Rambam inferred, the mitzva is not to blow but to hear.

The Beit Halevi provides a very interesting concept which might resolve this issue of Reuven blowing for Shimon according to those who perceive the mitzva as blowing. In the end of his second volume of responsa, the Beit Halevi includes several 'derashot.' In his 15th derasha, he discusses the prayer experience of Rosh Hashana. He questions the efficacy of prayer offered with the same mouth which committed sins during the course of the year. To solve this dilemma he cites the gemara in Rosh Hashana (16b) which instructs us to recite pesukim of malchuyot and zikhronot on Rosh Hashana. The gemara asks with what should these pesukim be recited? The gemara replies: with the shofar. In other words, according to the Beit Halevi, a shofar represents more than just a formal act of blowing. It also entails a non- verbal form of prayer – and, according to the Beit Halevi, a purer form of supplication, unencumbered by sin. If, indeed, shofar constitutes a form of prayer we might better understand one person blowing on behalf of another. Though Reuven cannot perform mitzvat for Shimon he can read texts or pray on behalf of a listener. Such scenarios are called 'shomei'a ke- oneh' – whereby the listener is considered as having recited himself. This phenomenon applies only to mitzvot which entail text- recitation. According to the Beit Halevi, the shofar is a non- verbal manner of expressing the text of the Rosh Hashana prayer. As such, even though the mitzva is defined as blowing, since it is a form of prayer, one person's prayer can include others.

AFTERWORD: The issue discussed within this article has many broader ramifications, regarding the manner of manufacturing the sound of shofar, the relationship between the blower and the listener, and the role of kavana. All of the questions posed can and must be re- evaluated based upon analysis of these particular issues. Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash Alon Shevut, Gush Etzion 90433 E-mail: Yhe@vbm-torah.org or Office@etzion.org.il Copyright (C) 1998 Yeshivat Har Etzion. All Rights Reserved.

parasha-page@virtual.co.il Dear Readers, As the New Year approaches, I regret to announce that due to the tight schedule imposed by my involvement in the production of other Torah works, I have to indefinitely suspend publishing new Parasha-Page insights. No action is required on your part; if and when I pick it up again, you will begin receiving the mailings as usual. I have made this choice reluctantly; I've pushed off this mailing in the hope that I would find some solution, but unfortunately none is evident. I wish to thank you all for your interest and words of support, and I apologize to all those who have sent letters asking about the mailings recently and did not receive replies. You will find partial Parasha-Page archives at various Internet sites, listed at the end of this letter. I invite you to visit D.A.F.'s Dafyomi website to see the project which is my primary commitment at present. We will be debating an all new site, www.dafyomi.co.il this coming Wednesday, with the help of Hashem. (Presently, our Dafyomi archives are located at http://www.shemayisrael.co.il/dafyomi2/) All the best wishes for a Kesivah v'Chasimah Tovah and a

blessed year! -Mordecai ARCHIVES: <http://www.virtual.co.il/depts/torah/rkornfeld/parsha.htm>
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Daf-insights@shemaisrael.com Insights to the Daf: Pesachim 26-30

INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyuan Hadaf of Yerushalayim Rosh Kollel: Rabbi Mordecai Kornfeld daf@shemaisrael.co.il

Pesachim 26b HAVING "HANA'AH" FROM AN "ISUR" WITHOUT INTENDING TO QUESTION: The Gemara cites a Mishnah (Kela'im 9:5) which says that it is permitted for a garment-merchant to wear clothing of Sha'atnez in order to display it, as long as he does not intend to get Hana'ah from it. The Mishnah adds that the G-d-fearing merchants used to drape the clothing on a staff behind them, but not actually wear it, in order to avoid wearing clothing of Sha'atnez. The Gemara proves from there that "Efshar v'Lo Mechaven" is permitted; that is, according to those who permit "Davar sh'Eino Miskaven," even where it is possible to avoid getting Hana'ah from an Isur by doing the act in some other way, it is nevertheless permitted to do the act in such a way that the Isur gives him Hana'ah as long as he does not have Kavanah for the Hana'ah. Why is such an act permitted? Even though the person does not have *intention* to have Hana'ah from the clothes he is wearing, it is *inevitable* that he will be warmed by them in winter and protected from the sun in the summer -- i.e. it is a "Pesik Reishei." We find that Rabbi Shimon agrees that a Pesik Reishei is forbidden, although one does not *intend* to do the forbidden act! ("Davar sh'Eino Miskaven" only means that one may perform an act which *may* unintentionally cause the transgression of a Torah prohibition; not an act that will *certainly* cause such a transgression.) Similarly, the Gemara earlier (25b) says that both Abaye and Rava agree that "Lo Efshar v'Lo Mechaven," a situation in which getting Hana'ah is unavoidable and one does not have Kavanah for the Hana'ah, is Mutar according to Rabbi Shimon. Why is it Mutar if it is a Pesik Reishei (inevitable) that he will get Hana'ah? ANSWERS: (a) TOSFOS earlier (25b, DH Lo) and in Shabbos (29b) explains that it must be that when the Mishnah says that one may wear clothing of Sha'atnez, it refers to a case where one does so in a way that he *could avoid* getting Hana'ah from the garments (for example, he could wear it without it covering him completely). Since it is not definite that he will get Hana'ah it is not a Pesik Reishei. If, however, it is not possible to avoid getting Hana'ah, then not having Kavanah would not permit it because it is a Pesik Reishei. Similarly, when the Gemara earlier said that "Lo Efshar v'Lo Mechaven" is permitted, it did not mean that it is entirely impossible not to get Hana'ah. Rather, it means that he cannot accomplish what he would like without doing an act that is *very likely* to cause him Hana'ah. Thus, it is not a Pesik Reishei. (b) The RAN in Chulin (32a of the pages of the Rif) explains that ours is indeed a case where one is certainly going to benefit from the Isur; the Hana'ah is unavoidable. One will certainly derive benefit from wearing the garment of Sha'atnez, or one will certainly smell the aroma of Avodah Zarah. Regarding any other type of Isur, such a case would be a Pesik Reishei and be prohibited. When it comes to a prohibition of deriving *benefit* (Isur Hana'ah), though, the act is Mutar as long as one does not have Kavanah, even if it is a Pesik Reishei. The Ran cannot mean that if one does not have Kavanah for experiencing Hana'ah it is not considered Hana'ah (that is, one only experiences Hana'ah when he wants to), because then even Rabbi Yehudah would agree that it is Mutar to derive benefit from Kil'ayim or Avodah Zarah without Kavanah; it should have nothing to do with the laws of Davar sh'Eino Miskaven. Rather, perhaps the Ran means that even though one seems to be definitely getting Hana'ah, as long as he does not have Kavanah to get that Hana'ah, it is *never certain* that he will have Hana'ah. Why? Since, by not having Kavanah to have Hana'ah, it is *possible* that he will indeed not experience Hana'ah. Acts involving Isurei Hana'ah can never be considered a Pesik Reishei because one *might* avoid having Hana'ah altogether; it is therefore a normal case of Davar sh'Eino Miskaven. (c) RABEINU CHAIM HA'LEVI in the Rambam (Hilchos Shabbos 10:17) explains the Ran differently. He suggests that even if one is definitely going to get Hana'ah, it is still possible to say that it is Mutar because of the laws of Davar sh'Eino Miskaven. Just because one is definitely going to get Hana'ah does not always make an act Asur. For example, the Aruch (Erech "Pesach," see Tosfos Kesuvos 6a) rules that an act which is a Pesik Reishei "d'Lo Nicha Lei," which a person does not want, is Mutar, even though it is definitely going to occur. It is Mutar because he does not have intention to do it and it is not in the least his desire for it to occur, although it will definitely occur. Similarly, the Ran means to say that when it comes to Isurei Hana'ah, even a Pesik Reishei is judged as a normal Davar sh'Eino Miskaven. (Perhaps this may be understood as follows. Normally, a Pesik Reishei is prohibited since one *must* be intending, to some degree, to perform the Isur -- since he has a clear interest in the by-product of the Isur. With Isurei Hana'ah, though, this is not so. The interest one has in the by-product (i.e. the Hana'ah) that comes from the Isur is not concrete enough for us to assume that he must be intending to perform the Isur to attain that by-product. Therefore his act remains a Davar sh'Eino Miskaven under all circumstances -M. Kornfeld)

Pesachim 28 HALACHAH: "EIN BI'UR CHAMETZ ELA SEREIFAH" OPINIONS: Rabbi Yehudah and the Rabanan argue about the manner in which one must destroy his Chametz. The Rabanan say that one may destroy his Chametz in any manner, even by crumbling it up and throwing it into the sea or river. Rabbi Yehudah says that Chametz must be destroyed only by burning it. What is the Halachah? How should we dispose of our Chametz? (a) TOSFOS (27b, DH Ein) and the SEMAG rule that Bi'ur Chametz must be done through burning the Chametz, in accordance with the opinion of Rabbi Yehudah. The reason is because, firstly, an anonymous Mishnah in Temurah (33a) follows his opinion, and secondly, Rabbi Yehudah derived his ruling from a valid source -- a Binyan Av from Nosar. Just like Nosar may not be left over and must be burned, so, too, anything which must not be left over -- such as Chametz -- must be burned. The only problem with his Binyan Av was that Rabbi Yehudah himself maintains that an Asham Taluy, which also may not be left over, must be buried and not burned. However, we rule like the Rabanan who say that an Asham Taluy must be burned, and therefore we may accept Rabbi Yehudah's Binyan Av. Therefore we learn from Nosar that anything that may not be left over must be burned. (b) The ROSH (2:3) cites a number of authorities who dispute this conclusion, including the GE'ONIM, RABEINU YONAH, and the RAMBAM (Hilchos Chametz u'Matzah 3:11). They maintain that the Halachah follows the opinion of the Rabanan who say that Chametz may be destroyed in any manner and does not have to be burned. What about the Binyan Av, which seems to be irrefutable according to the opinion of the Rabanan? The Rishonim suggest that the Binyan Av may be refuted in a number of ways: First, perhaps the Rabanan learned that the verse, "You

shall burn the Nosar with fire" (Shemos 29:34), which teaches that only Nosar is to be burned and no other Isur is to be burned (Daf 24a), excludes Chametz as well, and that verse overrides the Binyan Av. Second, the Rosh suggests that the Rabanan differentiate between something which is Kodesh and something which is not Kodesh. Nosar is Kodesh and must be burned, while Chametz, which is not Kodesh, cannot be learned from Nosar. HALACHAH: The SHULCHAN ARUCH (OC 445:1) rules like the Rabanan, that Chametz may be disposed of in any manner. The REMA adds that the custom is to burn it nonetheless. However, the ROSH points out that whether the Halachah follows the opinion of Rabbi Yehudah or the Rabanan does not make much of a difference. Even Rabbi Yehudah agrees that b'She'as Bi'uro, one may dispose of Chametz in any manner. The argument involves only she'Lo b'She'as Bi'uro. According to TOSFOS, "she'Lo b'She'as Bi'uro" refers to *after the sixth hour* on Erev Pesach and throughout the festival. That is when Rabbi Yehudah says that Chametz must be burned, and the Rabanan say that it may be destroyed in any manner. But no one leaves over his Chametz until then! According to Rashi, "she'Lo b'She'as Bi'uro" refers to the *duration of the sixth hour* but not before nor after, so again the Halachic rendering is not usually relevant -- people do not leave their Chametz until the sixth hour starts, because by then it is Asur mid'Rabanan (see Insights to Daf 27:1:b-c). (Even if we do not accept the Rosh's ruling, and we maintain that according to Rashi before the sixth hour is also considered "b'She'as Bi'uro," that just means that if one *wants* to destroy it (as opposed to eating or selling it), he should burn it. He is certainly not violating the Torah's command of "Tashbisu" if he gets rid of it by selling it or being Mafkir it, as we pointed out above.) The TUR (OC 445) suggests that there may be a bigger difference between whether we rule like Rabbi Yehudah or like the Rabanan. According to Rabbi Yehudah, there is a specific Mitzvah to burn Chametz. We learn in Temurah (33a) that whenever there is a specific Mitzvah to burn something which is Asur b'Hana'ah, that item's ashes are permitted. Once the item has been burned and the Mitzvah fulfilled, the item is no longer Asur (because of "Na'asah Mitzvasah," Daf 26a). However, according to the Rabanan, there is no Mitzvah to burn Chametz. Therefore, even if one does burn it (on Pesach), its ashes will remain Asur b'Hana'ah. Thus, an added difference between whether the Halachah follows the opinion of Rabbi Yehudah or the Rabanan is whether the ashes of burnt Chametz (which was burned b'She'as Bi'uro) are Asur b'Hana'ah. REBBI AKIVA EIGER (ibid.) challenges the Tur's conclusion. How can the Tur say that the Rabanan do not hold that there is a Mitzvah to burn Chametz? There is a Mitzvah to dispose of Chametz in any manner, which certainly includes burning it! Since burning it is a fulfillment of the Mitzvah to get rid of it, once the Chametz has been burned and the Mitzvah fulfilled, the ashes should be Mutar b'Hana'ah! RABEINU CHAIM HA'LEVI (Hilchos Chametz u'Matzah 1:3) explains that according to the Rabanan, burning Chametz cannot be called "Na'asah Mitzvaso." Since they maintain that Chametz must be disposed of in any way possible, the Mitzvah is one that rests on the person, i.e. *he* is obligated to get rid of his Chametz. It is not a Mitzvah on the Chametz, necessitating that the *Chametz* be burned. If so, even if one burns the Chametz, no Mitzvah has been done to the Chametz itself; rather, the *person* has fulfilled his own obligation. In order to permit the ashes of Chametz, the Chametz must have a Mitzvah done to it which is *inherent* to the Chametz. Rabbi Yehudah, who maintains that the Mitzvah is to specifically burn Chametz, views it as a Mitzvah inherent in the Chametz -- if one has Chametz in his possession during Pesach, it must be destroyed through burning. Therefore, burning it permits the ashes b'Hana'ah.

Pesachim 30 MIXTURES OF CHAMETZ ON PESACH OPINIONS: Rava concludes that the Halachah follows the opinion of Rav, that when Chametz gets mixed up with non-Chametz items on Pesach, we say that it is Asur even if a minute amount of Chametz fell into the non-Chametz. During Pesach, "Mashehu," any amount of Chametz, is Asur "Bein b'Mino, Bein she'Lo b'Mino," whether it fell into its own type of food or into a different type of food. Why is the Isur of Chametz so much more stringent Halachically than all other Isurim? All other Isurim are only Asur b'Rov, when the majority of the mixture is the forbidden food, in a case of two like foods that were mixed together, or "b'Nosen Ta'am," when enough of the forbidden food fell into the permitted food so that its taste is noticeable in the mixture, if two liquids were mixed together (this amount is defined, practically, as 1/60th; see REMA, Yoreh Deah 98:1). (a) RASHI (29b, DH she'Lo b'Mino) says that Rava rules like Rav, who holds that for *all* Isurim, "Min b'Mino" is Asur b'Mashehu. The only difference between Chametz and other Isurim is that Chametz is also Asur b'Mashehu when it is "Min she'Lo b'Mino," when it falls into another type of food. Any other Isur, when the mixture is "Min she'Lo b'Mino," is Asur only b'Nosen Ta'am, while Chametz is Asur b'Mashehu. Rashi explains that the difference is due to the severity of the Isur of Chametz. Transgressing the Isur of Chametz is punishable with Kares, in addition people are not accustomed to refraining from Chametz (11a), for they eat it throughout the year. Rav therefore decreed that even a mixture of "Min she'Lo b'Mino" is Asur b'Mashehu, like "Min b'Mino." (b) TOSFOS (DH Amar Rava) argues with Rashi, who states that "Min b'Mino" of all other Isurim is also Asur b'Mashehu. Tosfos asserts that "Min b'Mino" of all other Isurim is not Asur b'Mashehu, but only b'Rov, which is the opinion of the Rabanan. The reason why Chametz, even "Min b'Mino," is Asur b'Mashehu is because of the severity of the Isur of Chametz, as Rashi explained. Because of the severity of the Isur, the Rabanan decreed that *both* "Min b'Mino" and "Min she'Lo b'Mino" are Asur b'Mashehu. (c) The RAMBAM (Hilchos Ma'achalos Asuros 16:9) and the RAN here say that the reason Chametz is Asur b'Mashehu is because Chametz is a "Davar she'Yesh Lo Matirin," it is something forbidden which will eventually become permitted. Since one could wait until after Pesach and then eat the mixture, it is therefore Asur b'Mashehu on Pesach. Rava rules like Rabbi Shimon who holds that Chametz is only Asur mid'Rabanan after Pesach. When the Chametz is mixed with another food, the Rabanan did not apply their decree and it is Mutar. Therefore, since one can wait until after Pesach when the mixture will be Mutar, on Pesach it is Asur b'Mashehu. The RAN casts doubt on this reasoning. Even though a *mixture* of Chametz is Mutar after Pesach, Chametz that is distinct and not mixed is indeed prohibited (mid'Rabanan) after Pesach is over. Therefore Chametz cannot be called a "Davar she'Yesh Lo Matirin." The MORDECHAI (Pesachim #553) suggests another reason why Chametz is not considered a "Davar she'Yesh Lo Matirin." Since the Chametz will become Asur at a later time (i.e. next Pesach), its Heter is not indefinite and it cannot be called a "Davar she'Yesh Lo Matirin." (d) RABEINU TAM (in Tosfos DH Amar Rava) and the BA'AL HA'ME'OR do not have the reading in the Gemara that Rava said that a mixture of Chametz is Asur b'Mashehu, but rather merely that it is Asur. Rava means to say that it is Asur "b'Nosen Ta'am," in accordance with the opinion of Rabbi Yochanan. If so, there is no difference between Chametz and all other Isurim.

This is also the opinion of the SHE'ILTOS.

HALACHAH: The SHULCHAN ARUCH (OC 447:1) rules like Tosfos (see (b) above) that mixtures of all other Isurim of "Min b'Mino" are only Asur "b'Nosen Ta'am," while a mixture with Chametz (both "Min b'Mino" and "Min she'Lo b'Mino") is Asur b'Mashehu, due to the severity of the Isur. However, the MISHNAH BERURAH (447:2) adds that if there are other pressing reasons that one needs to be lenient, he may rely on the She'iltos, (d) above, and permit a mixture with Chametz as long as it is not "Nosen Ta'am." Concerning the question whether Chametz is a "Davar she'Yesh Lo Matirin" (see (c) above), both opinions are cited by the REMA (YD 102:4) and the SHACH (YD 102:14). There is a practical difference between these two reasons (the severity of the Isur of Chametz, or the fact that Chametz is a "Davar she'Yesh Lo Matirin") for forbidding mixtures of Chametz even b'Mashehu. If it is because of the severity of the Isur of Chametz, then it is only Asur when Kares applies. On Erev Pesach, after the sixth hour and before nightfall, Chametz is Asur but there is no Kares. As a result, a mixture of "Min b'Mino" will *not* be Asur b'Mashehu. This is how Tosfos would rule in such a case. However, according to the Rambam, a mixture of Chametz on Erev Pesach will also be Asur b'Mashehu, because it is a "Davar she'Yesh Lo Matirin," which will become Mutar after Pesach. (MAGID MISHNAH, Hilchos Chametz u'Matzah 1:5) The SHULCHAN ARUCH (OC 447:2) rules that a mixture of Chametz on Erev Pesach is Mutar if the quantity of Chametz is only a Mashehu. We see from this ruling that the Shulchan Aruch does *not* agree with the Rambam and he holds that Chametz is not a Davar she'Yesh Lo Matirin.

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