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Koheleth: Looking

Too Far Ahead

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Koheleth is considered part of the "wisdom literature" of the Bible.

Like Proverbs, Job, and the Proverbs of Solomon of the Apocrypha, it is considered a book of hokhmah. This is appropriate for Koheleth, because tradition identifies him with King Solomon, who was the wisest of all men, the greatest hakham on earth.

Now, it has long been held by wise men of many ages and many climates that wisdom is a means to happiness. Socrates maintained that if people only knew what is right they would do it, and their lives would change. This theme was continued by his student Plato, and was elaborated, in turn, by his student Aristotle, who said that in the pursuit of wisdom lies the highest and happiest life. In a more down-to-earth sense, modern man believes, as an unspoken tenet of his faith, that knowledge is redemptive, that wisdom, especially in its scientific and technological expression, can solve all problems, that hokhmah can make everyone happy. In truth, this certainly seems to be the case: knowledge, intelligence, good sense, talent, wisdom - what else do we possess that can help us be happy?

Yet, when we turn to Koheleth, the book of hokhmah, what a disappointment! Havel havalim, Koheleth cries out, "vanity of vanities," all is weariness, all is nonsense, nothing is of value. Koheleth is disillusioned with all those things that man usually cherishes: wealth, pleasure, the company of women, good food, even ethical living — and even hokhmah itself! At the end of chapter 1, he informs us that with much wisdom there comes much vexation, and "he who increases knowledge increases pain." There are dozens of such statements in Koheleth, and they add up to a quite depressing view.

Actually, this picture is a bit unfair. It is true that modern man is charmingly naive when he believes that if only the scientists would desist from armaments research and the space race and concentrate on medicine, or what is quaintly called "the science of man," they would make us all happy both physically and mentally. It is true that education

is no guarantee that man will not succumb to bigotry. It is true that science and technology have brought in their wake many problems. But it is overwhelmingly truer that wisdom in its various contemporary aspects has brought us health and hygiene and longevity and convenience and sophistication. How many of us would be willing to give up these benefits of science and wisdom? On the contrary, I would say with Socrates, Plato, and Aristotle - and with the far less sophisticated modern - that wisdom does make life more pleasant, the hokhmah does lead to happiness.

Why then does Koheleth despair? How do we account for the fact that hokhmah which usually occasions optimism, is for Koheleth a source of bitter pessimism?

The answer is that Koheleth is not a work of hokhmah alone. It has one added ingredient that makes all the difference: nevuah, prophecy — not in the classical Biblical sense of summoning the people to God and repentance, but more in the laymen's sense of clairvoyance, of predicting and foretelling the future. And it is this which corrodes Koheleth's cheer and accounts for the gloom and dejection in the book. The Aramaic translator, the Targum, appreciated this added element and included mention of it in his paraphrase at the very beginning of the book: Kad haza Shelomo malka de'Yisrael, when Solomon, King of Israel, saw, be'ruah nevuah, by means of the spirit of prophecy, that his great kingdom would be split in the civil war following his death, that the Temple that he had built and the city of Jerusalem would be devastated, and that his people Israel would languish in exile, he cried out havel havalim, "vanity of vanities": kol man de'Torhit ana ve'david abba kula havalu, all that I and my father David labored for and struggled for, all is empty and wasted and vain!

Had Koheleth restricted himself to his great hokhmah alone, he would have emerged with a happy and sanguine and cheerful book, prudent perhaps, like his Book of Proverbs - but not as gloomy and even cynical as "Koheleth." But the note of nevuah, looking too far ahead into the future, undid him. It made him see the fatuousness of even wisdom itself. Thus, Koheleth, the wisest of all men, cries out: I thought to myself, ke'mikreh ha-kesil gam ani yikreni, what will happen to the fool will happen to me as well, the same common grave will swallow both of us, and therefore ve'lamah hakhamti ani az yoter - to give that an Anglo-Yiddish translation: "Does it pay to be smart?" (2:15). In an even more frightening vein, Koheleth dourly exclaims in the verse following: "for no memory remains of the wise man or the fool forever: be'she'kevar ha-yamim ha-ba'im ha-kol nishkah, for as the days grow into years and the years into centuries, all is forgotten, and so does the wise man die together with the fool." Think of it - what a frightening, unthinkable thought: in two hundred years, who will know us, who will remember us? Even our descendants, even those who may bear our very own names: will they ever know we existed, will they ever recall our passions, our loves, our hates, our wants, our fears? What are we proud of today - family, status, wealth, power? In the face of the eternity that will swallow all of us, it is havel havalim, utterly meaningless.

So this capacity for nevuah, for looking too far ahead, is unnerving and catastrophic. It undermines every shred of self-confidence. The knowledge of ultimate failure, of death and oblivion, blocks all progress, undercuts all aspiration, verily disembowels our lives of all significance. This dismal prophetic glimpse turns the optimism of wisdom into bitter gall, the joys of pleasure into wormwood, the triumph of money and power into dust and ashes, the pleasure of a good reputation into a mockery. Nothing lasts, nothing endures. Hokhmah itself is an illusion, wisdom — an empty boast. And in that case, kol mah de'torhit ana ve'david abba, all that we have built, all that the past generations and we have forged and created and constructed - kula havalu, it is all a joke, a cruel and senseless exercise in futility.

This, then, is the difference between pure wisdom and wisdom touched by and controlled by prophecy. Wisdom approaches facts as

they are, in the here-and-now: circumscribed, objective, limited, maybe anticipating developments a step or two ahead — but all within the purview of mind and intellect and analysis. And wisdom, using its celebrated judgment, can settle things, make them work, establish harmony, produce efficiency. The mind gazes on the world, takes its measure, and decides that it can overcome it. Wisdom is a problem-solver, and therefore hokhmah leads one to happiness and to optimism.

Prophecy, however, looking far beyond the present, beyond even death, sees only endless oblivion, an infinite blank for all eternity. The prophetic intuition perceives the ultimate futility of all as the grave itself disintegrates, as the whole solar system comes to an end in the blazing flames of cosmic implosion or whimpers to its death in unspeakably cold wastes. Prophecy, therefore, is dreadfully pessimistic.

In that case, why did tradition assign Koheleth to be read on so happy a holiday as Sukkot? Who needed it? Why not some other, pleasant, wise book?

The answer comes in the closing verses of the book, which Bible critics have dismissed as a later appendage, but in which they are sadly mistaken - for this is the whole of Koheleth and its very heart and essence, *sof davar*, the end of the matter, after all is heard and all the evidence has been gathered, is: "fear God, and et mitzvotav shemor, observe His commandments, *ki zeh kol ha-adam* - for this is the whole of man. Over every act shall God pass judgment, for every forgotten thing shall He remember, whether good or bad."

What does this mean? Permit me to use a felicitous phraseology suggested by a writer in a recent issue of Fortune Magazine. This writer tells us that once upon a time America was guilty of a "bright perception" of excessive cheerfulness and optimism, as it swept its incipient, ugly problems under the national carpet. Nowadays, we have veered to the other extreme. We are guilty of a "dark perception," we see only gloom, we consider ourselves hopelessly trapped. Neither of these, we are told, is correct. What we need is a "clear perception."

In these terms, we may say that wisdom alone is not enough, that by itself it offers us only a onesided "bright perception." Wisdom looks down, deeply, too much down and too deep; but it is blind to the anguish of death and frustration, and to the anxiety of approaching nothingness. Prophecy alone is also inadequate; it gives us an equally one-sided view, the "dark perception." It looks too far ahead, and is so obsessed with the beyond that it fails to see the here-and-now; so taken up with the forest that it cannot see the trees on the landscape of life. What we require is a spiritually "clear perception": *et mitzvotav shemar*, the fear of God and the observance of Torah and mitzvot! For here is something that transcends and includes both wisdom and prophecy - *ki zeh kol ha-adam* it is the whole of man - and corrects the faults of each. Torah, unlike wisdom, does not look down; and unlike prophecy, does not look ahead. Rather, to continue the metaphor of direction, it looks up. Torah requires an upward glance: *Torah min ha-Shamayim*, Torah comes from heaven - or, as hasidim taught, Torah itself is *shamayim*! Torah encompasses both wisdom and prophecy, and much more. It tells us that both the bright perception of wisdom and the dark perception of prophecy are illusions, because man is not caught inextricably in nature itself. Man can have a connection with God, he can be raised above the natural law, he need not be trapped in the endless cycle of life and death, there is something in man that allows him to be plucked out of the maelstrom of the world and elevated to such heights that wisdom cannot fully understand him and prophecy cannot fully predict him. It does this by telling us two things. Firstly, that God knows and cares, and that He knows all and considers all, meaning that nothing that happens to us is forgotten, that everything, no matter how minor - *al kol ne'elam* - remains with God forever, even after the Earth and Sun have been burnt into cinders of nuclear ash.

But that is not enough. For God to remember does not yet grace our lives with meaning. Therefore the second point: in order for us to

derive significance for our lives both here and now and forever, in order for us to be able to use and enjoy our wisdom and pleasure and money and love and influence, and escape the threat of oblivion and obscurity, we have got to respond to God's care, we have got to incorporate His concern into our actual lives, we have got to elevate ourselves above world and nature and the web of illusions and frustrations that threatens to ensnare us.

When man performs a mitzvah, he in effect raises himself and his environment to the order of eternal significance in God's eyes, to a level which lasts forever, he incorporates himself into Torah which is both from Heaven and is Heaven, and which therefore cannot be ravaged by temporal disintegration.

For instance, take the beauties of nature. Wisdom tells us: how gorgeous, how complex, how useful, how interrelated is the whole natural world - live it fully! Science investigates it, philosophy exclaims upon its aesthetics. Prophecy responds coldly: so what? - All passeth away... The endless cycles mean that it is all meaningless. It is sham. It is illusion. Torah responds: you both are wrong. Man should enjoy beauty and nature, but not as an automatic activity. It requires the act of being *mekadesh*, sanctifying beauty, and then its significance will endure even after the physical objects which we treasure rot and decay. Thus, when man takes the *arba minnim*, the cluster of species on Sukkot, and cherishes their quality of *hadar*, beauty, that beauty lasts forever, and every appreciation of beauty in his life is exalted thereby, to endure endlessly.

Or take the consolation of wealth — and what a consolation wealth can be! Wisdom says: use it, enjoy it, build with it, invest it, multiply it, live comfortably. Prophecy offers its rejoinder with a cynical smile: *havel havalim*, how empty, how vain, how foolish. Torah answers: you are both mistaken. Wealth should be used and enjoyed — but first: sanctified! This is done by giving *tzedakah*, by being generous to others, by imparting of your substance to those who need it. In that manner, such money that one gives lasts forever; indeed, the money that one gives away is the only money that one really possesses forever. In the eyes of the eternal God, such money is never spent. Even if a man who gives *tzedakah* should lose his fortune tomorrow or die the day after, his act of generosity survives forever.

Or take love, of wife or child or parents or friends. Wisdom approves: it is psychologically healthy and socially necessary. Prophecy is skeptical: love itself is ephemeral and transient, and cannot last beyond the lives of the lovers. Torah disagrees with both. Love must be turned into mitzvah, it must be graced with *kedushah*, sanctity, and thus made to endure forever. Love deeply and well and selflessly, and it becomes a thing of beauty and holiness for all time, defeating death and surviving the grave. Such love survives even after the lovers have perished. Or take pleasure. Interestingly, wisdom and prophecy draw opposite conclusions from the same premises. Wisdom, echoing the Greek philosopher Epicurus, says that the fact of death should lead us to indulge in pleasure: eat, drink and be merry, for tomorrow you die. Prophecy draws the exactly opposite conclusion: our eventual death makes all our pleasures and joys not only temporary and farcical, but even uninteresting. Torah rejects both. Of course we must enjoy life and its pleasures. The Jerusalem Talmud says that we shall have to answer in the other world for all the legitimate pleasures we failed to enjoy in this world. But - it must come through the context of mitzvah, and this sacred framework will sharpen our pleasures, make them fuller and more perfect and more meaningful. On this holiday of Sukkot we emphasize the ideal of pleasure and happiness, of *simhah*. The Torah tells us: *ve'samahta*, you shall be happy. But, as the Rabbis added, we can be happy ourselves only if we read that word also as *ve'simahta*, you shall make happy. You must give happiness to God's four wards, the ger, levi, yatom, almanah, the stranger and Levite and orphan and widow, and then God will grant happiness to your four wards, *binkha*,

bitkha, avdekha, va-amatkha, your children and your household. Doing that, such simhah truly endures, even if it is merely the pleasure of basar ve'yayyin, dagim ve'khol mat'amim, of physical indulgence. Never mind sickness and death; such dedicated and consecrated simhah outlasts the world itself — because it is ve'samahta lifnei ha-Shem Elokekha, happiness "before the Lord thy God," happiness that remains eternally with the Eternal.

So that we have an "O. Henry ending" for Solomon's Koheleth. Koheleth looks ahead, too far ahead, and his combined wisdom and prophecy declare: havel havalim -- what a waste! There is no real sense of achievement: kol mah de'torhit ana ve'david abba kula havalu. All the rest of the book is a spelling-out of the implications of the very beginning in a dirge of disillusionment, of painful disappointment with wealth and wisdom and power and love and pleasure. The bright perception of wisdom turns into the dark perception of prophecy. But at the very end, sof davar, after all has been heard, wisdom and prophecy are overcome in the fullness of man created in the image of God, and the clear perception emerges: et mitzvotav shemor, incorporating into our lives the will of God.

Solomon, then, need not fall into the doldrums because of civil war and the destruction and the exile of his people, not only because of their ultimate redemption, but because a life of mitzvah is in itself well spent, because God remembers all and cares about all — it is this knowledge that looks deeper than wisdom and farther than prophecy by looking up - to our Father in Heaven.

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Orthodox Union

[www.ou.org](http://www.ou.org) Sukkot: From Fear to Festivities - Rabbi Weinreb's Torah Column, Sukkot

Rabbi Dr. Tzvi Hersh Weinreb Fear and trembling.

Those have been our primary religious emotions during the past several weeks.

Although Rosh Hashanah and Yom Kippur are referred to nowadays as the High Holidays, traditionally they were known as the Days of Awe, Yamim Noraim. Frightful days, fearful days.

During this recent time none of us escaped a sense of insecurity. Recognizing that these days are days of divine judgment, we could not help but wonder as to how we were being judged. We felt vulnerable, insecure, and anxious about what the coming year has in store for us.

And this was as it should be. After all, the central theme of the prayers has been fear and trembling. We actually have asked of the Almighty that he "cast His fear over all of His handiwork, and His awe over all of His creatures."

The great Danish philosopher Soren Kierkegaard entitled his book about Abraham's binding of Isaac Fear and Trembling. With his great spiritual acumen, he was able to discern that the central theme of the passage in Genesis which Jews read on Rosh Hashanah was man's vulnerability in the face of God's demands.

But now we have emerged from this literally awesome period. Judaism does not want us to remain stuck in these overwhelming emotions of anxiety and uncertainty. And so, our Torah has provided us with the festival of Sukkot, a time not for fear and trembling, not even for a contemplation and soul-searching, but a time for serenity and joy.

We emerge from what mystics have termed the "dark night of the soul" into the bright light of simcha, of happiness.

But this happiness is not necessarily one of song and dance, and gala celebration. It is a deeper happiness, a feeling of contentment. It is a happiness which derives from a sense of safety and security, a basic sense of trust.

The central symbol of the holiday of Sukkot is the sukkah, the makeshift and often ramshackle hut in which we dwell, or at least take our meals during the holiday.

What is the meaning of this simple symbol? And how does it inspire this spiritual attitude of trust?

Rabbi Samson Raphael Hirsch said it best when he wrote:

"The building of the sukkah teaches you trust in God. You know that whether men live in huts or in palaces, it is only as pilgrims that they dwell. You know that in this pilgrimage God is our protection. The sukkah is a transitory hut that one day will leave us or we will leave it. The walls may fall, the leafy covering may wither in this storm, but the sheltering love of God is everywhere. You dwell in the most fleeting and transitory dwelling as calmly and securely as if it were your house forever."

And so this week, we undergo what scientists call a paradigm shift. We experience a different set of religious emotions, emerging from a deeply felt solemnity into a sense of calm security.

And we also redirect our orientation to God. He is no longer the harsh and exacting judge. He is not even the forgiving and compassionate judge. He is now our shelter and protector, the permanent "Rock of Israel", in the transitory experience we call life.

We are able to effect this shift, and this redirection, by using the symbols that the holiday provides us, chief among them the sukkah.

What is the secret of the sukkah? How does it work its wonders?

The secret is to enter it respectfully and reflectively, spend as much time as possible enveloped in its shade, and invite into it two types of guests.

For starters flesh and blood friends and family, with special hospitality for those who may never have enjoyed a sukkah experience.

But we also symbolically summon the "ghost guests", the ushpizin, our ancestors going back to Abraham and Sarah, whom we invite to join us.

Like no other mitzvah, we immerse ourselves in the sukkah. As Chassidim say, we enter the sukkah with "our boots on", totally, holding nothing back. We dwell in it to the fullest extent possible, for an entire week.

And we encounter there twin blessings: the companionship of others, and the cherished memories of those who sat in other Sukkot before us, ancestors recent and long gone, who all participated as we do in that protracted pilgrimage known as Jewish history.

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Chag Sameach. A happy, secure, and peaceful holiday to all!

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Sukkos A Fresh Start "You shall take for yourselves on the first day." (23:40)

The Tur records a custom among Ashkenazim to fast on the eve of Rosh Hashana.[1] As the source for this custom, he cites a Midrash which questions why the Torah identifies the time for taking the lulav as "the first day" - "bayom harishon"; should the day not be identified as the fifteenth of the month? The Midrash concludes that the first day of Sukkos is "rishon l'cheshbon avonos" - "the first day for the accounting of our sins" and therefore Sukkos is identified as "yom harishon".

The Midrash offers the following parable: There was once a city that owed the king a large sum of money in taxes. As a result of the residents' failure to pay, the king marched against the city with an armed garrison. Prior to reaching the city, a delegation consisting of the elders of the community was sent to appease the king. After meeting with the delegation the king discharged one-third of the debt, but still continued to advance. Fearing for their safety, the city sent a second delegation comprised of common-folk to meet with the king. They succeeded in convincing him to discharge another one-third of the debt. However, the king continued to advance towards the city. Finally, all of the residents

of the city emerged from their homes to beseech the king, who had already reached the city gates, to deal with them kindly. Moved by this display, the king discharged the remaining one-third of the debt. Similarly, the Jewish people amass a large number of sins throughout the year. On the eve of Rosh Hashana the men of distinction fast and Hashem absolves the nation of one-third of their sins. During the "aseros y'mei teshuva" - "ten days of repentance", another one-third of the sins are absolved. The entire nation fasts on Yom Kippur, absolving them of their remaining transgressions. With the onset of Sukkos a new account of sins for the year begins.

Why is Sukkos, rather than the day immediately following Yom Kippur identified as the "first day for the new accounting"? Furthermore, Sukkos appears to play no part in Bnei Yisroel's atonement. Why does the Midrash use this parable to extol the virtue of Sukkos?

The Beis Yoseif asks why the fast on the eve of Rosh Hashana appears to have the same efficacy as the fast of Yom Kippur, the holiest day of the year, each one discharging one-third of the sins.[2]

The Bach notes that there are three chapters concerning aspects of Sukkos recorded in the Torah, sitting in the Sukkah, bringing the festive offerings and finally, taking the four species. Why does the Torah specifically choose the four species to relate the message that Sukkos is the "first day for the new accounting"?

In English common law a person who defaulted on a debt was subject to incarceration. However, in the modern era almost every civilized society has bankruptcy laws which allow a person to discharge debts that he is unable to repay by declaring bankruptcy, protecting him from his creditors. What is the logic behind the institution of bankruptcy? Why would society allow a person to sidestep accountability for his actions?

A person who is mired in debt, unable to extricate himself from his predicament, eventually ceases to be a productive member of society and becomes a liability. By allowing this person to discharge his debt either partially or completely, we are enabling him to stand on his own two feet, once again contributing as a productive member of society. Great care must be taken however, to ensure that this institution is not abused. The potential danger of a person using bankruptcy as a crutch to protect him from his own negligence and irresponsible behavior always exists.

It is a mistake to think that Hashem forgives us only because of His great benevolence. What we must realize is that His absolution is not a crutch upon which we can continuously rely, to discharge our irresponsible behavior. Rather, we are given a respite so that we can become, once again, functioning members of society, earning our keep, unburdened by our great number of transgressions. If we fail to view atonement in this manner, instead of being a tool which allows us to become responsible for our actions, it will have the opposite effect. Atonement becomes a crutch which breeds irresponsibility.

If a person is responsible for at least a portion of his debts, the danger of bankruptcy being used to encourage irresponsible behavior is smaller than if the entire debt were discharged. Therefore, although Yom Kippur discharges the same amount of sin as Rosh Hashana eve, there exists a great difference between the two absolutions. After Rosh Hashana a person is still responsible for a portion of his sins. On Yom Kippur, when complete absolution occurs, the danger of misusing atonement is greater, and only a day such as Yom Kippur can afford such a service to the Jewish people.

For atonement to be complete it must be accompanied by a commitment to begin paying our debts and accepting responsibility for our actions. Sukkos is the time when new responsibilities are placed upon us and therefore serves as the litmus test for the veracity of our commitment. Consequently, Sukkos is identified as "the first day for the accounting of our sins".

The Ran cites the Yerushalmi which disqualifies a dried-out lulav based upon the verse "lo hameisim yehallelu kah" - "the dead cannot praise Hashem".[4] The lulav is a symbol of freshness and vitality,

reflecting the new lease on life that we have gained following Yom Kippur. We therefore use the lulav as the tool to praise Hashem for His beneficence. The Torah most appropriately delivers the message concerning the beginning of a new accounting in the chapter of the four species which symbolize this concept.

1.Orech Chaim #582 2.Ibid 3.Ibid 4.Sukkah29b

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PARSHAS VZOS HABRACHAH

And by all the strong hand and awesome power that Moshe performed before the eyes of all Yisrael. (34:12) Rashi explains that the "strong hand" is a reference to Moshe Rabbeinu accepting the Luchos from Hashem in his hands. Although the Luchos were of extraordinary weight, Moshe was able to carry them. "Before the eyes of all Yisrael" refers to Moshe's decision to break the Luchos in the presence of the entire nation. Hashem ratified his action, as Chazal say, Yeyasher kochacha she'sheebart, Hashem thanked him for breaking the Luchos. We wonder if it had really been necessary for Moshe to break the Luchos. Why did he not simply put them away until such time that the people performed teshuvah, repent, and once again be worthy of receiving them? Furthermore, how was Moshe able to break them? It is not as if they were constructed of ordinary material. The Luchos were Hashem's handiwork and, as such, should have been unbreakable by man. Last, while we can understand why Hashem did not take issue with Moshe's action, why did He affirm it? Moshe apparently felt that the people were not worthy of the Luchos. Thus, it would be inappropriate to give them to them until they had undergone a complete transformation. Why, then, was Hashem pleased with Moshe's decision? It seems that Moshe sought to impart to Klal Yisrael an important lesson, one with which Hashem concurred.

An old adage, attributed to the Kotzker Rebbe, zl, asserts, "There is nothing so whole as a broken heart." Life is filled with different situations, moments containing joy and happiness; confidence; a sense of excitement; love and healing. There are also moments in life that appear to be shattered, occasions when the rose garden we thought we had seems to be more like a thorn bush. We are confronted with emotional and physical pain, trauma, financial challenges, and a gamut of issues involving our children. We live through the sunshine and the rain, the whole and the fragmented stages of life. They all meld together into the great experience called life.

We have no idea why we must endure the broken moments of life. Hashem, however, considers them to be an essential part of our existence. Chazal teach us that the Shivrei Luchos, broken fragments of the Luchos, were kept in the Aron HaKodesh right next to the whole Luchos. This conveys a powerful message: The broken moments of life are just as significant for our growth as the whole moments. Hashem's Presence abides not only in the complete Luchos, but in the shattered ones, as well. This is why Hashem thanked Moshe for his initiative in breaking the Luchos. Concealing them would not communicate the message of hope to which the broken Luchos allude. A Jew must never give up. Even in adversity, Hashem is ever present. This lesson was Moshe's everlasting and greatest achievement. Many of us, at one time or another, go through trials and tribulations that briefly shatter our lives. The broken Luchos convey the lesson of hope - our leader's enduring legacy to his nation.

Alternatively, we may explain the anomaly of the shattered Luchos after first gaining a deeper insight into the sin of the Golden Calf, which catalyzed this searing response. When we go back to the Torah's recollection of the sin, we are confronted with a number of questions.

The Torah begins with a description of the Luchos as being inscribed by the finger of G-d (Shemos 31:18). Hashem then told Moshe to descend from the mountain, since the nation had quickly degenerated, straying by making a golden calf. Hashem wanted to destroy the people. Moshe supplicated, and Hashem listened. Then, as Moshe was about to descend, the Torah adds another aspect to its description of the Luchos: "Moshe turned and descended from the mountain, with the Two Tablets of the Testimony in his hand, Tablets inscribed on both of their surfaces; they were inscribed on one side and on that" (ibid, 32:15). Why does the Torah deem it necessary to reiterate its description of the Luchos, and why does it do so specifically shortly before Moshe broke the Luchos? Indeed, in addition to the fact that they were inscribed by Hashem, the Torah finds it necessary to add that they were inscribed on both of their surfaces. Is there significance to the fact that, miraculously, one could look through the Luchos?

Now that we have presented questions concerning the Luchos, let us understand exactly what the sin concerning the Golden Calf was. Moshe was "late" in returning from the mountain, or so Klal Yisrael thought. They felt that they could not function without Moshe. They needed something or someone palpable, a corporeal intermediary to whom they could relate. They were not yet ready to accept the fact that Hashem is a personal G-d, such that an intermediary is not only unnecessary, but it is categorically wrong. The Jewish People were not prepared to process the spiritual dimension of their lives. Accepting another dimension that was not tangible was unreal for them, and something to which they could not ascribe. Whatever they saw, they viewed through a one-dimensional perspective. Thus, when Moshe did not appear, they demanded a replacement, and the Golden Calf was something they could touch and feel. It seemed real to them.

The Luchos were engraved through and through to convey the message that there is something beyond that which we can see. Something deeper exists beyond the confines of our one-dimensional perception. Through our relationship with the Torah, we developed a sense of trust in Hashem, granting us the ability to see through the ambiguities that, at times, cloud our lives. One must be worthy of receiving such Luchos. Klal Yisrael's choice of a Golden Calf dispelled this fact. They were not ready for such clarity of vision.

While this approach explains why they should not have received the Luchos, why did Moshe have to break them? They could have been concealed until a time when the people would realize their significance. Apparently, Moshe sought to teach the people the meaning of reality. We are used to thinking that if we can touch it, it is real. If it is tangible, it is real. Matters of the spirit are not real. They are supernatural. This was the basis of Klal Yisrael's error. It was necessary for them to realize that, without spirituality, nothing is real. It is merely broken shards. The people were taught that Luchos which one can see through from front to back-- and vice versa-- are spiritual in nature, but how? Just because they were inscribed miraculously, they were not necessarily spiritual.

Have we ever wondered how Moshe was able to break Hashem's handiwork? First of all, how does one possibly break something which was made by Hashem? Second, the Luchos were holy and, as such, it would take someone with "big shoulders" to undertake breaking them. How did Moshe do such a thing? The Ramban alludes to this question when he writes that as soon as Moshe brought the Luchos within the perimeter surrounding the Golden Calf, the letters on the Luchos flew off and ascended Heavenward. The Luchos were of such a holy nature that they could not exist together with the spiritual pollution of sinful behavior. We now understand how Moshe took it upon himself to break the Luchos. They were no longer on the same spiritual plane as before he had accepted them. The people were not ready to receive the Torah. Thus, they lost it. When Moshe saw the letters fly off the Luchos, he understood that this nation was no longer worthy of such a holy gift. He was now left with two tablets of stone, because the essence of the Luchos

was no longer present. Moshe broke the stone, because the reality was gone. This was his lesson to the people. The reality of an object is its connection to spirituality. Without its spiritual essence, it is not real. The Torah emphasizes the supernatural nature of the Luchos, for this was the area in which the nation went wrong. They thought reality was defined by tangibility. Moshe showed them otherwise. This enduring "lesson" remained side by side with the replacement Luchos, so that the people would never forget the meaning of reality.

Perhaps this is the relationship between the Golden Calf and the Red Heifer. Chazal teach us that the mitzvah of Para Adumah, Red Heifer, was given to us to serve as atonement for the Golden Calf. "Let the Mother (Red Heifer) come and clean up the mess made by its child (Golden Calf)." How are the two related? Certainly, it goes beyond the fact that they are both members of the bovine family.

When we think about it, the laws concerning the Parah Adumah are paradoxical. The mere fact that the Kohen who prepares the ashes of the Parah Adumah with water to be sprinkled on the one who is tamei meis, spiritually defiled from coming in contact with a dead body, becomes himself tamei; while the one who was tamei, is cleansed, is in itself the greatest mystery. The fact that a mixture of ashes and water can cleanse one who is spiritually unclean is not much less of a mystery. The lesson I believe is that mystery is defined by that which we, in our limited minds, cannot grasp. Is it any different than the Jews' definition of reality? They thought that touching and feeling define reality. They were wrong. Parah Adumah teaches us that we must believe in a higher concept of cognition, an understanding that extends beyond that to which our minds can relate. This is where emunah, faith, enters into the equation. A Jew understands what his limited mind can fathom. After that, he relies on faith. Judaism is all about the leap of faith that we must take when our minds no longer understand. This is the "mother's" lesson: A Jew must have faith in the Almighty. Otherwise, life just does not make sense.

... And by all the strong hand and awesome power that Moshe performed before the eyes of all Yisrael. (34:12)

The concluding pasuk of the Torah describes Moshe Rabbeinu's greatest feat as the quintessential leader of Klal Yisrael and its consummate rebbe. His acceptance of the Luchos in his two hands and his subsequent shattering them in the presence of the entire Jewish nation-- because he felt that their sin concerning the Golden Calf negated the message of the Luchos--are considered to be Moshe's pi'ce de r'sistance, his greatest moments, the epitaph for which he is to be remembered. Moshe lived an incredible life of dedication to Hashem and to His nation. He achieved a position of leadership unparalleled, yet, he is remembered for his strength of conviction in zealously taking into his "hands" and breaking the Luchos. Apparently, this was his greatest moment.

I think that we may go one step further. This was Moshe's defining moment. It was the breaking of the Luchos which was not only his greatest act - it was the act of perfection that made the ultimate difference in his life. In other words, despite all that Moshe had done, regardless of his unprecedented and unparalleled achievements, had he not shattered the Luchos - everything that he had accomplished throughout his life would have been for naught. This is how critically important it was that Moshe not give the Luchos to a nation that had embraced the Golden Calf. His entire life of achievement preceding this defining moment was on the line. This decision would characterize and determine his life's achievement. Would it be a life of success, or would this moment place a negative stamp on his life?

How true this is. Many have achieved and accomplished great successes for Torah, only to make a serious mistake at a critical juncture in their lives and, regrettably, be remembered in infamy. Others have lived mediocre lives, basically what we would refer to in a spiritual sense as "hanging in there," but, once, at a time of great significance, they took

the initiative and made a positive decision, one that not only transformed their lives, but actually altered their destiny.

Indeed, one act of perfection can define a lifetime. Likewise, one error at a crucial moment can have a negative impact for life. It all boils down to that "one moment," that moment of destiny. In his volume on sports and Torah, "Timeout," Rabbi Dov Lipman tells the story of Don Larsen, a mediocre pitcher for the 1956 New York Yankees, whose contribution to the Yankees' triumphant emergence from the 1956 World Series was the most discussed story of the day, earning him the award as World Series Most Valuable Player.

The Yankees were playing their long-running rival, the Brooklyn Dodgers. Larsen had pitched poorly in Game 2 of the series, and, basically, he was all washed up - or so everyone, including himself, thought. Casey Stengel, legendary manager of the Yankees, shocked everyone when he gave the nod to Larsen for Game 5. He began to pitch with a support team of players and fans, all feeling a sense of trepidation. Clearly, they were not a confident group.

Incredibly, to everyone's shock and disbelief, he threw ball after ball with tremendous control and precision. One after another, the Dodger players came up to bat, only to be retired meticulously by the Yankees' "new" pitcher. Every once in awhile a Dodger player would make contact with the ball, only to have it caught by one of the Yankee players. With each ensuing inning, the Yankee fans thought that, surely, their pitcher would come apart. Sooner or later, his game would unwind, and he would revert to the pitcher they had come to know. However, Larsen kept up the pace. It was the ninth inning. He had three more outs to achieve a perfect game. Three batters went up to the box. Three batters were out! The game was over, and Don Larsen, the mediocre pitcher, had performed the nearly impossible: he had pitched a perfect game. Indeed, the next day, the New York Daily News ran the following headline: "The imperfect man pitched the perfect game."

Don Larsen went on to play for other teams after being traded by the Yankees. While he was never remembered as a pitcher of any consequence in baseball history, his name is recorded for posterity, because, for one day, he performed an extraordinary feat. For one day during the World Series, he was perfect.

Total perfection is impossible, but that should not negate one from striving for periodic perfection, for excellence in a specific mitzvah, spiritual endeavor, or area of Torah study. That one moment can have a serious defining effect on a person. Moshe Rabbeinu worked an entire life to reach the pinnacle of spiritual achievement, but he might have lost it had he allowed the Luchos to be given to a people obsessed with a Golden Calf. Individuals have turned their lives around as the result of one positive action at the right time. Yeish koneh olamo b'shaah achas, "One can acquire his portion in the World to Come in one moment." Regrettably, one can similarly lose it b'shaah achas. The next time an opportunity arises when we feel uninspired, or simply question the significance of performing a specific mitzvah, we should think about the "one moment" of Moshe Rabbeinu. An entire life of achievement might have hinged on his reaction. His decision defined his true conviction. Since we never know when that one moment or one mitzvah will materialize, we should act accordingly all of the time. One never knows.

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September 29, 2009 Sukkot: A Sukkah Life By Rabbi Asher  
Brander

For most, it remains an enigma. We say it; it seems like it fits – but one suspects that we are essentially clueless (an admitted projection) to its Sukkos significance.

I refer to the strange recitation at the end of our bentsching, (grace after meals) where we customarily insert a special request throughout Sukkos:

Harachaman hu yakim lanu es sukkas David hanofeles- May the Merciful One raise up for us the fallen sukkah of David

What pray tell, is that fallen sukkah of David? More pointedly, what relevance (other than the obvious sukkah word play), does it have to our Sukkos holiday?

It's a long story – but here is the short version:

First, the phrase Sukkas David is based on a verse in Amos:

On that day will I raise up the fallen Sukkah of David, close up its breaches, raise up his ruins, and build it as in the days of old.(1)

Most commentators (Targum, Rashi, Maharal, Malbim) understand David's fallen Sukkah to be an oblique Messianic reference to the rejuvenated Davidic dynasty. A cryptic Talmudic piece calls the messiah a bar nafli, son of the fallen one, and records a fascinating conversation:

R. Nahman said to R. Isaac: "Have you heard when Bar Nafli will come?" "Who is Bar Nafli?" he asked. "Messiah", he answered. "Do you call the Messiah Bar Nafli?" "Yes", he responded , as it is written, "on that day I will raise up the fallen Sukkah of David"

To Maharal, the Davidic line cast as a sukkah and not as a house, is a precise and purposeful formulation – for the sukkah's flimsiness allows it to be "rebuilt". One builds (boneh) a fallen house while one resurrects (yakim) a floored sukkah. Insofar as the Messianic line dare not start afresh, its resurrection symbolizes a continuity and loyalty to its past. Much more needs to be stated here(2) – but with this we must suffice.

To R. Yosef Kara however, David's fallen sukkah refers not to David's messianic progeny, but rather to his house; more precisely, His house, a veiled reference to the beis hamikdash (Temple). On the holiday of huts, we petition God to rebuild the big Hut.

Two items need clarification: Why is the Temple called a sukkah and not a house? More pressing, why is it David's sukkah and not Shlomo's (Solomon) sukkah, given that Shlomo was the actual builder of the Temple.

Nor is the Davidic appellation for the beis hamikdash a one time phenomenon! Consider the opening of the famous psalm thirty:

Mizmor shir chanukas habayis l'david-A Psalm dedication song for the house of David.

Even as Ibn Ezra somewhat unsatisfyingly understands David's house as a reference to David's personal home, most commentaries take it to mean the Temple. How poignant is Metzudas David's notion that our psalm presents David's special musical composition, to be sung at the Temple inauguration, an event that he never made and yet so desperately wanted to attend.

One final David – Temple connection: a remarkable Talmudic account of King Solomon's first foray into the mikdash.

For when Solomon built the Temple, he desired to bring the Ark into the Holy of Holies, whereupon the gates stuck to each other. Solomon uttered twenty-four prayers, yet he was not answered. He opened [his mouth] and exclaimed, Lift up your heads, O gates; and be lifted up, you everlasting doors: And the King of glory shall come in... yet he was not answered. But as soon as he prayed, 'O Lord God, turn not away the face of Your anointed one, remember the good deeds of David thy servant,' he was immediately answered.

Somehow, it is David's merit alone that opens up the gates of the Temple. My Rebbe once put it all together on the basis of a most moving Psalm, 132:

A Song of Ascents. LORD, remember unto David all his affliction; How he swore unto the LORD, and vowed unto the Mighty One of Jacob: 'Surely I will not come into the tent of my house, nor go up into

the bed that is spread for me; I will not give sleep to mine eyes, nor slumber to mine eyelids; Until I find out a place for the LORD, a dwelling-place for the Mighty One of Jacob.

David's turbulent life makes our crises seem oasis-like. Pursued by his father-in-law; children, and enemies alike; dogged by allegations impugning his lineage; plunged into depression over the loss of his sons; witness to internecine familial strife, the Batsheva story, etc. – David weathered it all. Consider that even at the height of his power, King David needed to politic with heads of state, wage war, govern and levy taxes. He had to deal with stuff. Thus Tehillim remains the book for all seasons – of our lives.

Through it all, King David teaches us that key to menuchas hanefesh (serenity) is making a place for God in one's life - wherever, whenever; not just a material Temple, but more subtly a mikdash of the mind(3). David's ability to see his troubles and myriad tasks as places to find Hashem, allowed him to constantly grow - and yet continue to pine for God's more pristine presence.

What then is the connection between King David and the Temple? Home is where the heart is. And no matter where David was, his heart was always Temple bound.

In effect, King David opens up Temple gates, composes its inaugural song and is the Temple's namesake, for even as he is physically constrained from building the Temple, that is where he always was.

Sukkos - that gateway between the rarefied purity of the Rosh Hashana/Yom Kippur world and the mundane ordinary of everyday life – reminds us: As we cross the portal, we dare not allow our minds and hearts to forget the extraordinary holiness of those awesome days.

No wonder that on the last day of Sukkos, we mystically (think ushpizin) invite King David in. Who better to teach us to never sleep without desiring, to not surrender to routine without infusing within it a yearning for sanctity?

With Sukkos as the gateway and with King David at our side, we are ready to confront our world through His world.

Let us take the leap!

Chag Sameach Asher Brander

FOOTNOTES: 1. Amos, 9:11 2. Cf. Malbim who explicates the verse to be referring to three stages of rebuilding. The house of David is the kingdom and the sukkah of David refers to the nesi'im who had more influence than power. Thus it shall be at the end of days that the line will start as nesi'im and eventually progress towards kingship. See also R. Hutner, Ma'amarei Pachad Yitzchak and Maharal Netzach Yisrael. 3. Perhaps this is why it is called a sukkah of David and not a bayis – for the latter implies greater materialism

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From: "TorahWeb.org" <torahweb@torahweb.org>

Date: Thu, 1 Oct 2009 22:51:55 To: <weeklydt@torahweb2.org>  
Subject: Rabbi Dr. Abraham J. Twerski - Life, Liberty, and the Pursuit of Misery

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Rabbi Dr. Abraham J. Twerski Life, Liberty, and the Pursuit of Misery

"I call heaven and earth today to bear witness against you: I have placed life and death before you, blessing and curse; and you shall choose life, so that you will live, you and your offspring: (Deuteronomy 30:19).

With 50 years of psychiatric experience to my credit, I feel qualified to paraphrase the Founding Fathers statement in the Declaration of

Independence, that among the inalienable rights of man are "Life, Liberty, and the Pursuit of Misery."

But what normal person would pursue misery instead of happiness? From the words of Moses, it is evident that it necessary to tell people to choose life and blessing over death and curse. In fact, Moses also had to increase their motivation for this choice by telling them that the choice they make will affect future generations. Clearly there are people who would choose death and curse, but why?

Having treated thousands of alcohol and drug addicts, the answer became obvious. In active addiction, the person pursues the object of his addiction with a ferocity that is unparalleled. He will do anything to attain what he feels is the greatest good in life, although it is in fact the greatest curse. One recovered addict said, "The worst day of my recovery is far better than the best day of my addiction." However, the desire for the chemical blinds the addict to reality.

Whereas the lethality of chemicals is obvious to the non-addict, there are other desires that are no less lethal, but their toxicity is more subtle.

The Talmud says, "Jealously, lust and glory remove a person from the world" (Ethics of the Fathers 4:28). "Remove a person from the world" should be taken literally. These are insatiable drives, and unless a person puts firm limits and tight restraints on them, their pursuit may take one's life. Yet so many people pursue these drives, as deluded as the addict that they will bring one happiness. Yes, there may be momentary pleasures in gratifying these drives, just as the addict has a fleeting "high" from his chemical, but the long term result is anything but happy.

Recovery from the fatal pursuit of chemical addiction requires that the addict seek a spiritual goal in life, rather than the ephemeral "high".

This is equally true for those who are deluded to think that pursuit of jealousy, lust and glory will bring them happiness. Only true spirituality can turn them away from the pursuit of misery to the pursuit of happiness.

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From: "RABBI JONATHAN SCHWARTZ"

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Date: Fri, 02 Oct 2009 03:21:55 To:

<internetchaburah@yahoo.com> Subject: [internetchaburah] Internet Chaburah Sukkos 5770

Prologue: Remember, the message is in the clouds.

The Torah is clear that we need to recall Hashem's protection of Bnei Yisroel in the desert through the Mitzva of sitting in the Sukka. Rabbi Akiva teaches us that the Sukkos of the Desert were really the Ananei HaKavod (clouds of glory).

However, one might ask: Hashem provided for us in the desert in three ways --- through the clouds, through the Manna and through the Well. Why dedicate a holiday only to recall one of the three?

The Chida notes that since we eat and drink in the Sukka, the three are all hinted to. The food reminds us of the Manna, the drink - of the well and the shelter - of the clouds.

However, the Bnei Yisoschar offers a more profound insight. He explains that the clouds remind us of the awesome power of Teshuva – that through the Teshuva process, Man becomes close again to the shelter of Hashem's great reach. The clouds never left the Jewish people even after the sin of the Eigel. The Sukka reminds us that after the days of Teshuva, we to, can merit to sit in the great glory and protection of the Shomer Yisroel.

\*\*\*\*\* The Message of Intent \*\*\*\*\*

We are aware of the importance of performing Mitzvos with the right Kavana (intent). Certainly, a Mitzva performed without Kavana is, at the very least, lacking and, under the right circumstances, a reason to declare the action null and void.

What would happen if one entered his Sukka on the first night of Sukkos and forgot to eat his meal with the Kavanna to fulfill the obligation of sitting in the Sukkah? Would he then need to return to the Sukkah to fulfill that obligation?

The Chida (Simchas HaRegel) cites a story where a particular Syrian Rav had to get up again in the middle of the night because he did not eat his meal with the intent of fulfilling his obligation of eating in the Sukkah at the time he dined there. The Chida cautions the reader that perhaps he should make some sign in order to remind himself that he must have the right Kavanna lest he too err and not fulfill the obligation.

A similar story is told by the author of the Sheiris Tzion about the son of the Chasam Sofer, Rav Shimon. According to that story, Rav Shimon Schreiber felt that he had eaten so quickly due to his hunger, that he lacked the proper intent and returned to the Sukkah on the first night of Sukkos to eat again in order to fulfill the Mitzva with the proper Kavanna.

This raises an interesting question: Were these acts of piety? Can one assume that if he ate in the Sukkah on the first night with the standard intent of fulfilling his Sukka obligations without acknowledging the special mitzvah of eating in the Sukka on the first night, his Kavanna was sufficient or perhaps he must return to the Sukka and have the special intent similar to that which is required of the Matzo on the Pesach night?

Rav Moshe Sturnbuch (Moadim U'Zmanim VI: 69) notes that the matter may be built on a difference of opinion between the Rambam and the Ran. The Ran (Rosh Hashanna 11a in Rif pages) notes that according to the opinion that Mitzvos do not need specific intent, that is only true when there is not any intent which might interfere. Intent to perform another Mitzva would be an example of an interfering variable and would ruin the Mitzva, necessitating its repetition. When one considers the Mitzva of Sukka performed without special intent, one must consider the confounding variable of Simchas Yom Tov. Eating without intent to fulfill obligation there, WOULD technically introduce a confounding variable which might necessitate doing the eating action again in order to fulfill the Mitzva of sitting in the Sukka.

The Rambam (Hil. Sukkah 6:7) seems to disagree. He holds that eating in the Sukka on the first day is a Chova but he does not equate it with eating Matzo on Pesach night. Accordingly, he does not require special intent on the first night as distinct from the other days of Sukkos. Intent to eat in a Sukka is enough according to the Rambam.

Rav Sturnbuch notes that when the Kavanna is lacking L'Halacha, one must contact his local Posek. However, the issue is so important that he cautions his readers to remind one another at the table to be Yotzai the Mitzva.

Chag Sameach!!

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September 29, 2009

Simchat Torah: The Secret of Our Eternity

By Rabbi Asher Brandier

Jews live in calendar dialectics, oscillating between two Jewish New Years (Tishrei/Nissan) and two Judgment Days (Rosh Hashana/Yom Kippur). Perhaps the greatest Jewish storyteller of all time, the Dubner Maggid, (Rabbi Yaakov Krantz, d. 1804) was once asked: Why do we celebrate both Simchat Torah (the completion of the annual Torah cycle) and Shavuos (commemorating the Sinai revelation of the Torah)? Why not condense them into one grand Holiday? Characteristically – he responded with a story.

A King and Queen were childless for many years. Desperate, they visited a sage - who conveyed a potent blessing with a cautionary clause.

Shortly, the Queen would successfully bear a baby girl. No man outside the family however, must see her until her wedding day, lest she die. And so it was. When the Queen gave birth to a baby girl, a secluded island was prepared for the Princess to live on. There she was raised in regal style with the finest female educators.

As the Princess came of age, the King encountered a serious technical difficulty in marrying off his daughter. Each nobleman in the King's court was thrilled to accept the princess's hand in marriage - until it was explained that the first date and the wedding would coincide. On the verge of despair, the King approached the final nobleman, who remarkably assented to marry without as much as a peek.

As the wedding date approached - the nobleman's repressed bridal fears shook him profoundly. He was for better, but probably for worse, stuck. On the wedding day, the whole world came to dance, except for the anxiety stricken groom. As he peered underneath the veil, he braced for disaster – but inexplicably the princess was incredibly beautiful. A nagging nervousness persisted: "What's the catch?" But none was coming. Everyday he unveiled yet another wondrous aspect of her personality. Not only was she stunning, she was also spunky, spirited, charming and deep.

Months later, the nobleman approached his new father in law to admit his delight in his new bride and confide his disappointment - that he had essentially missed out on the wedding. The King decided that a new party would be arranged. All the guests would be invited back but this time only one person, the Prince himself, would dance to express his absolute delight. And so it was.

Shavuos, explained the Dubner Maggid marks the Jew's unshakeable commitment to God's wisdom and His Torah. Not knowing what was in the Torah, at the foot of Mt. Sinai, the Jewish nation confidently proclaimed Na'aseh V'nishma (We will perform the mitzvot and then we will understand them). That faith remained blind until the Jew was exposed to the sweetness of the Torah. Simchat Torah celebrates, through dedication to Torah Study, the Jew's joy and ever expanding appreciation for the Torah's pristine beauty and depth.

Is that not a metaphor for Jewish history? When we had nothing but faith - throughout the numerous dark spots, spanning from Babylonia through Rome to Medieval Europe and twentieth century Germany – the Jew always celebrated deep Torah study. It was the study halls of Babylonia, Italy, Germany, Spain, Lithuania and Poland that illuminated our blackest moments. And today - as we begin the "Lexus" period of the 21st century America Jewish community – where are we?

In May, 1964, Look Magazine ran a cover story on "The Vanishing American Jew", predicting that by the year 2000, there would be no more Jews left in this country. Since that dire prediction, Look magazine has vanished and we remain 5 million plus. All however is not rosy on the American Jewish front. Sub-zero replacement rates, an aging population and a 52% intermarriage rate do not bode well for the future of American Jewry.

When historians will wonder what happened to all those American Jews, I believe they will reach the inescapable conclusion that many analysts of the classic 1990 National Jewish Population Survey have already reached: "Jewish Day School was...the only schooling that stands against the assimilatory process indicated by intermarriage and its related behaviors" (Elimor & Katz, 1993). In other words only a consistent commitment to serious Torah will create the joy critical to ensure Jewish survival. Of course these historians will have only been echoing the words of the sweet singer of Israel, King David who more than 2500 years ago penned in his Psalms the sentiment "Had the Torah not been my constant delight, long ago, I would have long since been lost."

Amidst the wild craziness and the merriment (and the unfortunate alcohol) that often accompanies Simchat Torah, we may want to reflect upon the secret of our eternity. After that reflection, I humbly submit, we might just do ourselves and our unborn grandchildren a favor and



commit to attend one of the numerous deep (and often entertaining) Torah classes that can be found year-round in our local synagogues or Kollels. The Torah is quite a bride and marriage, after all, is a beautiful thing.

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From Yeshivat Har Etzion <office@etzion.org.il> reply-to Yeshivat Har Etzion <office@etzion.org.il> to yhe-holiday@etzion.org.il date Thu, Oct 1, 2009 at 6:50 AM

THE HAFTARA FOR SIMCHAT TORAH (1): FROM MOSHE TO YEHOSHUA

By Rav Mosheh Lichtenstein

Translated by David Strauss

WHICH HAFTARA DO WE READ FOR PARASHAT VE-ZOT HA-BERAKHA?

The first chapter of the book of Yehoshua constitutes a natural continuation to the story of the death of Moshe, and therefore its having been chosen as the haftara for Parashat Ve-zot Ha-berakha need not surprise us. Indeed, the haftara suits the parasha, and the parasha suits the haftara. There is, however, a certain problem with the prevalent custom: it contradicts an explicit Gemara. The Gemara in Megilla (31a) unequivocally establishes with respect to Simchat Torah: "The next day [i.e., the day after Shemini Atzeret outside of Israel] we read Ve-zot Ha-berakha and we read as the haftara Va-Ya'amod Shlomo." Already the Tosafot (ad loc.) note the difficulty:

In some places it is customary to read as haftara "Va-Yehi Acharei Mot Moshe." This, however, is a gross error, for the Gemara does not say this. Some say that Rav Hai Gaon instituted reading Va-Yehi Acharei Mot Moshe, but we do not know the reason that he changed the order in the Gemara.

The truth is that the custom of reading the first chapter of Yehoshua as the haftara for Zot Ha-berakha is indeed documented already in the Gaonic period. For example, Siddur Rav Sa'adya Gaon simply records our custom, whereas Seder Rav Amram Gaon cites the two customs. Rishonim, like the Rambam and the Rosh, also mention both possibilities. It is clear then that our custom became more and more dominant over time.[1]

At the heart of the issue is the question what do we wish to focus on in this haftara – the matter of the holiday, in which case we should choose a haftara that deals with a blessing that was given to the people, which is the original reason for reading Ve-zot Ha-berakha on Shemini Atzeret;[2] or do we prefer a chapter that reflects the contents of the parasha. For we are dealing here with a unique situation in which the reading for the Yom Tov is also one of the weekly parashiyot. Now, according to the thesis I developed in my course on the haftarot (<http://vbm-torah.org/haftara.html>), that the primary function of the haftara is to relate to the existential condition of man in the framework of the yearly cycle and the cycle of life, rather than to serve as an interpretation of the Torah reading, it is clear that the scales should be tipped in favor of the holiday. The haftara should then reflect Shemini Atzeret, rather than relate to the contents of Zot Ha-berakha. Indeed, the Gemara accepts this approach and establishes the haftara according to the special significance of the day, similar to Shabbat that falls out on Chanuka, Rosh Chodesh and the like, and it does not consider the parasha. Our custom, however, requires clarification, for it gives priority to the parasha over the day.

This, however, is clearly not the case. Our custom does not give preference to the connection to the parasha over the existential messages connected to the yearly cycle. Rather, our custom sees the connection between the haftara and Parashat Ve-zot Ha-berakha as bearing an existential message, owing to the fact that the parasha seals the Torah. Our interest lies not in the plot of the parasha, but in the fact that it serves as the Torah's conclusion. Therefore, the more that the day assumed the character of the holiday of Simchat Torah, rather than the day on which by chance we finish reading the Torah, the more the inner logic of the institution of reading a haftara allowed, and perhaps even necessitated the replacement of the blessing of Shlomo with the beginning of the book of Yehoshua.

Let us move on now from the discussion of the selection of the haftara to an analysis of its contents.

FROM MOSHE TO YEHOSHUA

The transfer of leadership from Moshe to Yehoshua was natural and expected – assuming that the leadership should be passed on to Moshe's most distinguished disciple rather than to his son – and was determined by God

Himself.[3] Shortly before his death, Moshe too emphasized that he was appointing Yehoshua as his replacement to lead the people in his stead:

And Moshe called to Yehoshua, and said to him in the sight of all Israel, Be strong and of a good courage: for you must go with this people into the land which the Lord has sworn to their fathers to give them, and you shall cause them to inherit it... And he gave Yehoshua the son of Nun a charge, and said, Be strong and of a good courage: for you shall bring the children of Israel in to the land of which I swore to them: and I will be with you. (Devarim 31:7, 23)

In this he followed the principle that he had received from God who had established at the time of Yehoshua's ordination that he should be appointed leader in the sight of the entire nation:

And the Lord said to Moshe, Take you Yehoshua the son of Nun, a man in whom is spirit, and lay your hand upon him; and set him before Elazar the priest, and before all the congregation; and give him a charge in their sight. And you shall put some of your honor upon him, that all the congregation of the children of Israel may be obedient. (Bamidbar 27:18-20)

Nevertheless, the transfer of leadership is not a bed of roses, and Yehoshua's appointment is not simple in the eyes of the people. Despite all their bitterness and their complaints about Moshe, who did not hesitate to say to them, "How can I myself alone bear your care, and your burden, and your strife" (Devarim 1:12), and despite all the friction between them, the people of Israel recognized that Moshe's authority drew its force not only from his being the savior of Israel, but also from his being their foremost prophet and Israel's teacher par excellence who had received the Torah. The combination of these three functions in the same person bestowed authority and meaning upon Moshe's leadership and fortified his position vis-à-vis the people. And then one day, Moshe died and Yehoshua succeeded him. Despite all of Yehoshua's virtues and spiritual greatness, he clearly did not reach Moshe's supreme spiritual level. This allowed the people to refuse to accept Yehoshua as their leader and to challenge him, for there was no denying the fact that Yehoshua was not Moshe's equal.

Therefore, what was most urgently needed immediately at the beginning of the book of Yehoshua, prior to Israel's entry into the land and the beginning of their conquest, was a reinforcement of Yehoshua's status as leader. This is the subject of our haftara. It is important to note that we are dealing with a process that begins in chapter 1, but continues through the first few chapters of the book, so that our chapter is part of a broader whole, as we shall see below.

The beginning of the haftara emphasizes Moshe's unique level as "servant of the Lord" and Yehoshua's standing as "Moshe's minister":

Now after the death of Moshe the servant of the Lord, it came to pass, that the Lord spoke to Yehoshua the son of Nun, Moshe's minister, saying. (Yehoshua 1:1)

The first half of the verse alludes to the problematic challenge of leading the people of Israel as successor to a person who was the servant of God and earning the people's trust in this position. Let us not forget that the one time that the people thought that Moshe had left them, they went into a panic and lost control, ultimately reaching the terrible sin of the golden calf. While it is true that forty years had passed since then, it was a new generation, and Moshe had prepared them at the end of his life for his exit from the stage, it is still not clear how the people will react to his death and replacement by another leader. The second half of the verse, which describes Yehoshua as "Moshe's minister" points to the problematic nature of Yehoshua's appointment. On the one hand, he was the closest person to Moshe and his most loyal follower, and therefore he was worthy to take his place; on the other hand, this fact is liable to raise concern among the people that his achievements do not follow from his own personality but from Moshe's greatness, and if Moshe is gone, then the source of Yehoshua's strength is gone as well. In other words, if "Moshe's countenance is similar to the sun, and Yehoshua's to the moon" (Bava Batra 75b), of what value is the moon when the sun no longer shines?

God, therefore, strengthens Yehoshua's hand and stresses by way of a Divine promise that Yehoshua will continue Moshe's accomplishments and merit the same help from heaven:

Every place that the sole of your foot shall tread upon, that have I given to you, as I said to Moshe. From the wilderness and this Lebanon as far as the great river, the river Perat, all the land of the Chitti, as far as the great sea toward the going down of the sun, shall be your border. No man shall be able to stand before you all the days of your life: as I was with Moshe, so I will be with you. I will not fail you, nor forsake you. Be strong and of a good courage: for you shall cause the people to inherit the land, which I swore to their fathers to give them. Only be strong and very courageous, and observe to do according to all the Torah, which Moshe My servant commanded you: turn not from it to the right hand nor to the left, that you may prosper wherever you go. (ibid. vv. 3-7)

It is important to pay attention to the many times that Moshe is mentioned in these verses, the key sentence in this context undoubtedly being the assertion that "as I was with Moshe, so I will be with you." If we examine these references, we see that the first one relates to the matter of leadership and promises that Yehoshua will achieve the accomplishments promised to Moshe. This point is of great importance, for it is not self-evident to the people that the promises given to Moshe are still valid. Perhaps these things were promised to Moshe owing to his righteousness and closeness to God, rather than promises connected to the actualization of the historical destiny of Israel as a nation! Surely some passages in the Torah leave us with the impression that God's promises to the patriarchs and His covenant with them followed from their personal righteousness. (It was, therefore, possible to rely on the covenant with the patriarchs even at the difficult hour of the sin of the golden calf, for it does not depend on the people of Israel in and of themselves, but on a commitment to Israel via the patriarchs.) Thus, there is room to think that some of the promises that had been given to Moshe were also valid only under his leadership. God, therefore, emphasizes that Yehoshua will actualize the far-reaching promise that "every place that the sole of your foot shall tread upon, that have I given to you, as I said to Moshe." The promise had not been given to Moshe as an individual, but as the leader of a nation, and anyone who takes his place as leader will merit to actualize it as the shepherd of Israel.

#### THE PEOPLE'S ATTITUDE TOWARD YEHOSHUA

The second mention of Moshe in this passage does not relate to the realization of goals, but to the obligations cast upon Yehoshua owing to the Torah that he had received from Moshe: "Only be strong and very courageous, and observe to do according to all the Torah, which Moshe My servant commanded you." Aside from the obligation upon every individual to fulfill the Torah, the emphasis that is placed upon the fact that it was Moshe who had commanded Yehoshua is important in the context of Yehoshua's appointment. Since his entire standing stems from his being "Moshe's minister," his following in the path commanded by Moshe is what justifies his leadership. His abandonment of this path, God forbid, would not merely be a religious transgression, but rather it would pull the rug out from under his standing as leader, both according to the truth vis-à-vis God, and vis-à-vis the nation and their expectations.

Indeed, in the closing verses of the chapter and haftara, we can see the slightly hesitant attitude of the people toward Yehoshua's new leadership. When Yehoshua turns to the people of Gad and Reuven to fulfill the commitment that they had given to Moshe, the backing that they give to his leadership is full and broad, but conditional:

Pass through the midst of the camp, and command the people, saying, "Prepare your food; for within three days you shall pass over this Jordan, to go in to possess the land, which the Lord your God gives you to possess it." And to the Re'uvani, and to the Gadi, and to half the tribe of Menashe, Yehoshua spoke saying, "Remember the word which Moshe the servant of the Lord commanded you, saying, The Lord your God gives you rest, and will give you this land. Your wives, your little ones, and your cattle shall remain in the land which Moshe gave you on the far side of the Jordan; but you shall pass before your brethren armed, all the mighty men of valor, and help them; until the Lord has given your brethren rest, as he has given you, and they also have possessed the land which the Lord your God gives them: then you shall return to the land of your possession, which Moshe the Lord's servant gave you on the far side of the Jordan, toward the sun rising, and occupy it." And they answered Yehoshua, saying, "All that you command us we will do, and wherever you send us, we will go. As we hearkened to Moshe in all things, so will we hearken to you: only the Lord your God be with you, as He was with Moshe. Whoever rebels against your commandment, and will not hearken to your words in all that you command him, he shall be put to death: only be strong and of a good courage." (vv. 11-18)

First of all, attention should be paid to the fact that Yehoshua mobilizes Moshe's authority and prestige to justify his request; he does not approach them based on his independent status as leader. Moreover, he does not content himself with a general mention of Moshe as leader, but rather he mobilizes Moshe's designation as servant of the Lord as the basis for their obligation to fulfill the mission that they had accepted upon themselves. We are left with the impression that at this point Yehoshua feels that he is still in need of Moshe's authority if people are to listen to him.

The response of the people of Gad and Reuven is very interesting. On the one hand, they accept Yehoshua's authority and give him their full backing as Moshe's successor, "As we hearkened to Moshe in all things, so will we hearken to you." They promise to strengthen his position, beyond what is stated in the Torah, which does not spell out in detail the punishment awaiting one who rebels against royalty: "Whoever rebels against your commandment, and will not hearken to your words in all that you command him, he shall be put to death."

On the other hand, their words allude to the points raised above. First, the very need to emphasize the law governing one who rebels against royalty and his punishment testifies that this appeared to them as a realistic possibility which must be contended with, and that it is possible that some members of the people of Israel will not obey Yehoshua. So too, even their attitude toward Yehoshua's leadership is still found in Moshe's shadow, and therefore they declare their loyalty to Yehoshua while referring to the leadership of Moshe. The main point, however, is the explicit stipulation regarding Yehoshua: "As we hearkened to Moshe in all things, so will we hearken to you: only the Lord your God be with you, as He was with Moshe." There is here a declaration of absolute loyalty and readiness to kill all those who rebel against Yehoshua's authority, but it is all conditional: "Only the Lord your God be with you, as He was with Moshe." If they do not feel that God is supporting Yehoshua the way that He had supported Moshe, their loyalty and support will be withdrawn.

#### COMPARISON BETWEEN THE VERSES DEALING WITH MOSHE AND THOSE DEALING WITH YEHOSHUA

At this point our haftara comes to an end, but the attempt to support Yehoshua and place upon him some of Moshe's glory continues in the coming chapters. Many of the episodes in these chapters parallel actions taken by Moshe, this in order to fortify Yehoshua's standing. This is especially evident in chapter 3, which recounts the story of Israel's crossing of the Jordan, when the associations with the parting of the Red Sea are self-evident. Not only the very parting of the waters into two, but even the wording of the passage consciously parallels the verses in the Torah. Thus, for example, we encounter the following expressions: "And it came to pass, when the people moved" (3:14), "When your children ask their fathers in time to come, saying, What mean you by these stones? then you shall answer them" (4:6-7), "And these stones shall be for a memorial" (4:7), "And all Israel passed over on dry ground" (3:17). If these shared formulations are not enough, Scripture removes all doubt when the prophet himself asserts: "For the Lord your God dried up the waters of the Jordan from before you, until you were passed over, as the Lord your God did to the Red Sea, which He dried up before us, until we were gone over" (4:23).

The purpose of these similarities is also stated explicitly by Scripture both at the beginning and at the end of its description of Israel's crossing of the Jordan. At the beginning it says: "And the Lord said to Yehoshua, This day will I begin to magnify you in the sight of all Israel, that they may know that, as I was with Moshe, so I will be with you." (3:7). And at the end of the section it says: "On that day the Lord magnified Yehoshua in the sight of all Israel; and they feared him, as they feared Moshe, all the days of his life" (4:14). Thus it is stated explicitly that it was God's intention to bring the people to recognize Yehoshua's leadership as they had recognized that of Moshe, and that He will work toward that end in His governance of Israel when they enter the Land. The problematic aspect of Yehoshua's standing is indeed an important issue that occupies Scripture at the beginning of the book of Yehoshua, and Divine providence works to fortify his standing. In our chapter this is done primarily through the command given to Yehoshua, whereas in the continuation actions are taken to demonstrate to the people the continuity and authority of Yehoshua's leadership. As we have seen, this goal is indeed reached: "On that day the Lord magnified Yehoshua in the sight of all Israel; and they feared him, as they feared Moshe, all the days of his life" – Yehoshua becoming the unchallenged leader of Israel.

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Halachic Issues  
Commonly Encountered During a Hotel Stay on Shabbat and Yom Tov

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The modern hotel presents a number of challenges to the Shabbat observant Jew. In this article, we will present the most common challenges and the discussions surrounding possible solutions to deal with these challenges. This article is for educational purposes and is not

intended to provide any definitive halachic rulings. One should consult with one's own rabbi on all matters of halacha.

#### Amira L'Nochri and its Applications

Hotels outside of Israel are generally staffed by non-Jews. While the hotel staff can be very helpful in helping one circumvent the many Shabbat challenges, there is a rabbinic prohibition against asking a non-Jew to perform a prohibited activity on Shabbat. In this section, we will discuss the nature of the prohibition, its leniencies and then provide the practical applications to the hotel stay.

The source for the prohibition against amira l'nochri (asking a non-Jew to perform a prohibited activity) is a Mishna, Shabbat 121, which states that if there is a (non-dangerous) fire, one is prohibited from asking a non-Jew to extinguish the fire. The Gemara, Shabbat 150a, states that amira l'nochri is a rabbinic prohibition. Rashi (1040-1105) presents two reasons why amira l'nochri is prohibited. First, Rashi, Avodah Zarah 15a, s.v. Keivan, states that the prohibition against amira l'nochri is based on the prohibition against v'daber davar (Yeshaya 58:13), the prohibition against speaking about prohibited activities on Shabbat. If one is prohibited to mention these activities, it is certainly prohibited to ask someone else to perform these activities. Second, Rashi, Shabbat 153a, s.v. Mai, states that the prohibition against amira l'nochri is based on the concept of sh'lichut (agency). By employing a non-Jew to perform an activity on Shabbat, the non-Jew is considered an agent of the Jew and it is considered (on a rabbinic level) as if the Jew is performing the activity himself. FN15 [15 It should be noted that Rambam (1135-1204), Hilchot Shabbat 6:1, writes that the prohibition against amira l'nochri is based on a concern that the Jew who asks the non-Jew to perform the prohibited activity may treat Shabbat lightly and eventually perform the prohibited activity himself, where he is supposed to understand that it is cold in the room. However, if the hint is not given in the form of a directive it is permissible.]

R. Ya'akov Y. Kanievski (1899-1985), Kehilot Ya'akov, Shabbat no. 55, explains that both of these reasons are true and either are necessary components of the prohibition against amira l'nochri. Ran (c. 1320-1380), Shabbat 64b, s.v. Tanu, rules that it is prohibited to ask a non-Jew on Erev Shabbat to perform a prohibited activity on Shabbat. Likewise, it is prohibited to ask a non-Jew on Shabbat to perform a prohibited activity after Shabbat. R. Yosef Karo (1488-1575), Shulchan Aruch, OC 307:1-2, codifies Ran's ruling. R. Kanievski notes that if someone asks a non-Jew on Erev Shabbat to perform a prohibited activity on Shabbat, he will not violate v'daber davar, since it is permissible to discuss prohibited activities on Erev Shabbat. However, when the activity is performed by the non-Jew on Shabbat, the non-Jew will still be considered the agent of the Jew. For this reason it is prohibited to ask a non-Jew before Shabbat to perform a prohibited activity on Shabbat. Similarly, if the non-Jew is asked on Shabbat to perform an activity after Shabbat, there is no concern that the non-Jew is considered an agent because it is permissible for the Jew himself to perform the activity after Shabbat. However, to ask the non-Jew on Shabbat to perform such an activity would violate the prohibition against v'daber davar.

#### Hinting to a Non-Jew

The two reasons for amira l'nochri are relevant to the discussion about hinting to a non-Jew to perform a prohibited activity. R. Yitzchak ben Moshe (c. 1200-1270), Or Zarua, Hilchot Shabbat no. 84, rules that just as it is prohibited to ask a non-Jew directly to perform a prohibited activity on Shabbat, it is likewise prohibited to hint to a non-Jew to perform an activity on Shabbat. Or Zarua does allow hinting to a non-Jew on Shabbat to perform melacha after Shabbat. Or Zarua's ruling is codified by Rama (1520-1572), OC 307:22. Ostensibly, the explanation of the ruling of Or Zarua is based on the premise that hinting does not violate the prohibition against v'daber davar since there is no mention of the prohibited activity. Nevertheless, hinting to a non-Jew would

establish him as an agent of the Jew and therefore, hinting is prohibited. As such, if the Jew hints to the non-Jew to perform the activity after Shabbat, there is no concern that the non-Jew is acting as an agent of the Jew and it is permissible.

R. Yisrael M. Kagan (1838-1933), Mishna Berurah 307:76 (based on Magen Avraham 307:31), states that the prohibition against hinting only applies if the hint is given in the form of a directive. The example given by Mishna Berurah is directing the non-Jew to wipe his nose

Mishna Berurah's ruling can be explained based on the previous idea that the prohibition to hint to a non-Jew is based on the agency aspect of amira l'nochri. By directing a non-Jew to perform an activity, even if it is only through hinting, the non-Jew acts as an agent on behalf of the Jew. However, if there is no directive from the Jew, the non-Jew is not considered the agent of the Jew and there is no prohibition. It should be noted that even if there is no directive, there may be no mention of any prohibited activity by the Jew for this would violate the prohibition against v'daber davar. The Prohibition against Benefiting From a Non-Jew's Activities Mishna Berurah's allowance of hinting without a directive has limited applications. This is because the Mishna, Shabbat 122a, prohibits a Jew from benefiting from any prohibited activity performed by a non-Jew on behalf of a Jew, even if the non-Jew was not asked to perform the activity. Therefore, even if the hinting is performed in a way that does not violate amira l'nochri, there is still a prohibition to benefit from the result. There are a few situations where there is no prohibition to benefit from the activity of a non-Jew. First, Rabbeinu Baruch (12th-13th century), Sefer HaTerumah, no. 252, rules that if a non-Jew lights a candle in a room that already had some light, there is no prohibition to benefit from the new light. The reason that he gives is that since it was possible to see prior to the prohibited activity, the benefit from the prohibited activity is insignificant. R. Ya'akov ben Asher (c.1269-1340), Tur, OC 276, adds that after the original light is extinguished, it is prohibited to benefit from the light that was lit by the non-Jew. Shulchan Aruch, OC 276:4, codifies the ruling of Rabbeinu Baruch and the extension of Tur. Second, Tosafot, Shabbat 122a s.v. V'Im, and Rabbeinu Baruch op. cit., distinguish between direct benefit and indirect benefit regarding certain cases of amira l'nochri. R. Yisrael Lipschitz (1782-1860), Kalkalet Shabbat, Dinei Amira L'Oved Kochavim, no. 5, applies this distinction to benefiting from a prohibited activity performed by a non-Jew on behalf of a Jew. He rules that if a non-Jew opens an envelope on Shabbat, it is permissible to benefit from the contents of the envelope since this is not considered direct benefit. R. Lipschitz, Kalkalet Shabbat, Melech Shabbat no.1, also rules that there is no prohibition against benefiting from the absence of light caused by the extinguishing of a candle on Shabbat. Mishna Berurah 307:11, likewise rules that the only type of benefit that is prohibited is direct benefit.<sup>16</sup>

[16 See however, R. Moshe Feinstein (1895-1986), Igrot Moshe, OC 2:77, who prohibits benefiting from a building where the door was opened with keys that were (prohibitively) brought from the public domain on Shabbat. It is possible that R. Feinstein will permit sleeping in a room whose light was extinguished because that is not considered a positive benefit. However, if the benefit is positive but indirect, R. Feinstein seems to take the stringent stance. R. Shlomo Z. Auerbach (1910-1995) took both sides of the argument at different points in his life. He concluded that there is no prohibition to benefit from a prohibited activity unless the benefit is positive and direct (see Minchat Shlomo no.5, Shemirat Shabbat KeHilchata ch.18, note 244, and Minchat Shlomo Tinyana no. 22).

Third, the Mishna, Shabbat 122a, states that if the non-Jew performs the prohibited activity for his own benefit, it is permissible to benefit from that activity. The Gemara, ad loc., limits this leniency to cases where there is no concern that the non-Jew will perform additional prohibited activities on behalf of a Jew. For example, if a non-Jew cuts

grass for his animals and there is leftover grass, it is prohibited for a Jewish acquaintance to feed the leftover grass to his animal because there is a concern that the non-Jew may cut more grass for the Jew. Regarding a candle that was lit by a non-Jew, the candle that the non-Jew lights for himself is also sufficient for the Jew and there is no reason to suspect that he will light additional candles. This is codified by Shulchan Aruch, OC 325:11.

Amira L'Nochri in Order to Fulfill a Mitzvah

There are two cases in the Gemara where amira l'nochri is permissible for the purpose of fulfilling a mitzvah. First, the Gemara, Gittin 8b, states that one is permitted to ask a non-Jew to sign the closing documents on a property in Eretz Yisrael. The Gemara states that the reason why it is permissible is that the mitzvah of yishuv Eretz Yisrael (settling the Land of Israel) overrides that prohibition against amira l'nochri. Second, the Gemara, Eiruvim 67b, records an incident where Rabbah allowed someone to ask a non-Jew to carry water through a rabbinically ordained public domain (a private domain without an eiruv chatzeirot) in order to perform the necessary preparations for the mitzvah of b'rit milah. There are three opinions presented by the Rishonim to explain the basis of both of these leniencies. First, R. Yitzchak ben Abba Mari (c. 1122-1193), Sefer Hatur, Hilchot Milah (49a), rules that it is permissible to ask a non-Jew to perform a prohibited activity if it is for the purpose of fulfilling a mitzvah. Sefer Hatur notes that it is permissible to ask a non-Jew to light the Shabbat candles on Shabbat. It is clear from Sefer Hatur's ruling that one may ask a non-Jew to perform a bona-fide melacha (such as kindling) in order to perform a mitzvah that is not biblically mandated (the mitzvah of lighting Shabbat candles). This would explain both leniencies presented by the Gemara.

Second, Rambam (1135-1204), Hilchot Shabbat 6:9-10, rules that it is permissible to ask a non-Jew to perform an activity that is only prohibited (for a Jew) on a rabbinic level if the motivating factor is to alleviate a mild illness, to resolve a pressing situation or to perform a mitzvah. One of the examples Rambam provides is asking a non-Jew to carry water through a rabbinically ordained public domain in order to perform the necessary preparations for the mitzvah of b'rit milah. Rambam then states that it is permissible to ask a non-Jew to sign the closing documents on a property in Eretz Yisrael. Rambam implies that the latter case is an exception to the rule. One may only ask a non-Jew to perform a bona-fide melacha if it is for the mitzvah of yishuv Eretz Yisrael.

Third, Tosafot, Gittin 8b, s.v. Af Al Gav, suggest that both cases presented by the Gemara are the exceptions to the rule. The mitzvah of yishuv Eretz Yisrael allows one to ask a non-Jew to perform a bona-fide melacha. The preparations for the milah are also an exception to the rule in that one is permitted to ask a non-Jew to perform an activity that would constitute a rabbinic violation (for a Jew). Tosafot rule that one may not ask a non-Jew to perform activities that entail a rabbinic violation in order to fulfill other mitzvot. Shulchan Aruch, OC 307:5, rules in accordance with the opinion of Rambam, but mentions that there is an opinion that is more stringent (i.e. the opinion of Tosafot). Mishna Berurah 307:23, rules that the opinion of Rambam should be considered the normative opinion. Therefore, it is permissible to ask a non-Jew to carry food through a rabbinically ordained public domain if it necessary for the Shabbat meal (see Rama, OC 325:10 and Mishna Berurah, ad loc.).

There is a further discussion whether Rambam's leniency extends to cases of loss of money. R. Yitzchak ben Sheshet (1326-1408) in his responsa, no. 387, and R. David ben Zimra (Radvaz d. 1573), in his responsa, no. 1005, are both of the opinion that one may not ask a non-Jew to violate a rabbinic violation in a case of loss of money. R. Avraham Gombiner (c. 1633-1683), Magen Avraham 307:8, is lenient in cases of great loss. Mishna Berurah 307:21, seems to side with Magen Avraham's opinion.

Rama, OC 276:2, notes the opinion of Sefer Hatur that it is permissible to ask a non-Jew to perform a bona-fide melacha in order to perform a mitzvah. Rama rules that one may rely on his opinion in an extremely pressing situation. R. Avraham Danzig, Chayei Adam, Hilchot Shabbat 62:11, states that asking a non-Jew to fix the eiruv strings on Shabbat is an example of an extremely pressing situation since many people will transgress Shabbat if the eiruv not fixed (michshol d'rabim). Mishna Berurah 276:25, codifies the ruling of Chayei Adam. Based on the ruling of Chayei Adam, R. Ovadia Yosef, Livi'at Chen, no. 17, permits asking a non-Jew to restore the power to the lights in a synagogue in order that the congregants should be able to recite K'riat Sh'ma and pray using a siddur (mitzvah d'rabim). Both examples are examples that affect the public.

Is There a Need to Avoid the Leniencies of Amira L'Nochri? There are situations where asking a non-Jew to perform a prohibited activity is warranted, but the entire situation could have been avoided. Is it permissible to create a situation where one is going to later rely on the leniencies of amira l'nochri? Rambam, Hilchot Milah 2:9, in providing an example when one may ask a non-Jew to perform a prohibited activity, writes that if one forgot to bring a knife to the place where a circumcision is taking place, one may ask a non-Jew to carry it through a rabbinically ordained public domain. R. Avraham S.B. Sofer (1815-1871), Ketav Sofer, Orach Chaim no. 49, deduces from Rambam's comments that one may only rely on the leniency of asking a non-Jew to perform a rabbinically prohibited activity when the knife was forgotten. One may not intentionally leave the knife in other location knowing that the non-Jew will be permitted to move it on Shabbat. A similar view is expressed by Mishna Berurah, Sha'ar HaTziyun 244:35.

Asking a Non-Jew to Unlock a Door with an Electronic Key

Many hotels use electronic locks on their doors to avoid the need of collecting the keys from their guests after their stay. In almost all cases, using these keys on Shabbat would violate a prohibition. One option for Shabbat guests is to secure all of their belongings in a safety vault or other area and leave the door unlocked the entire Shabbat.<sup>17</sup> [17 This can usually be accomplished by taping a card over the socket on the doorpost. One should make sure to use a tape that doesn't leave a permanent residue so as not to damage the paint on the doorpost.] For many, this option is not sufficient. The other option is to ask a member of the hotel staff to open the door each time one wants to enter. Does that violate the prohibition against amira l'nochri?

According to many poskim, engaging an electric device that does not produce heat is only a rabbinic violation.<sup>18</sup> [18 See Minchat Yitzchak 3:23 and Yabia Omer, O.C. 7:36. According to Chazon Ish, O.C. 50:9, completing a circuit constitutes a biblical prohibition.] As such asking a non-Jew to open the door would be tantamount to asking a non-Jew to perform a rabbinic violation, which is permissible in cases of need. Is this considered a case of need? If one left the door unlocked and the door accidentally locked, it can be considered a case of need if one needs to access the room in order to sleep or perform other important activities. However, if one is going to a hotel knowing that he will have to violate amira l'nochri in order to open his hotel room, the impetus for going to the hotel would have to be a case of need. Furthermore, one would have to also claim that it is a case of great loss due to the potential loss of possessions from the hotel room if one chooses not to leave the room unlocked.

Nevertheless, R. Yitzchak Zilberstein, Melachim Omnayich, Responsa no. 48, presents two options to allow one to ask a non-Jew to open the door on Shabbat. First, he suggests leaving a few small gifts (candy, chocolate, etc.) in the room. Every time one wants to enter the room, he can tell a member of the staff "I would love to give you a gift, but I cannot do so because I can't enter my room." When the staff member unlocks the door to redeem his gift, he is doing so for his own benefit. Second, he quotes R. Yosef S. Elyashiv who suggests telling the

manager upon check-in that he can only rent the room if the room is accessible over Shabbat and that he cannot enter the room with a card. If the manager then agrees to provide some other arrangement to allow the guest to enter the room, such as providing a staff member to unlock the door, the manager is doing so for his own benefit and not for the benefit of the Jew. Asking a non-Jew to Press a Button in the Elevator

The issues of asking the non-Jew to press the button in the elevator are similar to the issues with the electronic door lock. If the guest has difficulty walking up the stairs, pressing the buttons in the elevator would be tantamount to asking a non-Jew to perform a rabbinic violation in case of need.<sup>19</sup> [19 This assumes that the Jew does not violate any prohibition by entering the elevator. One can avoid this problem by entering the elevator at the same time as a non-Jew so that the door and weight sensors are triggered by a non-Jew. There is a general dispute about travelling in an elevator on Shabbat, regardless of whether buttons were pressed on one's behalf. R. Shlomo Zalman Auerbach (1910-1995), cited in *Shemirat Shabbat KeHilchata* ch. 23, note 140) rules leniently on the matter.] However, the same discussions regarding the electronic door lock apply here as well and before checking in to the hotel, one should ask oneself if there is a mitzvah or need to stay at a hotel where one would have difficulty walking up the stairs.

Issues Relating to Lighting Based on the position of *Sefer Ha'itur*, it is permissible to ask a non-Jew to activate the lights of a conference room for a mitzvah that relates to the needs of the public (prayer, Torah lecture, etc.) and it is permissible to benefit from the light in the room. Sometimes a member of the cleaning crew will use the light in a guest room and forget to deactivate it. One may benefit from that light because the non-Jew activated the light for his own benefit. If one does not want the light to remain on, R. Shlomo Zalman Auerbach, *Minchat Shlomo* no. 12, rules that although activating an incandescent bulb constitutes a biblical violation, extinguishing it is only rabbinic in nature. As such, in a case of need, it is permissible to ask a non-Jew to turn off a light bulb on Shabbat.

#### P'sik Reishei and its Applications

When a person performs a specific action, he does so with the intent of achieving a certain result. Sometimes, an action will produce a secondary result. While the possibility of this secondary result may be known to the person at the time of performance of this action, he does not necessarily intend to achieve such a result. This potential secondary result of a permissible action is known as *davar she'aino mitkavein*.

#### The Concept of *Davar She'aino Mitkavein*

There is a dispute between R. Shimon and R. Yehuda regarding *davar she'aino mitkavein*. R. Yehuda is of the opinion that *davar she'aino mitkavein* is prohibited. R. Shimon maintains that it is permissible. One of the examples provided by the Gemara, *Beitzah* 23b, is a dispute recorded in a *Beraita* regarding dragging a bed, chair, or bench across a field on Shabbat. The intention of the action is to move the item to the other side of the field. However, dragging the item may result in creating a furrow, which is prohibited on Shabbat. R. Yehuda rules that it is prohibited to drag these items across the field. R. Shimon rules that it is permissible to drag these items as long as one does not intend to create a furrow. The Gemara, *Shabbat* 22a, rules in accordance with the opinion of R. Shimon that *davar she'aino mitkavein* is permissible.<sup>20</sup> [20 This dispute is not limited to Shabbat. The Gemara applies this dispute to other areas of *Halacha* (See *Shabbat* 29b, and 133a, *Nazir* 42a, and *Keritot* 20b).]

#### P'sik Reishei: The Unavoidable Result

The Gemara, *Shabbat* 103a, presents a major limitation to R. Shimon's leniency regarding *davar she'aino mitkavein*. The Gemara states that R. Shimon agrees that if the *davar she'aino mitkavein* produces a result that is unavoidable, that action is prohibited. This concept is known as *p'sik reishei*. The term *p'sik reishei* is based on the rhetorical question "*p'sik reishei v'lo yamut?*" (You will cut off his head and he won't die?). Rashi,

*Sukkah* 33b, V'Ha, explains that the classic case of *p'sik reishei* is one where a person desires to decapitate an animal on Shabbat but does not intend to kill the animal. Although the death of the animal is a secondary result of the action and it can be classified as a *davar she'aino mitkavein*, nevertheless, since the secondary result (i.e. the death of the animal) is unavoidable, it is prohibited to decapitate the animal. The discussion of the Gemara, *Shabbat* 103a, implies that one can violate a biblical prohibition if the unavoidable secondary result entails a biblical violation.

The Gemara then distinguishes between results that are beneficial to the one who performs the action and results that are inconsequential to the one performing the action (see Rashi, *Shabbat* 103a, s.v. B'Ara). If the result is inconsequential it is termed "*p'sik reishei d'lo nicha lei*." Aruch, *Erech Pasak*, rules that an action which results in *p'sik reishei d'lo nicha lei* is permissible. *Tosafot*, *Shabbat* 103a, s.v. Lo Tzricha, disagree with Aruch. They maintain that an action that will result in *p'sik reishei d'lo nicha lei* is prohibited, albeit as a rabbinic violation. Shulchan Aruch, *OC* 320:18, rules in accordance with the opinion of *Tosafot*, but does mention the opinion of Aruch.

#### P'sik Reishei whose Result is a Rabbinic Violation

The above discussion regarding *p'sik reishei* is limited to cases where the secondary result constitutes a biblical violation of Shabbat. If the secondary result constitutes a rabbinic violation, there is a dispute between R. Yisrael Isserlin (1390-1460), *Terumat HaDeshen* 1:64, and Magen Avraham 314:5. *Terumat HaDeshen* maintains that there is no prohibition against performing an activity if the secondary result will constitute a rabbinic violation. Magen Avraham asserts that it is prohibited. *Mishna Berurah* 314:11, rules in accordance with the opinion of Magen Avraham.<sup>21</sup> [21 See also, R. Yitzchak Elchanan Specter, *Be'er Yitzchak*, *Orach Chaim* no. 15, who rules in accordance with the opinion of *Terumat HaDeshen*.]

The leniency of *Terumat HaDeshen* applies even in a situation where the secondary result is beneficial to the one performing the action. It is possible that Magen Avraham will agree that if the result is inconsequential to the actor, the action is permissible. For this reason R. Ovadia Yosef, *Yechave Da'at* 2:46, rules that if the secondary result only constitutes a rabbinic violation and the result is inconsequential to the actor, the action is permissible. R. Yehoshua Y. Neuwirth, *Shemirat Shabbat KeHilchata*, *Mavo L'Hilchot Shabbat*, note 46, contends that an inconsequential *p'sik reishei* is only permissible if the resulting violation is a rabbinic violation that is twice removed (i.e. there are two independent reasons why this should only constitute a rabbinic violation).<sup>22</sup> [22 See R. Mordechai Willig, *Am Mordechai*, *Shabbat* no. 31, for an analysis of this issue and a compromise position.]

#### Amira L'Nochri on P'sik Reishei

R. Isserlin, *Terumat HaDeshen* 1:66, rules that it is permissible to ask a non-Jew to perform a permissible action whose secondary result will constitute a violation (*p'sik reishei*). This ruling is codified by Rama, *OC* 253:5, and *Mishna Berurah* 253:99. One can question Rama's codification of this ruling. As noted previously, *Terumat HaDeshen* is lenient regarding all forms of *p'sik reishei* whose result is a rabbinic violation. Asking a non-Jew to perform a prohibited activity (*amira l'nochri*) only constitutes a rabbinic violation. Therefore, it is logical that *Terumat HaDeshen* would permit asking a non-Jew to perform an action whose secondary result constitutes a violation. However, *Terumat Hadeshen's* ruling

regarding *amira l'nochri* on *p'sik reishei* is codified as law, even though *Terumat HaDeshen's* ruling regarding *p'sik reishei* on other rabbinic violations is not. If so, how can one justify asking a non-Jew to perform an action whose secondary result is a biblical violation? There are two answers to this question. First, one can suggest that asking a non-Jew to perform an action whose secondary result is a biblical violation is less severe than a Jew performing an action whose secondary result is a

rabbinic violation. This is the implication of Mishna Berurah's comments (253:99). Second, R. Shneur Zalman of Liadi (1742-1815), Shulchan Aruch HaRav, OC 253:10, suggests that the reason why p'sik reishai is permissible regarding amira l'nochri is that the prohibition against amira l'nochri only applies when one asks a non-Jew to perform an action that entails a prohibition. In this situation, the non-Jew is asked to perform an action that is permissible. The secondary result is inconsequential to the prohibition against amira l'nochri.

There is a potential practical difference between the first approach and the second approach. According to the first approach, this situation is one where the prohibition against amira l'nochri does not apply. As such, it is likely permissible to benefit from the prohibited result. According to the second approach, such a situation may be comparable to remizah (hinting) where it is prohibited to benefit from the result.

The Vilna Gaon (1720-1797), Bei'ur HaGra to Rama, OC 253:5, disagrees fundamentally with Rama's ruling. He claims that p'sik reishai does not mitigate the prohibition against amira l'nochri. Therefore, if the p'sik reishai is one that is beneficial and the prohibited result is of biblical origin, one may not ask a non-Jew to perform that activity. However, if the result is not beneficial (lo nicha lei), one may ask a non-Jew to perform the activity.

R. Moshe Feinstein, Igrot Moshe, OC 2:68, rules in accordance with Rama's leniency and applies it to a situation where someone forgot to disable the light in the refrigerator prior to Shabbat. He allows one to ask a non-Jew to open the refrigerator even though the light will inevitably be activated.<sup>23</sup> [23 R. Shlomo Zalman Auerbach was reluctant to apply this leniency to refrigerators for technical reasons, see Shemirat Shabbat KeHilchata ch.31, note1.]

#### Rashba's Leniency

Rashba (1235-1310), Shabbat 107a, s.v. Ve'af, (based on the comments of the Talmud Yerushalmi) states that if there is a deer in one's home, it is permissible to close the door, even though it will trap the deer, as long as it is not one's primary intention to trap the deer. Ran, Shabbat 38a, s.v. Matnit questions Rashba's ruling: Is this not the classic case of p'sik reishai? R. Avraham Borenstein (1838-1910), Avnei Nezer, Orach Chaim no. 194, defends Rashba's position. He claims that Rashba's leniency is a function of the prohibition against trapping. In reality, trapping an animal by closing the door on it should be considered gerama (indirect action). However, based on the principle of melechet machshevet, (intent is a determinant in the laws of Shabbat) it is considered a direct action in the context of Shabbat prohibitions. Nevertheless the principle of melechet machshevet only applies if one's primary intention is to trap the animal in this manner. If it is a secondary result, one cannot apply the stringency of melechet machshevet.

Although Rashba's leniency is not the normative opinion, R. Zalman N. Goldberg (in the journal Ateret Shlomo, Vol. VI) uses it as a mitigating factor in allowing one to walk in front of a surveillance camera. He claims that being photographed is not considered a direct action unless one intends to be photographed. If one merely walks in front of the camera, the melechet machshevet is lacking and it is not considered a direct action.

Some hotels have motion sensors in the rooms that turn off the lights, heat and air

conditioning when the guest is not in the room and reactivate when the guest enters. Leaving the room poses less of a problem because turning off the lights, heat or air conditioning does not benefit the guest and the result is not immediate. However, entering the room and activating these devices certainly benefits the guest. One potential solution to this problem is the leniency of amira l'nochri on p'sik reishai. If one asks the non-Jew to enter the room for a reason other than to engage the motion sensor, there is no violation of amira l'nochri when he triggers the motion sensor. However, there is still a dispute as to whether one may benefit from these devices.

Motion Sensors on the Toilets Many public restrooms are equipped with hands-free flushing systems that are equipped with motion sensors. If there is no other restroom available, it is certainly permissible to use one with an automatic flusher because one may violate rabbinic prohibitions in matters relating to kavod hab'riyot (human dignity).<sup>24</sup> [24 Berachot 19b. Use of an automatic flusher would constitute a rabbinic prohibition according to the lenient opinion in note 18.] The primary question is whether one may use a public restroom in a case where there is a non-automated restroom available at a less convenient location. It is arguable that in general, this is a case of p'sik reishai d'lo nicha lei.<sup>25</sup> [25 In a public restroom, flushing the toilet primarily benefits the person who is going to use it next. There is an element of subjectivity on this matter and it does depend on the individual.]

Since the result is only rabbinic in nature, according to some poskim, it would be permissible to use the toilet.

#### Surveillance Cameras and Security Systems

As noted earlier, R. Zalman Nechemiah Goldberg permits walking in front of a surveillance camera if one has no intent of being photographed. One of his reasons for leniency is that this is a case of p'sik reishai d'lo nicha lei. The passerby does not benefit from being photographed, even if the system is meant for his protection. He only benefits from the system when an intruder walks in front of the camera. Furthermore, he employs Rashba's leniency as a mitigating factor.

#### Candle Lighting in a Hotel

Most hotels do not allow one to light a candle in a room, certainly if there is no supervision. In this section, we will provide some background regarding the mitzvah of lighting Shabbat candles and the various options one has in a hotel.

#### The Nature of the Mitzvah

One can question the nature of the mitzvah of lighting Shabbat candles. Is the mitzvah to ensure that a candle is lit in the home, or is the mitzvah to actually light a candle? This question is addressed by Tosafot, Shabbat 25b, s.v. Chovah, who quote an opinion that if there is already a candle lit in the home, there is no specific obligation to light Shabbat candles. Tosafot then cite Rabbeinu Tam who rejects this opinion and contends that if there is a candle already lit, one must extinguish the candle and rekindle it prior to Shabbat. Apparently, the first opinion maintains that the mitzvah is to ensure that a candle is lit, and therefore, if there is a preexisting light, there is no obligation to light candles. Rabbeinu Tam is of the opinion that the mitzvah of lighting Shabbat candles demands that one light a candle specifically for the purpose of Shabbat, and a preexisting light does not suffice.

R. Yitzchak Z. Soloveitchik (1886-1959), in Chidushei HaGrach Al HaShas no. 11, notes that in fact there are two aspects to the mitzvah of lighting Shabbat candles. One aspect of lighting candles relates to oneg Shabbat, the mitzvah to enjoy Shabbat. In order to enjoy Shabbat properly, one must ensure that one's home has sufficient light. However, there is an additional aspect of lighting candles which relates to kavod Shabbat, the mitzvah to honor the Shabbat. Rambam, ibid, 30:2-5, writes that the mitzvah of kavod Shabbat is fulfilled on Erev Shabbat by preparing for Shabbat. Rambam includes lighting candles among the activities that are part of the mitzvah of kavod Shabbat. R. Soloveitchik notes that even if it were permissible to light candles on Shabbat, one would still be required to light the candles prior to Shabbat as lighting candles is part of the mitzvah of kavod Shabbat.<sup>26</sup>

Use of Electric Lights for the Mitzvah One element of oneg Shabbat is shalom bayit, tranquility in the home (Gemara, Shabbat 25b). Rashi, Shabbat 25b, s.v. Hadlakat, explains that when there is darkness and people are stumbling over objects, there is no tranquility. The other element of oneg Shabbat is use of the light for the various activities one performs to enjoy Shabbat. Either way, the candles serve a practical purpose in illuminating the home. It would stand to reason that one may fulfill the mitzvah of lighting Shabbat candles with anything that can

provide sufficient light in the home. Therefore, use of electric lights would be acceptable for the mitzvah of lighting Shabbat candles. 26 See R. Yosef Falk (17th century), Introduction to Perisha and Derisha, Yoreh Deah, who notes that his mother was insistent on lighting Yom Tov candles prior to Yom Tov (whenever it is permissible) even though it is permissible to light candles on Yom Tov. She did this in order to fulfill the mitzvah of kavod Yom Tov.]

There are a few objections raised by contemporary poskim to the use of electric lights for the purpose of the mitzvah of lighting Shabbat candles. Before exploring these objections, some background information is required. There are two categories of electric lights. The first category includes bulbs that illuminate due to the heating of metal to the point that it glows. The most common forms of light bulbs in this category are incandescent bulbs (the standard light bulb) and halogen bulbs. The second category includes bulbs that illuminate without any heat. This category includes fluorescent bulbs, neon bulbs, and light emitting diodes (LEDs).

#### What Type of Light is Valid for Lighting Shabbat Candles?

Many poskim (see Shemirat Shabbat KeHilchata ch. 43 note 22) write that an incandescent light bulb is comparable to a gachelet shel matechet, a glowing hot piece of metal, which most Rishonim (see Teshuvot Avnei Nezer, Orach Chaim no. 229) consider to be a fire for halachic purposes. Therefore, they permit use of an incandescent bulb for the mitzvah of lighting Shabbat candles. However, R. Yitzchak Shternhel, Kochvei Yitzchak 1:2, disagrees and rules that one may not use a fire that has no fuel. An electric light which doesn't run directly on fuel but rather through resistance of electrons is not considered a ner for these purposes. A further question arises regarding fluorescent bulbs that do not provide light in the form of fire. R. Shmuel A. Yudelevitz, HaChashmal Le'Or HaHalacha 3:6, rules that since the light is not derived from glowing metal, it is not considered fire, and is therefore not suitable for lighting the Shabbat candles. However, Encyclopedia Talmudit, Chashmal, note 308, comments that one can question the requirement for fire based on the comments of Moshav Zekeinim MiBa'alei HaTosafot, Vayikra 24:2. Moshav Zekeinim discuss the dispute regarding whether one recites a beracha on lighting the Shabbat candles. They quote Rabbeinu Meshulam who claims that if one has a shiny stone that provides light there is no need for a candle. Therefore, one does not recite a beracha even when one does light a candle because the candle is not inherently obligatory. Moshav Zekeinim then quote Rabbeinu Tam who states that even if one has a shiny stone that provides sufficient light, there is nevertheless an obligation to light the Shabbat candles. Encyclopedia Talmudit claims that this dispute is limited to whether there is an active requirement to light Shabbat candles. If there was some way to actively "light" the shiny stone, even Rabbeinu Tam would agree that its use for Shabbat candles would be sanctioned. The implication is that there is no requirement for fire, and any light would suffice. Therefore, fluorescent lights, which can be actively lit, may be used for Shabbat candles.

#### Reciting a Beracha on Electric Lights

R. Tzvi P. Frank, Har Tzvi 2:114, quotes R. Yosef Rosen (the Rogatchover) that one may not recite a beracha on lighting an electric light because turning on a light is not considered a sufficient enough action to warrant saying "Ihadlik" (to light). Ostensibly, R. Rosen considers lighting an electric light to be gerama (an indirect action).<sup>27</sup> [27 R. Frank notes that completing a circuit is not considered gerama for the purpose of permitting melacha on Shabbat. R. Rosen's concern is that one should consider it gerama as a matter of stringency to prohibit reciting a beracha on electric lights.] R. Frank addresses the issue of gerama regarding lighting Shabbat candles, and states that since Maharam (cited in Mordechai, Shabbat no. 294) allows recitation of a beracha on a candle that was not lit for the purpose of Shabbat, (i.e., one may recite a beracha on one Shabbat without fulfilling the kavod Shabbat aspect of lighting Shabbat candles) one may also recite a

beracha on a light that was lit through gerama. R. Shmuel A. Yudelevitz, op. cit., adds that even if one requires that the beracha is recited on a light lit for the purpose of kavod Shabbat, an electric light would fulfill that requirement, even if it is considered gerama.

R. Chaim Y.A. Halberstam, in Teshuvot Yerushat Peleith no. 7, contends that even if one can fulfill the requirement of lighting Shabbat candles using electric lights, one may not recite a beracha on that lighting. His opinion is based on a ruling of Rashba, Teshuvot HaRashba 1:18, who rules that one does not recite a beracha on a mitzvah that requires the assistance of other people in order to perform that mitzvah. With regards to reciting a beracha on electric lights, R. Halberstam suggests that since one must rely on the electric company in order to provide power, one does not recite a beracha on such a mitzvah. Rav Shlomo Z. Auerbach (cited in Shemirat Shabbat KeHilchata ch. 43, note 22) notes that if the concern to refrain from reciting a beracha is the reliance on the power company, one may recite a beracha on a batterypowered light (such as a flashlight with an incandescent bulb). It should be noted that R. Moshe Feinstein (cited in The Radiance of Shabbos, page 12) was of the opinion that one should not recite a beracha on electric lights.

#### Combining the Use of Candles and Electric Lights

Under normal circumstances, most women opt to fulfill the mitzvah of lighting Shabbat candles with actual candles or oil rather than electric lights. Nevertheless, the presence of the electric lights in the room does impact the mitzvah in a number of ways. First, the purpose of the Shabbat candles is to provide light for activities that are going to be performed on Shabbat. Maharil, Teshuvot Maharil no. 53, questions whether one may recite a beracha on lighting candles in a room in which other women have lit their Shabbat candles. He writes that although there are opinions that maintain that one does not recite a beracha in such an instance, there are grounds to recite a beracha because the additional candles provide added light to corners of the room that the original candles do not illuminate sufficiently. Shulchan Aruch, OC 263:8, rules that one may not recite a beracha upon lighting candles in a room where there are other lit candles. Rama, ad loc., rules that one may rely on the opinion of Maharil. R. Shlomo Z. Auerbach (cited in Shemirat Shabbat KeHilchata 43:171) questions whether Maharil's leniency is applicable to lighting candles in a room in which there are electric lights, as the candles are not going to provide any additional light. Although R. Auerbach does provide justification for this practice, he notes that it is preferable to either turn off the electric lights prior to lighting the candles (and then have someone else turn on the electric lights), or to incorporate lighting of the electric lights into the candle lighting service. Second, Mishna Berurah 263:38 notes that if one is in a situation where a few people in the same house must light Shabbat candles, it is preferable for the guest to light in her private quarters rather than the dining room in order to avoid relying on Maharil's leniency. By incorporating electric lights into the candle lighting service, one can follow Mishna Berurah's ruling by lighting an electric light in one's private quarters and then lighting actual candles in the dining room (after the hostess has lit her candles).

Third, there is a certain element of danger in lighting actual candles, especially when left unattended. Incorporating electric lights into the candle lighting service provides a means of minimizing the danger. By incorporating electric lights, one can use a candle or oil that will only burn for a short amount of time, and the electric lights will fulfill the task of providing one Shabbat after the candles are extinguished.

#### Applications to a Hotel Setting

If one follows the opinions that one may recite a beracha on electric lights, lighting an electric light in the hotel room (such as a closet light or bathroom light) is the best option. One can also combine the lighting with lighting of actual candles in a place that is sanctioned by the hotel. The designated area should be set in an area where one will receive

benefit from the light. Mishna Berurah 263:41 rules that when one lights in a public area (i.e. an area where one is not sleeping or eating), the benefit one receives from the candles must relate in some way to the Shabbat meal or the preparation of the meal. If one does not follow the opinion that one may recite a beracha, the best option is to light candles in the dining room on one's table. If that is not possible, Shemirat Shabbat KeHilchata (ch. 45 note 44) rules that at the very least, the candles should provide light or ambience for someone else's Shabbat meal.

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- The Construction of a Sukkah

#### The Construction of a Sukkah

The laws of sukkah have numerous leniencies that allow for the construction of a sukkah that is not completely enclosed. In this issue, we will explore some of those leniencies and provide some practical applications.

#### The Basic Construct of the Sukkah

The Mishna, Sukkah 2a, states that a sukkah requires three walls. The Gemara, Sukkah 6b, quotes a Beraita that in reality, it is sufficient to have only two whole walls and the third wall may be one tefach (approximately 3.15-3.78 in.) wide. The conclusion of the Gemara, Sukkah 7a, is that if one wants to construct a shorter third wall, that side must have a tzurat hapetach (a representative door frame) spanning the length of the third side. This means that there is a post on each side and a beam on top of the posts. [See Rama (1520-1572), Orach Chaim 630:2 and R. Yisrael M Kagan (1838-1933), Mishna Berurah 630:13, regarding the use of the schach as the top post.] Furthermore, one should use a board slightly bigger than a tefach and place it slightly less than three tefachim from the corner to create a wall of four tefachim. [See figure 1.]

The Gemara also distinguishes between a sukkah whose two whole walls are adjacent and a sukkah whose two walls are opposite each other. If the two walls are adjacent, a tefach is sufficient on the third wall if there is a tzurat hapetach. If the two walls are opposite each other, the third wall must span seven tefachim, which can be accomplished by placing a board slightly bigger than four tefachim within three tefachim of the corner. [See figure 2.] Rambam (1135-1204), Hilchot Sukkah 4:3, requires a tzurat hapetach for the wall of seven tefachim and Rabbeinu Asher (c. 1250-1328), Sukkah 1:6, does not require it.

#### The Concept of Lavud

There is a concept known as lavud that treats gaps of less than three tefachim as if they are enclosed. This is why a board that is slightly bigger than one tefach can be placed within three tefachim of the corner to create a four tefach wall. The same applies to the four tefach board that creates a seven tefach wall.

Tosafot, Sukkah 16b, s.v. B'Fachot, note that one cannot create a wall completely based on lavud. Therefore, one cannot construct walls of vertical or horizontal strips within three tefachim of each other. [See figure 3.] In order to construct a valid wall, the wall must extend horizontally and vertically across the required length and width of the wall. R. Avraham Gombiner (c. 1633-1683) Magen Avraham 630:1, understands that the opinion of Tosafot is that one can only create walls of vertical or horizontal strips if the strips enclose four walls. Mishna Berurah, 630:7, codifies the opinion of Tosafot as understood by Magen Avraham. Nevertheless, Mishna Berurah, Sha'ar HaTziyun 630:49, does allow vertical or horizontal strips on a three-walled sukkah when there are other mitigating factors.

#### Gud Asik: Projecting the Walls Upward

The Gemara, Sukkah 4b, cites a Beraita that records a dispute as to whether one can build a sukkah without walls on the top of a flat roof. There is further dispute in the Gemara whether the Beraita is dealing with a case where the schach extends across the entire roof and the walls of the house are aligned with the schach [see figure 4] or whether the Beraita is dealing with a case where the schach is not aligned with the walls of the house. [See figure 5.]

Rambam, Hilchot Sukkah 4:11, rules that if the schach is aligned with the walls of the house, the sukkah is valid. If the schach is not aligned with the walls of the house, the sukkah is invalid. Rabbeinu Asher, Sukkah 1:6, rules that in either case, the sukkah is invalid. R. Yosef Karo (1488-1575), Shulchan Aruch, Orach Chaim 630:6, quotes both opinions but seems to side with the opinion of Rabbeinu Asher.

The Gemara states that the basis for allowing a sukkah that has no walls at the edge of the roof is the principle of gud asik mechitzta (the wall extends upwards). Therefore, the walls of the house extend upwards to create the walls of the sukkah.

As such, those who do not accept the validity of such a sukkah seem to reject the application of gud asik mechitzta to the laws of sukkah. Yet, the Mishna, Sukkah 16a, states that the walls do not have to extend all the way up to the schach. It is sufficient if the walls are ten tefachim high. If one does not apply gud asik mechitzta to the laws of sukkah, how does one explain why a sukkah does not require walls that extend to the schach?

R. Ya'akov Yisrael Kanievski (1899-1985), Kehillot Ya'akov, Sukkah no. 4, explains that there are two ways to understand why a sukkah does not require walls that reach the schach. First, the principle of gud asik mechitzta projects the walls up to the schach. Second, there is no requirement for the walls of the sukkah to reach the schach. The walls of the sukkah don't need to enclose the sukkah, but rather to demarcate the sukkah. As long as the sukkah contains three walls of ten tefachim, they are effective in demarcating the sukkah.

R. Ya'akov ben Asher (1269-1343), Tur, Orach Chaim no. 630 and Shulchan Aruch, Orach Chaim 630:9, rule that if the walls are not directly under the schach but are within three tefachim of the schach, the sukkah is valid, even in a situation where the walls are only ten tefachim tall. [See figure 6.] R. Akiva Eger (1761-1837), in his responsa (no. 12) questions this ruling. He infers from a comment of Rabbeinu Nissim (1320-1380), Sukkah 9a, that one cannot combine the concept of lavud with another leniency. As such, one cannot project the walls vertically using gud asik mechitzta and then project them horizontally using lavud. R. Kanievski notes that one can resolve the leniency to allow a ten tefach wall that is not directly under the schach by asserting that allowance of a ten tefach wall is not based on gud asik mechitzta, but rather on the lack of a requirement for the sukkah walls to enclose the sukkah. There is no special leniency allowing a ten tefach wall and therefore, lavud may be applied.

#### Dofen Akuma: The Bent Wall

The Mishna, Sukkah 17a, states that if there is a hole in the roof of a house, one may place schach on the hole and use it as a sukkah provided that there are less than four amot (approximately 75.6- 90.72 in.) from the walls of the house to the hole. [See figure 7.] The Gemara, Sukkah 4a, states that the Mishna is based on the principle of dofen akumah (crooked wall) that allows us to view the ceiling of the house as part of the wall.

Rabbeinu Nissim, Sukkah 2a, s.v. Banah, explains that the principle of dofen akumah is that we view the wall and the ceiling as one unit that is bent towards the schach. Based on this explanation, Rabbeinu Nissim contends that this principle is only applicable if the wall extends up to the ceiling. If there is a gap between the wall and the ceiling, one cannot apply dofen akumah. [See figure 8.] R. Yosef Karo, Beit Yosef, Orach Chaim no. 632, notes that Tur, Orach Chaim no. 632 has a different understanding of dofen akumah. According to Tur, we view the ceiling as an extension of the schach. R. Karo notes that although Tur agrees with Rabbeinu Nissim that one may not fulfill the mitzvah sitting under the ceiling portion, Tur will disagree and maintain that dofen akumah is valid even if the wall does not extend to the ceiling. Magen Avraham 632:1, codifies the opinion of Rabbeinu Nissim. R. David HaLevi Segal (c.1586-1667), Taz, Orach Chaim 632:1, codifies the opinion of Tur.

A more common scenario relevant to this discussion is the case of an overhang that is above the level of the schach. [See figure 9.] R. Meir Eisenstat (1670-1744), Panim Me'iroi rules that Rabbeinu Nissim would not apply dofen akumah and one should not count that wall as one of the walls. Mishna Berurah, Bei'ur Halacha 632:1 cites R. Eisenstat's comments. R. Avraham D. Wahrman (1771-1840), Eshel Avraham no. 632, contends that as long as the wall extends to the schach, Rabbeinu Nissim will apply dofen akumah, even if the overhang is above the level of the schach.



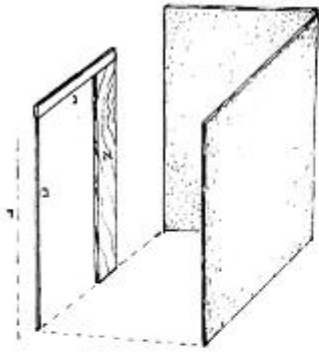


Figure 1  
Image from Peirush Chai

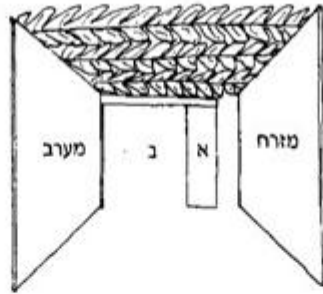


Figure 2  
Image from Peirush Chai



Figure 3  
Adapted from Peirush Chai

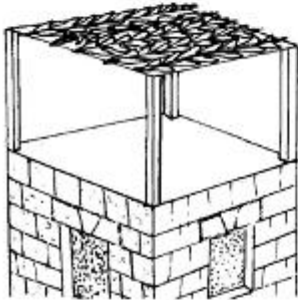


Figure 4  
Image from Peirush Chai

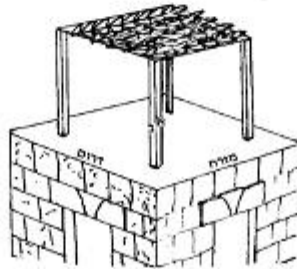


Figure 5  
Image from Peirush Chai

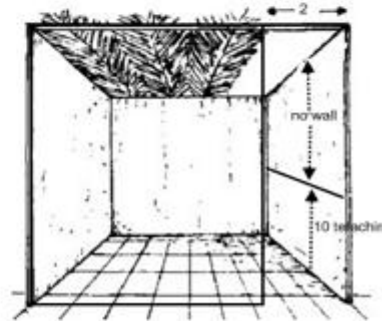


Figure 6  
Adapted from Peirush Chai

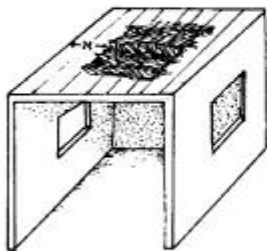


Figure 7  
Image from Peirush Chai

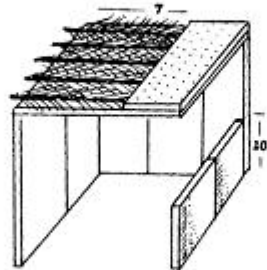


Figure 8  
Image from Sefer HaSukkah

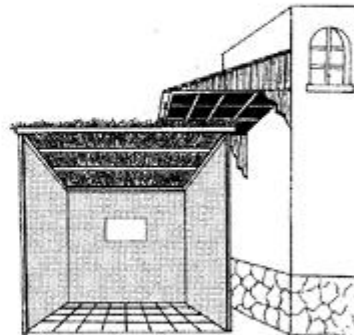


Figure 9  
Image from Chiku Mamtakim