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The Connection Between Yam Suf and Marah **Rabbi Meir Goldwicht**

In many communities, the custom when there is a simcha is to add several aliyot to the seven standard aliyot by breaking them into smaller sections. However, there are several aliyot that may not be broken. For example, we do not interrupt the tochachah to divide it into two aliyot so as not to begin or end with a curse. Another example is in our parasha, Parashat Beshalach. After shirat hayam, which concludes with the song of Miriam, the Torah discusses the episode of the bitter waters at Marah, which the nation was unable to drink until Moshe carried out Hashem's instructions to throw an eitz into the waters to sweeten them. Only after this episode does the fourth aliyah of Parashat Beshalach conclude. The fact that we may not interrupt between shirat hayam and the waters of Marah implies a connection between these two episodes. What is that connection?

When Moshe Rabbeinu spoke with Pharaoh, demanding that he release Am Yisrael, the result was that Pharaoh increased their workload severely. Moshe complains to Hashem, saying, "From the moment (az) I came to Pharaoh to speak in Your Name, he has done evil to this nation, and You have not saved Your nation" (Shemot 5:23). Hashem responded that Moshe would see that Pharaoh would not only release the nation, but chase them away, leading Moshe to realize the error he had made by displaying this lack of emunah in Hashem. And here Moshe's greatness is revealed. For once he realized his error, he wished to publicly apologize for it before HaKadosh Baruch Hu and before Am Yisrael. The most appropriate time to do this was at keriat Yam Suf, when they would be most receptive to his words. And so he began the shirah with the same word he had used in complaining, "az," as

if to say, as the midrash puts it, "With 'az' I did damage, and with 'az' I will repair." In other words, Moshe wished, in the moment of geulah after years of slavery in Mitzrayim, to teach that even when life is difficult, when it seems as though things are only becoming more difficult (the first "az"), we should not be scared but continue on, until we can see the picture in its entirety (the second "az"). The greater the darkness, the greater the ultimate clarity and redemption.

HaKadosh Baruch Hu wanted this lesson, not to throw our hands up in defeat in times of adversity, to stick with Am Yisrael, and so he led them to the bitter waters at Marah. Moshe thought that perhaps the way Hashem would tell him to palliate the bitterness of the water would be by adding honey or sugar to it. But He told him instead to throw in a piece of wood, saying, The way of Man is to sweeten something bitter by adding something sweet; the way of G-d is to sweeten something bitter by adding something bitter. In other words, Man takes something bitter, like tea, and adds sugar, but the tea itself does not become sweet. We could theoretically remove the sugar in a laboratory, and the tea would remain as bitter as it ever was. The sweet ingredient simply masks the bitterness. HaKadosh Baruch Hu, on the other hand, changes the actual nature of the bitter ingredient into sweetness. The analogy is clear: a week ago, you were still in Mitzrayim, in the bitter state of slavery. When I redeemed you, I did not simply mask the bitterness with sweetness; rather, the original bitterness became sweet. Its nature changed completely. The waters at Marah cemented the feelings Am Yisrael experienced at Yam Suf, of bitterness being transformed into sweetness.

This notion became even clearer to Am Yisrael once, leaving Marah, they arrived at their next destination, Eilim, where there were twelve springs and seventy palm trees. Why palm trees? Unlike all other trees, which are called by their fruit (e.g., apple tree), the palm tree is not called a date tree. This is because the palm tree itself is very bitter, but its fruit is very sweet. Calling it a palm tree reminds us that something so sweet came from something so bitter. It is for this reason as well that the passuk says, "A righteous man shall blossom like a date tree" (Tehillim 92:13) – even though sometimes a tzaddik may wind up in a bitter, trying situation, the Torah transforms it into sweetness. "[The words of Torah] are sweet like honey and the drippings of the honeycomb" (Tehillim 19:11).

This also explains how Am Yisrael, having left Mitzrayim with donkeys laden with treasure and having despoiled the Egyptians after keriat Yam Suf, taking double what they took out of Mitzrayim, could complain so vociferously only three days later about not having water to drink. Couldn't they have voiced their concerns politely and calmly to Moshe? The midrash explains that when the Torah says the reason why Am Yisrael could not drink the waters of Marah because "they were bitter," it refers not to the waters but to the people. Am Yisrael, with all their riches, felt a certain emptiness, a vacuum of spirituality. For this reason, the gemara in Bava Kama says, Moshe, Aharon, and Miriam instituted the Torah reading on Monday, Thursday, and Shabbat, so that Am Yisrael would never go three days without Torah lest they reexperience that emptiness. This emptiness is also the reason why Am Yisrael was given several mitzvot in Marah.

This being the case, the waters of Marah and of Yam Suf teach us that bitterness is only part of the picture and will ultimately turn into sweetness. This is exemplified by the fact that we make a bracha, saying "Baruch atah Hashem," over marror. At no time of the year do we make a bracha like this. Only on the night of Pesach do we truly understand the fact that every instance of bitterness turns into sweetness. For this reason as well we do not make a separate bracha on the sweet charoset, as it is covered by the bracha over the bitter marror which precedes it.

May Hashem grant, and speedily, the transformation of all of the bitterness Am Yisrael has experienced and continues to experience, in our Land and abroad, into sweetness and the fulfillment of "I shall surely redeem you in the end as in the beginning."

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France and the Yarmulka – A Halachic Analysis

By Rabbi Yair Hoffman

The head of the Jewish community in Marseille, France, Zvi Ammar, announced last week that Jews should avoid wearing the kippa in the streets. The announcement was made last Tuesday a day after a teenager attacked and slightly injured a teacher in the southern France city who wore a yarmulka.

The teenager, a Turkish citizen of Kurdish origin who was armed with a machete and a knife, said that he had acted in the name of the militant Islamic State group, according to French prosecutors. “Not wearing the kippa can save lives and nothing is more important,” Ammar told the French paper, *La Provence* daily. “It really hurts to reach that point but I don’t want anyone to die in Marseille because they have a kippa on their head.”

Marseille has the third largest Jewish community in France.

Ammar added, “On Saturday, for the first time in my life, I will not be wearing the kippa to the synagogue.”

Not everyone, however, is in agreement with this position. France’s Chief Rabbi, Rav Haim Korsia, had urged Jews in France to continue wearing a yarmulka, and form a “united front.” Roger Cukierman, the head of the French Jewish Organization umbrella group, stated that not wearing a yarmulka in public is “a defeatist attitude.”

All this brings up a question. What is the halacha in this regard? What is the source of the obligation to wear a Yarmulka? If the situation has indeed deteriorated to the point of danger, should a Yarmulka be worn?

Before we discuss the sources, it should be generally understood that regardless of the final halacha, covering one’s head engenders *hachna’ah* (See *Levush OC 91:3*)—humility, a necessary component in prayer, in one’s relationship with Hashem, and, indeed, in one’s relationship with all others.

EARLY SOURCES

The Gemorah in *Shabbos 118b* it says, “Will you contend with me – who has not walked 4 amos with a bare head?”

Also in *Shabbos 156b* explains that Rav Nachman Bar Yitzchok’s mother warned to cover his head constantly so that he will have fear of Heaven.

The Gemorah in *Kiddushin 31a* likewise states Rav Huna the son of Rabbi Yehoshua did not walk four amos with a bare head because he used to say, “The Shechina rests above my head.”

There is a further source found in the *Kallah Rabasi* (cited in the *Sefer HaManhig Chol Siman 45*) that states: One who bares his head, there is in this great audacity. The Midrash cites a story where the elders were sitting and two younger boys walked by them. One covered his head and the other revealed his bare head. Rabbi Akiva said about the latter that is both a *Mamzer* and a *Ben Niddah*. It turned out that was the case.

Now, aside from this latter Midrashic source, one can perhaps extrapolate from the aforementioned Gemorahs that the general custom for normal average people was not to cover their heads.

POSKIM THAT HOLD IT IS A CHUMRAH

Indeed this is the position of a number of Poskim. The Rambam in *Hilchos Dayos (5:6)* writes: “Torah scholars conduct themselves with great modesty.. in that they do not bare their heads.” He writes similarly in his *Moreh Nevuchim 3:52*. The *Kol Bo (Siman 11)*, and the *Tashbatz (#547)* citing the *Maharam MiRottenberg*, likewise rule that there is, in fact, no obligation. Rather it is just the custom of Torah scholars on account of cultivating fear of Heaven. The *Sefer Chassidim 53* also writes that there is no obligation at all, rather it is a custom of Torah scholars. The *Maharshal (Siman 72)*, *Darhei Moshe (2:3)*, *Bach (2)*, *Mogain Avrohom (91:3)* and *Vilna Gaon (SA OC Siman 2 and 8:6)* also hold that it is not obligatory.

How then do the Poskim understand the Midrash with Rabbi Akiva? The *Vilna Gaon* answers this question based upon the Gemorah in *Kiddushin 31a*. he writes that the *Chutzpah*, the audacity that the young man displayed was in specifically baring his head in front of the elders.

POSKIM THAT HOLD IT IS OBLIGATORY

The *TaZ 8:3*, however, writes that it is a full obligation because the gentiles must walk with bare heads and it has now become a violation of “*ubechukosaihem lo sailaechu*, and do not walk in their ways.” The *Chasam Sofer (Responsa CM #191)* also writes that it is a violation of *ubechukosaihem*. Seemingly, this is a post-Talmudic development.

The *Pri Magadim Siman 2* writes that halachically it is forbidden to go with a bare head. It is just permitted to do so if part of the head is covered. Rav Shlomo Kluger (*HLS Siman 3*) rules the same way. The *Zohar* in *Parshas Balak* also writes that “a person should not walk four amos with a bare head because the shechina is above the head of man.” The implication of the *Zohar* is that it is universal for all people.

How then do they understand the Gemorahs that indicate that only these individuals were careful to cover their heads? It is possible that they hold that these individuals had a second covering in addition to the one minimal covering that others had.

WHEN DANGER IS INVOLVED

According to the position of those Poskim who hold that it is not an obligation, there is no question that in a location where there is a significant danger, one may remove one’s Yarmulka.

Even according to the position that wearing a Yarmulka is a full-fledged halachic obligation, it is not one of the three sins that one must give up one’s life in order to avoid transgressing. The three sins, of course, are murder, idol-worship and *arayot* (See *Psachim 25a*).

Even the Rambam who adds the category of *Chillul Hashem* as a fourth cardinal sin (See *Hilchos Yesodei Torah 5:1-3*) only adds it when the persecutor is doing it to specifically undermine Torah. Here this is not the case, one is avoiding wearing the Yarmulka to avoid danger.

The *Midrash Rabbah* (See also *Yalkut Shimoni Shmos 166*) tells us that Moshe Rabbeinu received a Divine punishment by being imprisoned for ten years because he obscured the fact that he was Jewish upon his entry into *Midyan* prior to his marriage to *Tziporah*.

There is no question that we must make every effort to take pride of our Judaism. Yet at the same time, one should not “poke the bear” if doing so would involve risk. So who is right? It seems that it does depend upon the level of risk and danger. How risk level could and should be assessed is a separate matter altogether.

A DEBATE ABOUT HALACHIC RISK LEVELS

There is a fascinating debate between Rav Moshe Feinstein *zt”l* in his *Igros Moshe (CM I 427:90)* and Rav Chaim Ozer *Grodzinsky zt”l* in his *Teshuvos Achiezer (Vol. I #23)* as to how halacha views risk levels.

There is a halachic concept based upon a verse in *Tehillim (116)* known as “*shomer p’sa’im Hashem – Hashem watches over fools*.” The Talmud (*Shabbos 129b, Yevamos 1b*) uses this idea to permit certain behaviors that would otherwise be considered dangerous. It is utilized in combination with the idea of “*kaivan d’dashu bei rabim – since the masses have already treaded there*” we apply the idea of Hashem watches over fools and permit the item under discussion in terms of halacha.

Rav Feinstein seems to interpret this concept as social acceptability – in other words, if the danger is not one that is socially acceptable, then the danger is not halachically permitted, because the verse of “*veChai Bahem*” comes into play and the person would be in halachic violation of endangering himself. For example, travelling 62 miles an hour in a 55 MPH zone may be silly, foolish, illegal and dangerous, but according to Rav Feinstein’s parameters it would not be a violation if it was socially acceptable. Travelling 90 MPH in a 55 MPH zone is not socially acceptable and would therefore be a full violation of Halacha as well.

According to Rav Chaim Ozer *Grodzinsky*, the concept of *Shomer p’sa’im Hashem* was only applied in the Talmud to remote concerns and a situation where there is only a small percentage of a small percentage of danger. It seems to this author that Rav Chaim Ozer is taking into account empirical data in the halachic definition of what constitutes a danger much more so

than does Rav Feinstein. Rav Feinstein's halachic definition is more predicated upon the public perception of the danger.

Applying this debate to Marseilles, we can conclude that when the danger level is low but the public perception of the danger is high, then Rav Feinstein's view on shomer p'sa'im would be to avoid showing the Yarmulkah, while according to the definition of the Achiezer, the concept of shomer p'sa'im Hashem would apply and one could show the Yarmulkah. If the danger level is higher than the Achiezer would say to remove it.

Of course, there is always the alternative idea of wearing a hat or beret, and thus avoiding the question entirely.

May the shomer Yisroel continue to guard over his nation ad bias goel umashaich, amain.

The author can be reached at yairhoffman2@gmail.com

from: Shema Yisrael Torah Network <shemalist@shemayisrael.com>
to: Peninim <peninim@shemayisrael.com>
date: Thu, Jan 21, 2016 at 8:46 PM

**Peninim on the Torah
by Rabbi A. Leib Scheinbaum**

Parshas Beshalach

And Bnei Yisrael shall come into the midst of the sea on dry land. (14:16)
The Tosefta Berachos 4:16 teaches that when the Shevatim, Tribes, came to the banks of the Red Sea, they stopped; a discussion ensued concerning which one was not going in first. Each tribe pushed the "honors" of entering the water onto someone else. Finally, Shevet Yehudah took the initiative by rising to the occasion and jumping in. They all followed after him. We wonder why the people refused to enter the water. Am Yisrael is a nation in which mesiras nefesh, self-sacrifice for Hashem, is part of their DNA. Throughout the generations, we have never restrained ourselves from a willingness to die for Hashem. Kiddush Hashem, the ability to sanctify Hashem's Name through self-sacrifice, was almost a way of life in Europe, a continent whose soil has been soaked with Jewish blood. Why then, of all times, did the people refrain from listening to Hashem?

Horav Chaim Shmulevitz, zl, explains that had the Jews been commanded to give up their lives by entering the water, they would have jumped at the opportunity. They would not have held back for a minute. Now, however, they were being instructed to enter the water - and live! This was a different situation. To enter the raging waters as if one were walking on dry land requires an incredibly high level of faith. The Tribes had not yet arrived there. To die for Hashem - they were ready. To enter a raging, stormy sea and feel that one is taking a walk on the beach is more than that generation was capable of processing.

This, explains the Rosh Yeshivah, is the underlying meaning of Hashem's tribute to the Jewish people. Zocharti lach chesed ne'urayich... lechteich Acharai bamidbar b'erez lo zerua. "I remember for your sake the kindness of your youth... how you followed Me in a wildness in unsown land" (Yirmiyah 2:2). The emphasis should be placed on the lechteich Acharai, "How you followed Me." They were following Hashem. The fact that they were traveling through a bitter, desolate wilderness is of no consequence, because they did not sense the bitterness or the desolation. They were following Hashem. Nothing else mattered. This is very much like an infant being held in its mother's embrace. He or she has no regard to the circumstances which surround it. As long as his/her mother holds the infant, the child is unaware of anything else. This is the true meaning of trust in the Almighty.

Horav Yosef Hochgelernter, zl, author of the Mishnas Chachamim, explains that this is the reason we shut our eyes -- or cover them -- when we recite Shema Yisrael. When we declare our faith in Hashem, we do not need to see anything. We need no support in our faith. We trust only in Hashem.

Then Moshe and Bnei Yisrael chose to sing this song to Hashem. (15:1)

The Shabbos during which the Shirah is read is unique. Indeed, it is called Shabbos Shirah - the Shabbos of the Song. Horav Yitzchak, zl, m'Varka once asked the Chidushei HaRim why the Shabbos on which we read the Shirah has become Shabbos Shirah, when this phenomenon does not occur on any other Shabbos. We do not refer to the Shabbos on which we read Parashas Yisro (which records Kabbolas HaTorah) as Shabbos Mattan Torah. Likewise, other Shabbosos do not derive their name from the contents of the parsha that we read on that particular week.

The Chidushei HaRim replied that the uniqueness of the Shabbos and its relationship with the Shirah are evident from the way the Shirah is written in the Torah, namely, ariach al gabi ariach leveinah, "brick on top of brick." This is a reference to the way in which the text is written in the Sefer Torah. Rather than in straight long columns, it is written, "A half brick above a whole brick." A half brick refers to the written part of the song, and the whole brick refers to the blank space which is twice the size of the written part. This format is followed throughout the Shirah. Thus, the Shabbos is given a special name, due to its uniqueness as evinced in the way it is written out in the Torah.

In honor of Shabbos Shirah, I have taken the liberty to relate a story that is perhaps more well known in Chassidic circles. Since it is "water related," it is appropriate for this Shabbos. The Mezritcher Maggid, zl, announced to his students, "I see an overwhelming chasheicha, darkness, descending upon the world. It will envelop the Jewish world with devastating effects. He was referring to the Haskalah, Enlightenment, which had a deleterious effect on German Jewry, before it spread its poisonous tentacles to the rest of western Europe and Russia. In order to prevent the desolation that would result from this spiritual infamy, the Maggid dispatched his two primary students, Horav Shmelke and his brother, Horav Pinchas HaLevi Horowitz. Rav Shmelke went to Nikolsburg and established a yeshivah. Rav Pinchas, the distinguished author of the Sefer Haflaah, went to Frankfurt. While these illustrious brothers did not succeed in changing the tide of assimilation, they did succeed in mentoring two young men who became giants in Torah and indefatigable fighters for Torah. Rav Pinchas was the Rebbe of the Chasam Sofer, and Rav Shmelke mentored Rav Mordechai Binet. These two giants of Torah fought relentlessly and successfully against the secular scourge created by the Haskalah movement.

When Rav Shmelke arrived in Nikolsburg, the Jewish community poured out en masse to greet him. He sat with his Tallis over his head and did not gaze beyond the immediate four cubits in front of him. Among those who approached the illustrious Rav was Moses Mendelssohn of Dessau. Mendelssohn was considered the father of the German Reform movement, a virulent form of secular perspective whose goal was to destroy Judaism as a religion and lower it to the level of a culture. Thus, the Jew would have no ties with G-d, since religion would no longer be a part of the Jewish portfolio. Rav Shmelke immediately pulled back his hand and said, "I want this rasha, evil man, together with his followers, to be asked to leave this house!"

Mendelssohn did not take this insult lightly. He wasted no time in planning his revenge. He immediately dispatched a letter to the governor of Vienna stating that a new "Rabbi," who is totally unschooled, has assumed the rabbinate in Nikolsburg. He stated that the Rebbe was not conversant in the German language and was unable to read or write in the mother tongue. Rav Shmelke was summoned to appear before the magistrate in Vienna. Mendelssohn's henchmen arranged that the day of Rav Shmelke's presentation would be Monday. To ensure that the Rav would not arrive on time, they saw to it that the letter arrive on Friday afternoon. There was no way that the Rav could reach the capitol by Monday - being that he was Shabbos observant.

When the letter arrived, Rav Shmelke's family reacted as expected - with great fear. This was a set up. How could the Rav arrive on time? Rav Shmelke implored them not to worry. Everything would work out in due time. Motzei Shabbos, Rav Shmelke hired a driver and two assistants, and

the small group set out for Vienna by carriage. Midway, the three men dozed off, "allowing" the horses to gallop to their hearts' content. When the men woke up at day break, they were shocked to see that they were at the Danube River, on the outskirts of Vienna. Rav Shmelke sought a boat and captain to take him across the river. He was not successful, due to the climate. The frozen river was beginning to melt and it was difficult to navigate a boat between the large chunks of ice. If a boat were to be struck by ice, it would mean the end of the boat and its passengers. No one was moving. Finally, one of the shipmasters, sensing that Rav Shmelke was a holy man, stepped forth and agreed to take him across the Danube.

Meanwhile, the Rav of Prague, the venerable Horav Yechezkel Landau, zl, author of the Noda b'Yehudah, was well aware of Mendelssohn's evil slander. He was close with Rav Shmelke, and, as a result, he had traveled to Vienna to intercede with his friends in the government. The Noda b'Yehudah and the mayor walked together to the banks of the Danube to watch the melting ice. Apparently, this was a sight to behold, and thousands poured out to watch this phenomenon annually. They were watching as the large chunks of ice were moving toward a small boat in which a regal man, a rabbi, stood praying.

What they did not know was that, as the ice came hurtling toward their boat, Rav Shmelke had stood up, and, with deep devotion, began reciting the Shiras HaYam. Miraculously, every block of ice that came toward them was "somehow" repelled, as their little boat made safe passage through the Danube. All this was witnessed by the government official who stood next to the Noda b'Yehudah. Unquestionably, Rav Shmelke was a holy man, but sanctity was not the criteria for a rabbinic position in Germany. The judge still had to see whether the complaint against Rav Shmelke was true or slanderous.

When the judge asked Rav Shmelke whether he spoke German, the Rav responded in impeccable German. When asked if he could write German, he proceeded to write an entire intellectual thesis in HochDeutch, high German, the language spoken by royalty. Obviously, Mendelssohn's allegations had been vicious lies, which, sadly, have been the trademark of his followers throughout history.

Rav Shmelke was granted permission to punish his detractors. He refused, but asked them to leave Nikolsburg. They moved to Berlin, where their nefarious impact was felt for the next century.

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http://shemayisrael.com/mailman/listinfo/peninim_shemayisrael.com

from: Rabbi Yitzchok Adlerstein <ravadlerstein@torah.org>
reply-to: do-not-reply@torah.org
to: mchochmah@torah.org
date: Thu, Jan 21, 2016 at 9:05 AM
subject: Meshech Chochmah - Parshas Beshalach

**Meshech Chochmah
by Rabbi Yitzchok Adlerstein**

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Parshas Beshalach

Answering the Sea's Anger

The water formed walls for them, to their right and to their left.

Meshech Chochmah: Reflecting on the ways of the Torah, we detect a distinct difference between two categories of mitzvos. We call some commandments "received" mitzvos, i.e. those that we follow simply because Hashem dictated them to us, but would not have legislated on our own. We also find other mitzvos, those that govern intuitively proper behavior and character traits. Different forms of punishment are attached to violations of the former group, such as the varieties of execution or corporal punishment/ malkos that are meted out for prohibitions related to avodah zarah and forbidden relations/ arayos. The latter group, however, goes unpunished by

human hands – technically, because they either require monetary restitution, or because they involve no physical activity, either of which being sufficient to preclude other forms of judicial punishment. As severe as shortcomings of the latter group may be, the beis din does not punish the person of base character, the disputatious personality, or the chronic speaker of lashon hora. This marked difference in treatment, however, only applies to individuals.

The very opposite holds true for the way the tzibur, the community is treated. Chazal[2] tell us that Dovid's generation was outwardly pious in their observance – but they fell in battle because of malicious informers among them. Achav's generation, on the other hand, was given to flirtations with avodah zarah – but prevailed on the battlefield, because they lacked those same flawed personalities! When Hashem declares[3] that He is willing "to dwell amongst them amidst their tumah," He refers only to the tumah of breaching the "received" laws, even including idolatry. Rotten character, lashon hora and the like cause the Shechinah to flee.

The Divine reponse to the indiscretions of our people during the period of the first and second Temples illustrates the point. The community of the first beis hamikdash violated all the cardinal sins: idolatry, immorality, and murder. Yet, the Shechinah returned to them quickly in the form of the second Temple. The community at the time of the destruction of bayis sheni was meticulous in its observance, but groundless enmity between people was rampant. Some two millennia later, we still await a replacement Temple! Apparently, teach Chazal,[4] the shortcomings of the second Temple were more grievous – at least when looking at the people as a community, rather than as individuals.

The gemara[5] finds proof for the severity of monetary violence in the lead-up to the Flood. The Torah speaks of the "corruption"[6] of the earth that led to the Deluge, which means avodah zarah and arayos.[7] Yet, Hashem declares[8] that He will destroy human society because of chamas[9] / theft and other monetary misappropriation by force. Which, then, was it that so aroused Divine anger? Was it the corruption of the most serious sins, or was it the theft?

The gemara says that they both contributed; the fate of the generation was "sealed" through theft. This does not necessarily mean that the contributions were additive. Our approach above provides a different way of understanding their roles. For the "corruption" vices, HKBH was willing to treat them all as a collective, and treat them compassionately despite shortcomings that would have marked them for death as individuals. What sealed their fate, however, was their penchant for chamas, for theft. A society of ethical depravity loses its standing with G-d. When people employed their weaponry to seize the property of others, they became two-legged beasts of prey, and lost their lease on Divine compassion.

Chazal[10] relate that as the waters split to form the two walls of our pasuk, the Soton protested. "These Bnei Yisroel worshipped idols in Egypt. Why are You performing miracles for them?" The guardian angel of the Sea agreed, and was angered enough to wish to reverse the miracle, and drown them! (For this reason the word chomah/ wall in our pasuk is spelled deficiently, without the voweled vav. This allows it to be read as cheimah/ anger, alluding to the Sea's displeasure.)

While we must indeed deal in some way with Soton's point, we note that he could have argued similarly after the succession of plagues succeeded in liberating them from the Egyptians? Why did he wait till the splitting of the Sea? Our thinking above suggests an approach. While the Bnei Yisroel may have worshipped idols in Egypt and given up the practice of bris milah,[11] they nonetheless displayed good character. They did not speak lashon hora. They loved each other. Seen as a community, they merited the Divine intervention on their behalf.

This changed as the shore of the Reed Sea, when their communal unity disintegrated, and they formed four different groups- each with a different strategy of dealing with the imminent threat of the approaching Egyptian armed force, including one that wished to return to Egypt! Their unity having

evaporated, they had to be judged as individuals. Soton now had a point. As individuals, they were idolaters, and not deserving of any miracles?

While this approach is attractive, it does not explain all the anomalies in our pasuk. An earlier verse [12] already introduced the image of the walls of water. There, chomah is spelled with a vav; there is no hint of the Sea's anger at any injustice. Why not?

Soton's ire was not ignited by the ten makos. The Bnei Yisroel had dealt adequately with their prior sins through teshuvah. They turned their backs on the gods of Egypt by courageously slaughtering korban Pesach, despite the place of the sheep among the Egyptian deities. They circumcised themselves and their children. Soton's arguments were sure to be rejected.

Reaching our pasuk, however, the Egyptians could also lay claim to teshuvah! They proclaimed, "We are forced into submission by Yisrael, because Hashem fights for them." [13] The Egyptians now fully accepted Hashem's existence and power. Both peoples had repented for their past, claimed Soton. Why were the formerly idolatrous Jews treated preferentially? Why was their teshuvah accepted, but not that of the Egyptians?

The midrash continues with Hashem's response to Soton. "Fool! The Bnei Yisroel served avodah zarah only because of the unsettled mindset brought on by the harsh servitude." In other words, their aveiros were committed in a state of inner confusion. They did teshuvah, however, after many months of respite from the rigors of servitude, which had ended. Their repentance came about through careful, deliberate reflection. The Egyptians, on the other hand, committed their sins from a position of equilibrium and plenty. Their repentance, however, was a momentary panic-stricken response to the advance of the waters that were about to crash down on their heads. Such teshuvah could not compete with that of the Bnei Yisroel.

May Hashem bring about that Bnei Yisroel will all return to Him from a position of calm and plenty!

[1] Based on Meshech Chochmah, Shemos 14:29 [2] Yerushalmi Peah 1:1 [3] Vayikra 16:16 [4] Yoma 9A [5] Sanhedrin 108A [6] Bereishis 6:11 [7] Rashi, ibid. [8] Bereishis 6:13 [9] [10] Yalkut Shimoni 234 [11] As indicated by the need for large-scale bris milah before the korban Pesach [12] Shemos 14:22 [13] Shemos 14:25

Thanks to hamelaket@gmail.com for collecting the following items:

from: Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>
reply-to: info@jewishdestiny.com
subject: Weekly Parsha from Rabbi Berel Wein

**Weekly Parsha Blog:: Rabbi Berel Wein
Bshalach**

There is a great difference in the perception of a momentous historic event, between the generation that actually experienced it, was witness to and perhaps even participated in it, and later generations who know of the event through tradition and history. The facts regarding events can be transmitted from one generation to the next, even for thousands of years, but the emotional quality, the pervading actual mood and atmosphere present at the time never survives the passage of time and distance from the event itself. Perhaps nowhere is this truism more strikingly evident than in the drama of the salvation of the Jewish people at the shores of Yam Suf. At the moment of Divine deliverance, Moshe and Miriam and the people of Israel burst into exalted song, registering their relief and triumph over the destruction of their hated oppressors.

This song of triumph is so powerful that it forms part of the daily prayer service of Israel for millennia. But, though the words have survived and been sanctified by all generations of Jews from Moshe till the present, the original fervor, intensity and aura of that moment is no longer present with us.

The Pesach Hagadah bids us to relive the Exodus from Egypt as though we actually were present then and experienced it. But it is beyond the ability of later generations to do so fully and completely. We can recall and relive the event intellectually and positively in an historic vein but the emotional grandeur of the moment has evaporated over time.

We are witness as to how the events of only a century ago – the two great World Wars, the Holocaust, the birth of the State of Israel, etc. – have begun to fade away from the knowledge, memory and recall of millions of Jews today, a scant few generations after these cataclysmic events took place. In this case, it is not only the emotion that has been lost but even the actual facts and their significance – social, religious and national – are in danger of disappearing from the conscious thoughts and behavior of many Jews. In light of this, it is truly phenomenal that the deliverance of Israel at Yam Suf is so distinctly marked and remembered, treasured and revered in the Jewish memory bank. The reason for this exceptional survival of historic memory is that it was made part of Jewish religious ritual, incorporated in the Torah itself, and commemorated on a special Shabbat named for the event. It thus did not have to rely on historic truth and memory alone to preserve it for posterity.

Religious ritual remains the surest way of preserving historical memory, far stronger than May Day parades and twenty-one gun salutes and salvos. Ritual alone may be unable to capture the emotion and atmosphere of the actual event but it is able to communicate the essential facts and import of the event to those who never witnessed or experienced it. The song of Moshe, Miriam and Israel still reverberates in the synagogues of the Jewish people and more importantly in their minds and hearts as well. Shabat shalom

from: Ohr Somayach <ohr@ohr.edu>

to: weekly@ohr.edu

subject: Torah Weekly

**Ohr Somayach :: Torah Weekly :: Parshat Beshalach
For the week ending 23 January 2016 / 13 Shevat 5776
by Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com
Insights**

Which Came First?

"G-d did not lead them (the people) by way of the land of the Philistines, because it was near..." (13:17)

The classic question, "Which came first, the chicken or the egg?" is a non-starter.

Everyone knows that the chicken came first.

The Book of Genesis tells us so: "And G-d created ...all winged fowl of every kind." (1:21)

Sometimes, however, it's not so clear which came first.

In this week's Torah portion, from the above verse it seems that the only reason that G-d led the Jewish People across the Red Sea and through the desert was because of the danger that they would turn back if they would be faced with the warlike Philistines. For the route to Eretz Yisrael through the land of the Philistines was indeed much shorter.

Which is strange, because surely the Jewish People had to go through the desert to receive the Torah at Mount Sinai. Mount Sinai was already designated as the place of the Torah's giving before the Exodus, as G-d said to Moshe at the "burning bush", "...When you take the People out of Egypt, you will serve G-d on this mountain." (Ex. 3:12)

Why, then, does the Torah cite a different reason for the journey through the wilderness?

And this is where we have to consider, "Which came first?"

It could be that the prime reason to take the Jewish People through the desert was, as we see from this week's Torah reading, because of the danger of their turning back in the face of the Philistines. For this reason G-d chose Mount Sinai as the site of the giving of the Torah, because it was on their route, and as a result of this He told Moshe that they would serve Him on that mountain.

Or it could be that Mount Sinai was always the place of choice for the giving of the Torah, even without this reason, and had it not been for the Philistines the Jewish People would have taken the short route to Eretz Yisrael, settled it, and only afterwards made the trek to Mount Sinai to receive the Torah.

However, as it turned out that they couldn't go the short way, G-d gave them the Torah on Sinai because it was now, so to speak, "on their way."

In this case, it's impossible for us to know "Which came first?"

Source: Chazon Ish in Tallelei Orot

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http://www.ou.org/torah/author/Rabbi_Eliyahu_Safran
from: Shabbat Shalom <shabbatshalom@ounetwork.org>
OU Torah

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Britain's Former Chief Rabbi Lord Jonathan Sacks

Renewable Energy

The first translation of the Torah into another language – Greek – took place in around the second century BCE, in Egypt during the reign of Ptolemy II. It is known as the Septuagint, in Hebrew Hashiv'im, because it was done by a team of seventy scholars. The Talmud however says that at various points the sages at work on the project deliberately mistranslated certain texts because they believed that a literal translation would simply be unintelligible to a Greek readership. One of these texts was the phrase, "On the seventh day G-d finished all the work he had made." Instead the translators wrote, "On the sixth day G-d finished." [1]

What was it that they thought the Greeks would not understand? How did the idea that G-d made the universe in six days make more sense than that He did so in seven? It seems puzzling, yet the answer is simple. The Greeks could not understand the seventh day, Shabbat, as itself part of the work of creation. What is creative about resting? What do we achieve by not making, not working, not inventing? The idea seems to make no sense at all.

Indeed we have the independent testimony of the Greek writers of that period, that one of the things they ridiculed in Judaism was Shabbat. One day in seven Jews do not work, they said, because they are lazy. The idea that the day itself might have independent value was apparently beyond their comprehension. Oddly enough, within a very short period of time, the empire of Alexander the Great began to crumble, just as had the earlier city state of Athens that gave rise to some of the greatest thinkers and writers in history. Civilisations, like individuals, can suffer from burnout. It's what happens when you don't have a day of rest written into your schedule. As Achad ha-Am said: more than the Jewish people has kept the Sabbath, the Sabbath has kept the Jewish people. Rest one day in seven and you won't burn out.

Shabbat, which we encounter for the first time in this week's parsha, is one of the greatest institutions the world has ever known. It changed the way the world thought about time. Prior to Judaism, people measured time either by the sun – the solar calendar of 365 days aligning us with the seasons – or by the moon, that is, by months ("month" comes from the word "moon") of roughly thirty days. The idea of the seven-day week – which has no counterpart in nature – was born in the Torah and spread throughout the world via Christianity and Islam, both of which borrowed it from Judaism, marking the difference simply by having it on a different day. We have years because of the sun, months because of the moon, and weeks because of the Jews.

What Shabbat did and still does is to create space within our lives and within society as a whole in which we are truly free. Free from the pressures of work; free from the demands of ruthless employers; free from the siren calls of a consumer society urging us to spend our way to happiness; free to be ourselves in the company of those we love. Somehow this one day has renewed its meaning in generation after generation, despite the most profound economic and industrial change. In Moses' day it meant freedom from slavery to Pharaoh. In the nineteenth and early twentieth century it meant freedom from sweatshop working conditions of long hours for little pay. In ours, it means freedom from emails, smartphones and the demands of 24/7 availability.

What our parsha tells us is that Shabbat was among the first commands the Israelites received on leaving Egypt. Having complained about the lack of food, G-d told them that he would send them manna from heaven, but they were not to gather it on the seventh day. Instead a double portion would fall on the sixth. That is why to this day we have two challot on Shabbat, in memory of that time.

Not only was Shabbat culturally unprecedented. It was so conceptually as well. Throughout history people have dreamed of an ideal world. We call such visions, utopias, from the Greek *ou* meaning "no" and *topos*, meaning "place". [2] They are called that because no such dream has ever come true, except in one instance, namely Shabbat. Shabbat is "utopia now", because on it we create, for twenty-five hours a week, a world in which there are no hierarchies, no employers and employees, no buyers and sellers, no inequalities of wealth or power, no production, no traffic, no din of the factory or clamour of the marketplace. It is "the still point of the turning world", a pause between symphonic movements, a break between the chapters of our days, an equivalent in time of the open countryside between towns where you can feel the breeze and hear the song of birds. Shabbat is utopia, not as it will be at the end of time but rather, as we rehearse for it now in the midst of time.

G-d wanted the Israelites to begin their one-day-in-seven rehearsal of freedom almost as soon as they left Egypt, because real freedom, of the seven-days-in-seven kind, takes time, centuries, millennia. The Torah regards slavery as wrong, [3] but it did not abolish it immediately because people were not yet ready for it. Neither Britain nor America abolished it until the nineteenth century, and even then not without a struggle. Yet the outcome was inevitable once Shabbat had been set in motion, because slaves who know freedom one day in seven will eventually rise against their chains. The human spirit needs time to breathe, to inhale, to grow. The first rule in time management is to distinguish between matters that are important, and those that are merely urgent. Under pressure, the things that are important but not urgent tend to get crowded out. Yet these are often what matter most to our happiness and sense of a life well lived. Shabbat is time dedicated to the things that are important but not urgent: family, friends, community, a sense of sanctity, prayer in which we thank G-d for the good things in our life, and Torah reading in which we retell the long, dramatic story of our people and our journey. Shabbat is when we celebrate *shalom bayit* – the peace that comes from love and lives in the home blessed by the Shekhinah, the presence of G-d you can almost feel in the candlelight, the wine and the special bread. This is a beauty created not by Michelangelo or Leonardo but by each of us: a serene island of time in the midst of the often-raging sea of a restless world.

I once took part, together with the Dalai Lama, in a seminar (organised by the Elijah Institute) in Amritsar, Northern India, the sacred city of the Sikhs. In the course of the talks, delivered to an audience of two thousand Sikh students, one of the Sikh leaders turned to the students and said: "What we need is what the Jews have: Shabbat!" Just imagine, he said, a day dedicated every week to family and home and relationships. He could see its beauty. We can live its reality.

The ancient Greeks could not understand how a day of rest could be part of creation. Yet it is so, for without rest for the body, peace for the mind, silence for the soul, and a renewal of our bonds of identity and love, the creative process eventually withers and dies. It suffers entropy, the principle that all systems lose energy over time. The Jewish people did not lose energy over time, and it remains as vital and creative as it ever was. The reason is Shabbat: humanity's greatest source of renewable energy, the day that gives us the strength to keep on creating.

[1] Babylonian Talmud Megillah 9a.

[2] The word was coined by Sir Thomas More in 1516, who used it as the title of his book of that name.

[3] On the wrongness of slavery from a Torah perspective, see the important analysis in Rabbi N. L. Rabinovitch, *Mesillot Bilvavam* (Maaliyot, 2015), 38-45. The basis of the argument is the view, central to both the Written Torah and the Mishnah, that all

humans share the same ontological dignity as the image and likeness of G-d. This was in the sharpest possible contrast to the views, for instance, of Plato and Aristotle. R. Rabinovitch analyses the views of the sages, and of Rambam and Meiri, on the phrase "They shall be your slaves forever" (Lev. 25:46). Note also the quote he brings from Job 31:13-15, "If I have denied justice to any of my servants ... when they had a grievance against me, what will I do when G-d confronts me? What will I answer when called to account? Did not He who made me in the womb make them? Did not the same One form us both within our mothers?"

Rabbi Lord Jonathan Sacks is a global religious leader, philosopher, the author of more than 25 books, and moral voice for our time. Until 1st September 2013 he served as Chief Rabbi of the United Hebrew Congregations of the Commonwealth, having held the position for 22 years. To read more from Rabbi Sacks or to subscribe to his mailing list, please visit www.rabbisacks.org.

from: Rabbi Yissocher Frand <ryfrand@torah.org>

reply-to: ryfrand@torah.org,

to: ravfrand@torah.org

subject: Rabbi Frand on Parsha

Rabbi Yissocher Frand - Parshas Beshalach

Tailor Made Punishments Brings A Higher Level of Belief

After the Shiras HaYam [Song of the Sea], the Torah says, "If you hearken diligently to the voice of Hashem, your G-d, and do what is just in His eyes, give ear to His commandments and observe all His decrees, then any of the diseases that I placed upon Egypt, I will not bring upon you, for I am Hashem your Healer." [Shmos 15:26] If we will keep all facets of Torah, we will merit one of the greatest blessings possible – G-d will become our personal physician! When the Ribono shel Olam is a person's personal physician, there is no waiting for appointments and He takes care of His patient, obviously, in a supernatural way. The only catch here is that the patient must "hearken diligently to His commandments and observe all His decrees." A person who overcomes this hurdle, merits the reward of "Ani Hashem Rofecha" (I, G-d, will be your doctor).

The Chofetz Chaim explains that they in fact saw something by the Yam Suf that inspired them to become bigger believers than they had been heretofore. Emunah does not only mean belief that there is an omniscient Master of the World in Heaven who knows what people are doing. Emunah means that there is a G-d in Heaven who knows what people are doing and pays rapt attention to what goes on in this world. This is the concept that we refer to as Hasgacha Pratis - that the Ribono shel Olam is involved and aware and intervenes in individual lives.

Something happened at the Yam Suf that did not happen with the plagues in Egypt. Chazal point out that the Torah uses three distinct expressions to describe how the Egyptians drowned: One pasuk says they drowned like straw (k'kash) [Shmos 15:7]. Another pasuk says that they sank like stones (k'even) [Shmos 15:16]. A third pasuk says they sank like lead (k'oferes) [Shmos 15:10]. Chazal say that this is not mere poetry. Rather, there were gradations and levels of how the Egyptians died. Those Egyptians who were particularly cruel to the Jews drowned like kash. If one has ever seen a piece of straw floating on a river or an ocean, he knows that it will float for quite some time and then at a certain point it will become water logged and will ultimately sink. That process takes some time. Imagine an individual floating like straw on top of a deep body of water, knowing that he is ultimately going to drown. He is going through the process of floating around realizing what is fate is going to be – this is a very severe punishment.

On the other hand, there were Egyptians who were not as cruel. The pasuk teaches that they sank like rocks. Rocks sink quite quickly. But lead, which is an extremely dense material, sinks almost instantaneously. The pasuk is teaching that the Egyptians died in different stages, commensurate with how they behaved to the Jews during their period of enslavement. There was instantaneous death, there was death that took a little longer and finally there was death that was long in coming.

In recent years, the U.S. Supreme Court revisited the issue of capital punishment and the definition of "cruel and unusual punishment". There have been arguments that execution by lethal injection takes too long and thus becomes "cruel and unusual punishment". We are not commenting on the matters that the Supreme Court dealt with, but it is true that death that takes a long time is in fact cruel.

At the Yam Suf, when Klal Yisrael saw that the Egyptians were floating in panic for many long minutes like straw, they recalled, "I remember this guy. He was so cruel and sadistic. I see him suffering on the way to his death. G-d is giving him his just reward!" They also saw Egyptians who were relatively kinder and more compassionate (although certainly not Tzadikim) "merit" a quick and rather painless death. Here too, Divine Justice became evident and the Jews believed in Hashem's Hashgocha Pratis in a way that they had not experienced heretofore. Here they witnessed exquisite Hashgocha -- punishments tailor made to the level of wickedness of the criminal. G-d kept, as it were, meticulous records of who behaved and how they behaved. Nothing was forgotten and nothing went unpunished. This was not evident during the Ten Plagues. When the Frogs jumped around, they jumped everywhere and onto everybody. Likewise, the Lice attack was universal. It was the same with all the other plagues. However, at the Yam Suf it was not like that. Here they saw Divine Providence that they had not witnessed in Egypt. This is the basis of the statement: "Va'Yameenu b'Hashem u'b'Moshe avdo".

Un-Naturopathic Medicine

After the Shiras HaYam [Song of the Sea], the Torah says, "If you hearken diligently to the voice of Hashem, your G-d, and do what is just in His eyes, give ear to His commandments and observe all His decrees, then any of the diseases that I placed upon Egypt, I will not bring upon you, for I am Hashem your Healer." [Shmos 15:26] If we will keep all facets of Torah, we will merit one of the greatest blessings possible – G-d will become our personal physician! When the Ribono shel Olam is a person's personal physician, there is no waiting for appointments and He takes care of His patient, obviously, in a supernatural way. The only catch here is that the patient must "hearken diligently to His commandments and observe all His decrees." A person who overcomes this hurdle, merits the reward of "Ani Hashem Rofecha" (I, G-d, will be your doctor).

Rav Chaim Berlin, son of the Netziv, was the Rav in Moscow and subsequently was the Chief Rabbi of Jerusalem. He points out an interesting fact. On a daily basis, we say two brochos related to Refuah [health]. Obviously, one of them is the eighth blessing in Shmoneh Esrei "Heal us, Hashem – then we will be healed... Blessed are You Hashem who heals the sick of His people Israel." However, another daily blessing also speaks about our health - the blessing of Asher Yatzar, which concludes, "Blessed are You Hashem who heals all flesh and acts wondrously."

Rav Berlin asks – what is the difference between these two blessings? Rav Berlin points to a Gemara in Tractate Avodah Zarah (55a): "When Yissurim [suffering] (often in the form of an illness) are sent upon a person, the Yissurim are made to swear that they will arrive and depart only on a specific day and time and only through a certain doctor and only through a certain treatment. When that time arrives, even if the person goes to a house of idolatry (to pray for a cure) and the Yissurim feel they should not yet depart (lest the person credit the idol for his recovery), the Yissurim reconsider and say 'just because this fool acts improperly, we shall not abandon our oath to depart on the preassigned date'."

Rabbi Yochanan says there that this scenario explains the expression "evil and trustworthy illnesses" [Devorim 28:59]. "Evil illness" we understand well. What does "trustworthy illness" indicate? It refers to the commitment to depart on a preassigned date. The illness does not stay one day longer than it is supposed to stay. The Ribono shel Olam told the illness "You are going to inflict such and such a person until a certain date and on that date you are gone!" The Yissurim pay attention and they leave.

That, says Rav Chaim Berlin, is healing by way of nature (Refuah al derech haTeva). This is how cures happen naturally. However, when the Master of the Universe is our Doctor, as it were, then He can act in a way that supersedes nature. "If you will listen diligently to the voice of Hashem, your G-d, and you will do what is just in His eyes, and you will give ear to His commandments and observe all His statutes, then any of the diseases that I placed upon Egypt, I will not bring upon you, FOR I AM HASHEM, YOUR HEALER." [Shmos 15:26]. When I provide the cure, Hashem says, the Yissurim can even leave before they were destined to leave.

This, Rav Berlin explains, is the difference between the blessing of Asher Yatzar (recited after using the bathroom) and the blessing (in Shmoneh Esrei) of Rofei Cholei Amo Yisrael. In Asher Yatzar, we praise G-d's propensity to be Rofeh Kol Basar – heal all types of people. This has nothing to do with "His Nation". By way of nature, he gives sickness upon individuals for a certain time and he brings healing after the designated time has elapsed.

However, the Jewish people, with the power of their prayers and the power of their deeds, can merit a different kind of healing – one which is conducted above and beyond the level of nature. The syntax is "He heals the sick of His nation Israel." In other words, a person is still sick --- he still should have suffered and still should have been sick based on the laws of nature – but G-d can cure even those who are pre-destined to be sick.

Rav Eliezer Ginsburg (a Rosh Kollel in Mir) gave a hesped [eulogy] at Ner Yisroel shortly after the funeral of Rav Shmuel Birnbaum, zt"l, the Mirrer Rosh Yeshiva (from the Mir Yeshiva in Brooklyn). Rav Ginsburg told over a very moving story about his long-time Rebbi. I believe this is an apt example of what we have been speaking about.

Thirty-seven years before his passing, Rav Shmuel Birnbaum had his first heart-attack. It was apparently a massive heart attack and the doctor told him that he would never be the same. The doctor told him that he would not be able to say a shiur and he would not be able to continue the life style he had been living. Rav Birnbaum was an extraordinarily diligent student of Torah. His hasmada [focus in learning] was not of this generation! He slept very little.

I am not a cardiologist, but I know that one of the things they tell a person is that he must get X amount of sleep! When the doctor told Rav Birnbaum that he would never be the same again, Rav Birnbaum asked him "Tell me, have you ever made a mistake in your career?" The doctor responded that he had not. Rav Birnbaum responded, "Well, you have made your first mistake!" He said, "I am going to live 'shelo al pi derech haTeva' [in a super-natural manner] anyway. My whole life history is 'shelo al pi derech haTeva' so I have every intention of living that way from here on out as well." He did not listen to his doctor and continued (after a short time) to give shiurim and to study with an intensity that deprived himself of the medically recommended sleep ration. He carried on his life that way for 37 more years (including after a second heart attack which he suffered 13 years before his passing). He carried on the same schedule after his heart attacks as before. He said shiurim all the time. As we get older, we all know that it is more difficult to concentrate. To sit in the Beis Medrash two sedarim [learning sessions] a day – and in Mir the sessions are very long – is strenuous. For a man in his seventies and eighties – with a heart condition – to sit there day and night is super human.

This is what we have been speaking about. Rav Birnbaum merited the blessing of "For I am the L-rd your Healer." He was a living example of fulfillment of the promise in this week's parsha: "If you will listen diligently to the voice of Hashem, your G-d, and you will do what is just in His eyes, and you will give ear to His commandments and observe all His statutes, then any of the diseases that I placed upon Egypt, I will not bring upon you, FOR I AM HASHEM, YOUR HEALER."

This is what Rav Chaim Berlin was talking about. Some people merit having G-d as their personal doctor. Their conduct in life is shelo al pi derech

hateva [supernatural]. They may be Cholei Amo Yisrael – they can still be sick (by the laws of nature) but G-d cures them.

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD
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http://torahweb.org/torah/2016/parsha/rsch_beshalach.html

from: TorahWeb <torahweb@torahweb.org>

to: weeklydt@torahweb2.org

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Rabbi Hershel Schachter

Yosef's Oath

The medrash[1] points out that while all of Klal Yisroel were busy fulfilling the hora'as shoah of asking for gifts from their neighbors (bezos Mitzrayim), Moshe Rabbeinu busied himself with taking care of one of the mitzvos (which is binding through all future generations), namely, keeping one's oath. The Torah tells us that before Yosef died he had his brothers and all his relatives swear to him that they would have their children swear that they in turn would have their children swear etc. that when the time for geula comes, they would take his bones with them to be buried in Eretz Yisroel[2]. Yosef knew that the return to Eretz Yisroel would not take place during the lifetime of his brothers; they all knew from the prophecy of Avraham Avinu that the galus would last for four hundred years. Therefore Yosef didn't have the brothers swear that they would take care of it, but rather had them swear to have the next generation swear etc. that it would be taken care of when the time came.

In Shir Hashirim we read about the three oaths taken by the Jewish nation many centuries ago[3]. No one alive today remembers ever taking these oaths. Apparently it wasn't necessary for each generation to have the next generation accept these oaths. They were accepted at one point in history by the Jewish nation as a whole, and automatically all future generations are bound by these oaths, similar to a treaty entered into between two nations, which is binding on all future generations, since they too are a continuation of the original two countries. Based on this point, the Ragachover Gaon[4] raised the question, why was it necessary for Yosef to have his brothers swear that they would have the next generation swear etc.? Why didn't he simply have the brothers swear representing Klal Yisroel, and that shavua would automatically be binding on all future generations?

[The gemara[5] tells us that a minhag is binding miderabanan just as if one had accepted upon himself a neder, and we know that both an individual minhag tov as well as a minhag hakehilla are binding; so clearly there can be an individual neder as well as a neder or shavua of the kehilla.]

To this the Ragachover responds that before matan Torah there didn't yet exist a concept of a tzibbur or a kehilla of Klal Yisroel. The gemara[6] tells us that strictly speaking, the concept of a goy constituting a single entity only applies to the Jewish people. The other nations are really not considered a kahal, but rather a collection of many individuals[7]. When the Jewish people accepted the Torah, this unified us to create the concept of a tzibbur. To use the expression of Rav Saadia Gaon, "our nation only achieved its status as a nation through its Torah."

[When we bensch Rosh Chodesh the minhag is that the chazzan holds on to a sefer Torah and declares, "chaveirim kol Yisroel." Rav Soloveitchik pointed out that from the Rambam it would appear that nowadays that we have no Sanhedrin, the responsibility of establishing the Jewish calendar by declaring when Rosh Chodesh will occur is given back to the Jewish people. The chazzan holds the sefer Torah to demonstrate that this is what binds us and unites us to become one goy, and thereby enables us to determine the Jewish calendar.]

Yosef died many years before ma'amad Har Sinai, at a time when a Jewish nation as such did not yet exist. Therefore he couldn't have had the brothers take an oath as representing Klal Yisroel, rather their oath was an individual oath (shavu'as hayachid.) Since Yosef knew that they would not live to see the geula, he had them swear that they would have the next generation swear etc. to take care of his burial. But Shlomo Hamelech, who lived after mattan Torah, wrote in Shir Hashirim about the shavu'ah taken by Klal Yisroel that is binding on all future generations.

[1] Yalkut Shimoni to Mishlei(10:8) #946 [2] Rashi to Parshas Beshalach (13:19) quoting from the Mechilta [3] See Kesubos 111a [4] Sh'eilos U'Teshuvos Tzofnas Paneach, New York 1954 (#143,2). Also see Beis Yitzchok volume 39 page 513 [5] Nedarim 15a [6] Nazir 61b [7] Rav Soloveitchik was fond of quoting from the Radak that the word goy comes from the word geviyah which means "a body"; the implication being that all the members of the nation of Klal Yisroel are considered as if they join together to constitute "one body". Various gedolim were careful to recite as one of the morning berachos, "shelo asani nochri" instead of, "shelo asani goy", because the berachos and the tefillos are supposed to be recited in Biblical Hebrew, and in Biblical Hebrew we, the Jewish people are the only goy! (See Eretz Hatzvi pages 118-120; Nefesh Horav page 107, #1.) Copyright © 2016 by The TorahWeb Foundation

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By Rabbi Shmuel Rabinowitz
Parshat Beshalah – Recalculating route
01.22.2016 | 12 Shevat, 5776

Indeed, there are those who learn from this that G-d prefers to minimize the number of miracles. When there is another, natural, solution, He prefers that one.

This week's Torah portion begins with a seemingly trivial issue: The considerations in choosing the People of Israel's route from Egypt to the Land of Israel, then called Canaan.

The shortest route from Egypt to the Land of Israel would be, of course, a direct march from south to north. But G-d was not interested in the People of Israel walking this way, since that route would lead Am Yisrael into the path of the Philistines who resided south of the Land of Israel on the shores of the Mediterranean.

The Philistines would surely not be happy with the arrival of the Israelites and would wage war against them. The nation that had just been released from slavery in Egypt had not yet developed the emotional strength to fight. It would not be unreasonable to assume that as war broke out, the Jews would surrender and return to Egypt defeated and degraded.

This route was too dangerous so an alternative route was planned: walking east, then south, and then crossing the Jordan River from east to west.

When we read about all these considerations, we can't help but wonder: We just read about the many miracles that occurred in Egypt. Soon we will read about the famous miracle of the Parting of the Red Sea. Why then, in the case of the potential war with the Philistines, didn't G-d suggest a similar solution? The G-d who taught us that He has the ability to change the laws of nature could have defeated the Philistines or caused them not to wage war at all, or given the Israelites the power to be victorious without a difficult or complicated battle, rather than change the entire nation's journey route.

Indeed, there are those who learn from this that G-d prefers to minimize the number of miracles. When there is another, natural, solution, He prefers that one.

But it could be that there is a hidden message here for the reader, even one who reads the Torah thousands of years after it was written; a message that we can receive only through a change of route.

Every person's life is paved with different challenges.

There are more difficult ones and easier ones; sometimes there are crucial and fateful decisions to make, and at other times we have insignificant choices to make. We face an array of emotional, financial, moral, familial and other challenges that accompany our lives and, truthfully, give our life tremendous meaning.

When we devote time and goodwill to dealing correctly with our challenges, we advance personally and become better people. By facing our challenges, we build our own character.

But sometimes we have to retreat. Sometimes people have to evaluate their abilities and seriously consider whether the challenge they are facing is surmountable.

When it is not, we are obligated to recalculate our route, to sincerely examine our abilities and draw the suitable conclusion. Just as the People of Israel was not able in those days to fight the Philistines, so too we occasionally cannot overcome certain challenges.

It is hard to admit, but Man is quite weak. Acknowledging this will prevent us from taking unnecessary risks. We can thus preserve our emotional energies for challenges we can overcome.

This does not mean that we should not face our challenges! Forty years later, the Israelites faced this same challenge and were victorious. We cannot move forward without challenges, and we should not take on challenges with no chance of overcoming them, but we must face our challenges and calculated risks with wisdom and with realistic chances of success.

The writer is rabbi of the Western Wall and holy sites.

from: Yeshiva.org.il <subscribe@yeshiva.org.il>

reply-to: subscribe@yeshiva.org.il

By Rabbi Yirmiyohu Kaganoff

Shabbos Shirah

By Rabbis Avraham Rosenthal and Yirmiyohu Kaganoff

Question #1: Shabbos Shirah

Why is this Shabbos called Shabbos Shirah?

Question #2: Shouldn't I know where I stand?

Should I stand or sit while reciting Oz Yashir?

Question #3: Yom Layabashah

Why do some people recite Yom Layabashah at a bris?

Shabbos Parshas Beshalach is called Shabbos Shirah – the Shabbos of the Song. This refers to the Shiras HaYam, the song of thanks that the Jewish nation sang to Hashem after crossing through the Red Sea on dry land and seeing their enemies drown. The name Shabbos Shirah appears already in early authorities (Sefer HaMinhagim [Tyrnau], s.v. Shevat; Sefer Maharil, Hilchos Teves-Shevat-Adar, #7).

WHY SHABBOS SHIRAH?

It is interesting to note that Shabbos Shirah is the only Shabbos that has a unique name based on the parsha that is not taken from the opening words of the parsha. The Shabbosos of the four parshiyos, Shekalim, Zachor, Parah and HaChodesh and Shabbos Shuva receive their names from the maftir, not from the parsha. Shabbos Shuva, Shabbos Chazon, and Shabbos Nachamu receive their names from the haftarah. The Shabbosos on which we read other noteworthy events do not have a unique name; thus, Shabbos Parshas Yisro is not called Shabbos Aseres HaDibros and Shabbos Parshas Noach is not Shabbos HaMabul. Why does the Shabbos of Parshas Beshalach get this distinction? Additionally, the shirah is not the only seminal topic of the parsha. There is also Parshas HaMan and Parshas Marah, in which Hashem starts giving mitzvos to Klal Yisroel, one of which is Shabbos. Why is this Shabbos not referred to as Shabbos HaMan or Shabbos Shabbos?

The Shirah is unique. The Torah consists of what Hashem said to Klal Yisroel. Az Yashir, however, is what Klal Yisroel said to Hashem, and what they said became part of the Torah. This is because when they sang this shirah, they attained the highest levels of prophecy, as it says, "a maidservant saw at the sea more than what (the great prophets) Yeshayahu and Yechezkel saw" (Mechilta d'Rebbi Yishmael, Beshalach, Mesichta d'Shirah #3). Therefore, we call this Shabbos 'Shabbos Shirah', in order to remind ourselves of the great spiritual potential of Klal Yisroel (Sefer HaToda'ah, Shevat, s.v. Shabbos Shirah).

PIYUTIM: YOTZROS AND GEULAH

The authors quoted above discuss two minhagim in relation to this Shabbos. Sefer HaMinhagim writes that, "On Shabbos Shirah, we say Yom LaYabashah, and some places do not say it." He is referring to the piyut that is often sung at the meal following a bris milah. This piyut was originally part of the davening in some communities and is referred to as a "Geulah." Let us explain this term.

There was an old custom in Klal Yisroel to recite additional tefilos called Yotzros or Piyutim on Yomim Tovim and special Shabbosos. The most commonly still recited Yotzros are those added to the Shabbos morning davening in some communities, when reading the four parshiyos: Shekalim, Zachor, Parah and HaChodesh. They are incorporated into the first bracha of birchos Kri'as Shema, which starts with the words, "Yotzair or," hence the term "yotzros."

Another type of addition is called a "geulah." While yotzros are added to the first bracha of birchos Kri'as Shema, the "geulah," as implied by the name, is added to the last bracha, which ends with "Ga'al Yisroel." The piyut of Yom LaYabashah was added to the davening on Shabbos Parshas Beshalach and on Shabbos and other Yomim Tovim whenever there was a bris. This is probably why it became customary to sing this piyut at the bris meal.

Although the minhag of reciting Yom LaYabashah as a piyut during davening has fallen into disuse in most communities, there are still many who are accustomed to sing it during the meals of Shabbos Shirah (Darchei Chaim v'Shalom #832; Siddur Beis Aharon [Karlin]; Sefer Mo'adim LeSimcha, pg. 74).

MINHAGEI HATEFILAH

In many communities there were and still are various minhagim regarding the davening on this Shabbos. In Frankfurt, there was a custom to sing Az Yashir during Pesukei d'Zimra and also to sing from "MiMitzrayim ge'altanu" until "Tzur Yisroel" in birchos kri'as Shema (Sefer Moadim LeSimcha, pg. 69, quoting seforim of minhagei Frankfurt).

In several kehilos, although the custom is not necessarily to sing Az Yashir, they recite it posuk by =posuk (Minhagei Mattersdorf; Darchei Chaim v'Shalom #832; Minhag Belz). It seems, however, that there are two minhagim as to how the Shirah is said. In some locations, the entire congregation, including the chazzan, recites each possuk in unison; while in other shuls, the chazzan recites a possuk and the tzibbur repeats it. It has been suggested that these two approaches of how to recite the shirah have their roots in a disagreement in the Gemara.

The Gemara (Sotah 30b) discusses how the Bnei Yisroel recited the shirah after Kri'as Yam Suf. One opinion maintains that Moshe said one posuk and the Bnei Yisroel repeated it; Moshe said the next posuk and they repeated that posuk as well, and so on. According to another opinion, Moshe initiated the shirah and the rest of Klal Yisroel attained prophecy and were able to join in with him, reciting it simultaneously (Sefer Nachalah LeYisroel 10:56, quoted in Sefer Mo'adim LeSimchah, pg. 70).

It is worthwhile to point out that the Mishnah Berurah (51:17) writes regarding the daily recital of Shiras HaYam in pesukei d'zimra: "One should recite shiras hayam joyfully, and he should imagine that he crossed the sea that day. One who recites it with joy will receive forgiveness for his sins."

MINHAGIM DURING KRI'AS HATORAH

When leining from the Torah on fast days, most shuls have a custom that three pesukim are first recited aloud by the tzibbur and then by the ba'al kriah: 1) Shuv mei'chiron apecha (Shemos 32:12), 2) Hashem, Hashem [the thirteen Divine attributes of mercy] (ibid. 34:6-7), and 3) veSalachta (ibid. 34:9). One of the sources of this minhag is the Avudraham (Seder HaParshiyos veHaHaftaros in the name of Rav Saadia Gaon). However, he maintains that this custom of reciting pesukim out loud by the tzibbur was not limited to these three pesukim. Rather, he quotes that there are ten such pesukim where the custom is to do so, seven of which are in this week's parsha: 1) Hashem yilachem lachem (ibid. 14:14), 2) Vaya'aminu baHashem (14:31), 3) Hashem Ish milchamah (15:3), 4) Mi chomocha ba'eilim (15:11), 5) Mikdash Hashem konanu yadecha (15:17), 6) Hashem yimloch l'olam va'ed (15:18), 7) Ki macho emcheh (17:14), 8-9). However, this custom has fallen into disuse, except for the pesukim of the fast day reading.

The generally accepted minhag is that when leining Az Yashir on Shabbos Shirah, a special, melodious tune is used instead of the regular trop (cantillations). However, different shuls have varying minhagim as to which pesukim are read with the special tune (Sefer Moadim LeSimcha, pg. 73).

It is also common practice to give honor to the Rav of the community by giving him the aliyah in which Shiras HaYam is read (Shu"t Radvaz #304; Magen Avraham 428:8). In the event that there are many people who require an aliyah on Shabbos and it is customary to add aliyos beyond the mandatory seven, the minhag is that the Shirah is read in one aliyah and not divided (Avudraham ibid.; Sha'arei Efraim 7:25).

STANDING UP

In many kehilos, the minhag is to stand during the aliyah of Shiras HaYam from "Vayosha" until the end of the Shirah (Sefer Ketzos HaShulchan 84, Badei HaShulchan 22). One reason is based on the idea that the recital of the Shirah by Moshe and Bnei Yisroel was comparable to the recital of Hallel (Mishnah Sotah 27b). The halacha is that Hallel is to be said standing (Shulchan Aruch 422:7), because one is testifying to the fact that Hashem did miracles for us, and testimony must be said while standing.

Therefore, the custom is to stand during the Shirah, and perhaps this is also the reason why many people have the practice of standing for Az Yashir, when reciting it during pesukei dezimra (Kitzur Shulchan Aruch 14:4; Badei HaShulchan ibid.).

Another reason for standing during the Shirah is based on the Zohar (Lech-Lecha 81b), which says that Dovid HaMelech merited to be the ancestor of Moshiach, because he stood up in order to say Shirah, as it says (Tehillim 119:62), "I will arise to praise You" (Siddur Tzelosa deAvraham, pg. 168).

On the other hand, there are those who do not have this minhag to stand during Krias HaTorah (Kaf HaChaim 494:30). It is reported that although Rav Yaakov Yisroel Kanievsky z"l stood during the leining of the Aseres HaDibros, he remained seated during Az Yashir (Sefer Orchos Rabbeinu, vol. I, pg. 120 #85).

Additionally, there are those who argue that if one is sitting during leining, he should not get up for the Shirah or the Aseres HaDibros. This is based on a Gemara (Brachos 11b-12a) that in the Beis HaMikdash the Aseres HaDibros were read together with Krias Shema on a daily basis, and it was suggested to institute this outside the Beis HaMikdash, as well. However, it became necessary to abandon this plan, due to the heretics who tried convincing the simple people that only the Aseres HaDibros are the

truth, while the rest of the Torah is not, chas veshalom. They reasoned that since it is only the Aseres HaDibros that are being read, it must be the only thing that Hashem said at Har Sinai (Rashi ibid.). Based on this Gemara, some maintain that if we stand up, specifically, for the Aseres HaDibros or Az Yashir, this will lead people to claim that only these two parshiyos are Toras emes.

However, Rav Moshe Feinstein z"l (Shu"t Igros Moshe, Orach Chaim vol. IV, #22) maintains that this is not a reason to abandon the custom of standing while these parshiyos are read. The Gemara was speaking of a specific incident, and we cannot extrapolate a new prohibition from there. Rav Moshe Sternbuch, shlit"a, suggests that if one wishes to be stringent and is concerned about the above argument, he should stand up a few pessukim before the Shirah or Aseres HaDibros. In this way, he will not be standing up specifically for these two parshiyos, and there can no longer be a claim that only these are emes (Shu"t Teshuvos veHanhagos, vol. I, #144; see also Pischei She'arim to Sha'arei Efraim 7:37).

If one is accustomed to sit during Aseres HaDibros or the Shirah and he finds himself in a shul where the tzibbur stands, he must act in accordance with the local custom (Sha'arei Efraim ibid.; Shu"t Igros Moshe, ibid.).

=In this week's article in Yated Neeman, Rabbi Kaganoff discusses the custom of feeding the birds on Shabbos Shirah.

EATING WHEAT

In addition to the custom of giving wheat or other food to birds on Shabbos Shirah, there is another fascinating minhag connected to wheat and Shabbos Shirah. There is a discussion among the poskim regarding the correct bracha acharonah to be recited after eating wheat. This topic is beyond the scope of our discussion. However, the Bach writes (Orach Chaim 208) that, "according to the custom of eating whole wheat grains on Shabbos Shirah, one should be careful... only to eat them during a meal." In order to gain an appreciation of the age of this custom, one should keep in mind that the Bach lived over 350 years ago. This minhag was prevalent in Western Europe and is also cited in Minhagei Frankfurt and Minhagei Chasam Sofer.

One reason cited for the custom is because the manna looked like grains of wheat. Therefore, on Shabbos Shirah when the parshas =haman is read, we eat wheat, as a remembrance of the manna (Likutei Mahari'ach, Teves).

Rav Yehudah Michal Benga Segal, a trustee and a ba'al tekiah of the Frankfurt kehillah over 250 years ago, in his sefer Koach Yehudah, suggested another possible reason behind this custom. Although the primary time for commencing the Pesach preparations is Purim, as is indicated by the halacha that one begins studying Hilchos Pesach thirty days before the holiday (Shulchan Aruch Orach Chaim 429:1), some things required more time. One such item was wheat for matzos. The grains had to be checked, ground, sifted and stored in a chometz-free environment, all of which took much time and effort. Owing to the poor travel conditions of European winters, these preparations had to be started well before Purim.

Therefore, the Pesach wheat was bought for Shabbos Shirah, which is usually two months before Pesach, in order that it be ready for grinding to make the Pesach matzah flour. Once they had the Pesach wheat, they would eat some of it on Shabbos Shirah. This was based on another minhag, cited in the poskim (Magen Avraham 430:1, quoting Maharshah), to eat specifically Pesach wheat or flour before Pesach. The reason behind that minhag is beyond the scope of our discussion (see Sefer Mo'adim LeSimcha, vol. III, pg. 66). Interestingly, some have a custom of preparing a kugel from Pesach flour for Shabbos Hagadol (Luach Minhagei Belz).

THE TEN SONGS

According to the midrash (Mechilta d'Rebbi Yishmael, Beshalach, Mesichta d'Shira, #1), ten songs were sung to Hashem: 1) On the night of Yetzi'as Mitzrayim, 2) after Kri'as Yam Suf, 3) by the well in the desert (Bamidbar 21:17), 4) Moshe's transcribing the Torah, which is referred to as a shirah (Devarim 31:24), 5) Yehoshua sang shirah when he stopped the sun in Givon and the moon in Emek Ayalon (Yehoshua 10:12), 6) Devorah and Barak ben Avinoam sang shirah after Sisra's defeat (Shoftim 5:1), 7) Dovid sang shirah when he was saved from his enemies (Shmuel II 22:1), 8) Shlomo sang shirah when he inaugurated the Beis HaMikdash (Tehillim 30:1), 9) King Yehoshafat sang shirah and was saved from the enemy (Divrei HaYamim II 20), 10) the shirah that will be sung in the future when Moshiach comes (Yeshayahu 42:10). The midrash points out that the first nine songs were referred to in the feminine form, shirah, while the last one, shir, is masculine. The reason for this is that, generally speaking, after a woman gives birth to a child, she will eventually repeat the entire process, thus subjecting herself again to the pains of childbirth. This cycle of childbirth, pain and childbirth represents our existence in this world. Hashem brings salvation, which prompts shirah. He again puts us through trial and tribulation, and again saves us. This is all true until Moshiach comes, when the shir that will be sung is "masculine." A man cannot give birth. Once we experience the final geulah and sing that final shir, there will be no more pain and suffering. May we merit to see it very soon!

from: Shabbat Shalom shabbatshalom@ounetwork.org
reply-to: shabbatshalom@ounetwork.org
subject: Shabbat Shalom from the OU

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Is Powerball Kosher?

Rabbi Gil Student

January 20, 2016

The recent frenzy over the billion dollar plus Powerball prize raises a serious question about the halachic and moral viability of lotteries. There is more to discuss than just the greed, which we addressed in the past. We must remember that until relatively recently, lotteries were illegal in most states and were instead run by organized crime as the “numbers racket.” Lotteries are a form of gambling that particularly impact poor communities, the people who can least afford it. Powerball—and lottery in general—raises important issues that may bring into question common features of our community. Since, as we shall see shortly, Rav Ovadiah Yosef forbids buying lottery tickets, how can our schools and shuls hold raffles and Chinese auctions? What message are we sending when we elevate gambling into an acceptable pastime, when yeshivos even reportedly buy tickets for their faculty?

I. Gambling in the Talmud

The primary source in the Mishnah (Sanhedrin 24b) is a statement that dice players are invalid witnesses, and a debate in the Gemara over why this is the case. Rav Sheishes says that the problem is *asmakhta*, a failure to truly commit to paying a bet because of a reliance on winning. Rami Bar Chama disagrees and says that the problem with a professional gambler is the lack of a job and a sense of the value of money.

According to Rav Sheishes, any time someone places a bet with an expectation of winning (even if unrealistic), he does not really expect to pay the bet. Therefore, if he loses the bet, anyone who takes his money is guilty of stealing. According to Rami Bar Chama, this either is not theft at all or not sufficiently obvious theft to invalidate someone as a witness. Rami Bar Chama only invalidates as a witness professional gamblers.

Another Talmudic passage (Shabbos 149b) gives a person special permission to divide food at a Shabbos meal to his children with a lottery (obviously without any money). You may not even do this during the week to those outside the family because it constitutes gambling. Tosafos (as loc., sv. mai) say that we do not follow this Gemara but the codes quote it. Others suggest that the concern is with a potluck meal, in which everyone contributes. If they contribute expecting to win a big piece but receive a small piece, there may be a problem of *asmakhta*.

II. Lotteries and Winnings

Regarding dice playing and gambling in general, medieval authorities disagree whether we follow Rav Sheishes or Rami Bar Chama. The Shulchan Arukh (Choshen Mishpat 370:3) follows the Rambam who rules like Rav Sheishes, effectively forbidding gambling. The Rema (Choshen Mishpat 207:13, 370:3) follows Tosafos who rule like Rami Bar Chama, thereby permitting occasional gambling. It would seem, then, that Ashkenazim who follow the Rema may buy lottery tickets while Sephardim, who follow the Shulchan Arukh, may not. That is how Rav Ovadiah Yosef (Yabi’a Omer, vol. 7 Choshen Mishpat 6) rules, although he adds that Ashkenazim should also refrain. Many others disagree regarding lotteries.

Rav Gedaliah Schwartz (Sha’arei Gedulah, p. 312) approvingly quotes a responsum by Rav Ovadiah Hadaya (Yaskil Avdi, vol. 8 Yoreh De’ah 5:3) in which this Sephardic authority distinguishes between people betting against each other and a lottery. In a classic case of gambling, one person wins and the other loses. It is *asmakhta* if the person who pays had assumed that he will win. In a lottery, the payout will always happen. Therefore, whoever runs the lottery and pays the winnings does not have *asmakhta* and even a Sephardi can buy a ticket. Rav Hodaya explains that this is why Jews have historically held lotteries to raise funds for charities.

Rav Ovadiah Yosef (ibid., par. 5) quotes this responsum and counters that, in a lottery, the winnings come from the proceeds of tickets sold. If any purchaser of a ticket assumed he would win, then the money he contributed to the pot is stolen because of the purchaser’s *asmakhta*. He adds that Rav Yosef Chaim of Baghdad (Responsa Rav Pe’alim, vol. 2 Yoreh De’ah no. 30) explains the historical lotteries in that the winning was an object (like in a Chinese auction) and not a portion of the proceeds from the tickets sold.

Rav Ya’akov Ariel (Be-Ohalah Shel Torah, vol. 1 no. 111) offers a similar approach as Rav Hodaya. Without quoting any of the recent literature, Rav Ariel suggests Rav Yosef’s objection and counters that lottery is different because people pay in advance. When you make a bet and do not put money down in advance, you may be relying on your winning the bet. But if you pay in advance, you clearly recognize the possibility of losing. This seems to be the view of Rabbeinu Tam, followed by the Rema (Choshen Mishpat 207:13). I’m not sure that it would help Sephardim.

III. Lotteries as Investments

Rav Moshe Sternbuch (Teshuvos Ve-Hanhagos, vol. 4 no. 311) offers a different explanation of the mechanics of a lottery. He sees buying a lottery ticket as he purchase of a good, not a wager. Before the drawing, you can even sell the ticket for its original purchase price. Therefore, you are effectively investing in a fund that will use some of the proceeds to cover expenses and pay the remainder as a dividend to specific, randomly chosen investors. Rav Menashe Klein (Mishneh Halakhos, vol. 15 no. 176) follows a similar approach, as does Rav Aharon Lichtenstein (Daf Keshet 1:83-85, cited in Rav Chaim Jachter, Gray Matter, vol. 1, pp. 129-130). This approach allows Sephardim to purchase lottery tickets, as well.

Rav Sternbuch (ibid.) also suggests that the odds of winning a lottery are so low that no purchaser assumes he will win. Therefore, there is no *asmakhta*. Additionally, there is no competition between two (or multiple) players, like in a card or dice game. Rather, this is a completely random process. This seems to fit in with the view of Rashi (Sanhedrin 24b sv. kol) that there is no *asmakhta* when the wager is on something random that involves no skill.

Rav Joseph B. Soloveitchik (cited by Rav Jachter, ibid., p. 129) points out that these concerns do not apply to charity fundraising. Because giving money to *tzedakah* is a *mitzvah*, there is an assumption that people give willingly. Therefore, *asmakhta* does not apply to charitable pledges and donations (Shulchan Arukh, Yoreh De’ah 258:10). This means that Sephardim may participate in raffles and Chinese auctions for shuls and schools.

IV. Moral Concerns

However, some authorities have gone beyond the technicalities of theft when it comes to lotteries and gambling. The Rivash (Responsa, no. 432) decries gambling as “disgusting, abominable and repulsive.” Rav Ovadiah Yosef (ibid.) points out that many poor people spend money they cannot afford to lose on lottery tickets. They think about the highly improbable dream of winning rather than the reality of supporting their families. Lotteries prey on the poor, deepening their poverty and often leading to addiction.

For many people, gambling is a serious addiction. Lotteries prey on those with addictions and deepen the financial troubles of those already suffering. When millions of people lose a lottery, as just happened with the Powerball, we can focus our attention on the dreams of many and the newfound fortune of the rare winners. Or we can use this as a teaching moment about the millions of people who threw away money at a statistically negligible dream, about the negative social effects of government-sponsored gambling, and the addictions facing many within our own communities. I do not think that the Rivash would consider Powerball kosher.

This post originally appeared on Rabbi Gil Student’s blog.