

B'S'D'

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ON VA'ERA - 5759

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From: owner-ravfrand[SMTP:owner-ravfrand@torah.org] "RavFrاند"  
List - Rabbi Frاند on Parshas Vaera

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frاند's Commuter Chavrusah Tapes on the weekly portion: Tape # 177, Magic Shows: More Than Meets the Eye. Good Shabbos!

Reuven & Shimon's Grandchildren Never Saw Rabbi Meir's Back At the beginning of this week's Parsha, the Torah lists the genealogy of Moshe Rabbeinu [our Teacher]. The Torah begins by listing the sons of Reuven and Shimon, without listing their grandsons. Then the Torah lists Levi's sons and grandsons and even some of his great-grandsons (Moshe and Aaron), and finishes with Aaron's sons and grandsons [who were Levi's great-great-grandsons]. The Seforno asks why in discussing the first two tribes the Torah only lists the names of the children, but when it reaches Levi, the Torah lists the names of the grandchildren and the great-grandchildren as well. The Seforno answers that Levi's grandchildren were special individuals so they merited having their names mentioned. Reuven's grandchildren and Shimeon's grandchildren were not significant individuals so they did not merit having their names mentioned. The reason why Levi's grandchildren were special, the Seforno explains, is because Levi lived longer than Reuven and Shimon. Therefore Levi saw and lived with and taught his grandchildren. Since Levi had a personal connection with his grandchildren, the grandchildren became special. This teaches us that there is something special about having a zeida [grandfather] around. A grandfather can impart something that a father cannot. Unfortunately, Reuven and Shimon died earlier and never had a chance to learn with and share with their grandchildren. Levi's grandchildren had the benefit of having Zeida Levi in the house. That made all the difference in the world. Part of the background to the Seforno's explanation is that Levi was not just any grandfather. Levi was the son of Yaakov Avinu. Levi's grandchildren had a grandfather in their house that was from a different generation, a generation that saw Yaakov

Avinu and even Yitzchak Avinu. Therefore, Levi was a special person. The Talmud [Eruvin 13b] relates that Rabbi Yehudah HaNasi [Rabbeinu HaKadosh] attributed his own greatness to the fact that he had seen "the back" of Rabbi Meir. Rabbeinu HaKadosh, the editor of the Mishneh felt that the fact that he saw Rabbi Meir from his back made him better in learning than all of his colleagues. Rabbi Yehudah HaNasi added, "Had I seen him from his [Rabbi Meir] front, I would have been even greater". This passage is perhaps allegorical. I once heard a very nice interpretation of this Gemara from Rabbi Berel Wein. The Gemara is saying that Rabbi Meir was from a different generation. Rabbeinu HaKadosh was the last of the Tanaim. But there was a whole generation of Tanaim that preceded Rabbeinu HaKadosh and Rabbi Meir was the last of that generation. What Rebbi is saying is, "I at least saw the tail end of a different generation. I saw Gedolim! I saw Rabbi Meir. I saw what it meant to really be a Tanna. Even if it was the tail-end, even if it was Rabbi Meir towards the end of his life, that made an indelible impression upon me." Rabbi Frاند added the following observation: I feel bad for my students, because I can say that at least "I saw Rabbi Meir from the back." I was fortunate to have at least seen the Rosh Yeshiva, Rav Yaakov Ruderman, z"l. I can say at least that I saw someone who knew the Chofetz Chaim. Those who learned in the Yeshivas Ner Yisroel during the Rosh Yeshiva's lifetime knew someone who talked to Reb Chaim Ozer, who sat at Reb Chaim's table. We at least saw the back of that generation. Therefore, we are different. And so are all those of my generation, who saw the giants of the past generation in whatever Yeshivas that they may have studied. But my students did not see that. They never even saw the "back of Rabbi Meir". That is what the grandchildren of Levi saw. They at least saw someone who saw Yitzchak Avinu and Yaakov Avinu. They at least had a relationship to that generation. That made all the difference. Therefore Levi's grandchildren were different. They had a link to something irreplaceable, a connection to a more beautiful generation, something that was unfortunately lost from the grandchildren of Reuven and Shimon.

Don't Start Tampering With the "Little Yuds" There is an interesting Medrash in this week's Parsha: When G-d gave the Torah to the Jewish people, He gave them positive and negative commandments, and He gave the king his own set of commandments such as "Do not take too many wives". King Solomon said that this law did not apply to him. He felt that he could have many wives without being negatively affected. At that moment, the letter yud at the beginning of the word Yarbeh in the verse 'Lo Yarbeh lo Nashim' (do not take too many wives) came and complained before G-d that Solomon was ignoring him. "Today it is a little yud, tomorrow it will be the word, until the entire Torah is nullified". G-d responded to the yud, "Solomon and a thousand like him will become nullified, but even the little point of the yud will not become nullified." The Medrash concludes, "Solomon took many wives and in fact they affected him." The Sefer Beis Av by Rav Elyakim Schlessinger quotes an opinion that gives a tremendously keen insight into this Medrash. Technically speaking, Solomon was right. He saw in himself that he had the ability to take many wives without being affected and he was right! But G-d caused it to affect him, because the little yud was also right. The yud was right that if Solomon can start tampering with Torah and saying this applies and this does not apply, then the whole show is over. The whole Torah will become nullified. If Torah becomes a smorgasbord from which one can pick and choose, then it is no longer Torah. This is the meaning of the Medrash. Let Solomon fall from his stature (where in fact the multiplicity of wives should not have affected him) -- I will cause Solomon embarrassment, but that will be worthwhile because if we start up with the 'kutzto shel yud' then the whole package will unravel. Therefore, in order to set a precedent, G-d caused Solomon to be influenced.

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From: owner-drasha[SMTP:owner-drasha@torah.org]

Drasha Parshas Va'Eirah Guts and Glory Rabbi Mordechai Kamenetzky  
Volume 5 Issue 15 1/15/99 There is a narrative in this week's portion that includes two verses that seem superfluous. The Torah, in reintroducing Ahron and Moshe to us as they emerge as leaders of Klall Yisrael, also defines their lineage. While tracing their heritage, the Torah also enumerates the descendants of all the tribes, starting from the oldest, Reuvain. It finally reaches Amram, the grandson of Levi and tells us that he married Yocheved who bore Moshe and Ahron. The Torah continues with Ahron's wife, descendants, and others from the tribe of Levi. Then the Torah stops the listings. The rest of the tribes are enumerated later. However, the Torah re-identifies Moshe and Ahron with two verses. "This was the Moshe and Ahron to whom Hashem commanded "take the Children of Israel out of Egypt. They were the ones that spoke to Pharaoh telling him to send the children of Israel out of Egypt; that was Moshe and Ahron" (Exodus 6:26-27). We are talking Moshe and Ahron! Doesn't everyone who reads the Torah know that they are the ones that led the Jews out of Egypt? The details of their encounters with Pharaoh are clearly appraised throughout the first three portions of the Book of Shmos. Why then does the Torah, in two succinct verses, tell us that these are the Moshe and Ahron that were sent on a Divine mission these are the same pair that told Pharaoh to let the Jews go?

Rabbi Chaim of Sanz was once walking in a small shtetl with his shammash (sexton). Suddenly he stopped in front of the home of a simple Jew. "There is a certain spirituality that I sense here. I'd like to stop by this man's home." His shammash knocked on the door, and as it opened the holy Rebbe exclaimed, "There is a smell in this home that must be from the Garden of Eden. It is sweet and pure. Pray tell me, where does it come from?" The simple Jew did not know what to answer, but allowed the Rebbe to roam freely through his humble abode and open any door he chose. Suddenly the Rebbe pointed to a closet. "What is in that closet? The holiness comes from within." The man was reluctant to open the door, but the Rebbe urged him. The man opened the door and in the closet hung the vestments of a priest! The Rebbe turned to the man once again and asked. "Please tell me. What is a holy Jew doing with those clothing?" The poor Jew told his tale: "Years ago, I was asked to help raise money for a family thrown into jail by a poritz (landowner) to whom they owed rent. My Rebbe asked me to raise the funds, and I immediately agreed. After all, I thought, with the Rebbe's wishes it would be an easy task. Everyone would give to save a Jewish family! I was wrong. Everyone in town had an excuse not to give. There was a deadline approaching, and I had no choice but to approach the wealthiest Jew in town who was known for his malevolence toward Chassidim. "The man told me he would give me the entire sum that day on one condition. I must parade through the town, dressed as a priest singing psalms in Hebrew and asking for tzedaka (charity) in Yiddish. At the end of the day, he would pay the ransom. "I did what I had to do, while a group of his friends followed me around, laughing and mocking me wherever I walked. I got the money and I never returned the vestments he gave me." The Rebbe turned and said, "Yes. These clothing are truly holy. They are the source of the spirituality I sense." Legend has it that the Rebbe told the man to be buried in those clothes.

The Torah sums up the mission and job of Moshe and Ahron in two verses. They were the ones enthusiastically sent to redeem the Jews. Then it tells us that they were the ones that had to deal with Pharaoh. They were mocked with the words, "who is this Hashem that I shall listen to Him?" (Exodus 5:2). They were the ones who were threatened by Pharaoh that "the day you return to see me you will die! (Exodus 10:27). But they did not back down. They suffered the threats, the humiliation, the skepticism, and the failures with strength and fortitude. We may remember them as the ones who were told to take the Children out of Egypt but the Torah reminds us in the ensuing verse that we should never forget the difficult process that led to their great accomplishments. For in order to fulfill what one hears from G-d, he or she must also be ready to hear from a Pharaoh. In those two contrasting verses, the Torah teaches us that very often if there are no guts, then there is no glory. Good Shabbos «1999 Rabbi Mordechai Kamenetzky

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#### WEEKLY-HALACHA FOR 5759 SELECTED HALACHOS RELATING TO PARSHAS VAEIRA By Rabbi Doniel Neustadt

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav. And I shall take out My legions - My people the Children of Israel- from the land of Egypt (7:4) In the merit of the righteous women in that generation they were redeemed from Egypt (Sotah 11b)

#### WOMEN AND PRAYER: OBLIGATIONS AND EXEMPTIONS

The Halachah obligates men to pray (daven) to Hashem three times every single day - Shacharis, Minchah and Ma'ariv. The degree to which women are obligated to daven, however, is a subject debated by the early poskim. There are halachic authorities who exempt women from formal davening altogether as long as they recite a simple supplication in the morning(1). Other poskim maintain that women are rabbinically obligated to daven twice a day - Shacharis and Minchah(2) - just like men(3). Although most poskim agree with the second view that women are obligated to daven(4), it was a rare woman who davened in the olden days. Running a household was an all-consuming task(5), and many women were illiterate to boot(6). Nowadays, we are witnessing a remarkable turnaround in regard to women and tefillah. Many women, especially single girls and older women, have assumed the obligation of davening regularly, as the halachah dictates. Even busy mothers attempt to daven as often as they possibly can. Nevertheless, women are still not as free to daven as men and the demands on their time may legitimately conflict with the halachic times for davening. We will therefore list, in order of importance, the parts of davening which take priority for a woman whose time is limited(7). Depending on how much time she has she should recite as many as she can, and recite them in the order in which they appear in the siddur: Any simple supplication(8), such as the Yehi ratzon that is usually said at the end of Birchos ha-Shachar(9). Reciting a supplication is the very least a woman must do according to all the poskim. A supplication that opens with praise of G-d (shevach) and ends with thanksgiving for His benevolence (hoda'ah), such as Birkas ha-Torah(10). Shemoneh Esrei of Shacharis and Minchah. This is the minimum requirement according to most poskim(11). The first verse of Shema(12) and Baruch Shem(13). Although women are technically exempt from Shema since it is a time-based mitzvah, the poskim recommend that at the very least they recite the first verse, which is the declaration of accepting Hashem's sovereignty upon oneself(14). Birchos ha-Shachar(15), including Birchos ha-Torah(16). [If a woman has already davened Shemoneh Esrei, she should not say the blessing of Al netilas yadayim, since that blessing can be said only before davening(17).] The blessing of Emes v'yatziv until Ga'al Yisrael(18), followed immediately, without any break, by Shemoneh Esrei, so that they fulfill the mitzvah of semichas geulah l'tefillah - the halachic requirement that no break take place between Shemoneh Esrei and the blessing that precedes it. Pesukei d'Zimrah(19). The entire Shema(20) prefaced by Kel melech ne'eman(21). The blessings of Yotzer ohr and Ahavah rabbah(22). As mentioned earlier, a woman who has the time to do so, should daven all of the parts of the davening that we have listed, in the right order and at the right time.

SOME ADDITIONAL NOTES: Birchos Kerias Shema and Shemoneh Esrei should be recited l'chatchilah before the fourth hour of the day has elapsed. If a woman is unable to daven before then, she may recite Shemoneh Esrei until midday (chatzos)(23), but she should not recite Birchos Kerias Shema(24). Since it is prohibited to eat before davening Shacharis(25), women also should not eat before davening. Women who exempt their obligation to daven by reciting a supplication, as explained earlier, may eat after doing so(26). Women are exempt from Tachanun, Ashrei, U'va l'tziyon and the Shir shel yom(27). It has become customary for them to recite Aleinu after Shemoneh Esrei(28). Women are exempt from Hallel on Rosh Chodesh, Pesach(29), Sukkos and Shavous, because it is a time-based mitzvah(30).

Some poskim require women to recite Hallel on Chanukah(31), while others exempt them(32). The poskim debate whether women are obligated to daven Musaf or not(33). It is customary that they do(34). Note that in all cases in which women may be exempt, such as the daily Ma'ariv, Hallel, Musaf, Ashrei and U'va l'tziyon, they are still permitted to daven those tefillos.

FOOTNOTES: 1 Magen Avraham 106:1 based on the view of the Rambam. 2 All the authorities agree that women are not obligated in Ma'ariv, since Ma'ariv was initially established as a voluntary prayer even for men. Although eventually men accepted Ma'ariv as an obligation, women did not. 3 View of the Ramban (Sefer ha-Mitzvos 5). 4 Mishnah Berurah 106:4. 5 The Chafetz Chayim's son reported (Sichos Chafetz Chayim, pg. 13) that his mother rarely davened when her children were young. She said that the Chafetz Chayim exempted her from davening during that period in her life. 6 Harav M. Feinstein (quoted in Ko Somar l'Beis Yaakov, pg. 29) once remarked that the fact the many women were illiterate and were not required by the rabbanim to learn how to read is proof that they relied on the poskim who did not require women to daven Shacharis and Minchah, although women certainly recited supplications. See below. 7 The list is formulated for Ashkenazic women only, since some Sephardic poskim (see Yechaveh Da'as 1:68; 3:3) rule that women are not allowed to daven certain parts of the davening from which they are exempt. 8 Mishnah Berurah 106:4. 9 Suggested by Harav Y. Kamenetsky (oral ruling quoted in Ko Somar l'Beis Yaakov, pg. 31). 10 Machazeh Eliyahu 19:5-15. If she has intention to fulfill her obligation of tefillah through the recitation of Birkas ha-Mazon she may do so - ibid. 11 Mishnah Berurah 106:4. See also Mishnah Berurah 263:43. 12 Rama O.C. 70:1. 13 Kaf ha-Chayim 70:1 quoting the Levush. 14 Mishnah Berurah 70:4; 106:4. It is not, however, that the Shema be said within the time frame allotted to men - Eishel Avraham (Butchach) 70:1. See also Aruch ha-Shulchan 70:2. 15 Mishnah Berurah 70:1; Aruch ha-Shulchan 70:1. 16 O.C. 47:14. See Beir Halachah that according to the Gr"a women are exempt from Birchos ha-Torah. Accordingly, a woman who is short of time should give priority to the other blessings. 17 Mishnah Berurah 4:1. [Some poskim rule that a woman who cannot find time to daven [or recite Kerias Shema] and must rely on the poskim who allow her to fulfill her obligation with any brief supplication, should not recite the blessing of Al netilas yadayim upon washing her hands in the morning, since this blessing is said only in preparation for davening - Machazeh Eliyahu 11]. 18 This blessing is given priority in order to satisfy the view of some poskim who hold that women are obligated to fulfill the daily mitzvah of Zecher l'Yetzias Mitzrayim (the daily mitzvah to remember the Exodus) - Magen Avraham 70:1. Many other poskim do not agree with this obligation. 19 The poskim disagree about whether women are exempt from Pesukei d'Zimrah - see Mishnah Berurah 70:1; Sha'ar ha-Tziyon 4; Aruch ha-Shulchan 47:25; 70:1; Yechaveh Da'as 3:3. [Contemporary poskim also disagree about whether women who come late to shul should skip Pesukei d'Zimrah in order to daven b'tzibur, since women are not considered as part of the tzibur - see Avnei Yashfei, 2nd edition, pg. 202-203.] 20 Although clearly exempt from reciting Kerias Shema, it has become customary for women to try to recite the entire Shema, so that they, too, accept Hashem's sovereignty and commandments upon themselves. 21 Minchas Elazar 2:28. 22 Aruch ha-Shulchan 70:1. 23 Harav M. Feinstein (quoted in Ko Somar l'Beis Yaakov, pg. 34); Machazeh Eliyahu 19:5-14. [Logically, women should not daven Shacharis earlier than alos amud ha-shachar. A woman who is unable to daven at a later time, may daven Shemoneh Esrei then, although that Shemoneh Esrei may count for Ma'ariv and not for Shacharis.] 24 Halichos Beisa 5:5 quoting several poskim. 25 O.C. 89:3. 26 See Kaf ha-Chayim 286:30. See Igros Moshe O.C. 4:101-2 who questions if women are prohibited to eat after reciting a supplication even if they are planning to daven later. 27 See Machazeh Eliyahu 20, Halichos Beisa, pg. 51-52 and Halichos Bas Yisrael, pg. 44 who offer various reasons for this. 28 Machazeh Eliyahu 20. 29 Except for the Hallel said at the Seder, which they are obligated to recite. 30 Beir Halachah 423:2. 31 Toras Refael O.C. 75; Minchas Pitim 683; Moadim u'Zemanim 2:146. See also Igros Moshe O.C. 1:190. 32 Beis She'arim O.C. 359; Machazeh Eliyahu 22. 33 Both views are quoted in Mishnah Berurah 106:4 without a decision. 34 Kaf ha-Chayim O.C. 286:7. See also R' Akiva Eiger, O.C. 106.

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From: owner-os-special[SMTP:owner-os-special@vjlists.com]

Subject: The Other Side of the Story - #9 [& others from web site]

The Other Side of the Story Giving People the Benefit of the Doubt Based on "The Other Side of the Story" by Mrs. Yehudis Samet, ArtScroll Series This document is available on-line in HTML format at: <http://www.ohr.org.il/judaism/othrside/special9.htm>

Judging favorably means finding excuses for questionable behavior, excuses which make sense to us and leave us with a positive feeling towards the person in question. When we find ourselves suspecting others, we must ask ourselves: Are there any redeeming factors? Did I miss something? Did I jump to the wrong conclusion? For instance, take the following four cases. ... JUMP ROPE TO CONCLUSIONS It was a beautiful spring night and the next day was a civil holiday, so I was off from work. I said to myself that I can't stay inside on this warm night, and so I grabbed my jump rope and water bottle and headed to the park. Two days later, at the Friday night Shabbos meal, my brother said: "A co-worker told me that his wife saw you walking the street late at night carrying a beer bottle and a gun!" Now, I ask you, why wouldn't she think to herself: "That's Morris; he can't be carrying a gun in the street." Instead, she assumed the worst and told her husband, who told my brother, and who knows who else! (Email@Withheld)

Do you have a story to share? Were you in a situation where there was the potential to misjudge a person, but there really was a valid explanation? Has a friend or a relative ever told you how they were in such a situation? Share your stories with us for inclusion in future columns of The Other Side of the Story. To submit your story, send it to [info@ohr.org.il](mailto:info@ohr.org.il). (To insure proper handling, put "Other Side" in the subject line of your message). SUBSCRIBE! to one of the many weekly "lists" published by Ohr Somayach Institutions. See <http://www.ohr.org.il/web/sub.htm> Based on "The Other Side of the Story" by Mrs. Yehudis Samet, ArtScroll Series Compiled by Rabbi Reuven Subar General Editor: Rabbi Moshe Newman Production Design: Eli Ballon Prepared by the Jewish Learning Exchange of Ohr Somayach International 22 Shimon Hatzadik Street, POB 18103 Jerusalem 91180, Israel Tel: 972-2-581-0315 Fax: 972-2-581-2890 E-Mail: [info@ohr.org.il](mailto:info@ohr.org.il) Home Page: <http://www.ohr.org.il> (C) 1999 Ohr Somayach International - All rights reserved. <http://www.virtualjerusalem.com>

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Rabbi Chaim Ozer Grodzinsky was once asked by his students: Everything Hashem created has a purpose. What is the purpose of creating "crooked" reasoning? His answer: "So we can use it to judge others favorably."

Abacadabra! "Abacadabra!á Hocus Pocus! Now you see it! Now it's out of focus!" This incantation is fit for a magician to utter when he transforms his walking stick into a multi-colored handkerchief. At a magic show we expect to be fooled; we're not surprised when a pigeon emerges from an empty hat. But optical illusions are limited to magic shows. In real life, our perceptions present us with a true picture of reality. Or do they.... A man and his wife were out jogging not far from Jerusalem's central bus station. As they neared an incline the husband took his wife's handbag in order to make it easier for her. Then he sped ahead. At that moment, a Jerusalem police officer happened along. What sight met his eyes? A woman running after a man who had just "snatched" her handbag from her shoulder. The alert officer grabbed the alleged purse-snatcher and put him in a vice-like arm lock. "Lady! Is this your handbag?" he called. The woman was too out of breath to answer; she could only watch in horror as the policeman proceeded to arrest her husband. She finally caught her breath and explained to the officer what really happened, but not before their son's best friend Benny wandered past and witnessed the embarrassing "arrest." The Creator wants us to use our perceptions; in the above incident, the policeman acted dutifully. Yet, our senses trick us over and over again, and we nevertheless continue making superficial assessments to judge negatively. How might Benny report what he saw? How might others react to his report? Less than favorably, unless they've been trained in the art of looking at the Other Side of the Story.

Judging favorably means finding excuses for questionable behavior, excuses which make sense to us and leave us with a positive feeling towards the person in question. When we find ourselves suspecting others, we must ask ourselves: Are there any redeeming factors? Did I miss something? Did I jump to the wrong conclusion? For instance, take the case of the... Verbal Eyes "If people come to my lecture on a cold, rainy winter's night, why don't they at least listen?"á That's what I was thinking as I gave my emergency first-aid lecture. About ten minutes into my lecture, two women walk in, sit down in the back row and start talking! It was extremely distracting to know that they had so little interest in my speech that they weren't prepared to stop gabbing for one minute! About an hour later, I finished. And so, finally, did they. Gathering my notes and preparing to leave, I noticed the pair approaching me. At least they have the decency to come and apologize, I thought. But their apology was far from the one I expected. "Thank you so much, Mrs. Frankel. We really enjoyed your talk," one said. What? I thought. She's got to be kidding! "I'd like to introduce myself and my sister," she continued. "Sorry we came late. We usually try to sit in the front row. But because of the rain, we had to drive slowly. You probably didn't notice, but as you were speaking, I was repeating what you were saying. My sister is hearing impaired, but she reads lips very well..."

No Children Allowed This past Rosh Hashana I davened in a large

well-known yeshiva in Jerusalem. When I came to daven the first night I immediately noticed a sign in Hebrew and English in large bold letters firmly requesting that no children be brought to shul unless they are old enough to daven. Imagine my surprise the next day when someone sitting one row in front of me brought five children with him, ranging in age from 4-10, equipped with bags of nosh! They were not especially noisy but nor were they davening or just sitting quietly. After going through half of shacharis with a bit of annoyance, I realized that on Rosh Hashana of all days, when we ask Hashem to judge us favorably, I should do the same. So I thought for a few minutes before coming to the conclusion that probably their mother wasn't feeling well - maybe she even had a high fever - and so this man had no choice but to bring the kids to shul with him. But the real solution didn't take long in coming, when at the end of mussaf, after aleinu, the children all stood up to say kaddish for their mother who had passed away a few months before. (Submitted by Avromie Isaacson)

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From: Jonathan Schwartz[SMTP:jschwartz@yemail.yu.edu] Subject: Internet Chabura -- Parshas Vo'era

Prologue: Sometimes words can bring a person to life. At other times, words kill. Moshe Rabbeinu claims that he is unfit to speak with Pharaoh as the latter is on a more distant spiritual plane from Moshe than Bnei Yisroel was and they too did not hear him. He adds that he too, is unqualified to state his case to Pharaoh as he lacks the speaking ability due to his speech impediment. "Hein Bnei Yisroel Lo Shamu Eilai" In last week's parsha, Moshe was punished with immediate tzaraas (See Rashi) for speaking badly about Bnei Yisroel, Hashem's bride. In fact, Rav Elyahu Shick from Lida notes that it was the definitiveness of Moshe's statement "Hein" instead of the possible "Pen" that was the seal to his own death. Chazal tell us that when Hashem came to Moshe and told him "Hein Karvoo Yameicha LaMoot", Moshe was perplexed as to how Hashem could use the word Hein to signal his death if Moshe used the word to note "Hein L'Hashem Elokim Hashomayim". Hashem told him that he used Hein for evil as well when he accused Bnei yisroel of not listening to him. His death was to be as definite as the statement of Bnei yisroel's non-compliance to Moshe's nevuah. He died with the word hein as a midda K'negged Midda. We too, have a powerful advantage in the world with the use of our mouths to liven one's life or to kill him with a simple use of a word about him. Particularly in the realm of shidduchim, where one simple word of possibility spoken in definitive tones can have the Moshe effect, we too, must be sure to exercise great caution before uttering a definite "Hein". Moshe breached the connection of a potential Chosson and Kalla and was immediately punished for it. We must be VERY careful of the halachos before we do as well. As Such, This week's chaburah entitled:

On Maintaining a Personal Confidence Much has been written lately about professional confidentiality and halacha in the realm of medicine, of mental health and even the clergy. However, there is a certain degree of confidence that we all are involved in daily and that is the personal confidence placed within us from our friends and neighbors who ask us about associates and the sense we have about them in the realm of shidduchim. Where do our allegiances lie? (A Reminder: This chaburah is not a forum for psak halacha. Rather it is a forum for discussion of pertinent sources for the development of a clarity in halachic issues. Any final halachic opinion should be formulated with the assistance of one's local halachic authority.) Judaism places strong restrictions upon the disclosure of confidential information regardless of whether the information is received in the course of a professional relationship, a secret non-professional discussion, accidental information or through a third party. The primary issue of reporting personal information is derived from the possuk "Lo Teileich Rachil b'Amecha (VaYikra 19:16) . Such activity is assur even when it is not accompanied by malicious intent or personal gain and even if the information is not derogatory in nature. It is, as formulated by the Rambam (Deot 7:2) even when telling the truth akin to destroying the world. Now there are times when the revealing of personal information is called for. (See Assia Av 5738, Chelkat Yaakov III:136, Noam, II, Tzitz Eliezer 13:81, Yichaveh Daas 6:57, Contemporary Halachic Problems (Bleich, vol II) to discuss professional cases). For instance, the poskim discuss the instance where the information will become known after a shidduch has been made and will ruin that particular situation. Thus, it would be assur to hide information concerning a serious medical condition which could pose danger to one side of a shidduch (Shut Mishneh Halachos 5:254). The Chofetz Chaim (Hil. Richilus Klal 9) actually rules that in such an instance one who was not asked should provide the information. One who does not do so is of the category "Lo Ta'amod al dam reicha" (See Shut Chelkat Yaakov 3:136). There are times when the non-revealing of information might lead to the ruining of a potential shidduch. (See Even HaEzer 39:5) based upon the gemara's ruling in Kesuvos (73b) that one who marries a woman who later turns out to have mumin (the gemara and shulchan Aruch discuss these mumin) is "mikudshes Misafek." The Otzar HaPoskim notes that in serious medical conditions there is not even a chance of safek kiddushin and that the same rules seem to apply to men possessing these mumin today as well. The poskim note that continuing to live together married under these conditions creates a status of living in sin. (Otzar haPoskim 39:32:7-22). Rabbi Yehuda HaChossid (Sefer HaChassidim (388) notes that one is not allowed to lie about one's selling points in a shidduch but recommends that all information be checked for accuracy. Still, the same poskim who permit and require one to reveal essential information concerning a potential mate even when not asked, insist that caution be used in the revealing of non-essential information. Rav Menashe Klein (Mishneh Halachos 5:254) actually warned an asker not to reveal information concerning a non-threatening medical diet that a particular woman was taking because of its sensitive nature which could ruin her prospective match. According to Rabbi Klein, the diet was not an essential factor in determining the health of the woman - or her character-- which would make her an unfit wife and as a result would fall into the category of richilus if it were to be revealed unnecessarily. Similarly the Chavatzes HaSharon (63) writes that one need not reveal that the Kalla is a few years older than the

chosson if this information is not asked beforehand (though it should be noted that Maran HaGaon Harav Hershel Schachter (Shiurei Chumash 5756) quoted HaGaon Harav Elyashiv who said that information that is potentially volatile should be discussed by the various parties before the third date).

What then are the guidelines for information to be discussed about a particular suitor? There are situations where speaking about a particular shidduch is appropriate. They involve cases where information could not be found directly and would adversely affect the shidduch objectively. These, according to the chofetz Chaim include serious medical conditions or a situation where a prospective suitor is a heretic (Apikores = non-believer in mitzvos or 13 principles of faith). In those situations (and those alone), the Chofetz Chaim reminds the speaker not to overdo the reporting -keeping exaggeration down. He must be sure that his activity will serve a purpose as if through his reporting of the allowed information, there will be a benefit. If the parties will not listen anyway, he should remain silent. In shidduch situations often the words will fall on deaf ears leading only to pure rechilus. Hence one should be careful when choosing whether to report information or not. The Minchas Yitzchak (Vol. 6) goes one step further advising those who are making a ashidduch for a Baal Teshuva to reveal his status as a Baal Teshuva (perhaps within the guidelines of the Chofetz Chaim's Gedder Apikores) and to be extra careful to encourage the shidduch moroso because of the sterling qualities required to change one's Derech. Either way, the Chofetz Chaim notes that something that is recognizable without the revelation should not be discussed. Similarly, a subjective piece of information like one's level of effort in learning or how people like him, requires serious scrutiny before undertaking to reveal. To overstep one's bounds is to be oiver on rechilus, on lifnei iver for the listener, and is in the category of those the Chofetz Chaim davens "better that their tongues be cut off" due to the terrible effect of their crimes. Additionally, such situations when one reveals unnecessary information (or even subjective or untrue information) he humiliates one person and causes great rifts in Klal Yisroel which is a grave situation indeed. To sum so far: Lashon hara and rechilus involves a serious breach of confidence even on the personal level. In the case of the shidduch, all Jews often find themselves in a potential catch-22 where they must decide to reveal or not reveal certain information. The Poskim seem to align themselves behind the Chofetz Chaim's 4 conditions for revealing information about prospective suitors. They are: 1) That the revealer be certain that the information he is reporting is 100% accurate, Serious (like a medical condition or apikorsus) and objective (not like level of learning or one's perception of him) < This is based upon Rabbeinu Yona Bava Basra 39b which requires that one actually witness the event by himself and not be reporting from others. The Chofetz Chaim actually notes that there is less Toelet here than in the case of Chazaka in Bava Basra (Be'er Mayim Chaim Hil. Lashon Hara 10:5)> 2) That the revealer be sure not to exaggerate the extent of the difficulty one iota. <See Erichin 15a that such a person who violates this part is within the category of liars.> 3) That there be a chance that his words would be accepted and believed and would help at least one of the interested parties (i.e. if he has no credibility with the certain party he is aiming to help, he should remain quiet) 4) That his interests be 100% pure and he not acting out of other interests (see Rabbeinu Yona to Bava Basra 39a and Rashi to Bava Metzia 57b) such as harming the other person or personal gain. Battala News Mazal Tov to Mr. and Mrs. Eytan Chen upon their recent marriage.

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From: owner-haaros[SMTP:owner-haaros@torah.org] Humility of Moshe

The story of the exodus is intrinsically linked to the life of Moshe. Still, the Hagada, which retells the exodus, excludes the lifestory of Moshe -- and omits all mention of Moshe in the incidents in which he played a central role. The reason is that the exodus was "lo al y'dei malach... v'lo al y'dei sheliach" not through an angel or agent of any kind -- only through Hashem Himself. Only Moshe -- the humblest of men -- could hide his own accomplishments to such a degree, that it would become clear that the impetus for the exodus came from Hashem Himself. The Divre Yoel, based on Medrash, shows that this was Moshe's intention in conveying his reluctance in accepting his mission. He was trying to elicit additional promises for divine intervention, and succeeded in doing so. Yes, the exodus was not through an angel or agent of any kind -- only through Hashem Himself -- but only due to the modesty of Moshe did we merit such a redemption. Of course the exodus was not through an angel or agent of any kind -- only through Hashem Himself. This, after all, is part of the very definition of Hashem: "I am Hashem who took you out of Egypt." Unlike other religions, we do not worship angels or agents, nor associate any human being with Hashem. However, it takes a great person -- the greatest person -- to stand beyond the human ego, to remove all barriers and obstacles, so that Hashem Himself will bring delivery.

Effort and Faith Rav Yerucham Halevi stated a general rule: Nothing is granted without man's initial effort. The purpose of the exodus, the purpose of the signs and wonders, was to generate faith -- a faith so real it would be physically perceived. Nonetheless, nothing is granted without man's initial effort. Rashi explained the tradition, that whoever said the phrase "pakod pakaditi" ("I have surely remembered") would be the true redeemer. There are many questions and difficulties with this story. What was the significance of merely saying "pakod pakaditi?" This was the sign -- in this way alone would they be redeemed -- simply by being remembered! The redemption needs nothing, only remembrance. When the barriers will be removed, and our cries

heard -- immediately we will be redeemed. The redemption would teach faith, but would itself require faith. For this reason, much time expired between Moshe's first appearance in Egypt, and the Makos (plagues). The people had to display some faith on their own, before being brought to another level of faith. (Rav Yerucham) One who does not believe in "who took you out of Egypt" does not believe in "I am Hashem" either. (Orchos Chayim of the Rosh)

Sensitivity A further cause of Moshe's hesitation to accept was concern for the honor of his brother, Aharon. Aharon was older, and had been the prophet and elder statesman in Egypt. Moshe was concerned that his designated position of leadership not cause bad feelings between himself and Aharon. Hashem replied that Aharon would rejoice in his heart to know that Moshe had received the role of leader. How is it that Moshe misunderstood his brother's attitude to such an extent? After all, Aharon is cited in Pirke Avos as "ohev shalom v'rodeif shalom" -- the famous lover and pursuer of peace. Aharon didn't think of himself -- he was totally devoted to the welfare of his people. It was only natural that Aharon would rejoice in the leadership of his brother. What had Moshe thought? The Alter of Slabodka answered: Moshe was sensitive enough to realize that even a person of high character, dedicated to lofty principles, may still have the slightest personal feelings. Moshe knew all about Aharon's character, but still feared that there would be a small trace of pain. Amazing -- when told of the deteriorated situation of the Jews in Egypt, and the urgent order to save them -- Moshe expresses concern for someone's honor and feelings. The "humility of Moshe" involved incredible human sensitivity...

Rav Yoseif Caro and the Angel The Beis Yoseif, author of the Shulchan Aruch, was told words of Torah by an angel, or magid. The words are recorded in the "Magid Meisharim." The Magid told the Beis Yoseif that he should do whatever he could to overcome transient thoughts. Especially during tefilah (prayer), it is important to ignore such thoughts, and focus entirely on the davening. Thoughts are neither here nor there; they cannot add to, nor take away from, the decrees of heaven. The parsha, too, makes this message. Moshe had protested the Jews' treatment: "Why have you dealt harshly with Your People? Why did you send me?" In saying "Why have you dealt harshly with Your People?" Moshe meant: If this is the time of redemption, why have the hardships increased? On the other hand, If this is not the time of redemption, "why did you send me?" Hashem responded: "My ways are not your ways. In regard to your question, 'If this is the time of redemption, why have the hardships increased?' The answer is: Indeed, the time of the redemption has arrived. However, I operate with justice and mercy simultaneously." (Magid Meisharim) The Rebbe of Preshischa explained that Moshe had not doubted the assurances of Hashem, but questioned the harshness of Hashem's method. Hashem's answer was meant to convey that Moshe was unable to comprehend the profound reasons for Hashem's conduct at this time, but that, eventually, everything would become clear. Although an advisor who criticizes the king could be punished for such brazenness, Hashem knew that Moshe was only interested in securing the best for his people. Nonetheless, the Magid cited Moshe's question as exemplifying the point: your transient thoughts accomplish nothing, and cannot affect the decrees of heaven.

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From: owner-dafyomi[SMTP:owner-dafyomi@vjlists.com] The Weekly Daf #257 Yoma 9 - 15 This publication is available in HTML format at <http://www.ohr.org.il/yomi/yomi257.htm>

Three in One Why, ask our Sages, was the first Beis Hamikdash destroyed? The answer given is that our ancestors were guilty of the three grave sins of idol worship, promiscuity and murder. It was because of these three sins that Hashem brought upon them three different sorts of destruction described by the Prophet Micha (3:12): "Because of you, therefore, shall Zion be plowed as a field, Jerusalem shall be in ruins and the Temple Mount will be like the mounds of a forest." Since Hashem's retribution is measure for measure, the commentaries offer parallels between each of the three sins and the punishment of destruction which it wrought. Abandonment of allegiance to

Hashem in favor of man-made religions, disregard for the discipline of self-control in regard to animalistic passions and disrespect for the sanctity of life all contribute to the disintegration of the individual and of human society. The Divine message is that the physical destruction of city and sanctuary, and the concomitant loss of homeland and independence, are reflections of the self-destruction of the individual and community which preceded them. But what about the second Beis Hamikdash? ask our Sages. We know that the people of the era were dedicated to studying Torah, fulfilling mitzvos and performing acts of kindness. Why did they deserve to have the Beis Hamikdash destroyed? Because, comes the reply, they were guilty of unwarranted hatred towards each other. This teaches us, concludes the gemara, that the sin of unwarranted hatred is equal in its gravity to the three sins of idol worship, promiscuity and murder. In line with the aforementioned poetic justice, visiting physical destruction upon the perpetrators of human and social destruction, we may see in unwarranted hatred the most deadly seeds of such destruction.

Neither the individual nor society can effectively function, or even survive, without tolerance of the differences distinguishing one individual from another and forgiving those who wrong us. The catalyst for the destruction of the second Beis Hamikdash was the unremitting hatred shown towards Bar Kamtza (Mesechta Gittin 56a). This hatred led to Bar Kamtza being publicly embarrassed with ejection from a feast, and to his wreaking vengeance upon his people by libeling them to the Roman emperor. This was a Divine lesson that the hatred which destroys man and society literally led to the destruction of the Beis Hamikdash. \* Yoma 9b

The Price of Parsimony Although certain mitzvos do not apply to women, the gemara points out that regarding the mitzva of placing a mezuzah on the door of her home, a woman's obligation is the same as a man's. Another home-based mitzvah which applies equally to both genders is the procedure required when a house is struck with a spiritual leprosy called "tzara's batim." Why does the gemara find it necessary to point out that these two mitzvos apply to women, when there is no reason to assume that they are exempt? The answer is that regarding both of these mitzvos, the Torah uses a masculine term in its command: "You shall write them upon the door posts of your (masculine) home" (Devarim 11:20). This gives the impression that only males are obligated in the mitzvah of mezuzah. Regarding the owner of the afflicted home, the Torah says "he whose house it is shall come and relate it to the kohen," (Vayikra 14:35) giving the impression that a female homeowner would be exempt from initiating this procedure. The truth is that in both cases the mitzva applies to women. The passage following the command about mezuzah states "in order to increase your days and the days of your children." Hashem certainly wants women to enjoy the life-giving power of mezuzah, so it must apply to them as well. The meaning of the word "beischa" which was understood to mean only a man's home is therefore interpreted as conveying a different message. You must place the mezuzah on the door post which is at the right of your entrance (beischa) and not that of your exit. The laws of afflicted houses apply to women because the Torah introduces those laws with the phrase "in a house in the land of your inheritance," (Vayikra 14:54) which indicates universal application. So why does the Torah use the masculine expression "he whose house it is?" A house is afflicted to punish one who habitually refuses to lend his neighbors any of his furniture or vessels, using the excuse that he does not own what they request. Before the kohen inspects the afflicted house to determine its spiritual impurity, all the contents of the house are removed so that they will not be contaminated. At that time the homeowner is exposed to his neighbors as a stingy liar. This is communicated in the words "he whose house it is."

Only when one acts in a selfish fashion, refusing to share the contents of his home because "it is his house," will he be condemned to having his parsimony exposed. \* Yoma 11b

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From: owner-daf-insights[SMTP:owner-daf-insights@shemaisrael.com] Subject: Insights to the Daf: Yoma 6-11 INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim Rosh Kollel: Rabbi Mordecai Kornfeld [daf@shemaisrael.co.il](mailto:daf@shemaisrael.co.il)

YOMA 7 (Teves 23) - has been dedicated to the memory of Nachum ben Shlomo Dovid Mosenkis on the day of his Yahrzeit, by his son, Sid Mosenkis (Queens, NY)

7b HALACHAH: KEEPING ONE'S MIND ON THE TEFILIN OPINIONS: The Gemara states that it is forbidden to remove one's mind from one's Tefilin while wearing them. This prohibition is derived from the Tzitz of the Kohen Gadol. The Torah commands that the Tzitz must be "constantly (Tamid) on his forehead" (Shemos 28:37), which means that he must not remove his mind from the Tzitz while he wears it. From the Tzitz, the Gemara learns a Kal v'Chomer to Tefilin: if one must keep his mind on the Tzitz, which has only one name of Hashem on it, then certainly one must keep his mind on the Tefilin, which have many names of Hashem written in it. (According to Tosfos 8a DH u'Ma, this is only an Asmachta mid'Rabanan.) What is considered a "Hesech ha'Da'as," a mental interruption, from one's Tefilin while wearing them? (a) The SHA'AGAS ARYEH (#39) says that there are two opinions. The first opinion is that of the RABEINU YONAH, cited by the ROSH (Berachos 3:28), who asks that the Gemara (Sukah 26b) states explicitly that a person is permitted to sleep a short nap ("Shinas Arai") while wearing Tefilin. Why is that permitted? It should be considered a "Hesech ha'Da'as," since he cannot be concentrated on the Tefilin while sleeping! Rabeinu Yonah answers that it must be that "Hesech ha'Da'as" does not mean that one must constantly have his mind on the Tefilin. Rather, it means that one may not act light-headedly and frivolously while wearing them. As long as one is conducting himself with awe of his Creator, it is not considered a "Hesech ha'Da'as" from the Tefilin, even though he is not consciously focusing on them. If one dozes off while wearing Tefilin, he is not acting frivolously; on the contrary, while he dozes, he becomes unaware of the frivolities of this world, and thus dozing is not considered a "Hesech ha'Da'as." Rabeinu Yonah adduces support that "Hesech ha'Da'as" while wearing Tefilin depends on light-headedness ("Kalus Rosh") from the words of the RAMBAM (Hilchos Tefilin 4:25), who writes that while a person wears Tefilin, he stands in awe of Hashem and is not drawn after giddiness and idle chatter. (b) The second opinion cited by the Sha'agas Aryeh concerning "Hesech ha'Da'as" is that of the RAMBAN in Toras ha'Adam (also cited by the TUR, YD 388). The Ramban writes that a person may not wear Tefilin while he is in mourning, because his grief prevents him from focusing on the Tefilin and is thus a "Hesech ha'Da'as." Similarly, the RAMBAM

(Hilchos Tefilin 4:13) writes that a person who is in distress and his mind is not settled is exempt from wearing Tefilin because he will not be able to properly concentrate on them. The Sha'agas Aryeh says that it appears that they argue with Rabeinu Yonah, because someone in mourning or in distress is certainly not in a frivolous mood, but is in a solemn mood. It must be that they define "Hesech ha'Da'as" as a lack of focus on the Tefilin, unlike the way Rabeinu Yonah defines "Hesech ha'Da'as." Others point out that this also appears to be the opinion of Tosfos in Shabbos (49a DH she'Lo Yishan), who says that a person may not sleep in Tefilin because sleeping (i.e. Shinas Keva) is a "Hesech ha'Da'as." The Sha'agas Aryeh notes that these Rishonim cannot mean that one must keep his mind on the Tefilin at all times, because that is not possible. Rather, they mean that one must not take his mind off of the Tefilin for longer than a certain amount of time. The Sha'agas Aryeh asserts, based on the Gemara in Sukah 26a that Rabeinu Yonah cited, that the maximum amount of time that one may remove his mind from the Tefilin is the time of a short nap ("Shinas Arai"), which is the time it takes to walk 100 Amos (Sukah 26a). Before that amount of time passes, one must return his attention to the Tefilin. The time that it takes to walk 100 Amos -- based on the assumption that it takes 18 minutes to walk one Mil (which is 2000 Amos), comes out to 54 seconds. (According to the Chazon Ish's calculation that the time it takes to walk 4 Amos is 2 to 3 seconds, then "Shinas Arai" is 50-75 seconds). The Sha'agas Aryeh proves that "Hesech ha'Da'as" has nothing to do with frivolity, because the prohibition of "Hesech ha'Da'as" while wearing Tefilin is learned from the Tzitz. If the verse regarding the Tzitz intends to forbid frivolity while wearing it, then why is a verse necessary at all? The Tzitz is worn in the Beis ha'Mikdash, where light-headedness is forbidden altogether (Berachos 54a)! Furthermore, light-headedness is proscribed even outside of the Beis ha'Mikdash, as the verse states, "Lest you forget Hashem, your G-d" (see also Avos 3:13), so why would the verse find it necessary to prohibit it specifically for the Kohen Gadol while wearing the Tzitz? (c) A third opinion (not cited by the Sha'agas Aryeh) appears to be that of the TOSFOS YESHANIM (8a) who says that the prohibition of "Hesech ha'Da'as" while wearing Tefilin merely means that one may pass flatulence while wearing them. That is, he understands "Hesech ha'Da'as" to mean doing an act that is disrespectful to the Tefilin. HALACHAH: As mentioned above, the Tur (YD 388) cites the Ramban's opinion (b), above, that severe distress is considered a Hesech ha'Da'as. However, the Sha'arei Teshuvah (OC 28:1) points out that it is nearly impossible not to remove one's concentration from his Tefilin for the amount of time proscribed by the Sha'agas Aryeh, adding that "the Torah was not given to angels!" Therefore, he concludes that we must indeed rely upon the opinion of Rabeinu Yonah ((a), above) that only frivolousness is considered to be a Hesech ha'Da'as. In fact, in Orach Chayim 44 the Tur himself cites the opinion of Rabeinu Yonah, that one must only be careful not to be frivolous while wearing Tefilin. How, though, can we reconcile the questions that the Sha'agas Aryeh asked on the opinion of Rabeinu Yonah, and the rulings of the Tur (who cites both the Ramban and Rabeinu Yonah, l'Halachah)? Perhaps Rabeinu Yonah means as follows. When the Torah prohibits "light-headedness" while wearing the Tzitz by saying the word "Tamid," it does not mean that the Kohen Gadol must avoid being light-headed, for that is obvious and it needs no additional command. Rather, the Torah is saying that not only must he avoid light-headedness, but he must also "take precautionary actions" to prevent himself from coming to light-headedness, by feeling the Tzitz constantly. Similarly, one must do an action, while wearing Tefilin, to prevent oneself from falling into light-headedness. This precautionary requirement exists "only" for the Kohen Gadol while wearing the Tzitz, and a person while wearing Tefilin, but not to everyone else (even when standing in the Mikdash). As for the contradictory rulings of the Tur, Rabeinu Yonah might not be arguing with the Ramban at all. He may not limit the prohibition to "light-headedness" specifically; rather, perhaps he means that it is prohibited to let one's mind become totally involved in worldly matters (Havlei ha'Olam) in general while wearing the Tefilin (or Tzitz). Rabeinu Yonah will agree that one may not wear Tefilin while in a state of mourning or overcome with grief. He mentions "light-headedness" merely as an example of someone who is overcome by his emotions and is not focusing on matters of Kedushah. (Rabeinu Yonah only mentions light-headedness, since he is discussing what a person is trying to avoid by feeling the Tefilin constantly. He is not trying to avoid feelings of mourning or grief, because there is no reason for a normal person to suddenly be overcome with such feelings, nor will feeling the Tefilin necessarily help to avoid feeling those emotions. The Ramban and Rambam, are prohibiting "putting on" Tefilin in the first place while already overcome with grief or mourning.) This is also the opinion of the RIITVA (Sukah 26a) who says (also in answer to the question of why one may sleep Shinas Arai with Tefilin) that while wearing Tefilin, it is forbidden to "turn one's attention to mundane matters," but it is not necessary to consciously focus on the Tefilin at all times. This might also be the intention of the TOSFOS YESHANIM here (8a DH Tefilin) in his second explanation. Even TOSFOS (Shabbos 49a, see above), who clearly argues with Rabeinu Yonah and prohibits sleeping with Tefilin because of Hesech ha'Da'as, might also agree that it is not necessary to think about the Tefilin at "every moment." When one goes to sleep with Tefilin, though, he is "actively making it impossible" to think about his Tefilin by falling asleep, and that is considered a "Hesech ha'Da'as." (A short nap, though, is not considered "Hesech ha'Da'as" since one is not making it impossible to think about his Tefilin for a "significant duration" of time.) As long as one is awake, though, and is in a solemn mood with the fear of G-d, he is not considered to be taking his mind off of his Tefilin even though he might not actually be thinking about them at every moment. In conclusion, the three ways to define the mental state indicated by "Hesech ha'Da'as" now are: (a) being overcome with emotion or frivolity, which distracts one's focus from fear of Hashem (Rabeinu Yonah); (b) actively putting oneself in a state in which it is "not possible" to think about Tefilin (Tosfos in Shabbos); (c) Acting in a manner that is disrespectful towards the Tefilin (Tosfos Yeshanim). It should be noted, though, that the MAGEN AVRAHAM (OC 44:2) cites the ruling of the BACH that it is a "Mitvah Min ha'Muvchar" not to remove one's concentration from the Tefilin at all. (M. Kornfeld)

YOMA 9b FINGERNAILS OF OUR ANCESTORS AGADAH: Said Rav Yochanan, "Better were the fingernails of earlier generations than the intestines of our own generation. [And if you suggest that we are better than they, consider that] the Temple was rebuilt for them, and it has not been rebuilt for us." QUESTION: What did Rav Yochanan mean by his reference to fingernails and intestines? In the most simple sense, the expression is meant to allude that even the least important part of our ancestor's bodies carries more spiritual value than the most important part of our own bodies. Why, though, did he mention specifically "fingernails and intestines" and not more obviously contrasting body parts, such as heels and head? ANSWER: The VILNA GA'ON (Kol

Eliyahu #201, and Perush Al Kamah Agados) offers a deeper explanation of this Gemara. (Our rendition is based on Ha'Rav Aharon Feldman's translation and elucidation in "The Juggler and the King," Feldheim, 1990.) In Parshas Shemini, the Torah lays the guidelines for determining what animals are permissible to be eaten. There are two signs which an animal must have in order to be kosher: it must ruminate, and it must have split hooves. The Torah prohibits four animals which have only one of the two signs of kosher animals: the camel, the rabbit, and the hare ruminates but do not have split hooves, while the pig has split hooves but does not ruminate (Vayikra 11:3-7). These two signs of a kosher animal indicate that the animal is not a beast of prey, and in that sense it is content with its lot. A hunting animal does not chew its cud since meat is digestible without rumination. However, once the prey is digested, the predator seeks new food, ever discontent and ravenous. A ruminant, on the other hand, is content with whatever is already in its stomach, and makes it do double service, so to speak. Also, a hunting animal possesses claws with which to tear its victims apart. A kosher animal is satisfied with the food its Creator brings forth for it from the ground. It has no need for claws, and thus its hooves are split. The commentators (see Ramban, Vayikra 11:13) explain that non-kosher animals are forbidden as food because eating them influences man towards the undesired characteristics of a beast of prey: discontent with one's lot and the resultant exploitation of other creatures. Dissatisfaction with one's lot stems from a lack of faith in G-d's providence. The four animals singled out by the Torah represent four forms of "spiritual" impurity. The first three animals have the internal sign of Kashrus (chewing the cud) but not the external one. They represent the person whose inner essence is amenable to holiness, but is prevented from realizing itself by inappropriate external behavior. The fourth animal, the pig, has the external sign of Kashrus but not the internal one. It represents a worse form of impurity: a person whose outer behavior is expressive of holiness but who inwardly denies the dominion of G-d. This person has "cloven hooves" instead of claws, but his inner nature is that of a beast of prey. Similarly, say Chazal, these four forms of impurity are represented by the four great kingdoms that have subjugated the Jewish people: Babylonia, Persia, Greece, and Rome. The first three are represented, respectively, by the camel, the rabbit, and the hare; the fourth, Rome, is represented by the pig (Vayikra Raba 13:5). Like the non-kosher animals mentioned in the Torah, the first three kingdoms demonstrated the behavior of a beast of prey, seeking wealth and self-aggrandizement at the expense of others. But within their hearts they believed in G-d and His providence. The Roman Empire, however, displayed all the external signs of commitment to spirituality; on the surface it was civilized, looked after human welfare, and preached justice and human rights. Inwardly, though, it believed in nothing but self-worship. After the destruction of the first Beis ha'Mikdash, the Jewish people were exiled among the first three of these four nations. When the second Beis ha'Mikdash was destroyed, we became fully subjugated to the Roman Empire. In light of the above Midrash, it is clear that Hashem chose our oppressors in a most befitting manner. As the Gemara in our Sugya tells us, "For what was the first Beis ha'Mikdash destroyed? For [the] three [cardinal] sins that were rampant then: idolatry, sexual immorality, and murder.... But in the times of the second Beis ha'Mikdash [the Jews] were busily studying Torah and performing Mitzvos and acts of kindness -- for what then was 'it' destroyed? Because they hated each other without cause. From this one may learn that unwarranted hatred is as great a sin as idolatry, immorality, and murder all together." The earlier generations suffered from serious evil in their external behavior, but in their hearts they acknowledged G-d's kingship. Following the symbolism of the kosher and non-kosher animals, the earlier generations were like animals that have claws but chew their cud. The later generations, however, were like the pig: they showed their cloven hooves, but inwardly were unclean. Their society was filled with clandestine hatred and jealousy, and the resultant denial of G-d's dominion. How fitting, then, that our oppressors after the destruction of the first Beis ha'Mikdash were the first three of the four nations, who demonstrated the behavior of the animals that have claws but chew their cud. They were granted power over the Jews, when the Jews sank to that level themselves, while after the destruction of the second Beis ha'Mikdash, Rome -- represented by the pig, the fourth animal -- took rule over us, measure for measure. The test of the Roman dominion is the most difficult the Jewish people have ever faced -- and face to this very day. The Jews' mission is to learn, in the midst of the Roman dominion, to reject man's tendency for self-worship. This explains Rav Yochanan's comment about fingernails and intestines. The "fingernails" he mentioned allude to the "claws" (as opposed to cloven hooves) of the hunting animal. These, in turn, represent the external sins of the earlier generations. The "intestines" he mentioned refer to the organs which prevent the non-ruminating animals from being kosher, as well as the internal sins of the later generations. Rav Yochanan's comment can now be read as follows, "Better one who behaves like a beast of prey, but whose heart longs for G-d, than the most pious of men, who in his heart worships only himself!"

YOMA 11 (27 Teves) - dedicated to the memory of Chana Elka Krieger, Z"l, wife of Hagaon Rav Yisrael Avraham Abba Krieger (author of Yad Yisrael on Ramban and other Sefarim), by their son, Benayahu Krieger.

11b PUTTING A MEZUZAH ON A RENTED HOUSE QUESTION: The Gemara asks why the verse regarding the Mitzvah of Mezuzah says "Beisecha" ("your houses"), implying that a woman's house does not require a Mezuzah, when a woman's house actually does require a Mezuzah. The Gemara answers that the word "Beisecha" is teaching something else; it is teaching that the Mezuzah must be placed on the side of the door to the right of a person entering the house ("Bi'ascha"). Why doesn't the Gemara answer that Beisecha is teaching a Halachah recorded in the Gemara in Menachos (44a): that a rented house does not require a Mezuzah before 30 days passes, presumably because it is not "your house". (If one rents it for more than thirty days, he must put up a Mezuzah only because of Mar's Ayin.) ANSWERS: (a) TOSFOS in Menachos (44a) explains that our Gemara holds that even a rented house requires a Mezuzah mid'Oraisa, because it needs protection (in contrast to what the Gilyon ha'Shas says here). The only reason one is exempt until after thirty days is because it is not considered a dwelling place until one has dwelled there for thirty days. RASHI (Bava Metzia 101b, Avodah Zarah 21a DH Chovas ha'Dar), also explains that a rented apartment is obligated in a Mezuzah mid'Oraisa. In fact, he learns the "obligation" of Mezuzah (as opposed to the "exemption" from Mezuzah) in such a case from "Beisecha -- Derech Bi'asecha": anyone who "uses" an apartment, whether it is his or just rented, has the obligation to affix a Mezuzah. Before thirty days, he is exempt from Mezuzah only because it is not yet clear that he will be living (in a permanent fashion) in that house (Rashi, Menachos 44a DH v'ha'Socher). (b) THE RASHBA in Shabbos (131b, DH Ho'il) writes that it is obvious that a rented or borrowed house does not require a Mezuzah mid'Oraisa. The Gemara could have given that answer here, but it

simply chose to teach another Halachah which can be learned from the word "Beisecha." TOSFOS in Menachos (ibid.) also sides that a rented house is not obligated in Mezuzah mid'Oraisa in his second answer. He explains that it says "Beisecha" twice in the verse; our Gemara is explaining the \*second\* Beisecha, but the first indeed teaches an exemption from Mezuzah for a rented house.

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