

B'S'D'  
INTERNET PARSHA SHEET  
ON VAYAKHEL PEKUDEI  
Parshas Hachodesh 5761

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From: RABBI YISSOCHER FRAND [SMTP:ryfrand@torah.org]  
"RavFrاند" List - Rabbi Frاند on Parshas Vayakhel-Pekudei  
Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R.  
Yissocher Dov - In memory of Mrs. Adele Frاند

What Seems Futile In The Near Term May Have Long Term Results

In this week's reading there is a pasuk [verse] (similar to one found in Parshas Ki Sisa) which reads "See, G-d has designated with a name (karah b'shem) Betzalel son of Uri son of Chur" [Shmos 35:30]. Betzalel was the "general contractor" of the Mishkan. Each time he is introduced, the Torah makes a point of tracing his lineage both to his father and his grandfather. Chur, Betzalel's grandfather, was the individual who stood up and objected vociferously to the construction of the Golden Calf. He paid for this protest with his life; Chur was killed. This was, in fact, one of the sobering factors that caused Aharon to go along with the request to make a Golden Calf.

It would seem that Chur sacrificed his life in vain. Nothing was accomplished by his death. He tried to stop the Jewish People from making the Golden Calf, but they killed him and made it anyway. By repeatedly tracing Betzalel's lineage back to Chur, the Torah is emphasizing that Chur did not die in vain.

Our Sages say that the reason why Betzalel was chosen to build the Mishkan was because he was b'tzel - kel (in the shadow of G-d). He was not chosen as a result of being the Frank Lloyd Wright of his generation. We do not have any indication that Betzalel was a great architect or artisan, one who innately possessed all the talents that his job required. What Betzalel did have was an unbelievable attachment to G-d. Such an attachment to G-d is necessary in order to create a place in this world that will be a Residence for the Divine Presence (haShra-as haShechinah).

Where did Betzalel obtain this quality of b'tzel - kel? By taking his genealogy back to Chur, the Torah emphasizes that these qualities did not come from just anywhere. They are qualities that he inherited from his grandfather. That quality that Chur exhibited -- a willingness to give his life (be moser nefesh) for G-d's Honor -- was transferred through his son Uri to his grandson Betzalel.

We always tend to consider the "bottom line": Did Chur accomplish anything or not? Did he or did he not prevent the sin? Based on this narrow evaluation, Chur was a failure. They made the Golden Calf anyway. However, that narrow view is based on our view of the world. In G-d's world, that is not the end of the story. A grandfather's dedication and sacrifice (mesiras nefesh), which during its time may have been seen as futile, may still have major impact on the potential accomplishments of future generations.

Moreover, our Sages say that the Mishkan was an atonement for the sin of the Golden Calf. This atonement was brought about through the efforts of Betzalel, who himself came from Chur. Thus, Chur was ultimately responsible for the atonement for the sin that he tried to stop. Ultimately, Chur did stop the Golden Calf -- he stopped its effect, by providing for its atonement.

The lesson of this verse is that we should not always look for instant success. We live in a society where even "FedEx Overnight Delivery" is no longer acceptable. "Fax it to me, now!"

However, that is not how G-d operates. Success is not evaluated instantaneously. Chur's accomplishment was not perceived at the time, but Chur did, in effect, provide the atonement for the sin of the Golden Calf.

This is the reason for the emphasis on the word "Re-uu" (See) which introduces Betzalel. Re-uu means - think about it; SEE how life sometimes works.

Sunken Gates Will Be Appended to Prefabricated Third Temple

The pasuk says "Tavu b'Aretz She-areha..." [Eicha 2:9] -- the gates of the Beis HaMikdash, the Temple, were hidden away, sunken into the ground, before the Temple itself was destroyed. For some seemingly inexplicable reason, G-d allowed the entire Beis HaMikdash to be destroyed, but left the doors intact. This requires explanation.

Furthermore, the last 5 parshios -- Terumah, Tezaveh, Ki Tisa, VaYakhel and Pekudei -- have been dealing with the mitzvah of "You shall make for me a Sanctuary and I will dwell therein" [Shmos 25:8]. Apparently, this is a mitzvah that none of us will ever have the opportunity to fulfill. Even if, G-d willing, we will live to see the coming of Moshiach, it seems that we will still not be able to fulfill this commandment. The reason for this is because our Sages tell us that the Third Beis HaMikdash will descend from Heaven - theoretically complete. This would appear to mean that in His Kindness, G-d is removing this mitzvah from us. G-d will do it for us! If so, what are we going to do? Is G-d not going to allow us to participate in this Mitzvah at all?

The Maharil Diskin (1818-1898) teaches a beautiful insight. The Talmud says [Bava Basra 53b] "If a person builds a palace on the property of a deceased convert (who has no legal heirs), and then a second person comes along and establishes doors for the palace - the second person is the one who legally acquires the property." The person who attaches the doors is considered to have built the structure. [The Talmud explains that piling bricks one upon the other does not acquire the property beneath it. Only once one creates a complete enclosure is there an acquisition.]

Therefore - says the Maharil Diskin -- G-d in His Mercy knew that He had to destroy the (Second) Beis HaMikdash, but He knew that ultimately he would send down a replacement (Third) Beis HaMikdash. In addition, G-d knew that by sending down a ready-made Third Beis HaMikdash He would be removing a mitzvah from the Jewish people. Therefore, He never destroyed the doors to the Second Beis HaMikdash.

In the future - may it come speedily in our days - the Third Beis HaMikdash will descend from Heaven, but it will be missing one thing. It will not have doors. The Jewish people will then attach the doors to the Third Beis HaMikdash. As a result, it will be considered as though we fulfilled the command of "You shall make for Me a Sanctuary". This is the meaning of the prayer "Show us its building (har-eynu b'vinyono) and gladden us with its establishment (v'samchenu b'Tikuno)" [Festival Liturgy]. The "show us its building" refers to sending down the virtually completed Third Beis HaMikdash. But we will be disappointed. We will say "What about our obligation to perform the mitzvah of building the Beis HaMikdash?" To this G-d will respond: "Attach the doors". We will then "establish" the Beis HaMikdash by attaching the doors and will be gladdened by its formal establishment and by the fact that we fulfilled the command of building it.

Such is the Kindness of our Father in Heaven. Even when he punishes and burns our Temple, He has the forethought that in the future - even if it may not be for over 2000 years - there will be provisions made for them to rejoice in their participation of the final establishment of the Third Beis HaMikdash.

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From: Yated-Usa[SMTP:yated-usa@ttec.com] Subject: Yated  
Neeman USA Columns I, 03/22/01  
KORTZ UN SHARF -Short and Sweet Parsha Vertlach  
by SHAYA GOTTLIEB

Vayakhel Moshe: And Moshe gathered The Bais Hamikdosh  
was destroyed due to sinas chinam, baseless hatred. Therefore, when  
Moshe Rabenu wanted to build the mishkon, 'vayakhel', first he  
gathered Klal Yisroel. The only way the mishkan can have a kiyum is  
through achdus. -Ohr Pnei Moshe

Vayovoyu kol adas Bnei Yisroel Milifnei Moshe: And all of Klal  
Yisroel departed from the face of Moshe The Ohr Hachaim asks,  
"Why milifnei Moshe? These words seem to be extra." The answer  
can be understood from the halochoh in Shulchan Aruch Yoreh Deah,  
that when one leaves his Rebbe he should depart with his face facing his  
Rebbe. This is what Klal Yisroel did. "Vayetzu," they went out,  
"milifnei Moshe," with their faces toward Moshe, as a sign of derech  
eretz. -Noam Eliezer

"Vatochel Kol Avodas Mishkon 6V'yaasu Bnai Yisroel K'chol  
Asher Tzivo Hashem.6" And the avodah of the mishkon was  
complete, and Klal Yisroel did all that Hashem commanded. Our  
Chazal say, one who is involved with a mitzvo is 'pottur' from doing  
another mitzvo. Therefore, as long as Klal Yisroel were involved with  
the mishkon they were absolved from doing other mitzvos. Now that the  
work of the mishkon was complete, Klal Yisroel once more had the  
opportunity to do all that Hashem commanded. -Imrei Shefer

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From: Yated-Usa[SMTP:yated-usa@ttec.com] Subject: Yated  
Neeman USA Columns I, 03/22/01  
PENINIM AHL HATORAH: Parshiyos Vaykhel Pekudei  
By RABBI A. LEIB SCHEINBAUM  
Hebrew Academy of Cleveland

Take from yourselves a portion for Hashem, everyone whose heart  
motivates him shall bring it, as a gift for Hashem. (35:5)

In recognizing the contributions towards the Mishkan of the dor  
ha'midbar, generation of the wilderness, the Torah uses the phrase  
nedivus ha'lev, donations of the heart. What is a donation of the heart?  
Ibn Ezra notes two variances in the Torah's idiom regarding Klal  
Yisrael's contribution. Hashem commanded them, "Kechu me'itchem,"  
"Take from yourselves." To "take" is the opposite of to "give." Placing  
the prefix "mem" (meitchem) before a word changes its meaning. Thus,  
"Kechu me'itchem" has the same meaning as "Tenu," give. Why did the  
Torah express this idea in such an awkward manner? Second, what is the  
meaning of "nediv libo"? Literally translated, it means, "donating the  
heart." Why does the Torah use a phrase that must be understood so  
differently than its literal meaning?

Horav Chizkiyah Cohen, zl, explains the ascending levels of giving.  
The Mishkan demanded the highest level, total selflessness in giving, in

order that a contribution be deemed worthy of inclusion in Hashem's  
Sanctuary. A person has a conscious awareness and a subconscious  
inclination. One may believe that he is contributing wholeheartedly. His  
subconscious, however, may have a totally different perspective. Indeed,  
we find that the Torah excluded a letter from the name of the Nesiim  
because they were hesitant in responding to the call for contributions.  
The commentators explain that they were not really lazy; they had a good  
reason for being slow to contribute. They felt Klal Yisrael should be  
given the initial opportunity. They would be responsible for the  
short-fall. Chazal, however, attribute their rationale to a subconscious  
tendency towards indolence. Hashem's Sanctuary does not tolerate  
anything less than total commitment - even on a subconscious level.

Horav Mordechai Miller, Shlita, explains that this was the  
uniqueness of the dor ha'midbar; Hashem demanded of them a nedivus  
ha'lev in the literal sense - they contributed their heart! There was no  
conflict between their overt contribution and their instinctive obscure  
emotions. While some people overtly contribute magnanimously, all  
they really give is their material wealth. They do not give of themselves;  
they do not give their hearts. This is why the Torah insists that they take  
from themselves - not simply give a donation. To take is a stronger --  
more aggressive -- form of contribution, one in which the contributor  
overcomes his inner emotions and marshals them to work towards a  
common community goal.

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[http://www.torahweb.org/torah/2000/parsha/ryud\\_vayak.html](http://www.torahweb.org/torah/2000/parsha/ryud_vayak.html) [From  
last year]

RABBI BENJAMIN YUDIN REACH FOR THE SKY

The Rambam in Parshat Vayakhel (35:21) makes an interesting  
observation. He notes that none of Benei Yisrael were trained in the  
various crafts, or skills necessary to build a mishkan. Moreover, in his  
commentary on Parshat Ki Tissa (31:2) he notes that the difficult  
physical labor in Egypt hardly prepared them for the delicate detailed  
craftsmanship involved in building the mishkan. What enables the  
former slaves to succeed was their "nediv lev", their motivated spirit,  
and their absolute determination to implement G-d's command. The  
"nesias lev", the inspired heart, was the necessary prerequisite for the  
job. Once man takes the initiative in the realm of spirituality, Hashem  
completes and implements the mission.

On the pasuk, "Moshe counted their [the Levites] according to the  
word of Hashem," (Bamidbar 3:16) Rashi teaches that Moshe was  
troubled as to how he would succeed in counting the Leviim from the  
age of 30 days. Could he possibly enter each tent and count the number  
of suckling infants? Thereupon Hashem said to him, "You do yours and I  
will do mine." Moshe stood outside the entrance of each tent and a  
bat-kol, a heavenly voice, proclaimed the number of male children in  
each tent. One could ask: if the census was coming from the bat-kol, why  
did Moshe have to go from tent to tent? The answer is: he had to do his  
part and only then did Hashem finish.

The Chafetz Chaim zt"l in his commentary on the beginning of  
Parshat Terumah (25:8) quotes that Moshe was troubled as to how Benei  
Yisrael could make a dwelling place for the Shechina ☉ Divine  
presence? How, in keeping with Parshat Shekalim, they could offer a  
redemption for their souls? Hashem responds in essence ☉you do yours--  
open for Me as little as the eye of a needle and I will respond with a  
great response, providing that your initiative is an expression of your  
maximum potential.

Rav Yerucham Levoitz zt"l, Mashgiach of the Mirrer Yeshiva, cites  
the following medrash (Devarim Rabbah 5:2) to inspire man to great  
initiatives: The wise King Solomon (Mishle 6:6) teaches, "Go to the ant,  
you lazy individual, note his ways and become wise." What are we to  
learn from the behavior of an ant? The Rabbis note that the life span of  
the ant is but 6 months. The amount of food that the ant needs for its

entire lifetime is 1.5 grains of wheat. Yet, the ant spends its life accumulating 300 kur., excessively more than it needs. It reasons that perhaps Hashem will grant me longevity, and I will have the food readily available. Note the drive and initiative of the ant ; this is what man is to learn to emulate.

Rav Kook zt"l explained the verse in Mishle (29:4) "Through justice a king establishes a land, but the foolish man of graft tears it down." The foolish man he explained to be the one who follows the minimal law regarding terumah (the gift that the Jewish landowner is obligated to give to the kohen) "chitah achat poteret et ha-kri", one grain given to the kohen is sufficient to satisfy the biblical obligation. However, this minimalistic approach to one's endeavors and especially their spirituality will lead to ultimate failure and dissatisfaction.

Too often people make a great error: They think it's G-d's responsibility to inspire man. The trouble is that He does, as David teaches in Psalm 19, "The heavens declare the glory of G-d, and the expanse of the sky tells of his handiwork." But even if one does not clearly perceive Hashem in nature it is man's calling to take that first step. Then Hashem will carry him over the large, seemingly impassable abyss.

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From: Rabbi Riskin's Shabbat Shalom List  
parsha@ohrtorahstone.org.il To: Shabbat\_Shalom@ohrtorahstone.org.il  
Subject: Shabbat Shalom: Parshiot Vayakhel - Pekudei  
by RABBI SHLOMO RISKIN  
Shabbat Shalom: Parshiot Vayakhel - Pekudei (Exodus: 35:1- 40:38)

Efrat, Israel - What is the single most G-d-like trait a human being ought to internalize if he truly wishes to walk in the path of the Divine? What is the most important message of the Sabbath, the one day dedicated to G-d? There is one identical answer to both of these questions, a response which emanates from three difficult textual issues concerning Vayakhel - Pekudei.

First of all, virtually all of the material concerning the Sanctuary found in this week's double portion has already been presented in Terumah - Tetzaveh. In the earlier Biblical portions, G-d commanded Israel to erect a Sanctuary with all of the ritual object furnishings such as the ark, the menorah, the table, the incense and sacrificial altars, the beams and the special priestly garb - and in these latter two portions the Torah tells us that the mission was accomplished. But we do not merely hear the expected verse, "And Moses and Israel did as the Lord commanded." Instead, we are "treated" to another painstaking description of each of the objects, repeating all of the details we have already heard. Why?

Secondly, the two Sanctuary narratives are interrupted by a middle Torah portion, Ki Tisa, which basically records the tragic incident of the Israelites worshipping the Golden Calf - with a command concerning the Sabbath entering the picture both at the beginning of Ki Tisa (after the initial Sanctuary description and before the worship of the calf in Exodus 31:12-17) and at the beginning of our portion Vayakhel (following the Golden Calf and before the final Sanctuary narrative in Exodus 35:1-3). The strange order is therefore Sanctuary Sabbath Golden Calf Sabbath Sanctuary, which is made even more curious by the fact that most commentaries, including Rashi, date the worship of the golden calf as having occurred before the Almighty gave the commandment to make a Sanctuary! So why the repetition, why the non-chronological intrusion of the Golden Calf episode in the midst of the Sanctuary narratives, and why surround the Golden Calf story with the references to the Sabbath?

Let us begin our exploration with an attempt to understand the significance of the Sabbath. There is a beautiful midrash which pictures a dejected Adam meeting a jubilant Cain. Cain explains his joy by telling his father that he has repented and has been forgiven. Declares the newly exiled Adam, "So great is the power of repentance, and I did

not know it! Immediately Adam cries out in song 'A psalm is the song to the Sabbath day'" (Midrash B'reishit Rabbah 22, 13). From this conversation between father and son after each had sinned egregiously, we may correctly conclude that the Sabbath day expresses Divine forgiveness, G-dly acceptance even of serious evil-doers. The basis for this concept may be the fact that the Sabbath is a fore-taste of the world to come, a promise as well as an experience of the return to Eden despite the exile and alienation which is the result of transgression.

One midrash sees Sabbath forgiveness as emanating from the possibility of atonement for Sabbath transgression by bringing an offering to the Temple (Kohélet Rabbah 1,1), another insists that the merit of the Sabbath saves every sinner from Gehinnom (Pirkei D'Rabbi Eliezer 18), and the Bet HaLevi profoundly understands the constant renewal of Divine creation every day - to which we testify on the Sabbath - as obviating the cause-and-effect time sequence of events, thereby allowing for repentance and forgiveness. I would suggest that if indeed the Sabbath day is sacred time spent in Divine fellowship in order that we come to know, love and emulate G-d, then we must understand that the primary definition of G-d's ways is "Lord, Lord, G-d of Compassion, and Undeserved Grace, Long-Suffering (acceptingly tolerant), full of Loving-Kindness and Truth." (Exodus 34:6,7). The midrash even goes so far as to explain the repetition of G-d's name: "Lord, Lord" as meaning "I am the Lord of love before you sin, and I am the Lord of love after you sin." Hence we see that the essential definition of G-d as we are able to apprehend is for forgiveness. Whether one accepts any or all of the above explanations it is indubitably clear that the Sabbath stands as the message of ultimate and unconditional Divine forgiveness as long as there has been repentance.

Now, I believe, the Biblical textual order becomes understandable. Our prophetic, midrashic and mystical traditions all depict the relationship between G-d and Israel as comparable to that of a lover and a beloved - with even the arch-rationalist philosopher Maimonides describing love of G-d as the love pangs of a lover for his beloved (Laws of Repentance 10,3). From this perspective, the erection of the Sanctuary may be seen as the building of a nuptial home - with the newlyweds jointly and excitedly involved in each detail of every acquisition: the table, the ark-closet, the candelabrum, the wedding trousseau of clothing. But tragically, barely forty days after the wedding at Sinai, comes the unfortunate betrayal of the Golden Calf - nothing less than an adulterous fling when the bride panics under the illusion that her groom has deserted her. The G-d of Compassion and Forgiveness nevertheless accepts Israel back in repentance - and the couple resumes the decoration of their home/Sanctuary precisely as they had before the tragic episode, without missing a beat and faithful to every detail.

Vayakhel-Pekudei testifies to the "forgive and forget" Undeserved Grace of the Almighty, enabling the couple to resume their relationship precisely as it had been before the grave transgression of adultery.

"To err is human, to forgive Divine." The sin of the Golden Calf is both preceded and followed by the Sabbath, the day which more than any other expresses Divine forgiveness. May the Sabbath teach every one of us mortals created in the Divine Image to internalize G-d-like compassion so that we may truly walk in the ways of our Parent-in-Heaven.

Shabbat Shalom. You can find Rabbi Riskin's parshiot on the web at: <http://www.ohrtorahstone.org.il/parsha/index.htm>

Ohr Torah Stone Colleges and Graduate Programs Rabbi Shlomo Riskin, Chancellor Rabbi Chaim Brovender, Dean

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From: Ohr Somayach[SMTP:ohr@ohr.edu] To: weekly@ohr.edu  
Subject: Torah Weekly - Vayakhel/Pekudei

THE INSIDE OF THE OUTSIDE

"See, Hashem has proclaimed by name Betzalel, son of Uri son of

Hur, of the tribe of Yehuda. He has filled him with G-dly spirit, wisdom, insight, and knowledge and with every craft. (35:30-33)

Judaism has always had an uneasy relationship with art and artists. The Greeks made temples of great beauty to their gods. The Vatican heads a mighty throng of churches from Venice to Sienna to Notre Dame to Florence bespeaking the artist's striving to express his connection with that which is beyond.

If you look at the average synagogue, seemingly Jewish art has never attained the level of its non-Jewish counterparts, and in many cases has merely aped the non-Jewish world.

But it wasn't always that way.

The Talmud (Bava Batra 4a) tells us that if you never saw the Second Beit Hamikdash (Holy Temple) which Herod built, you never saw a beautiful building in your life. Its walls were constructed from blue-green marble and white Marmara marble. One layer was indented and the next protruded so that the plaster would have a "key" to adhere to. Herod thought to cover the whole edifice with gold plate. The Rabbis told him to leave it as it was -- unplastered and unglided -- for it looked better in its natural state -- the different levels of blue-green and white resembling the waves of the sea.

When was the last time you saw a Rabbi called in as an interior decorator? Did you ever hear of a Rabbi invited to give his hallowed opinion on a building by Frank Lloyd Wright? What do Rabbis have to do with architecture?

Herod wanted to impose an external beauty on an intrinsic beauty. He wanted to cover the natural beauty with a painted beauty. He wanted to cover the sea with gold. Herod was gilding the lily.

In Jewish thought, only that which reveals the inside is beautiful. The word in Hebrew for "inside" is p'nim. The letters of p'nim are identical to the word panim, which means "face." The face is the only part of a person where flesh radiates the internal life, the soul. By looking at the face you can see what is inside.

The Hebrew word for "ugly" is achur which also means "opaque." Ugliness is defined as that which covers up the inside -- however beautiful that surface might be.

In this week's Parsha the Torah speaks at length about the Mishkan, the Tent of Meeting. The Mishkan was like a portable Beit Hamikdash. Both were places where Heaven meets Earth, where the spiritual meets the physical, where G-d's presence was manifest and overwhelming.

The true beauty of the Beit Hamikdash was that it revealed the "inside" of this world. By showing the world's "face," it revealed its spiritual dimension. The Beit Hamikdash portrayed that existence is not bound by the physical constraints of space and time. It demonstrated that the world has a soul, that the world is connected to that which is.

The eye is a physical organ but it receives light. Light is as about as non-physical as you can get. The eye is the gateway to a non-physical existence called light. The Beit Hamikdash was called "the eye of the world" because it was a physical entity that was the portal for the light -- for the spiritual dimension, for the worlds beyond.

Sources: \* Bava Batra 4a \* Maharal Chidushei Aggadot

HAFTARA HACHODESH: Ezekiel 45:16-46:18

The haftara of Parshat Hachodesh prophetically narrates the consecration of the third and everlasting Beit Hamikdash. As this will occur on the first of Nissan, we thus read this haftara on the Shabbat preceding the first of Nissan.

The haftara begins with the entire Jewish nation contributing towards the Temple's consecration by raising the funds of the festive inaugural offerings conducted by the prince mashiach. This festivity will be celebrated on Passover. The haftara ends with official regulations regarding the prince's authority in grant-ing estates to his subjects, stating that he will not use his power to confiscate lands from their rightful owners, as some of the corrupt kings had done.

## THE CHODESH FESTIVAL

The haftara refers to Rosh Chodesh as a festival (46:1-3). This festive nature is evident also from the obligation to bring a musaf offering on Rosh Chodesh (Bamidbar 28:11).

The Tur (Orach Chaim 417) states that Rosh Chodesh was in fact intended to be a holy day like a Yom Tov, with a prohibition of creative activity, but unfortunately we lost this opportunity subsequent to the sin of the Golden Calf. We were commanded to observe the three regalim festivals -- Pesach, Shavuot and Succot -- in the merit of Avraham, Yitzchak and Yaakov; and the twelve Rosh Chodesh festivals were to have been observed in the merit of the twelve tribes. However, when the twelve tribes sinned, Rosh Chodesh lost an element of its holiness and became a day when toil is permitted. The custom for women to abstain from unnecessary work on Rosh Chodesh is because they did not participate in the sin of the Golden Calf. Thus, for them it retains an air of its original grandeur.

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From: Ohr Somayach[SMTP:ohr@ohr.edu] Subject: Parsha Q&A - Vayakhel/Pekudei

I DID NOT KNOW THAT!

"Moshe gathered the entire community of Bnei Yisrael" (35:1) At the time of the sin of the Golden Calf, dissent and disunity splintered the Jewish People. So much so that, according to the Talmud Yerushalmi, each tribe actually had its own golden calf, because they couldn't agree on one! Here, with the building of the Mishkan, Moshe seeks to rectify this; he gathers the entire community together, attempting to unite them as when they received the Torah "like one man, with one heart."

\* Rabbi Yaakov Kamenetzky in "Emet L'Yaakov"

From: RABBI JONATHAN SCHWARTZ jschwrtz@ymail.yu.edu To: chaburah@hotmail.com Subject: Internet Chaburah -- Parshas VaYakhel-Pekudei/HaChodesh

Prologue: Why did he need such a major role?

The Torah reading (39:33) notes that Moshe and Moshe alone was the only one who could properly establish the Mishkan. Why?

Rav Moshe Feinstein (Darash Moshe II) notes that Moshe was commanded specifically not to contribute to the building of the Mishkan (See Rasi). This is based upon the principle that the Mishkan was to serve as the Kappara for the sin of the Eigel. Moshe, uninvolved in the Chet was not to contribute to the building. However, lest Moshe become disheartened, feeling that the rest of the nation was involved and had a piece of the construction and thus a seat on the board of the Mishkan and he not. Therefore the command that Moshe and Moshe alone set up the Mishkan. Alternatively, Rav Nissan Alpert (Limudei Nissan) ztl. explains that the idea of Moshe's spearheading the mishkan setup was based in part on the principle that there can be no successful board without a Talmid Chacham at the helm.

Moshe also served as the first Kohein Gadol in the Binyan Hamishkan. Thus, the ensuing Talmudic dilemma which clothes he wore in the process. This week's Chaburah examines issues of clothing and Shabbos. It is entitled:

\*\*\*\*\* Clothing that makes the mood \*\*\*\*\*

The Talmud Yirushalmi (Peah, 8:7) quotes Rabbi Chaninah's opinion that one must have two sets of clothes. One set is to be designated for Shabbos and the other for the week. His source is a Possuk in Rus where Naomi tells Rus to arise and put on her clothes in order to meet Boaz. The Yirushalmi notes lest one think she was without clothing that she had to be told to get dressed, the inference here is that Rus was instructed to put on her good, Shabbos clothes. (perhaps this is the

source for "getting dressed up" when going out to meet and date someone special -- see Minhag Yisroel Torah vol. IV).

The Rema (Orach Chaim 301:16) quotes the Kol Bo who does not allow one to leave his home in the same manner that he does during the week. He must wear SOMETHING that through it, he will remember that it is Shabbos and will not violate Shabbos (a potential source for the custom some have of wearing hats only on Shabbos). The Talmud (Shabbos 114a) quotes a Possuk to note the uniqueness of changing one's clothes in honor of Shabbos. The Possuk is cited in reference to the changing of clothing by the Kohein in order to do the Terumas Hadeshen. The Talmud notes that clothing used to prepare the meal should not be worn when serving the meal. The Maharsha (Shabbos 114a) explains that this applies to Shabbos clothing specifically. This idea is based on the principle that there is a special Mitzva to prepare for Shabbos (See Kiddushin 41a). The Rema does not cite the reasoning of the Maharsha. Why?

Some have conjectured (See Oros Yimei Hashabbos Siman 23) that if we were to apply the logic of the Maharsha, only those involved in "making Shabbos" would have to change their clothing. Therefore, the Rema cites the Kol Bo in order to include everyone in the obligation to change clothing in honor of Shabbos. The Maharsha himself agrees with the position of the Kol Bo that all must wear Shabbos clothing on Shabbos (see Maharsha to Shabbos 113b)

But is there a concept of the "Shabbos shoe?" Some note (Shut Rav Poalim IV, Orach Chaim 13) that shoes are not generally included in the concept of clothing for we find that there is a special Beracha on having shoes ("She'Asa Lee Kol Tzarkee") after reciting the Beracha of Malbish Arumim. (See Berachos 60b). The Talmud Yirushalmi points this out explicitly (Jer. Tal. Shabbos 6:2 See Korban HaEida's explanation). The Pnei Moshe actually learns the Yirshalmi's statement as a question implying that one MUST have special shoes for Shabbos (See Shiurei Harav M.M. Blachman Leil Shabbos Yisro 5754). The Rosh (Teshuvos 25:5), Shevus Yaakov (I:24) and Rashba (II: 183) all include shoes as part of clothing thus necessitating a special pair for Shabbos.

L'Halacha Rav Eliezer Silver is cited (Oros Yimei HaShabbos ibid) as not requiring new shoes for Shabbos. Still, he feels that one must shine his shoes in honor of the great day and thus partially fulfill the obligation of Kavod V'Oneg.

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From: Jeffrey Gross [SMTP:jgross@torah.org] neustadt@torah.org To: weekly-halacha@torah.org Subject: Weekly Halacha - Parshas Vayakhel-Pekudei- MAKING COFFEE ON SHABBOS

BY RABBI DONIEL NEUSTADT Rav of Young Israel of Cleveland Heights

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

**MAKING COFFEE ON SHABBOS**

**QUESTION:** How does one make a cup of instant coffee [or instant tea] on Shabbos?

**DISCUSSION:** There is a well-known halachic principle that is cited when discussing if and how food can be "cooked" or warmed up on Shabbos: Ein bishul achar bishul, which means that once a food has been cooked before Shabbos, it cannot - in halachic terms - be "cooked" again. In other words, a food which has already been cooked cannot be subject to the prohibition of cooking on Shabbos.

Regarding making a cup of coffee on Shabbos, one could reason that since coffee beans are first roasted and then cooked while being processed into instant coffee, it would be permissible to pour boiling water from an urn directly onto the [already cooked] instant coffee powder. But there are two good reasons why this is not so simple a matter:

1. While it may be true that generally, coffee beans are cooked before

they are made into instant coffee, it is possible that a method other than cooking was used in the manufacturing process.<sup>2</sup> If, indeed, a process other than cooking was used, then it would be strictly prohibited to pour water directly from the urn over the coffee, since then the coffee would become cooked for the first time.

2. Some authorities maintain that instant coffee is not considered a solid food since it disintegrates completely and melts upon contact with hot water.<sup>3</sup> Thus it would be classified halachically as a liquid. The halachah regarding liquids is that even if they were fully cooked, if they are no longer warm<sup>4</sup> it is prohibited to recook them.<sup>5</sup> If so, then water may not be poured directly from the urn over the instant coffee, since cooled-off liquids are subject to bishul.

Practically speaking, are these two issues a concern? While there are dissenting opinions<sup>6</sup>, the general consensus among contemporary poskim is that it is proper to be stringent. The poskim advise, therefore, that one first fill the coffee cup with water from the urn, and then put the instant coffee into the cup; this way the instant coffee is being put into a keli sheini (a "second vessel"), which does not have the power to recook liquids which have cooled off.<sup>7</sup> Some poskim<sup>8</sup> go even further and advise that one pour the water from the first cup into another cup and then put the instant coffee in. This way, the instant coffee is being put into a keli shelishi (a "third vessel"), which has even less cooking power than a keli sheini<sup>9</sup>.

These halachos regarding instant coffee [or tea] apply also to processed sugar and artificial sweeteners.

**FOOTNOTES:**

<sup>1</sup> Rabbi S. Eider writes that the procedure is as follows: After roasting the coffee beans in heat of up to 350! F, the beans are ground and cooked. Then the cooked beans are "freeze-dried" at a temperature of up to 800! F to remove all of the moisture from the beans. Based on this information, Igros Moshe O.C. 4:74-16 ruled that instant coffee is completely cooked and the rule of Ein bishul achar bishul applies.

But after first publishing this information I received the following letter: "With all due respect to your sources, I researched all the manufacturers... There are (maybe not surprisingly) very few. The largest manufacturer in the world is a company called Atlas-Stord. In extensive correspondence with their engineers and division managers I can state with 100 percent confidence that a temperature even near 800! F is impossible. The absolute maximum temperature that the coffee can possibly hit in the freeze-drying process is 60! C or 140! F. This occurs in a vacuum, and no manufacturer of this equipment could possibly make it hotter. As it is this is a very high temperature for the process and the majority of places use lower temperatures. It should be noted that the temperature dramatically effects the size of the vat used in the vacuum process, and the vats that do this are already the size of small buildings. Therefore, I am convinced that 800! F is totally not possible. In addition I know coffee heated to even 250! F would taste horribly burned..." [See note 55.] <sup>2</sup> See Meor ha-Shabbos 5:25, that possibly this is current technology in some plants. See also previous note. <sup>3</sup> See Mishnah Berurah 318:71 concerning sugar. The halachah regarding instant coffee may be even stricter, since it is used exclusively in a liquid state. <sup>4</sup> "Warm" means that it is warm enough to be enjoyed as a "warm drink." <sup>5</sup> Rama O.C. 318:15. But it is only prohibited to re-cook cooled-off liquids in a keli rishon; Mishnah Berurah 318:23. <sup>6</sup> See Yechaveh Da'as 2:44. <sup>7</sup> Minchas Yitzchak 1:55; 9:27; Chelkas Yaakov 2:116; Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 1, note 135). [In addition, see Igros Moshe (O.C. 4:74, Bishul 17) who debates whether or not instant coffee and tea - even if previously uncooked - have the halachical status of tavlin, spices, which do not cook altogether in a keli sheini.] <sup>8</sup> Harav Y.S. Elyashiv (Meor ha-Shabbos, vol. 1, 5:25); Shevet ha-Levi 8:63. <sup>9</sup> Harav M. Feinstein (Igros Moshe O.C. 4:74, Bishul 16) writes that though the halachah permits pouring hot water directly over instant coffee, he himself - for his personal use - is particular to put the coffee in a keli shelishi. [In light of the new information quoted in footnote 47, this stringency takes on added importance and relevance.]

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[http://www.torahweb.org/torah/2000/parsha/rros\\_pekudei.html](http://www.torahweb.org/torah/2000/parsha/rros_pekudei.html)  
[From last year] RABBI MICHAEL ROSENSWEIG

Means and Ends in the Pursuit of Kedushah

The Torah begins parshat Pekudei by declaring that Bezalel fully implemented Hashem's instructions to Moshe- "U-Bezalel ben Uri ben Hur le-mateh Yehudah asah et kol asher zivah Hashem et Mosheh." The

gemara (Berakhot 55b; Rashi Shemot 35:22), commenting on this apparently superfluous affirmation, records an extraordinary exchange between Moshe Rabbeinu and Bezalel, the architect of the Mishkan. Moshe instructed Bezalel to first build the kelim and only then the structure of the mishkan. Bezalel responded that the structure should precede the kelim in accordance with general building norms ("minhag ha-olam"). This dispute demands clarification. Moshe undoubtedly projected the priority of the kelim because the mishkan's primary telos was to house these holy articles. What, however, was Bezalel's rationale? It is tempting but evidently inaccurate to view these opposing positions as the different perspectives of a spiritual leader and a master builder. Bezalel, after all, emerged as the architect of the mishkan not because of his proficiency in construction and design but because of his own impressive spiritual qualifications. The Torah reports that he was filled with ruah elokim, hakhmah, and da'at. Moreover, Bezalel's apparently pragmatic argument was accepted in practice. Indeed, his insight inspired Moshe's highest praise: "hiskimah daato le-mah she-zivah le-Moshe mi-Sinai...amar lo kakh shamati...be-zel kel hayita". Why does the argument of "minhag ha-olam" override the spiritual superiority of the kelim in this context? An analysis of the various parshiyot dedicated to the construction of the mishkan reveals other anomalies. The degree of repetition and detail reflected in the Torah's account of this project is unparalleled. The fact that the cataclysmic episode of the egel ha-zahav interrupts the various accounts of the mishkan is particularly striking. Hazal focused special attention on the attitude of different populations and individuals toward the construction of the mishkan. Perhaps a better understanding of some of these phenomena will provide the framework for better comprehending Bezalel's decisive conclusion.

Hazal perceived a flaw in the approach to this mitzvah that is symbolically conveyed by the omission of a letter in the word "nesiim". Rashi (Shemot 35:27) cites the midrash which is critical of the nesiim's lack of initiative in donating to the mishkan, viewing their apparently generous guarantee to cover any outstanding deficit as insufficient. The Midrash HaGadol amplifies this theme, arguing that the nesiim minimized the process that would ultimately produce a home for the aron and kelim. They conceived of the building of the mishkan as a technical process devoid of any intrinsic value, as merely an instrument to achieve the ultimate goal of housing the kelim, and hashraat ha-Shekhinah. Midrash Hagadol implies that their view was fostered by the fact that the masses were to be a part of the process. In any case, Hazal conclude that the nesiim were insensitive to the true significance and opportunity provided by this process.

In fact, Hazal view the construction of the mishkan as an inherently valuable religious experience and as the necessary prelude to hashraat ha-Shekhinah. The independent value of this process is reflected in numerous ways. Both Ramban (39:37) and R. Behai (39:42) note the use of the term "avodah" (rather than "melakhah") with respect to the construction of the mishkan. They assert that this usage signifies an inherent service to Hashem ("she-asu otah la-avodat Hashem Yitbarakh"). Ramban (36:8) also offers two explanations of the five-fold repetition of the details of the mishkan's construction, each of which underscores the independent value of the building process. He proposes that the repetition indicates the special affection and stature ("hibah yeterah ve-derekh maalah") that Hashem accords to this service. Furthermore, the detailed enumeration establishes that knowledge and acceptance of the total process was a necessary prerequisite for involvement in any of its distinctive phases. Clearly, the construction was far more than a vehicle to achieve a certain result. Ramban explicitly rejects the notion that Bezalel's technical skills qualified him to direct the construction of the mishkan. He argues that only a scholar of Bezalel's spiritual magnitude could have built the aron. This view has strong roots in Hazal, who assert that "hakhmah, binah, daat" refer to different dimensions of Bezalel's attainments in the study of Torah ("hakhmah-

she-hayah hakham ba-Torah; tevunah- she- hayah meivin ba-halakhah; u-be-daat- she-hayah maleih daat ba-talmud"). The final stage of the mishkan's construction could only be concluded by Moshe Rabenu himself accompanied by Divine intervention, as Rashi (39:33) records. Ramban advances the idea that a special level of intent ("kavanah rezuyah") was necessary to advance the process. Seforno also develops the idea that a special measure of "kavanah lishmah" was indispensable to the building of the mishkan. The accenting of spiritual values in a highly technical construction process illustrates that this vehicle for hashraat ha-Shekhinah was perceived as an inherent act of avodat Hashem.

The midrash abounds with comparisons and parallels between the process of kelal yisrael's construction of the mishkan and that of Hashem's creation of the world! The ingredients of "hakhmah, binah, ve-daat" were demonstrated to have been integral to both creations. Phrases and formulations common to both processes are enumerated in Midrash Hagadol and R. Behai in the context of these parshiyot. In one section, the midrash concludes that Hashem had greater pleasure from the construction of the mishkan because of all the effort and human input that it entailed-"aval mishkan, Moshe ve-yisrael nitasku bo, Bezalel ve-talmidav nitasku bo, Oholiav ve-talmidav nitasku bo". The inspiration and expertise used to build the mishkan is traced to Hashem-"kol ha-hokhmah hazu minayin min Hashem; ve-kol ha-binah she-haytah be-Bezalel mi-shel Hashem ...". The inherent importance of the process itself is unmistakably conveyed in these and other sources.

Against this background, we can appreciate that the exchange between Moshe and Bezalel with respect to the order of the building was not a debate between a technician and a spiritual leader, but rather represented two distinct spiritual perspectives on the nature of this critical process. Bezalel convincingly demonstrated that building the mishkan was independently significant as an act of avodat Hashem, and that its integrity demanded that it precede the construction of the kelim it would ultimately serve.

Bezalel may have argued that unless one invests kedushah into the process-vehicle, it will not effectively produce its desired goal of bringing about a more profound kedushah either. Kedushah does not arrive in a vacuum nor can one attain this lofty goal without significant attention to its context and framework. Furthermore, the juxtaposition with the episode of the egel inspired Hazal to perceive the building process as a contrast and antidote to that spiritual calamity- "ba Bezalel le-rapot ha-makah; yavo zahav ha-mishkan ve-yekhaber al zahav ha-egel." According to one prominent perspective advanced by Ramban and others, the very confusion of means and ends, of vehicle and goal, was precisely the foundation for the sin of the egel. Perhaps the confusion that prevailed was a dialectical one. On the one hand, Kelal Yisrael, in the absence of Moshe Rabenu, were desperate for a concrete vehicle through which they believed they could develop a closer relationship with Hashem. At the same time, they were absolutely uncritical in choosing that vehicle, almost as if the method and process was irrelevant to the outcome. The mishkan, with its myriad of detail and repetition indeed constitutes a corrective, even an antidote to this dialectical misconception. Its repeated emphasis on "kasher zivah Hashem" establishes unequivocally that there can be no vehicle without the Divine sanction embodied in the norm of zivui Hashem. Furthermore, its accent on every detail, its projection of spiritual motifs, as well as the integrity and the priority of the building and structure underscore that the goal of hashraat ha-Shekhinah will be achieved only if the vehicle is both sanctioned and itself, sanctified.

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From: Young Israel Divrei  
Torah[SMTP:yitorah-owner@listbot.com] Young Israel Divrei Torah -  
http://www.youngisrael.org 29 Adar 5761 Daf Yomi: Gittin 45

Guest Rabbi: RABBI RODNEY WEISS Young Israel of Astor Gardens, NY

At the conclusion of the building of the Mishkan, the pasuk says: "Moshe saw the entire work and behold! they had done it as HaShem had commanded, so had they done and Moshe blessed the people." What was this bracha? Rashi says: "Y'hi ratzon shetishreh Shchina b'ma'aseh yedeichem... May it be HaShem's will that the Shchina rest upon your handiwork."

One can ask - if the sole purpose of building the Mishkan was to fulfill the commandment of "They shall make for Me a sanctuary and I shall dwell among them," then why is it necessary to give this bracha? Certainly HaShem's presence will rest upon the Mishkan.

The answer to this question is intertwined with an understanding of the impact that the building of the Mishkan had upon the world. If we look in Parshat Breishit there is a pasuk which is reminiscent of our pasuk. It says at the end of the account of creation: "And HaShem saw all that He had made and behold it was very good." HaShem reviewed creation and was pleased with its beauty and perfection. A similar reflection was done by Moshe upon the completion of the Mishkan.

This apparent similarity does not go unnoticed by the meforshim. The Kli Yakar writes, based on the Midrash, that the entire building of the Mishkan is based on the original creation of the world. The Kli Yakar explains the connection - that the world had actually remained in a state of emptiness until kabalat haTorah. The sin of the Golden Calf sent the world back to that stage of emptiness until the building of the Mishkan restored the world to its proper status. In other words, the building of the Mishkan recreated the world.

Based on this we can look at Mishna 1:2 in Pirkei Avot in a new light. The Mishna states: "The world stands on three things: on Torah, on avoda and on gmilut chasadim." If these three things are missing, the world is presumably in a state of emptiness. Torah, the bond between G-d and Israel, is the sole purpose of creation. Avoda, which is represented by the korbanot, is a daily reminder of whose world we live in. Gmilut chasadim, dissemination of loving kindness, is the condition for eternal continuity. If we emulate G-d, just as He is compassionate, so must we be, then each day we renew creation. Each of these concepts is inherent in the building of the Mishkan and its keilim.

To return to the original question, Moshe's bracha is obligatory because if building the Mishkan creates a new world, then it can only exist with G-d's presence. Otherwise, it becomes a world of emptiness. This also explains why the Mishkan can not be built on Shabbat. Shabbat is the sign of acceptance of G-d's creation which, as aforementioned, is symbolic in the building of the Mishkan.

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From: Yeshivat Sha'alvim[SMTP:feedback@shaalvim.org]  
YESHIVAT SHA'ALVIM PARASHAT HASHAVUAH  
Parashat Vayakhel  
RAV MOSHE GANZ

Translated by Rachel Azriel  
Shabbat and the Mishkan

Parashat Vayakhel, which deals mainly with the building of the Mishkan, opens with the topic of Shabbat., "On six days work may be done, but the seventh day shall be holy for you, a day of complete rest for Hashem."

From this juxtaposition Chazal learned that the construction of the Mishkan does not override the holiness of the Shabbat. When the Torah writes "On six days work may be done, but the seventh day shall be holy for you," they are referring not only to our daily work, but also to Malechet HaMishkan. The labors that are forbidden on Shabbat are those that were performed in constructing the Mishkan. Since the building of the Mishkan is forbidden on Shabbat, therefore all these acts of building it are forbidden labors and everything that is forbidden on

Shabbat is one of the labors or a derivative of them. There are 39 such labors and they are called the 39 principal labors. Also learned from the proximity of these two parshiot, is the important principle that Shabbat labor is Scripturally forbidden, assur medeorytah, only if it is melechet mechshevet, a labor done with intention and forethought.

What is the reason for these associations between the Shabbat and the Mishkan? Why are the laws of Shabbat contingent on the Mishkan? These two foundations are connected by a third - the creation - and we see that in all these parshiot the word melacha is repeated several times.

The connection between Shabbat and the creation is well known. Through our observance of Shabbat we give testimony to the creation by G-d "that in a six -day period Hashem made heaven and earth, and on the seventh day He rested and was refreshed." But, there is also a connection between the creation and the Mishkan alluded to in Brachot 55b. "Rav Yehudah said in the name of Rav, 'Betzael knew how to join the letters with which heaven and earth were created, for it is written here, 'He filled him with Godly spirit, with wisdom, insight and knowledge.' Also concerning the creation it is written, 'Hashem founded the earth with wisdom; He established the heavens with understanding; through his knowledge the depths were cleaved.'" Betzael was blessed with the same qualities used by G-d in the creation - wisdom, insight (understanding) and knowledge.

What underlies this relationship between the creation and the Mishkan? Actually, the entire creation is a Mishkan. The earth was created by G-d so that all its inhabitants would worship and praise G-d. Every creation that we see contains in it a superior wisdom causing us to honor G-d. As it is written in Pirkei Avot, "Whatever the Holy One blessed be He created in His world He created but for His glory, as it is written, "Everyone who is called by My name and whom I have created for My glory, I have fashioned, even perfected." The world is the Mishkan created by G-d, who rested from his work on the seventh day.

Bnei Yisrael are also commanded to build a Mishkan, although we know that this building does not actually contain G-d, as King Shlomo said, "Behold, the heavens and the highest heavens cannot contain You, and surely not this Temple that I have built." The Mishkan was built to show that Hashem exists and rules here on earth and that the Shechinah is found all over the world. Therefore, in order to know how to build it properly, Betzael must know to combine the letters with which the heaven and the earth were created.

In the construction of the Mishkan there will also be rest on Shabbat, like there was with the earth that G-d created, and the very same labors that are forbidden on the earth's day of rest are those that were forbidden in Malechet HaMishkan.

Rabbi Shimshon Raphael Hirsch commented on the verse, "One thing I asked of Hashem that shall I seek: Would that I dwell in the House of Hashem all the days of my life." Surely David does not desire to be physically present in the Mishkan all of his life, rather, David's intention here is that he should feel that he is in the house of G-d, because the entire world is like a house of G-d.

Shabbat Shalom

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From: Kollel Iyun Hadaf[SMTP:kornfeld@netvision.net.il] RABBI MORDECHAI KORNFELD Subject: Insights to the Daf: Gitin 33-36 INSIGHTS INTO THE DAILY DAF

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### Gitin 33 THE RABANAN'S AUTHORITY TO UPROOT A MARRIAGE QUESTIONS:

The Gemara states that in certain situations, the Rabanan -- in order to end a marriage -- uproot the Kidushin so that the marriage will no longer exist. The situation discussed in our Gemara is when a man sends a Get to his wife and then annuls the Get after the Shali'ach has departed, without informing the Shali'ach of the annulment. Although the Get is not valid when the Shali'ach gives it to the woman, the Rabanan make it take effect by uprooting the Kidushin. How can the Rabanan make the Get valid when, mid'Oraisa, it is not valid? The Gemara explains that the Rabanan make the Get effective by implementing their authority to uproot the Kidushin (retroactively), "Afke'inhu Rabanan l'Kidushei Minei."

(Another case is described in Kesuvos 3a: a person gives a Get to his wife on condition that he does not return, and then circumstances beyond his control prevent him from returning. Even though the Get is not a valid Get mid'Oraisa (since a fulfillment of a condition against one's will is not considered as though one fulfilled the condition), the Rabanan instituted that the Get does take effect (for the reasons that the Gemara describes).)

How does this mechanism of uprooting the Kidushin work? When the Rabanan uproot the Kidushin, is it considered as though the couple were never married? If so, it should be possible to remove the status of a Mamzer in a situation where a married woman committed adultery or was raped and had a child from the union; although the child is a Mamzer, it should be possible to make the child legitimate by having the Kidushin uprooted retroactively (such as by sending her a Get with a Shali'ach and then annulling the Get)! Similarly, a man could save his wife from being punished with Misah, where she committed adultery, in this manner as well! (TOSFOS DH v'Afke'inhu)

In addition, the PNEI YEHOSHUA points out that if the Rabanan uproot the Kidushin retroactively, then when the brother of the husband later marries the woman (who is Asur to him as "Eshes Achiv"), the Kidushin should take effect mid'Oraisa (and she should require a Get if she wants to leave him) since she is not his "Eshes Ach!" Is that indeed the Halachah?

Another question is that if the Rabanan are able to remove Kidushin in such a manner, then why do they not use it in a broader context -- such as to permit Agunos to remarry? For example, in a case where a husband drowns in the sea ("Mayim sh'Ein Lahem Sof") and there is no positive testimony that he is dead, the Halachah is that his wife may never remarry. The Rabanan should permit her to remarry by exercising their authority to uproot the Kidushin!

ANSWERS: (a) TOSFOS says that it is true that where the Rabanan uproot the Kidushin, a child who is a Mamzer due to the Kidushin becomes legitimate, and the woman becomes exempt from punishment for committing adultery (and, presumably, if she marries the brother of her husband, the Kidushin with him will take effect). However, a person cannot take advantage of this right of the Rabanan in order to intentionally correct the status of a Mamzer. In such a case -- where a man intentionally sends a Get to his wife with a Shali'ach and then annuls the Get in order to save his wife from punishment or to make his wife's illegitimate children legitimate -- the Rabanan do \*not\* uproot the Kidushin. They only uproot the Kidushin when a man annuls the Get innocently, with no ulterior motives.

As for why the Rabanan do not exercise their authority to uproot Kidushin in order to permit Agunos to remarry, the RAMBAN and RASHBA explain that the Rabanan exercise this power only where there was some form of Get that was already given. Even though the Get itself is not valid, the Rabanan uproot the Kidushin based on the giving of the Get.

This also seems to be the intention of RASHI here who repeatedly writes that the Rabanan uproot the Kidushin "when a Get is given." (Rashi in Shabbos (155b) writes that the reason the Rabanan permitted a woman to remarry based on the testimony of a single witness is because of the principle of "Afke'inhu." Here, Rashi explains why the Rabanan do not apply "Afke'inhu" to permit Agunos in other situations. Rashi is explaining that in the case of a single witness who testifies that the husband died, there is at least some sort of testimony that he died, and thus there is a foothold for the Rabanan to uproot the Kidushin. According to Rashi, wherever there is some form of Get or some form of testimony of death, the

Rabanan can apply "Afke'inhu.")

(b) The RAMBAN and RE'AH write that although the Rabanan uprooted the Kidushin d'Oraisa, they nevertheless established in its place a Kidushin d'Rabanan. Therefore, the child born to the woman from another man will still be a Mamzer d'Rabanan, and the relatives of the husband will be prohibited to the woman mid'Rabanan. Similarly, she will be prohibited mid'Rabanan to marry a Kohen.

(c) The Rishonim here (RAMBAN, RASHBA) and here and in Kesuvos (3a) quote the RASHBAM (see also PNEI YEHOSHUA here) who suggests that when a condition of the Get is fulfilled against the husband's will, and when a husband annuls a Get after having sent it with a Shali'ach, the Kidushin is not uprooted retroactively, but rather it is uprooted from now on, "mi'Kan ul'Haba." (See also SHITAH MEKUBETZES in Kesuvos who quotes the Rashbam as found in a marginal note in a manuscript of Rashi's commentary.)

The Rashbam explains that the Gemara means that the Rabanan have the right to uproot the Kidushin retroactively, and if they do so, all of the Be'ilos retroactively become Be'ilos of Z'nus. Since nobody wants his Be'ilos to become Be'ilos Z'nus, when he gives a Get with a condition, he has in mind that even if the condition is fulfilled later against his will, he still wants the Get to be valid. Similarly, when a man annuls a Get, since he knows that the Rabanan will make his Be'ilos into Be'ilos Z'nus if the Get is annulled, he does not really want to annul the Get.

The Ramban asks that according to this, in a case where a woman is only betrothed (with Erusin), and her husband gives her a Get on condition or annuls a Get that he sent with a Shali'ach, the Kidushin \*should\* be uprooted retroactively, since the man has not had relations with his wife and thus has no fear that his Be'ilos will be made into Be'ilos Z'nus! The Ramban answers that even though there was no Be'ilah, the husband has in mind that the Get should take effect even if the condition is fulfilled b'Ones, because he knows that if he does not want it to work, it will not gain anything for him (since the Kidushin will still be uprooted against his will). Therefore, he intends for the Get to take effect no matter what.

(d) RASHI cites a fourth explanation in the name of "my teachers." This explanation is actually found in PERUSH RABEINU GERSHOM in Bava Basra (48b). He explains that all Kidushin nowadays is only mid'Rabanan in any case, and that is why the Rabanan are able to uproot it from now on. Rabeinu Gershom asserts that Kidushei Kesef (and Kidushei Shtar) are mid'Rabanan, while Kidushei Bi'ah -- which is mid'Oraisa -- cannot make a Kidushin d'Oraisa nowadays since the Rabanan prohibited being Mekadesh a woman with Bi'ah (Kidushin 12b). The Rabanan went further and said that since everyone is "Mekadesh Al Da'as d'Rabanan," all Kidushei Bi'ah does not work mid'Oraisa nowadays (and it only makes a Kidushin d'Rabanan).

(Once the Rabanan instituted that one can be Mekadesh a woman with Kidushei Kesef, it became an act of effrontery to be Mekadesh a woman with Bi'ah. Therefore, when the Rabanan instituted Kidushei Kesef, they also instituted that a person may not be Mekadesh with Bi'ah and they annulled that form of Kidushin, based on the premise that when a person gets married, he does so according to the will of the Rabanan.)

Rashi and the other Rishonim ask strong questions on the explanation of Rabeinu Gershom.

1. First, how can he say that Kidushei Kesef (and Kidushei Shtar) are mid'Rabanan, when Kidushei Kesef is derived from a Gezeirah Shavah (Kidushin 2a) and is thus clearly d'Oraisa?

Apparently, Rabeinu Gershom learns that this Gezeirah Shavah is not an actual Gezeirah Shavah mid'Oraisa, but is only an Asmachta. (The same applies to Kidushei Shtar, which is learned by comparing it to a Get (Kidushin 9b). Rabeinu Gershom understands that comparison to be only an Asmachta.)

2. Second, Rashi asks that we know that a Ne'arah Me'urasah is defined as a woman who was assumed to be a Besulah at the time of the Nesu'in, but was found to have had relations with another man while she was an Arusah. The Torah punishes such a woman with Sekilah. How can the Torah consider her to be a Besulah at the time of Nesu'in if, mid'Oraisa, there is no such thing as Kidushei Kesef or Kidushei Shtar? The only way she could have become an Arusah, mid'Oraisa, is through Kidushei Bi'ah, and thus it is not possible for there to be a case of Ne'arah Me'urasah!

Rabeinu Gershom apparently was not bothered by this question, because we could say that the Kidushin was done with a Bi'ah \*she'Lo k'Darkah\*. Such a Bi'ah serves to make the woman an Arusah, but it does not make her a Be'ulah and she remains a Besulah. (See in full the Gemara in Kidushin 9b. Even though the Gemara there rejects this possibility, perhaps Rabeinu Gershom understands that the Sugyos are arguing.)

3. Third, Rashi in Kesuvos asks that according to Rabeinu Gershom, a woman who gets married with Kidushei Bi'ah should be permitted to leave her husband

without a Get. Rabeinu Gershom apparently learned that although the Rabanan removed the Kidushin d'Oraisa, they did substitute in its place a Kidushin d'Rabanan which does require a Get.

4. Fourth, Rashi here asks how the Rabanan can annul a Kidushin that was made through Bi'ah simply by prohibiting it mid'Rabanan? Why should this prohibition prevent the Kidushin from taking effect?

Rabeinu Gershom apparently learns that it is possible for the Rabanan to make a prohibition that prevents something from taking effect mid'Oraisa, as we find in TOSFOS in Sukah (3a) with regard to a person who sits in a Sukah in a manner which the Rabanan prohibited. In the case of performing Kidushin with Bi'ah, it is possible that the way the Rabanan prevented the Kidushin from taking effect is as follows: The reason the Bi'ah accomplishes Kidushin is because it demonstrates Ishus -- conducting themselves in the manner of husband and wife. By conducting themselves as though they are married, the marriage is effected. But once the Rabanan prohibited Kidushei Bi'ah, the Bi'ah is an act of Z'nus and not an act of Ishus, and since it does not demonstrate the conduct of husband and wife, it cannot effect Kidushin.

Gitin 36b

THE POWER OF "HEFKER BEIS DIN" QUESTION: The Gemara cites two verses to prove that "Hefker Beis Din" is Hefker. First, Rabbi Yitzchak cites the verse (Ezra 10:8) which relates that the Beis Din decreed that if the people do not fulfill the enactment of Beis Din, then they will confiscate all of their property. Rabbi Elazar cites a verse (Yehoshua 19:51) regarding the distribution of the land in Eretz Yisrael. The verse compares the community leaders to fathers, teaching that just like fathers can give property to whichever children they want, so, too, Beis Din can give the property of one person to any other person.

The RASHBA points out that from the second verse, it seems clear that Beis Din not only can take away a person's property, but they can also decide to give it to another person. It becomes the other person's property because of Beis Din's decree, even without a formal act of Kinyan. (See also YAM SHEL SHLOMO, Yevamos ch. 10; MAHARIT 1:7.)

This indeed seems evident from many places in the Gemara, where we find that there is such a thing as a Kinyan that is made because of a rabbinic decree. (See, for example, the Gemara earlier on 14a, regarding Ma'amad Sheloshtan, and on 20a, regarding the Zuz that a woman pays to the scribe in order to write a Get, which the Rabanan gave to the husband.)

The ALIYOS D'RABEINU YONAH (cited by the Shitah Mekubetzes in Bava Basra 100a) seems to reject this basic premise. Rabeinu Yonah discusses a field which the public became accustomed to walking through. The Rabanan enacted that the owner of the field cannot take away from the public the right to walk through his field. The Gemara asks in what way did the public make a Kinyan on that property.

Rabeinu Yonah is perplexed by the Gemara's question. If the Rabanan instituted that the public has the right to the property through which they became accustomed to walking, then the rule of "Hefker Beis Din Hefker" should make it theirs and they should need no Kinyan! Rabeinu Yonah answers that "Hefker Beis Din Hefker" does not give the item to a recipient; it only removes it from the possession of the original owner. Therefore, until the people make a Kinyan on the property, it is not theirs. (Rabeinu Yonah makes a similar point earlier in Bava Basra, 54b-55a. See also NESIVOS HA'MISHPAT 235:13.)

How can Rabeinu Yonah write that "Hefker Beis Din Hefker" does not make a Kinyan? We see from the Gemaras cited above and from other places that a Kinyan d'Rabanan made through their power of "Hefker Beis Din" does to grant ownership!

(a) The D'VAR AVRAHAM (1:1:15-16) explains that when the Rabanan institute that a certain act should accomplish a Kinyan, then that act certainly is on par with any Kinyan d'Oraisa and can be Makneh the object to the recipient. The only time that "Hefker Beis Din" cannot give an object to a recipient is when the "Hefker Beis Din" does not involve any act of Kinyan (for example, where no act at all is involved, or where one of the parties involved is a Katan).

His reasoning is as follows. The Gemara in Bava Metzia (74a) says that any act that becomes generally accepted to be an act that finalizes a sale ("Situmta") accomplishes a Kinyan \*d'Oraisa\*. A Kinyan that the Rabanan instituted is no less than the Kinyan of "Situmta." (This would not seem to answer our question from the Gemara on 20a, though.)

(b) The Rashba might be referring only to "Hefker Beis Din" that is being used to penalize someone, or to cause someone a monetary loss, which the person would not be willing to agree to on his own accord. When "Hefker Beis Din" is applied to take away money which the person would not be willing to give on his own, the Rabanan instituted only that the person loses the money, but not that it goes into the

recipient's possession. However, if the person who is losing the money consents to having the money transferred, then "Hefker Beis Din" would even enable the recipient to receive the money. (The Rabanan only effected a single change: either they took the money away from a person against his will, or they gave it to another person despite the lack of a formal Kinyan, but they did not do both.)

Therefore, Rabeinu Yonah, who is discussing the way the Rabanan confiscated a person's property and gave it to the public, says that the Rabanan did not effect a Kinyan for the public, putting it into their possession. In contrast, in the case of Ma'amad Sheloshtan or the Zuz that a woman pays a scribe to write a Get, the person who is making the Kinyan certainly wants to part with his or her money (in the case of the Get, the woman certainly wants the Get to be a valid Get). Therefore, the Rabanan even put the money into the other person's possession without a formal act of Kinyan.

This explains why the Gemara here cites two separate verses. The first verse teaches that the Rabanan have the right to confiscate property through "Hefker Beis Din," but that property remains Hefker. The second verse teaches that when a person \*wants\* the Rabanan to transfer his property (such as when Eretz Yisrael was divided up, and each person wanted himself and others to receive a proper portion), "Hefker Beis Din" can be used even to make the second person acquire the object even without a formal act of Kinyan.

#### REPEALING THE ENACTMENT OF "PRUZBUL" QUESTION:

The Gemara discusses whether Hillel enacted the institution of Pruzbul only for his generation, or whether it was an everlasting Takanah that applies even to subsequent generations. The Gemara says that the practical difference between these two possibilities is whether a later generation can annul the Takanah (in a generation where people are willing to lend money despite the fact that Shemitah will cancel their loans).

The Gemara cites proof from Shmuel that Pruzbul was instituted only for Hillel's generation. Shmuel said, "If I would have the power, then I would annul the Takanah of Pruzbul!" If Hillel had instituted Pruzbul even for future generations, then Shmuel should not be able to annul Hillel's Takanah, since we have a rule that one Beis Din may annul a decree that another Beis Din instituted only when it is greater in Chachmah and Minyan (wisdom and numbers) than the original Beis Din.

If Hillel only instituted Pruzbul for his generation, then why should it be necessary to annul the enactment of Pruzbul after his generation has passed? It should automatically become annulled, since it was made only to take effect during Hillel's lifetime! (RAMBAN)

ANSWERS: (a) The RAMBAN explains that once Hillel enacted Pruzbul for his generation, he set a precedent for any powerful Beis Din to institute Pruzbul for their generation if they deem it necessary. When the Gemara says that Shmuel wanted to annul the enactment of Pruzbul, it means that he wanted to prevent Pruzbul from ever being re-enacted, even by a future Beis Din.

(b) The RAN explains that Hillel's enactment of Pruzbul was not limited to his generation. Rather, he enacted it for any generation which is \*similar\* to his generation, insofar that people are not willing to lend money because Shemitah will cancel their loans. Even though Hillel's Takanah did not apply to generations in which people \*were\* willing to lend money, we cannot know that the generation has improved and that people are willing to lend money until Beis Din determines the prevailing societal attitude towards lending.

This is what Shmuel means when he says that he would annul the decree of Hillel: he would not literally annul it; rather, he would reveal that the Takanah does not apply to his generation.

(c) The CHASAM SOFER points out that according to Tosfos (36a, DH Mi Ika), Hillel did not actually institute a new way to prevent Shemitah from canceling a debt. Rather, when a person makes a Pruzbul, mid'Oraisa his debt will not be canceled by Shemitah, since he has given his loans to Beis Din. Hillel's Takanah was simply to encourage people to write a Pruzbul and thereby prevent Shemitah from canceling their loans.

According to this, Shmuel might have meant not that it was necessary to annul Hillel's enactment, but that he wanted to prevent people from continuing the practice of giving their loans to Beis Din, so that Shemitah \*will\* be able to cancel their loans.

(d) The MOSHAV ZEKEINIM (Parshas Vayigash) and SHIBOLEI HA'LEKET (2:49) cite the Gemara in Beitzah (5a) that says that if a Takanah was made for a certain purpose, even if the purpose no longer applies, the Takanah remains until Beis Din repeals it.

They point out that when repealing a Takanah which no longer applies, it is not necessary for the second Beis Din to be greater than the original Beis Din in Chachmah and Minyan. Hence, the later annulment of the Takanah of Pruzbul --

although it was made only for Hillel's generation -- needs a Beis Din, even though the Takanah no longer applies. Since it does not apply, though, the Beis Din may even be a lesser Beis Din in Chachmah and Minyan than the original one that instituted the Takanah.

The Shbolei haLeket points out that from this Gemara we see that even a Takanah which was originally enacted with a specific time limit cannot be repealed unless Beis Din actually convenes and repeals it. This is in contrast to the opinion of most Rishonim (see TOSFOS in Beitzah 5a and Sanhedrin 69b).

Perhaps even according to the other Rishonim, we can explain that Hillel did not specify that the Takanah should be revoked when his generation passes. Rather, the Gemara means that Hillel specified that the Takanah was enacted only because people were not loaning money before the Shemitah year. Since he did not give the Takanah a set amount of time, many Rishonim agree that a second Beis Din must convene and repeal it in order for the Takanah not to remain in effect. (See Insights to Beitzah 5a.)

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From: Ohr Somayach[SMTP:ohr@ohr.edu] To: dafyomi@ohr.edu  
Subject: The Weekly Daf - #371  
By Rabbi Mendel Weinbach, Dean, Ohr Somayach Institutions

**HALF-SLAVE, HALF-FREE** Two cases of half-slave, half-free people are mentioned in our gemara. One is the male Canaanite slave owned by partners and liberated by one of them, and the other is the same situation in regard to a female slave.

In the case of the male slave there is a consensus in the mishna that we compel the owner of the half still in bondage to liberate him and accept a promissory note from him as payment. The reason for this is that the half-slave will otherwise be denied the opportunity of fulfilling the mitzvah of procreation, since his unique status renders it impossible for him to marry either a free woman or slave.

In the case of the female, however, the gemara cites a precedent in which the owner of a half-slave was compelled to liberate her but rejects the suggestion that this was in order for her to be enabled to fulfill the mitzvah of procreation. The majority view of the Sages is that a woman is not obligated in this mitzvah and the reason given for liberating her is that she was being exploited for promiscuity and the only way to protect her and the public was to liberate her and enable her to marry (Gittin 43b).

Tosefot calls attention to the mishna's citing as a source for the half-slave's mitzvah of procreation the verse (Yishayahu 45:18) "He did not create (the world) to be desolate but rather to be populated" rather than the Torah command to "Be fruitful and multiply" (Bereishet 1:28). The reason given for this by the Tosefist Rabbi Yitzchak ben Mordechai is that a slave, like a woman, is also exempt from the obligation of "Be fruitful and multiply" but he is expected to fulfill the Divine plan for populating the world. Since this mitzvah relates to his entirety it is cited by the mishna rather than the Torah command which relates to only half of him.

But if the issue is populating the world, this should apply to the female slave as well, just as it applies to regular Jewish women and male slaves? True, concedes Tosefot, but we nevertheless would not compel the owner of the female half-slave to liberate her for the sake of this mitzvah if the issue of promiscuity was not involved. This is so because while we can be confident that a male slave will marry upon being liberated because he then has the Torah obligation of "Be fruitful" like every regular Jew, we do not have that confidence in the liberated female slave doing so because she will not be obligated by Torah law to "Be fruitful," since Jewish women are not thus obligated and might therefore ignore the need to fulfill the lesser mitzvah of populating the world. Without concern of promiscuity, therefore, her situation would not warrant a coerced liberation. \* Gittin 41b

**BIRD TALK** In the course of the gemara's discussion of the laws pertaining to a community's responsibilities for ransoming Jewish captives from their heathen kidnappers, the fascinating story of Rabbi Ilish's experience is cited.

Seated next to this sage in captivity was a man who understood the language of the birds. When a raven flew by and chirped Rabbi Ilish asked this fellow captive what the bird had said. "Ilish, flee! Ilish, flee!" he answered.

"The raven is a liar," said Rabbi Ilish, "and I cannot rely upon him."

Then a chirping dove flew by and once again the sage turned to his companion for an interpretation. "Ilish, flee! Ilish, flee!" was again the message he relayed.

"The Jewish people are compared to a dove," said the sage, "and I can safely

conclude that I will be favored with a miracle."

Rabbi Ilish did indeed escape and miraculously crossed a river and safely eluded his pursuers.

The simple reading of this story indicates that Rabbi Ilish did not understand the language of the birds and was dependent on the skill of his fellow captive. One of the early commentaries, the Aruch, surprisingly concludes from our gemara that this sage did understand bird language. Rabbi Akiva Eiger, in his "Gilyon HaShas" footnotes mentions that this approach has already been challenged as being at odds with the simple reading.

An interesting defense of the Aruch's approach was offered by Rabbi Chaim Shmulevitz, the late Rosh Hayeshiva of Yeshivat Mir in Jerusalem. Rabbi Ilish certainly did understand bird language for otherwise he would not have attached any significance to their chirping. But he was also aware that his intense desire to be free might cause him to be so subjective that he might be hearing what he would like to hear rather than what was actually conveyed by the birds. He therefore turned to his companion for an objective confirmation that he was being informed by Heaven that his escape would be successful.

The difference between this sage's reactions to the messages of raven and dove is explained by Maharsha on the basis of the performance of both those birds when sent by Noach after the Deluge to test the dryness of the land. Since the raven proved unfaithful, his message was distrusted by Rabbi Ilish. The dove could be relied upon, however, and even if his companion was lying the very appearance of a dove symbolizing Jewish survival was accepted as a reliable sign to flee to safety.

\* Gittin 45a

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