

INTERNET PARSHA SHEET
ON YISRO - 5758

B'S'D' Portion

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weekly@jer1.co.il Highlights of the Torah weekly portion Torah Weekly -
Yisro 5758 Insights ...

The Human Jungle "And G-d spoke all these words saying." (20:1) Why were the Ten Commandments given on two tablets of stone? Why wasn't one enough? There's a difference between the five mitzvos on the first tablet and the five on the second tablet: Included with the mitzvos on the first tablet is the reward for keeping them and the punishment for failing to keep them. On the second tablet, the mitzvos are stated without mention of reward and punishment. The first five are mitzvos where a person honors the Creator: Believing in Hashem, not making idols, not using Hashem's name for no purpose, observing Shabbos. Thus these first commandments are accompanied by descriptions of reward and punishment. The second group of five commandments are for the benefit of people. The prohibitions against murder, kidnapping, adultery and false testimony are fundamental to living in peace with society. Their mere performance is their own reward. Failing to observe them creates a society which is little more than a jungle -- and that's punishment enough in itself.

Wining And Dining "Remember the day of Shabbos to sanctify it... Because six days Hashem made the heaven and the earth, the sea and all that is in them, and He rested on the seventh day..." (20:8-11) Once upon a time, a prince was captured by his father's enemies. After a long time, the king managed to get a secret message to the prince encouraging him not to give up, and to retain his princely manner even amidst the wolves of prey among whom the prince was forced to live. Soon, the message said, the king would obtain his son's release, either through war or peaceful means. The prince was overjoyed and wished to celebrate, but he could not, of course, reveal the secret of his joy. Therefore, he invited his lowly companions to the local inn and ordered drinks for everyone. They celebrated because of the wine and liquor, while the prince celebrated because of his father's letter. Similarly on Shabbos, our bodies feast with the good food and drink, but our souls celebrate the opportunity to be close to our Creator.

The Rules Of The Game "Remember the day of Shabbos to sanctify it." (20:8) "What a terrible day -- Shabbos! You can't drive! You can't write! You can't even turn on a light! You can't do this! You can't do that! What a terrible day!" (Sound familiar?) Have you ever played basketball? What a terrible game -- Basketball! You can't stand in one place for more than thirty seconds. You can't run with the ball. You can't be a moving block. You can't do this! You can't do that! What a terrible game! It's precisely the rules of Basketball that make Basketball -- Basketball. If there were no rules, someone would grab the ball, hold onto it until everyone else got bored and went off for tea. Then he'd grab a ladder, set it up and pop the ball in the net. Great! But that's not Basketball! Just as the rules of Basketball define Basketball, so the rules of Shabbos define Shabbos.

Sources: o The Human Jungle - Ramban o Wining And Dining - Toldos Yaakov Yosef o The Rules Of The Game - Rabbi Yehoshua Hartman
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To Know G-d In the "Tally of Mitzvos" at the beginning of his Mishnah Torah, the Rambam states: "The first of the positive commandments is to know G-d, as the verse states: 'I am G-d, your L-rd.'" The Rambam begins the laws of Mishnah Torah with this mitzvah as well: "The foundation of all foundations and the pillar of wisdom is the knowledge that there exists a Primary Being." However, the Rambam does not immediately state that to have such knowledge is a positive command. Rather, he spends the next five paragraphs providing details about the "Primary Being." Only in the sixth paragraph does he go on to say: "Knowledge of this matter is a positive command, as the verse states: 'I am G-d, your L-rd.'" We thus understand that, according to the Rambam, the positive command implied by the phrase "I am G-d, your L-rd" includes not only the general knowledge of G-d's existence as a Primary Being, but also the details about G-d that he enumerates. It would seem that the Rambam's source for this is the Zohar's statement: "You shall know that I am G-d, your L-rd" -- This is the primary command of all commands... to know G-d... that there is a Supernal Ruler who is Master of the Universe; He created all the worlds, the heaven and earth and all their hosts." The Rambam's text is similar to that of the Zohar: "The foundation of all foundations" ("the primary command of all commands") "is the knowledge that there exists a Primary Being" ("to know G-d") "who brought about all beings, and all those who are found in heaven and earth and that which is between them..." ("He created all the worlds, the heaven and earth and all their hosts.") From this passage in the Zohar, the Rambam learns that, although the verse simply states: "I am G-d, your L-rd," the commandment includes detailed knowledge of G-d. An otherwise inexplicable matter in the Rambam can now be understood: The Rambam begins the second chapter of Hilchos Yesodei HaTorah by discussing the commandments to love and fear G-d. He then continues: "What is the way to attain love and fear of Him? When a person contemplates His wondrous and great deeds and creatures, observing therefrom His wisdom that has no comparison or end, the individual will immediately come to love G-d... know His great name... and fear. Accordingly, I shall explain important principles regarding the actions of the Creator, so that they serve as a discerning gateway to the love of G-d." The Rambam then spends three chapters describing "His wondrous and great deeds and creatures;" one chapter describing angelic beings (part of the "Works of the Divine Chariot"), and the next two chapters in describing "Works of Creation." He then concludes: "When an individual contemplates all this and is cognizant of all the created beings... it will enhance his love for G-d; he will fear and be in awe of Him." Now, while it is true that love and fear of G-d are accomplished by contemplation, the Mishnah Torah is "a compilation of laws." How is this lengthy exposition concerning "His wondrous and great deeds and creatures" germane? The explanation is as follows. The matters described by the Rambam in these three chapters -- "Works of the Divine Chariot" and "Works of Creation" -- are not only contemplative exercises that eventually lead to love and fear of G-d, but are also relevant to a part of the mitzvah to know G-d. This is as the commentary on Rambam states: "Included within these two commandments [to know G-d, and to know that there is no other deity] are the 'Works of the Divine Chariot' and 'Works of Creation.' For by knowing them, one can ascertain proof of G-d's existence, and that He is the Primary Being and Creator of all." The Rambam therefore explains the "important principles regarding the actions of the Creator" at great length, for in order to fulfill the mitzvah of knowing G-d, one must know these principles, leading as they do to "proof of G-d's existence, and that He is the Primary Being and Creator of all." Based on Likkutei Sichos, Vol. XXVI, pp. 114-119

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"I am Hashem, your G-d, Who has taken you out of the land of Egypt, from the house of slavery." (20:2) Ramban (Nachmanides) writes: "This is one of the positive commandments, i.e., He commanded that they [Bnei

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Yisrael] should know and believe in Hashem - that there is a Hashem, that He is G-d, i.e., He exists now and always existed, that everything came from Him because He desired that it be so and He has the ability to make it so, and that they must serve Him." (Ramban Al Ha'Torah) R' Yaakov Emden z"l (18th century) writes: Knowing that G-d exists cannot be a mitzvah, for no intelligent person can deny this. The fact that G-d exists and that He is One is plainly obvious. Moreover, there cannot be a mitzvah to believe in G-d, because unless one believes in G-d he cannot be commanded to observe mitzvot. What then is the mitzvah of the above verse? The mitzvah is that we, who left Egypt, recognize G-d through His Unique Name which He never revealed to the nations in general, and not even to the Patriarchs. [Knowing His Name means recognizing that:] Our King came and revealed Himself to us after He acquired us as slaves by redeeming us from slavery in Egypt; He showed us His honor and greatness; and He informed us of His actual Name [i.e., the four-letter ineffable Name] with which He took us out of Egypt and overrode the laws of nature to show us that He alone rules over the whole world. Through this knowledge we can understand that He created the world. Other nations also recognize that the world has a G-d. What is unique about our mitzvah is the commandment to know G-d by His Name [as that knowledge incorporates all of the above information]. (Migdal Oz, Ch. 1) R' Aharon Soloveitchik shlita writes: Rambam (Maimonides) appears to contradict himself. In Sefer Hamitzvot, his listing of the 613 commandments, he writes that one must believe in G-d on faith alone. However, in his Code (in Hil. Yesodei Ha'Torah ch.1), he writes that one should seek logical proofs that G-d exists. R' Soloveitchik explains that the fundamental mitzvah is to accept G-d's existence on faith. In addition, those who are intellectually capable should use their intellect to prove G-d's existence. However, for those who are not intellectually capable, such an investigation would be a sin. (Perach Mateh Aharon p.1) ...
 Project Genesis: Torah on the Information Superhighway learn@torah.org
 6810 Park Heights Ave. http://www.torah.org/ Baltimore, MD 21215

tsc-navi@virtual.co.il Rabbi Menachem Leibtag
 http://www.virtual.co.il/torah/tanach In Memory of Rabbi Abraham Leibtag
 PARSHAT YITRO - HAFTARAH (Yeshayahu 6:1-13) It is not often that a "navi" begins a specific prophecy by mentioning its precise date. However, when a date is mentioned, we should assume a thematic connection between that date and the "nevuah" which follows. This week's Haftara provides us with a classic example, as its opening pasuk: B'SHNAT MOT HA'MELECH UZIYAHU"... [on the year of the death of King UZIYAHU] suggests a connection between Uziyahu's death and Yeshayahu's prophecy in which he sees the SHCHINA in the Temple. Therefore, to find that connection (and to appreciate its significance), we must consider the time period of UZIYAHU.

THE FIRST TEMPLE PERIOD / its UP's & DOWN's Before we discuss the time period of Uziyahu specifically, it is important to understand its setting within the framework of the 'ups & downs' of first Temple time period in general. Undoubtedly, the establishment of the monarchy in the time of King David followed by the construction of the first Bet ha'Mikdash (Temple) in the time of Shlomo marks a high point in Jewish history. The country was united, its borders secure and its economy strong. Even the religious level of the people was at a high, as idol worship, so widespread during the time period of the SHOFTIM (Judges), had been eradicated by the efforts of Shmuel, Shaul and David. Unfortunately, only one generation after Shlomo, the monarchy split between YEHUDA (Rechavam) and YISRAEL (King Yerovam), causing the country to basically 'fall apart'. Egypt attacked Yehuda and plundered the Mikdash. The ten tribes were plagued with internal strife. Not only did security and prosperity suffer, so too did the religious level of the people [idol worship resurfaced in both the north and the south]. Even though the country became united once again some one hundred years later [during the time period of Yehoshafat (Yehuda) and Achav (Yisrael)], it lasted only a short time, and idol worship remained popular due to the influence of Achav's wife Jezebell. It was only several generations later, during the reign of Yerovam ben Yoash, King of

Israel, and UZIYAHU, King of Yehuda, that harmony, prosperity, and security finally returned; idol worship as well was at a wane (see II Melachim 14:23-28 & II Divrei Ha'yamim 3:1-15). During this prosperous time of the united kingdom of UZIYAHU and YEROVAM, the prophets had high hopes for a national religious reawakening. For the first time in several hundred years, a time period as glorious as the days of David & Shlomo was achievable. [It is not by chance that we find prophecies of four very important prophets during this time period: Hoshea, Amos, Yeshayahu, and Micha! (See opening psukim of each Sefer.)]

BIG HOPES This potential is reflected in one of Yeshayahu's opening prophecies, concerning the potential of a forthcoming messianic period (most likely, delivered during the reign of Uziyahu): "The words of Yeshayahu concerning Yehuda and YERUSHALAIM: In the days to come [see further iyun re: - "acharit"], the Temple Mount shall stand firm above all mountains and tower above all hills; and all the nations shall flock to it saying: Come let us go up to the Temple Mount to the house of the God of Yaakov, that He may teach us His ways, and that we may walk in His paths... nation shall not lift sword against nation... (2:1-4) [See also a partial quote of these psukim in the inscription outside the United Nations. (Note which psukim are omitted!)] Yeshayahu, in the time period of Uziyahu, foresees the unfolding of a messianic era, when Am Yisrael can realize its biblical destiny to become a source of guidance for all mankind. It is BECAUSE Yehuda and Yisrael have achieved the status of a 'superpower', and BECAUSE the Temple & Jerusalem have become its national and religious center, that Yeshayahu anticipates the realization of Israel's ultimate goal.

A BIG DISAPPOINTMENT It was God's hope that Am Yisrael would utilize its newfound prosperity towards achieving this messianic goal. After all, it was for that purpose that He had blessed Israel with wealth and security. Instead, Am Yisrael became greedy with its wealth; its society became both affluent and haughty. [See Divrei Hayamim II chapter 26.] This disappointment is reflected in the continuation of the above prophecy (and it is basically the theme of chapters 2->5): "O house of Yaakov, come, let us walk by the light of Hashem, for you have FORSAKEN your ways... Their land is full of gold and silver, There is no limit to their treasures... But, man shall be HUMBLED, and mortal brought low, Oh- Do not forgive them... Man's haughty look shall be brought low, and the pride of mortals shall be humbled. None but the Lord shall be exalted on that day..." (see 2:5-17) To his dismay, Yeshayahu now foresees God's anger and His impending punishment of Am Yisrael for their misuse of this prosperity. This prophecy in chapter two is only the beginning of a set of prophecies concerning God's disappointment with the generation of Uziyahu which concludes in chapter five with the famous "MASHAL HA'KEREM" (the parable of the vineyard). In that chapter, God compares His efforts to help Am Yisrael prosper to the efforts a dedicated farmer working hard to assure that his vineyard would produce the finest of grapes. Despite the farmer's tireless efforts, the vineyard produced 'sour grapes' instead. The farmer, so angered and disappointed, decides to uproot his vineyard. So too, God has been angered, for even though He had done everything possible to ensure that Am Yisrael would achieve their goal, instead exactly the opposite happened. As the navi describes: "And He hoped for JUSTICE - TZDKA - but behold [He found] INJUSTICE - TZA'AKA - For equity - MISHPAT but behold iniquity - MISPACH" [see 5:1-7] This unit (i.e. chapters 2->5 of Yeshayahu, sets the stage for chapter six - this week's haftara. "In the year that King Uziyahu died, I saw the Lord sitting on His mighty throne, high and lofty. SERAFIM standing above Him, six wings to each... and they called to each other KADOSH KADOSH... the entire land is filled with His glory... then the house filled with smoke... Then [in reaction Yeshayahu] said: Wo to me... for mine eyes have seen the King the Lord of Hosts... and I heard a voice saying: Who can I send... and I answered: I am here, send me! Then God told him: Go and speak to the people - Listen, but you will not understand; See, but you will not know; for your hearts are too thick..." (see 6:1-10 inside!) From a cursory reading of the first ten psukim, it seems as though Yeshayahu first sees the SHCHINA (Divine Presence) surrounded by angels in the "heichal" [the inner Temple chamber], after which God

appoints him to be his messenger to Bnei Yisrael. But what is the meaning of this vision? Why must this enigmatic vision precede God's charge to Yeshayahu of his mission? In several ways, this prophecy is similar to God's OPENING prophecy to Yechezkel [see Yechezkel 1:1 -2:5], where Yechezkel receives his prophetic mission after seeing a very complex vision of the SHCHINA. It is also a bit similar to God's OPENING prophecy to Yirmiyahu, where he receives his mission as well (see Yirmiyahu 1:1-2:3). [These are better known as "nevuot hakdasha". Compare also to God's OPENING "hitgalut" to Moshe at the burning bush, where a vision precedes his mission (Shmot 3:1-10).] But if the purpose of this vision is simply to introduce God's mission to Yeshayahu, it should be chapter ONE, not chapter six! Furthermore, since Yeshayahu's prophecies begin in the time of Uziyahu (see 1:1-3), it would not make sense that his FIRST nevuah would be specifically in the year that Uziyahu dies. Finally, even though the words of this nevuah are quite difficult to translate (let alone understand), it does leave the impression that God is actually LEAVING the "heichal! Note that even though Yeshayahu indeed sees God in the "heichal" (6:1,5), only the 'skirts of his robe' ("shu'lav") remain in the Temple. God himself is now HIGH and LOFTY, preparing to leave the Temple, as the "seraphim" cover their eyes and begin to move their wings (see 6:2). One could even suggest that "mlo chal ha'aretz kvodo" - His presence fills all the earth (6:3) - reflects the fact that His presence, that had been once 'concentrated' in the Temple, has now left that spot, and thus fills the entire earth instead! Even the angels' recitation of "kadosh, kadosh..." (6:3) may reflect that God is now 'separate' - cut off - too holy to remain in this defiled Temple (see 6:5). This interpretation suggests that Yeshayahu is not simply witnessing the SHCHINA, but rather its departure from the Temple! And hence, it is specifically DURING this vision that Yeshayahu receives his divine mission (6:8-9) to inform the people that BECAUSE of their wayward behavior (6:10), God will soon come and punish them: "...until towns lie waste without inhabitants and houses without people and the ground lies waste and desolate, for God will banish the people..." (see 6:10-12) Thematically, this vision relates specifically to the time period Uziyahu. Recall from chapter two, that during the early years of his reign, the potential existed for the Temple to become the international symbol of God's presence on earth. Symbolically, this would be represented by the "shchina" dwelling in the Mikdash. But now that Am Yisrael has become haughty, the "shchinah" can no longer dwell in the Mikdash, but rather must LEAVE the Temple, just as Am Yisrael must now leave its land. Therefore, chapter 6 in Sefer Yeshayahu (this week's Haftara) serves as an appropriate conclusion to the unit of chapters two thru five which describe God's anger in reaction to Bnei Yisrael's haughtiness. This is not Yeshayahu's OPENING prophecy, but rather his CRITICAL prophecy which marks the TRANSITION from God's original plan to help Bnei Yisrael achieve their goal during the time Uziyahu, to His new decision to punish them for misusing their wealth. Consequently, the next unit in Sefer Yeshayahu (i.e. chapters 7->12) describes the details of how that punishment will come about. The army of Ashur [Assyria] will come, as God's executor, and destroy the land. [e.g. "hoy Ashur shevet api..." (see 10:5)]. Let's return now to the opening pasuk - "B'SHNAT MOT MELECH UZIYAHU..." (6:1). Chazal interpret "b'shnat mot" - not as the year that Uziyahu died, but rather as the year he became a "metzora" (a leper). [See Rashi, Ibn Ezra, Radak, this is based on the Rabbinic principle that a "metzora" can be considered equivalent to dead person.] When and why did Uziyahu become a leper? In Divrei Hayamim we find the precise details: "... and when he became powerful, he grew so ARROGANT he acted corruptly, he trespassed against his God by entering the Temple to offer incense of the MIZBACH HA'KTORET [this rite can only be performed by kohanim]. The priest Azaryah, with eighty men... confronted him saying: It is NOT for you - UZIYAHU - to offer incense... GET OUT of the Mikdash... for there will be no glory in it for you before God... ... but as he got angry with priests, LEPROSY broke out on his forehead... and they rushed him out... (II 26:16-21) Uziyahu's punishment corresponds to his sin. Because of his haughtiness, he felt worthy of entering an area of the Mikdash which is restricted to KOHANIM! His punishment -

becoming a METZORA (leper) - is fitting, for Torah commands that a METZORA must be SENT AWAY from all three camps of Bnei Yisrael (see Bamidbar 5:1-2), not only from the MIKDASH, but also from the camp of Levi AND the camp of Israel! Uziyahu desired to come too close, and now he must be banished as far away as possible from the SHCHINA. Furthermore, Uziyahu's own sin is quite reflective of his generation. Even though they did not worship idols, their prosperity and wealth led to their haughtiness. Their OWN pride was more important to them than God's! Their own accomplishments became their idols (see 2:8). As usual, Chazal's interpretation thematically ties together the incident of Uziyahu's leprosy and this specific prophecy. If man is SO haughty that he considers himself worthy to enter the KODESH, then God Himself can NO LONGER dwell there - the "shchina" must leave the MIKDASH.

Despite his gloomy predictions, Yeshayahu's prophecy concludes on a note of hope. Despite the forthcoming destruction and exile, a remnant shall indeed return. Am Yisrael's ultimate goal will not be forgotten: "But while a tenth part remains in it, it shall repent... its stump shall be a holy seed..." (6:13). shabbat shalom, menachem

mj-ravtorah@shamash.org Shiur HaRav Soloveichik on Parshas Yisro yisro.98 Shiur HaRav Soloveichik ZT"L on Parshas Yisro (Shiur date: 2/12/74) There were four exchanges between Hashem, Moshe and the people around the time of Mattan Torah (Shemos 19:3-21). Why were so many conversations required? Why didn't the Hashem impart all the necessary details to Moshe in a single conversation? The second question is why was it necessary to repeat the warning to the people to refrain from touching or climbing up the mountain? The Rav explained that Mattan Torah was the Kiddushin and Nissuin (betrothal and marriage) between, Kvayachol, Hashem and Bnay Yisrael. The Midrash often describes the period of Mattan Torah as the day of extreme joy and happiness of Hashem. Marriage requires the consent of both parties, man and woman. The halacha states that a woman may only be betrothed of her own free will. Also, the time of Mattan Torah was the period in which Bnay Yisrael, en masse, underwent conversion. Conversion is valid only if the convert willingly participates in the process. At the first Mattan Torah [prior to the episode of the golden calf and the destruction of the tablets] Moshe acted as the Shaliach Lholacha, the emissary of Hashem, who was the M'kadesh. He was sent to ask the people if they accept the role of being the treasured nation of Hashem among all the nations, i.e. would they accept the Kiddushin. The Rav mentioned that the Gemara says that Hashem suspended Har Sinai above Bnay Yisrael, forcing them to accept the Torah. If Bnay Yisrael had to voluntarily accept the Kiddushin of Hashem, did forcing them to accept in such a manner render the Kiddushin null and void? The Rav explained that according to the Ramban, when Moshe told the people what was expected of the chosen nation and the people answered Naaseh, they accepted the Kiddushin. Afterwards, when they stood at the base of the mountain, perhaps they began to have second thoughts. Hashem said that at this point there is no backing out and He suspended Har Sinai above them and they responded Naaseh Vnishma, that they will accept and comply. Therefore Hashem never coerced the people to accept and say Naaseh prior to Mattan Torah, rather they accepted willingly. Why was it necessary for Moshe to return the answer of the people to Hashem, Vayashev Moshe Es Divray etc., as Hashem already knew their answer? The Torah is teaching us proper conduct, that the emissary must always officially declare that he has successfully completed his assignment. Based on this concept, the Ish Iti, the person entrusted with the mission of the Sair L'azazel on Yom Kippur, would return and tell the Kohen Gadol that he has completed his task, even though the Kohen Gadol knew that he had completed it. Reb Chaim from Volozhin asked how was it possible for the same people who just a few days earlier rebelled and questioned if Hashem was among them, to reach the level of saying Naaseh Vnishma so quickly? Reb Chaim interpreted the words Vayashev Moshe Es Divray Haam El Hashem to mean that Moshe attributed the fact that the people were able to say Naaseh Vnishma to a miracle of

Hashem. By his own nature, man would not be capable of such a transformation, it could only come about through the kindness of Hashem. Their acceptance of the Torah just days after they rebelled against Hashem was a supernatural event. Once Bnai Yisrael agreed to the Kiddushin, it could be done either directly through Hashem or through His emissary. Hashem told Moshe that He will appear to him [Moshe and Bnai Yisrael] through a cloud in order that they should hear what Hashem tells Moshe and through this they will also believe in Moshe forever. According to the Ramban, at the first Mattan Torah Moshe was separated from the people but he still stood among them. Since this Kiddushin applied to all the Jews, including Moshe, he had to be part of the crowd. There is a disagreement among Rishonim as to whether all the commandments were given by Hashem directly to Bnai Yisrael or just the first two, with Moshe relating the remainder to the people. Those that agree with the former opinion base it on the description of Mattan Torah presented in Parshas Vaeschanan, where the people approach Moshe and ask him [after they heard the words of Hashem] to approach Hashem by himself and learn the law and then relay it to the people. In either case, there was direct conversation from Hashem to Bnai Yisrael. This is why Hashem had a second conversation with Moshe to tell him that Hashem will speak to the people [perform the Kiddushin between Himself and the people] Himself and not through an emissary. It is interesting to note that at the second Mattan Torah in Parshas Ki Tisa, Moshe was the representative of Klal Yisrael. That is why he alone went up the mountain and was told to warn the people not to trespass the boundary of the mountain. At the second Mattan Torah Moshe was the intermediary between Hashem and Bnai Yisrael. At the first Mattan Torah Moshe was part of Bnai Yisrael in that he also was participating in the conversion and Kiddushin, just like the rest of Bnai Yisrael. So the first conversation between Hashem and Moshe was to tell Moshe to acquire the consent of the people for the marriage, the second discussion was for Moshe to tell Hashem that the people accepted the proposal. Hashem told Moshe to tell the people that this Kiddushin will take place directly between Hashem and the people and not through an emissary. If they were not aware of this, and were expecting an emissary to perform the act instead of the M'kadesh Himself, it might have rendered the Kiddushin null and void, as Mekach Taus, as a transaction based on error. The third conversation was needed in order to make the preparations for the ceremony. Har Sinai was to acquire the sanctity of Mikdash during the time of Mattan Torah. Therefore Moshe had to inform the people of the concept of Kedushas Mikdash, in order that they demarcate the Mikdash and refrain from entering the area. The fourth conversation appears to be a repeat of the third where Hashem tells Moshe to make sure that the people do not violate the boundaries of the mountain. Chazal comment that we derive from here that there were several levels, Mechtizos, for those at Har Sinai. Moshe was the most inner, Aaron was next in his circle and the other priests were in their own circle. According to the Ramban, the first time Hashem told Moshe to warn the people, Moshe only told Bnai Yisrael, there was no restriction placed on Aaron or the priests at that point. The next warning included Aaron and the priests as well. Even though they could come closer than the rest of the people, they still needed separation from the level of Moshe and from the level of Aaron. In general, the Kohanim have permission to enter the Haychal of the Beis Hamikdash where regular Jews do not. The Kohen Gadol is granted rights beyond the other Kohanim, in that he alone may enter the Holy of Holies on Yom Kippur. The reiteration of the message to respect the boundaries of the mountain was meant to apply the same hierarchy to Har Sinai as well. Even though the Kohen Gadol was capable of going places that no one else could go, Aaron was still enjoined from entering the closest circle, that of Moshe, at Har Sinai, even though he was granted permission to come closer than all others. The Rav noted that perhaps Moshe was told to warn the people twice because Har Sinai had the rule of Kedushas Mikdash which enjoins all unclean (Tamay) and lepers from the temple area. Hashem told Moshe to give the people this special commandment prior to Kabbalas Hatorah in order to ensure that no unfit person should violate the Kedushas Mikdash by trespassing on the mountain.

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yhe-sichot@jer1.co.il YESHIVAT HAR ETZION ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM) STUDENT SUMMARIES OF SICHOT DELIVERED BY THE ROSHEI YESHIVA PARASHAT YITRO SICHOT OF HARAV YEHUDA AMITAL SHLIT"A
Religiosity and Morality Summarized by Dov Karoll

The fifth of the Ten Commandments is honoring parents (20:12). The Maharal in Tiferet Yisrael, chapter 41 (which deals specifically with this mitzva), quotes the famous gemara in Kiddushin (31a) on this subject. This gemara recounts the story of Dama ben Netina, a gentile whose scrupulousness in honoring his parents led God to reward him with a para aduma (red heifer), which he sold to the Sages for a large sum. Based on that gemara, the Maharal explains that the rabbis brought an example from a gentile to emphasize the fact that honoring parents is something that makes sense logically. Honoring the people who brought you into the world is something that common sense would mandate, and hence it can be proven even from a gentile. The Maharal then explains that as a result of his fulfillment of the rational mitzva of honoring parents, Dama's reward came through the classic incomprehensible mitzva, para aduma (see Rashi, Bamidbar 19:1, regarding the incomprehensibility of this mitzva). Through this combination of the two, one reaches the complete existence of Judaism. Rashi (Shemot 16:25) demonstrates this by citing Chazal's statement (Sandhedrin 40) that in Mara the Jews received Shabbat, para aduma, and laws of justice (an example of a logical mitzva, as it is an integral part of society). This connection between tzedek (justice) and the mitzvot which are incomprehensible (and therefore require a Divine command in order to mandate their fulfillment) is also relevant to the first part of this week's parasha, the story of Yitro's advice to Moshe. When Yitro advises Moshe to set up a justice system instead of judging everyone himself, Moshe is hesitant. The Ramban explains that in his response (18:15-16), Moshe points to three separate aspects of his role as leader. The first is that they come to him "lidros Elokim" - to ask Moshe to pray on behalf of sick and solve their problems, a role comparable to that of a Chassidic Rebbe. The second role is that he judges cases that come before him, playing the role of the source of justice. The third function Moshe points to is that he teaches the people the Torah - the laws, the role of posek (legislator). Moshe wanted to keep these roles united, to emphasize the idea that interpersonal justice and moral action come from the same source as divine command and religious observance. He wanted to make it perfectly clear that to be a complete Jew, one is required not only to follow ritual law, but also to act properly toward one's fellow man.

One of the problems in the modern religious community is that religious observance and moral behavior do not always go hand in hand. There are many people who scrupulously observe every other aspect of the halakhic code, but act inappropriately toward their fellow man. While there are many areas where the religious community leads the way, it is not always in areas such as caring for the poor, helping people get jobs, etc. For some reason, people see these areas as being unrelated to the requirements of being a good Torah Jew. This is precisely the message that is being stressed both by honoring parents and by Moshe issuing justice himself. It is the requirement of every Jew to follow those mitzvot which one comes to naturally, even without command, such as morally binding commandments, as well as those which come exclusively through Divine command. (Originally delivered Shabbat Parashat Yitro 5757.)
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Ravvfrand@torah.org "RavFrاند" List - Rabbi Frاند in Parshas Yisro

The Prototype of Mishpat Amongst the Jewish People The Parsha is named after Yisro, because Yisro gave Moshe Rabbeinu good counsel. Moshe Rabbeinu had a problem - he was overwhelmed. People lined up from morning until night to have him settle their disputes. Moshe had no time. Yisro gave him the advice to establish a system of courts. Rashi, on the words "And it was on the next day" [Shmos 18:13], says that this was the day after Yom Kippur -- the day Moshe descended from the mountain, following receipt of the second copy of the Ten Commandments (the first copy having been destroyed by Moshe following the sin of the Golden Calf). Rav Yosef Dov HaLevi Soloveitchik quotes the following principle: every time we find the expression "And it was on the next day" (Vayehi m'mochoras) in the Torah, the Torah is trying to contrast or connect the two days. Either something terrible happened on the previous day and the Torah is indicating that the next day was better, or something tremendous happened on the previous day and the Torah is indicating that the next day was infused with the spirit of the previous day. In Shmos 32:30 (immediately after the sin of the Golden Calf), we find an example of a terrible event happening the first day: "On the next day Moshe said to the people, 'You

have committed a grievous sin!..." In our situation it is just the reverse -- "On the next day" refers to the day after a wonderful day -- the first Yom Kippur. On that next day, Moshe sat in judgment of the people. The Torah is trying to tell us that there is a connection between the first day of judgment -- the first day in Jewish history where people went for *dinei Torah* (decisions from a Rabbinical Court) -- and the Day of Atonement. What is the significance of this connection? Rav Soloveitchik described the mood of the people on that day: they had committed the terrible sin of worshipping the Golden Calf, and they did not know whether they would ever be forgiven. Moshe Rabbeinu descended from the mountain on that very first Yom Kippur and told them in the name of G-d "I have forgiven, as you have requested" [Bamidbar 14:20]. The people realized that there is forgiveness, there is atonement; each of them felt like a new person. Imagine the mood that the people must have felt -- there was relief, good feeling, peace, brotherhood, and generosity. Everyone felt wonderful. When people went into court with their litigants on that next day, they did not feel stingy, combative, and antagonistic. They felt open and giving, and friendly and compromising. They went into *Mishpat* (judgement) suffused with the spirit of the previous day -- the day of "I have forgiven, as you have requested." The Torah is telling us that if this is the way the first *Mishpat* was done among the Jewish people, then this is the prototype for how *Mishpat* must always be done among the Jewish people. What difference does it make? Can one really feel that way when he steps into a courtroom? There is a difference. In Jewish jurisprudence there is a settlement called *Peshara* (compromise). Today, Baruch Hashem (thank G-d), people go to *dinei Torah*. I say 'Baruch Hashem' because years ago no one went to *dinei Torah* -- they went to secular court, which is usually prohibited. Today we have sincere, religious Jews, who when they have a dispute with a neighbor or a business partner they don't run to court -- they run to a *Din Torah*. The first thing the Dayan asks when one comes to a *Din Torah* is "Do you want *Din* or *Pershara*?" [Sanhedrin 7a] Do you want me to rule based on *Choshen Mishpat* (the section of the Code of Jewish Law covering financial transactions), telling you who is right and who is wrong, with an absolute winner and an absolute loser -- in which no consideration is given to a person's honor or financial condition? Or do you want me to find an arbitrated compromise so that everyone can walk out a winner? The Talmud [Sanhedrin 6b] *paskens* (rules) -- and this is codified by the Rambam and the Shulchan Aruch -- that the preferred method is to compromise (*Mitzvah livtzoah*). Why? Because of the above-mentioned teaching -- among the Jewish people compromise is not extra-judicial. This is not equivalent to the secular concept of "settling out of court". Settling out of court is not the domain of the jurist. The jurist in American law is not the humanist. In American law, Rabbi Soloveitchik notes, they are two totally distinct personalities. The Jewish Dayan is also the compassionate Judge. He is also the *mensch*, the humanist. He worries about the poor person who comes before him and how he will leave the court, and advises both parties to compromise. The reason for all this is that Judgment originated in Klal Yisroel on that special morrow following the first Yom Kippur -- when a spirit of generosity, compromise, and forgiving was prevalent in the nation. It should be this way for all generations as well. *Dinei Torah* should always be approached by searching for a way that both parties can emerge as winners, not one a winner and one a loser.

Having Patience For One's Parents - The fifth of the Ten Commandments is the command "Honor your father and your mother, in order that your days be lengthened on the land that I am giving to you" [Shmos 20:12]. In *Parshas Veschanan* we a slight addition to the language used in this command -- we have the qualification "as the L-rd your G-d commanded you" [Devorim 5:16]. Rav Meir Simcha in *Parshas Veschanan* explains the meaning of the phrase "as the L-rd your G-d commanded you". The Jerusalem Talmud calls honoring one's parents an "easy commandment" -- comparing it to the payment of a debt. If someone would provide me with a check for \$100,000 - \$200,000 -- the amount it costs today to raise a child -- of course I would feel a debt to that person and would feel obligated to honor him or her. The Torah however tells us that is not the proper approach

to honoring parents. Rather, one's parents should be honored "as G-d commanded you". When did G-d command us to honor our parents? When we were in the Wilderness. Raising children in the Wilderness was a dream. There was no need to go shopping or to spend money on the children. Food? *Manna* fell daily. Clothes? "Your clothes did not wear out upon you" [Devorim 8:4]. Most likely, everyone in the Wilderness had straight teeth as well. It was Paradise! The Torah tell us that Honoring Parents is an obligation, not because they gave the kids 200,000 dollars, not because they put the kids through law school, but even if all they did was bring the children into the world -- as it was when the command was given in the Wilderness -- that alone is enough of a reason to honor our parents. There is a famous *Gemara* in *Kiddushin* [31a] that many of us have heard, but I recently saw a different insight into this *Gemara*. Rav Eliezer was asked, "How far does honoring one's Parents extend?" He related the famous story of the gentile, *Dama* son of *Nesinah* in *Ashkelon*, who turned down an offer to purchase a precious stone because the key to the chest where it was stored was under his father's pillow. He passed up a tremendous profit so as not to disturb his father's sleep. On a simple level, this *Gemara* seems to be teaching us that we learn the parameters of the *mitzvah* of Honoring One's Parents from *Dama* son of *Nesinah*. The *Avnei Shoham* however says that this is not what the *Gemara* is telling us. We are not learning *halachos* (Jewish law) from *Dama* son of *Nesinah* - we are learning human nature from him. When children are born, parents must have patience with them. But there comes a time in life when children have to have patience with their parents. There comes a time in life when parents become what can be perceived as a burden. Parents become old; they sometimes become demanding. One needs to have patience when relating to parents. One can ask -- is there not a limit to patience? How much patience is required? How much patience is a human being capable of? Is there not a point where it becomes too much of a burden to 'get along' with one's parents, where one has a right to 'run out of patience'? The *Gemara* says "come and see the case of the gentile in *Ashkelon*". *Dama* the *Akum* is not teaching us a *mitzvah* -- he is teaching us human nature. Imagine the patience that *Dama* must have had. The Sages were at the door, certified check in hand. He was waiting and thinking, "When will Dad wake up?" "Maybe I'll make a little noise and he'll wake up." "Maybe I'll just sneak under the pillow..." How much patience did he have? This is what he is teaching us -- the human capacity for having patience for a parent. If a human being is capable of such patience, then that level of patience is possible within human nature and consequently it becomes the definition of the extent of our *mitzvah*. The *Avnei Shoham* goes on to say a beautiful insight into this *Gemara*. When the Rabbis use the expression "the keys were under his father's pillow and he didn't bother him (*lo tzi-aro*)" the interpretation is not that *Dama* didn't bother him, meaning his father. Rather, the interpretation is "*lo tzi-aro*," it didn't bother him, *Dama* himself, that he had to pass up a great profit by not waking his father. He had such patience and such respect that losing this great sum did not even bother him -- he didn't even try to wake his father up. If *Dama* the *Akum* is capable of this, then we -- the descendants of *Avraham*, *Yitzchak*, and *Yakov* -- certainly should not only aspire to this, but this becomes our obligation.

Personalities & Sources: Rav Yosef Dov Soloveitchik (1903-1993) Rosh Yeshiva of Yeshivas Rav Yitzchak Elchanan, New York; Rabbi in Boston; scion of Brisk Torah dynasty. Rav Meir Simcha -- (1843-1926); *Dvinsk*; author of *Meshech Chochmah* commentary on *Chumash* and *Or Sameach* on the Rambam's *Mishneh Torah*. *Avnei Shoham* -- Rav Moshe Leib Shachor -- Israeli Torah scholar. Transcribed by David Twersky; Seattle, Washington twerskyd@aol.org Technical Assistance by Dovid Hoffman; Balt, MD dhoffman@clark.net Project Genesis: Torah on the Information Superhighway 6810 Park Heights <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

WEEKLY-HALACHA FOR 5758 SELECTED HALACHOS RELATING TO PARSHAS YISRO
By Rabbi Doniel Neustadt A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.
[Second of a series about business competition] COMPETITION BETWEEN STORES: WHEN IS IT PROPER? QUESTION: Is it permissible to open a competing store or business in the same vicinity as an existing establishment owned by another Jew?

DISCUSSION: When dealing with the delicate issue of competition, Jewish law takes into account both the consumer and the proprietor. For the consumer's protection, the law encourages fair

competition to keep the prices down and to ensure a plentiful supply of high quality goods. To protect the proprietor, the halachah prohibits unfair business practices and puts limits on competitors who would wish - in halachic terms - to "enter their boundary." The following is a general description of the halachos governing competition. In reality, however, each situation is unique. When a dispute arises, it must be brought before a local beis din for resolution.

THE BASIC HALACHAH Any local resident(1) may open a competing store or business, even if the two establishments are next-door to each other and the new one will cut into the old one's profits(2). The competing business may lower its prices or advertise in order to lure customers away from the existing business(3). If a customer, however, has already entered a competitor's store, one is not allowed to lure him to his own establishment(4). Although it is permitted to compete this way(5), some poskim(6) mention that it is middas chasidus (act of piety) not to ruin another person's livelihood even when it is permitted according to the basic halachah. In larger cities and in growing neighborhoods, however, it is not middas chasidus to refrain from opening a competing business when there is room for both businesses to prosper(7). A non-resident may not compete with an existing business(8). There are several exceptions to this rule: If the non-resident's competition will result in prices being lowered or in superior products being provided to the local populace, competition is allowed(9). Wholesale and mail order businesses, or any business which does not serve the local population exclusively but attracts customers from afar, may compete anywhere(10). If beis din has no control over the situation and the field is rife with competition, then all competition is permitted(11).

LIMITATION TO THE BASIC HALACHAH There is an important restriction that pertains to the basic halachah outlined above, which allows competition between local residents [or non-residents, when they are allowed to compete]: A competitor may only open a store or a business if he will not cause the existing business to go under. If opening a second store, however, would result in putting the established store out of business, then the second store may not open its doors(12). Even if the owner of the existing store has another business that could support him, and even if he is independently wealthy, it is still prohibited to compete against him if it would force this particular business of his to shut down completely(13). This is the consensus of the majority of the poskim(14), and beis din is empowered to censure any business person who does not adhere to this ruling. If, however, the new store is offering better prices, better service or more of a selection, etc., then most poskim allow the second store to open its doors. They maintain that the uppermost concern is the welfare of the consumer and time will tell which of the stores will survive(15). A minority opinion in the poskim, however, puts the welfare of the vendors first and prohibits the opening of the second store even though the public would have benefited from the new store(16).

Practically speaking, therefore, a final decision on this issue would depend on the circumstances. If opening the new store will truly and unquestionably benefit the local population, then we can not and may not object to the opening of the new store(17). But sometimes the benefit to the local population is not very real or very clear, and in such cases it may be strictly forbidden to open a store or a business that will result in the closing of an existing establishment. Since it is almost impossible for one to be objective about such a decision, a beis din must be consulted. All poskim agree, however, that in the following cases, it is prohibited for a competing store owner to open a business - even if he offers better prices and better service - if it will result in forcing out the existing establishment: If the intent of the competing store owner is to exact revenge, etc. If the intent of the competing store owner is to shut down the existing business and then, when the competition is gone, to raise his prices. This is prohibited since in the long-run the public good will not be served. The competing store may undercut the existing business only by using methods which are considered normal and legal business practices, such as buying in bulk or cutting operating costs, etc. The competition may not use illegal, unethical or reckless methods in order to offer cheaper prices and thus force the existing store out of business(18).

FOOTNOTES: 1 A local resident is anyone who lives in the area or who pays taxes to the local municipality in which the store is located. 2 C.M. 156:5, based on Bava Ba sra 21a. 3 C.M. 228:18. 4 Chasam Sofer C.M. 79; Pischei Teshuvah C.M. 237:3. Several contemporary authorities debate if it is prohibited for a taxi or a car service to pass by a Jewish-owned bus stop in order to solicit passengers, see Pischei Choshen, Geneva, pg. 272; Even ha-Mishpat, pg. 460; Maishiv B'halachah, vol. 17, pg. 13; Kol ha-Torah, vol. 43, for a full discussion of the various cases and opinions. 5 Even l'chatchilah - Chasam Sofer C.M. 61. 6 Shulchan Aruch Harav (Hasogas Gevul 13) based on Rambam Hilchos Dayos 5:13. See also Teshuvos M'haram m'Rottenburg 677. 7 See Chelkas Yaakov 2:65 and Pischei Choshen (Geneiva, pg. 262). Note that concerning all of these halachos, there is no difference if the competitor is an observant or a non-observant Jew - Ksav Sofer C.M. 20. 8 C.M. 156:7, Sma 20, and Pischei Teshuvah 9. 9 Rama C.M. 156:7 and Aruch ha-Shulchan 11. 10 C.M. 156:7. 11 M'harshdam C.M. 407 and 451; Bais Efrayim C.M. 27; Divrei Chaim C.M. 1:18. 12 Teshuvos Rama 10 based on the view of Aviasa f; Chasam Sofer C.M. 61 and 118 and many other poskim, quoted in Pischei Teshuvah C.M. 156:3; Igros Moshe C.M. 2:31. [Note that whenever competition is clearly prohibited, it is also prohibited for anyone to patronize that establishment.] 13 Chasam Sofer, ibid.; Igros Moshe C.M. 1:38 (see also C.M. 2:40-2) concerning a case in which members of a shul broke off from an existing shul and established their own minyan. This action proved disastrous to the livelihood of the rav of the existing shul and radically lowered his shul's property value. Harav Feinstein ruled that it was forbidden for anyone to establish another shul in the same neighborhood, even if their reason for breaking away was because of a difference in nusach or style of davening, and even if they disliked the practices of the present rav. 14 It remains unclear if there is even a minority view which opposes this ruling. [See Chelkas Yaakov 2:65; Piskei Din Rabbaniym, vol. 4, pg. 9; vol. 8, pg. 82, and Yashiv Moshe, pg. 228, quoting Harav S.Y. Ely ashiv.] 15 See Teshuvos Lechem Rav 216; Beis Efrayim C.M. 27; Teshuvos Parashas Mordechai C.M. 67 and many other poskim quoted in Even ha-Mishpat, pg. 450. 16 This seems to be the view of the Chasam Sofer C.M. 79, quoted in Pischei Tesuvah 156:8. It is possible that this is the view of Teshuvos Rama 10 as well. See also Teshuvos Ma'amor Mordchai 10 who rules this way. 17 Indeed, in the opinion of some poskim, we should encourage the opening of such a store. 18 Teshuvos Chasam Sofer C.M. 79; Aruch ha-Shulchan 156:11. See also Pischei Choshen (Geneiva, pg. 270-272) quoting from Divrei Chaim 1:19 and Maharam Shick 20. This week's issue is sponsored in honor of the birth of a son to David Aaron and Chani Gross of Lakewood, NJ by Jeffrey and Barbara Gross of Cleveland, Ohio. Weekly-Halacha, Copyright (c) 1998 by Rabbi Neustadt, Dr. Jeffrey Gross and Project Genesis, Inc.. The Weekly-Halacha Series is distributed

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daf-insights@shemayisrael.com] Insights to the Daf: Shabbos 71-73 brought to you by Kollel Iyun Hadaf of Har Nof Rosh Kollel: Rabbi Mordecai Kornfeld

Shabbos 73 AN "AV MELACHAH" OPINIONS: What makes something an Av Melachah? (a) RASHI (DH Ofeh) says that anything that was done for the construction of the Mishkan is an Av Melachah. One may ask, the verse says that all the materials necessary for the construction of the Mishkan were collected within two days after the people were commanded to build the Mishkan. How could they have prepared the herbs and plants used for the dyes in just two days, if they needed to plow, sow, reap, and so on? The IGLEI TAL (Introduction, #2) infers from Rashi that any act that was necessary to perform in order to obtain a material needed for the Mishkan is a Melachah even though it was *not done* for the Mishkan when it was actually constructed. (b) However, the RAMBAM (74a) writes that only labors that were performed by the Jews explicitly for the sake of building the Mishkan are considered Melachos. This is supported by the wording of the Gemara earlier (49b), "*Hem Zar'u* v'Atem Lo Tizre'u" -- "Since they sowed, you shall not sow." How did they sow and reap in just two days? The AVNEI NEZER explains, based on a Midrash Raba, that just like Yakov Avinu planted Arazim trees in Egypt for the Mishkan and bid his children to take them out in order to build the Mishkan, so, too, he told them to plant and take out other materials for the Mishkan. Since the acts of planting etc. were done *for the Mishkan* (albeit in Egypt), one is Chayav for doing such acts on Shabbos. (c) The RAMBAM (Teshuvos, #134) cites RAV HAI GA'ON who explains that any of the Melachos leading up to baking (i.e. the first 13 of the Mishnah) that was done in order to prepare for *offering the Korbanos and Menachos* in the Mishkan are considered a Melachah, and this is what the Gemara means by "*Hem Zar'u* v'Atem Lo Tizre'u," and by "Tana Sidura d'Pas Nakat" (Daf 74b). The AVNEI NEZER cites support for this from Rashi on 92a (DH sh'Ken Masa) who cites a Yerushalmi in the name of Rav Hai Ga'on. However, it is not clear why Rav Hai Gaon only learns the Melachos of baking bread from the Korbanos of the Mishkan, and not the other Melachos (such as ha'Shochet etc.). Perhaps Rav Hai Gaon only means to explain why the Mishnah *lists* Melachos of baking instead of Melachos of cooking (see Rashi in the Mishnah), but not that they are Melachos *because* they were done for the Menachos. (M. Kornfeld)

Shabbos 74 HALACHAH: THE MELACHAH OF "BORER" OPINIONS: The Gemara cites a Beraisa that first states that Borer is permitted on Shabbos, and then states that Borer is forbidden and one is Chayav a Chatas for it. Five different resolutions are given in the Gemara to explain in what the Beraisa means when it says that it is permitted to do Borer: (a) It is permitted when done for use *on that day* (b) It is permitted when only *half the Shi'ur* is separated (c) It is permitted when done *by hand* ("b'Yad") (d) It is permitted when one separates a *food* item from a *non-edible* item ("Ochel m'Toch Pesoles") (e) It is permitted when done for immediate use ("l'Altar") The Gemara unconditionally rejects the first two answers. Doing Borer for that day is forbidden and one is Chayav a Chatas, and "Chatzi Shi'ur" is also forbidden mid'Oraisa (although one is not Chayav a Chatas). Which of the other answers are accepted? What is the Halachah? (a) TOSFOS (DH v'haTanya) and the ROSH cite RABEINU CHANANEL, who says that all three of the latter conditions must be fulfilled in order for it to be permissible to do Borer on Shabbos (or more exactly, in order for this act not to be one of Borer). (b) RASHI (DH v'haTanya) appears to say that if it is done *immediately*, it is permissible, even when done with an instrument made for separating (such as Napah u'Kevarah). HALACHAH: The Halachah follows the opinion of Rabeinu Chananel, as the SHULCHAN ARUCH (OC 319) writes, and three conditions are required -- b'Yad, l'Altar, and Ochel m'Toch Pesoles. The REMA explains, citing Rabeinu Chananel, that "l'Altar" refers to any food being prepared for the meal that is about to come (even if it is not going to be consumed immediately).

Shabbos 75 THE "CHILAZON" OPINIONS: If one traps and smashes ("Potzei'a") a Chilazon, according to the Tana Kama one has transgressed only one Melachah -- trapping, and according to Rebbi Yehudah one has transgressed two Melachos --trapping and Potzei'a (a Toldah of Dash). One is not Chayav, though, for killing the Chilazon. Many Acharonim point out that we can infer from our Sugya a number of distinguishing characteristics of the Chilazon which might enable us to determine the identity of that creature (besides the characteristics of the Chilazon that we learn from other Sugyas). (a) The act of "Potzei'a" implies "cracking open," as opposed to "Korei'a" (ripping). From the use of this word to describe what is done to the Chilazon to extract its blood, it seems that the Chilazon has some sort of hard shell which needs to be "cracked open." (b) The Gemara says that if the dye is extracted from the Chilazon while it is alive, it is of a better quality. (c) TOSFOS (Kesubos 5b DH Dam) asks why is one not Chayav for the Melachah of Netil as Neshamah (killing) when one takes blood out of the Chilazon, according to Rabeinu Tam who proves that taking blood out of a creature is forbidden on Shabbos because of Netilas Neshamah? Tosfos answers that the blood of the Chilazon is gathered in a separate sack in the Chilazon and is ready to be extracted, and therefore removing it does not diminish the Chilazon's life in any way. (d) The Gemara (74b) says that the Chilazon is captured with nets lowered into the water. (e) The Gemara says that one is Chayav for Tzad (hunting) when he captures the Chilazon. This implies that the Chilazon is not a creature that is easy to catch, but rather, it is a creature that runs away when one tries to catch it. We know that the Melachah of hunting applies only when one captures an animal that is able to flee and that tries to run away when one attempts to capture it (Beitzah 24a). (f) TOSFOS (DH ha'Tzad and DH u'Chayev) proves that the Chilazon is Mefarches -- it jumps around a bit after it is removed from the water, and therefore one is not considered to have killed it (and transgressed the Melachah of Netilas Neshamah) at the moment that he takes it out of the water. It kills itself by wriggling. What creature fits the criteria that we deduce from this Sugya? 1) The RADZINER REBBE, in SEFER EIN HATECHELES, explains that the Chilazon is a certain squid (the cuttlefish), which meets the conditions of (d), (e), and (f) and which has a hard, shell-like "bone" under its skin; this complies with characteristic (a). The ink (sepia) of the squid is contained in a separate sack, which is the blood that the Gemara mentions (characteristic (c)). 2) Others, however, assert that it is highly unlikely that the squid is the Chilazon that was used for making the Techeles, based on the fact that the sepia extracted from a squid is dark brown, and does not become blue unless another

substance is added to it (and the natural color-causing agents of the sepia are boiled until their chemical composition is changed). They suggest, therefore, that it is a type of spiny snail (the *Murex trunculus*) which is common around northern Mediterranean shores. This explanation, though, does not fit the criterion of Tosfos that the Chilazon jumps around before it dies (f), nor does it fit the requirements of nets (d) and hunting (e). One answer for why nets are used to hunt snails (d), is that even today, the Greeks hunt for snails by lowering baited nets into the water, into which the snails crawl to eat the bait. The nets are then lifted along with the snails. Concerning the requirement of hunting (e), the Yerushalmi indeed states that one who captures the Chilazon is *not* Chayav for hunting. This makes sense only according to those who explain that the Chilazon is a snail (which does not flee when one catches it). Tosfos is in fact bothered by the Yerushalmi. Tosfos clearly does *not* maintain that the Chilazon is a snail (as is evident from his addition of characteristic (f)). To explain why the Bavli *does* obligate a person for hunting the Chilazon (if it is a snail), it has been suggested that since this snail is so difficult to find, as it hides itself in the sand, even though it does not flee when found capturing it is indeed considered to be the Melachah of hunting. Mordecai Kornfeld kornfeld@virtual.co.il kornfeld@netvision.net.il US:(718)520-0210 Har Nof, Jerusalem, ISRAEL kornfeld@shemayisrael.co.il

dafyomi@jer1.co.il Insights into Daf Yomi from Ohr Somayach By Rabbi Mendel Weinbach, Dean, Ohr Somayach Institutions ... Who Needs a Mosquito? Whatever Hashem created in this world, declared Rabbi Yehuda, was created for a purpose. Nothing is superfluous. This observation was directed at those who see insects and reptiles as not only of no benefit, but even as harmful. Rabbi Yehuda, in our gemara, points out how some of these harmful creatures can be used to supply healing for damage caused to man by other creatures. Another approach suggested by the Midrash is that sometimes the harmful creatures serve the purpose of punishing the wicked who deserve the damage inflicted upon them. The classic example is the case of the Roman Emperor Titus who defiled and destroyed the Beis Hamikdash in Jerusalem, and returned to Rome on a ship loaded with the sacred vessels he had looted from it. The gemara (Mesechta Gittin 56b) relates that when Hashem sent a giant wave to drown the ship, Titus defiantly challenged the Creator to fight him on dry land and not on the water where He had crushed Pharaoh and Sisera. Hashem's response was that He would send the tiniest of His creatures to battle Titus on land. When Titus landed, a mosquito entered his nose and crept into his brain. It remained there for seven years, eating away at the brain of this haughty sinner and causing him the most severe pain. One of the Sages, Rabbi Pinchas ben Arava, related that he was present when the Romans performed an autopsy on Titus after his death. In his skull they discovered that the tiny mosquito had grown into a substantial bird -- a classic example of a seemingly superfluous creature carrying out its Divinely dictated mission.

Drasha@torah.org by Rabbi Mordechai Kamenetzky Project Genesis
DRASHA -- PARSHAS YISRO -- MAN OVER MOSES

Parshas Yisro begins by relating how impressed its namesake, Yisro, (Jethro) is upon hearing the amazing events that transpired to the nation led by his son-in-law, Moshe. He decides to convert to Judaism. Yisro sends word to Moshe that he will soon be arriving at the Israelite camp. Yisro wants Moshe to leave his post and greet him in the desert before he arrives at the Israelite camp. The Torah tells us that Moshe did go out to greet Yisro: "the man bowed and kissed him and asked the peace of his dear one." (Exodus 18:8) Rashi is bothered by the ambiguity. "Who bowed to whom? Who kissed whom? Who was the one to make the gesture? Was it Yisro, the father-in-law, who kissed Moshe, or did Moshe, the son-in-law, leader of millions of people, run to greet his father-in-law a Midianite priest, and bow and kiss him? Rashi quotes the Mechilta which refers us to Bamidbar (Numbers 12:3) where Moshe is called "the man Moshe" obviously the words, "the man bowed and kissed him" in our portion must mean that same man - Moshe. Why, however, did the Torah choose a seemingly convoluted way to tell us that Moshe prostrated himself before his father-in-law? Would it not have been easier to tell us that "Moshe man bowed and kissed him and asked the peace of his dear one"? Why did the Torah use the words "the man" and send us to the Book of Numbers to learn who "the man" was?

Last year my brother, Rabbi Zvi Kamenetzky of Chicago, tried to contact a friend who was vacationing at Schechter's Caribbean Hotel in Miami Beach, Florida. After about 15 rings, the hotel operator, an elderly, southern black woman, who worked at the hotel for three decades politely informed my brother that the man was not in the room. "Would you like to leave a message?" she inquired. "Sure," responded Reb Zvi, "tell him that Rabbi Kamenetzky, called." The woman at the other end gasped. "Raabbi Kaamenetzky?" she drawled. "Did you say you were Raabbi Kaamenetzky?" She knew the name! It sounded as if she was about to follow up with a weighty question, and my brother responded in kind. "Yes." He did not know what would follow. "Why do you ask?" "Are you," asked the operator, "by any chance, related to the famous Rabbi Kamenetzky?" There was silence in Chicago. My brother could not imagine that this woman had an inkling of who his grandfather, the great sage, Dean of Mesivta Torah Voda'ath to

whom thousands had flocked for advice and counsel, was. She continued. "You know, he passed away about ten years ago at the end the wintah?" She definitely had her man, thought Reb Zvi. Still in shock, he offered a subdued, "Yes, I'm a grandson." "YOOOU ARE?" she exclaimed, "well I'm sure glad to talk to ya! Cause your grandpa -- he was a real good friend of mine!" My brother pulled the receiver from his ear and stared at the mouthpiece. He composed himself and slowly began to repeat her words, quizzically. "You say that Rabbi Kamenetzky was a good friend of yours?" "Sure! Every mornin' Raabbi Kaaamenetzky would come to this here hotel to teach some sorta Bible class (It was the Daf-Yomi.) Now my desk is about ten yards from the main entrance of the hotel. But every mornin' he made sure to come my way, nod his head, and say good mornin' to me. On his way out, he would always stop by my desk and say good-bye. Oh! Yes! He was a great Rabbi but he was even a greater man. He was a wonderful man. He was a real good friend of mine!"

The Torah could have told us the narrative an easier way. It could have told us that Moshe bowed before, and kissed Yisro. It does more. It tells us that it was a man who kissed Yisro. True, it was Moshe that performed those actions. But they were not the actions of a Moses, they were the actions of a mentch! Often we attribute acts of kindness, compassion, and extra care to super-human attributes of our sages and leaders. The Torah tells us that it is the simple mentch that performs them. Inside every great leader lies "the man." Little wonder that the words "and the man Moses" that Rashi quotes from the Book of Numbers begin a verse that fits our explanation quite well. The verse reads "and the man Moses was the exceedingly humble, more than any one on the face of the earth." (Numbers 12:3) It was the _man_ Moses, who was exceed-ingly humble, more than any one on the face of the earth. Good Shabbos!

Dedicated in Memory of Ephraim Spinner by Michael & Rikki Charnowitz Dedicated in Memory of Rose Horn Felig by Dr. & Mrs. Philip Felig