

Weekly Internet Parsha Sheet

Parshas Yisro 5765

[From Efraim Goldstein efraimg@aol.com]

Afikim Foundation

Dear Friends:

Inspirational moments of renewal can often be found at moments of greatest struggle.

We are pleased to offer this moment of encouragement to you.

The Last Kaddish

Jewish tradition dictates that the life affirming, G-d affirming Kaddish prayer is said a total of thirteen times during the course of the three prayer services on an average day. It is said for 11 months of the 12-month mourning period which follows the death of a parent, but only for 30 days if the deceased is a sibling, spouse or child. Etched in my memory: ?that? night at 2:00 AM in the ICU at Shadyside Hospital, our friend Dovie Nadoff and Rabbi Wasserman... Rabbi Wasserman, in response to Nina?s question, saying that the mourning period for children is only 30-days. Nina was initially shocked until Dovie pointed out that no matter what, you?ll be mourning for much longer than 30-days, rules or no rules.

So the practice is, parents who have the horrible experience of losing a child follow the mourning practices and say Kaddish at services for 30-days. At the end of the 30-days, I really did not feel like it had been enough. So I asked Rabbi Miller if it was appropriate to extend it. He said that it was okay, but since I have a living parent, and since our first Kaddish obligation is to parents, that it would be proper to ask my Mother for permission to continue saying Kaddish for the year. Realizing the extent of the commitment ? a year of scheduling around shifting sunsets, dovetailing travel plans with available minyanim (synagogues? scheduled services with their required quorum of 10) I talked it over in the final days of Shloshim (the 30-day initial period of mourning) with a few close friends.

Mikey?s doctor, Joel Weinberg, who worked as G-d?s partner to give us extra years with Mikey, settled any questions I had with a quiet but sincere, ?I would.? Then, I asked my mother for permission. She also had an appreciation for the extent of the commitment being undertaken. And she replied with the slightly cynical humor that Mikey and I long-ago adopted as our own; ?I don?t mind at all?, she said... ?Unless you need an ?Out?!? So I did it. With Nina?s constant encouragement, routinely accompanied by Uri and JJ, from Ohio to Israel, from Los Angeles to New York, from Toronto to St. Louis, I came very close to 100% compliance. Besides the spiritual value, it?s an incredible piece of social engineering: the placement of Kaddish requires being there on time and staying until the end. Back home, in truly bizarre fashion, I alternated between Pittsburgh?s two major non-Lubavitch synagogues: Poale Zedeck and Shaare Torah. They are best described using a computer analogy: Poale Zedeck is Microsoft?s Internet Explorer- a reliable web browser providing a wide array of services that has successfully served for over eighty years in the same place. Readily accessible, open to all, consistent- but without serious competition for so long, in some aspects lacking the creative edge that competition should have engendered.

Shaare Torah, on the other hand, is Firefox, the new upstart web browser: not as many minyanim, offering only a 6:30 AM morning option, while Poale Zedeck has a 6:00, a 7:00, and an 8:00, but with creativity and flair that is attracting more and more ?downloads?, a burgeoning membership, much younger, more enthusiastic, unbound by convention.

In the morning, Poale Zedeck seemed like the most appropriate choice; depending on when I had to be in court I could be at the 6, the 7... well, let?s face it- I could rarely stay up late enough to be at the 6AM. The 7 is conducted backwards from 7:30, and starts before 7. So the 8 was generally my choice (unfortunately there is no 9!) The customers at the

8AM are mostly retirees, except around the holiday time when returning Yeshiva students overrun the place! Shaare Torah in the afternoon struggles to reach the quorum in time for sunset, but always seems to make it, and every day 50% of the people were not there the day before, so there?s a real turnover and a wide range of participants. The Rabbi is always around, sometimes recruiting right off the street, jumping in his van to pick people up, and arranging for rides home. Both are comfortable friendly places where it seemed appropriate to memorialize Mikey. Both places, with a wink at strict custom, pretended that my self-imposed Kaddish- saying elevated me to a ?priority? for leading the Services, and let me do so as often as possible- generally, giving me the opportunity to lead at least one Service per day.

Rabbi Miller said I could carry it to eleven months and three weeks. When saying Kaddish for parents, one only says it for eleven months, the theory being that since Kaddish scores points for the deceased (especially parents) and since there are Rabbinic sources for the idea that someone who deserves it spends twelve months ?down below?, and since no one would want to give the impression that his parents could possibly deserve to go ?down below?, so nobody says it for more than 11 months, so as not to create the wrong public impression. I?m oversimplifying a little, but you could buy the book.

In the past month or so, as the last Kaddish has approached, I?ve tried to ascertain if it?s permissible to ?keep going?, never wanting to stop. And formally signify the end of the mourning period -even my self-imposed made-up mourning period- is just one more final step of removal from Mikey. Even in this time of thousands of Tsunami victims, whose horrible deaths and terrible loss to the people who loved them, Mikey?s struggle still looms large in our minds for the 24years that he put in, and for the generous and humorous and selfless and optimistic attitude that he demonstrated without fail.

I don?t want these things to be lost. I don?t want these things to fade away. I want Mikey?s memory and the tragedy of his passing to be a happy story that gets told and retold for the wonder of a kid who not only wouldn?t quit, but wouldn?t quit smiling!

A day has not passed that at some quiet moment, we do not cry. Time heals, and the incredible joy and mazel (good fortune) that has sustained us this year, as we marry off the second of our children, and revel in the pure joy we feel at the remarkable choices our children have made. Two weddings and a funeral. It?s been a big year. The sad part had to end. We pray that the happy part never will. So Wednesday was the last day.

The Morning Service at Poale Zedeck, Dr. Sachs , the man in charge, applying a range of hand-signals that would have been the envy of any third-base coach, directed me to take over midway for the non-mourner who had arrived earlier than I. With the ease born of life-long practice, I followed the printed schedule that indicates a time when each part of the service should be reached. Jealously guarding my reputation as the fastest leader in the congregation, I brought the Service home to spec, right on time, as expected. - and I said the Kaddish in the end with a certain melancholy, knowing that my life would be different from now on.

I had a tough day in Court, and barely made it in time for the afternoon/Mincha service. Nina, who had lived vicariously through all of this for the year, called me- almost every hour, flush with wedding details and complications, clearly wanting to hear my reaction as I wound down my self-imposed semi-official extended mourner?s status. In our unique system- as a male- I had a distinct advantage over Nina... There?s a clearly defined role for me, something for me to do, several times a day that connects me with Mikey. I had the opportunity to embrace the therapeutic value of public proclamation that is the Kaddish.

Wednesday afternoon I didn?t get there in time to lead the service. At the end I said Kaddish, which was followed immediately by the Evening Service, which is the first of the next-day?s Service. At the end of that service, at the point when, during the past year, I would have recited the Kaddish, I stood silently, giving the appropriate responses of a ?regular?

participant, to those who were saying it: the elderly man who has never gotten over the demise of his wife, and the man representing the synagogue who has undertaken to do it everyday for a list of the deceased who did not have the advantage of sons who would undertake it... But not me.

My Kaddish, distinctive for its volume and cadence, had become so much a part of the fabric of the little group that Rabbi Wasserman, standing at the front of the chapel looked suddenly back at me. I slowly raised my hands palm-up to signify that that was ?it?. As I silently communicated with the Rabbi, my tears welling up again, he, too, realizing the gravity of the moment, nodded slowly with slightly shiny eyes himself. He had earned the right with a thousand visits to Mikey.

This week we observe Mikey's yahrzeit, the first anniversary of his death, and we marry off our daughter, Shoshi, to the guy she brought to meet Mikey in the ICU on the weekend that she met him- a guy we have all learned to love, a guy who came to Pittsburgh for Mikey's Shiva ostensibly to drive Gavri's car from New York, and stayed until the very end, a guy whose warmth and humor and decency and love for our daughter, Shoshi- are everything we could have wanted.

And then there was the problem of the Yahrzeit. There were so many things we wanted to do to mark the day. We did not want Mikey's memory to be diminished by non-observance of that special day. In fact, a whole group of NCSY kids studying in Israel, many of whom were there last March when we had the ?Shloshim?, thirty-day remembrance, insisted-through the miracle of cell phones and e-mail- that there be some function in Mikey's memory. Through the guidance and help for Rabbi Tzali Friedman, our NCSY Regional director, who keeps in touch with ?his kids? ? the dozens and dozens he sends to Israel each year-and my sister Faye of course (while she plans for their son Adir's wedding in LA the following week) there will actually be a memorial to Mikey in Jerusalem on the day of his Yahrzeit.

Because of Shosh's wedding, we're going to delay it a little in Pittsburgh (the Yahrzeit is Thursday, the wedding is Sunday). We've begun discussions about something involving Mikey's favorite topics: genetic testing, Jewish dating practices and their interrelationship. One of Mikey's mentors at Yeshiva University, a man that he had the temerity to regard has his Rebbe, his Bio prof, and his friend, Rabbi Dr. Moshe Tendler, agreed to come to Pittsburgh sometime in February to address the topic. We can't imagine a topic or a speaker that would have been more to Mikey's liking (Rabbi Wein was kind enough to speak at the Remembrance/Azkara in Jerusalem back in February).

With the wedding looming, it was still a puzzle to us what would be appropriate for the day of Mikey's Yahrzeit. Sure, I'll go to shul. I'll even lead the Services. I'll be called to the Torah that day. Sure, we'll talk about him. We'll even visit him in the cemetery-(I know Nina, it's not really Mikey there). But, we needed something more. So we decided something so simple, and so appropriate, that we're sure Mikey would have been thrilled: Nina and I have appointments to go down to the Blood Bank and give platelets. It takes about an hour and a half. It's a wholly satisfying opportunity to help somebody as desperately in need as Mikey once was. Incidentally, Poale Zedeck scheduled a blood drive for Sunday, December 9th. So wherever you are----

His entire life, Mikey was never well enough to be able to give blood or platelets. A year ago at this time, the girl at the front desk in the downtown office of the Pittsburgh Blood Bank knew Mikey's social security number by heart. There were pages and pages of donors who designated Mikey as their recipient, right up to the bitter end, he used those blood products and platelets. We were endlessly grateful for the generosity of an array of friends and acquaintances, so this week- if you have a chance- go to the Poale Zedeck Blood Drive or go to the Blood Bank. If you can, give platelets. If you're in another city, there are places to go there, too.

It's a year later now, so to most people you encounter, it won't mean much that you're doing it in memory of Mikey Butler, but if you have it in your heart, it will definitely count. Thirty days wasn't enough. Eleven months and three weeks wasn't enough. From now on every happy occasion will be tinged with the uncertainty for the future that our experience has taught us to expect and accept. And a melancholy longing

for the past that we enjoyed so much. Overshadowing that will be the optimism, the conviction, that there IS a purpose to it all, and that it's all for the best, and that G-d knows what He's doing, and that we can participate in G-d's work by doing our jobs the best that we can. I learned those things from Mikey.

As we expand the Mikey Butler Foundation, we hope to spread that message so that he won't be forgotten.

Give blood. Hug your children. Appreciate the moment.

May you know the joy and satisfaction of caring friends and relatives .May you feel the pride in children who instinctively make choices that reflect the values you tried to impart to them.

Day by Glorious Day.

Danny (and Nina too)

January 10, 2005

Rosh Chodesh Shvat

Rabbi Herschel Schachter (TorahWeb)

The Breaking of the Glass

In expressing His affection for the Jewish people, G-d refers to them with all loving terms of familial relationships. He calls them His daughter, His sister, and His mother (Shmos Rabba 52:5). But above all, He refers to the Jewish people as his darling bride. The entire book of Shir Hashirim depicts the special relationship between Hakadosh Baruch Hu and His people as one of a marriage. Regarding all other relatives the halacha distinguishes between various degrees of closeness: rishon b'rishon; rishon b'sheni; shei b'sheni; etc. (see Shulchan Aruch Choshen Mishpat 33:2). Regarding a husband and wife, the closeness of the relationship is considered as one of "ba'al dovor"[1]. Ba'al ke'ishto implies that the two are considered one entity; as the possuk in Parshas B'reishis (2:24) states, "Ve'hayu le'boso echod." The Zohar [2] uses such an expression to describe the relationship between G-d and His Jewish people: Kudsha Brich Hu ve'Yisroel chad hu - they are one! The expression used in Parshas Bereishis to describe the closeness of a married couple, "ve'davak beishto" (2:24), appears again in the Torah describing the relationship expected of each Jew towards G-d, "u'vo sidbak" (Devorim 10:20). This very special level of relationship was established through the giving of the Torah at Har Sinai.

The very first possuk that we teach every Jewish child when he is able to speak is, "Torah tzivah lano Moshe, morasha Kehillas Yaakov"(Devorim 33:4, Sukkah 42a); and the rabbis (Sanhedrin 59a) recorded the tradition that the word "morasha" has a double meaning: the simple meaning of the phrase is that the Torah is the national heritage of all the Jewish people [3]. According to the additional meaning, the word "morasha" implies also "me'urasah", meaning a marriage. All of the Jewish people are married to the Torah; and through mattan Torah, the marriage between G-d and the Jewish people was accomplished.

The Tashbetz (#465), who records the minhagei Ashkenaz, writes, "hold on to this rule, all of the customs of the Jewish marriage ceremony have their sources in mattan Torah." The Maharam of Rothenberg is quoted (#464) as having translated the expression "Harei at mekudeshes li kadas Moshe veYisroel", as, "I hereby marry you, just as the Jewish people are married to the Torah." We are married to the Torah, and thereby, married to G-d! [4]

The Torah is a representation of G-d's essence, [5] and therefore the full quote of the Zohar really reads that "G-d, the Torah, and the Jewish people" are one. What it means is that through our receiving the Torah, we became united "in marriage" with G-d, to become one entity.

In addition to all the many customs practiced at a Jewish wedding which are known to be patterned after ma'amad Har Sinai [6], Rav Soloveitchik added the following: the common practice is that the groom (or someone else in attendance) breaks a glass. Many assume that this is to remind all those in attendance of the destruction of the Beis Hamikdash [7], and is based on the possuk in Tehillim (137:6) which encourages all to always make mention of Jerusalem at all times, even on the joyous occasion of a

wedding. In the Talmud (Brachos 30b, 31a), the source of the custom, this practice is really recorded in a different context: even when one rejoices, the cheerfulness should always be toned down a bit (vegilu bireadah) lest it lead to levity.

Rav Soloveitchik said in the name of one of the Geonim [8] that the breaking of the glass is also reminiscent of ma'amad Har Sinai. The medrash [9] points out that because the first luchos were given with great publicity and fanfare, this had a negative effect, and caused them to be broken. The second set of luchos was given privately (betzinah) and therefore it lasted. Through this contrast, the Torah teaches us the lesson of tznius, of always leading a private life. G-d is described by the prophet Yeshaya (45:15) as a Kel Mistater, as one who is in hiding. We were all created "in his image" and commanded to preserve that "tzelem Elokim" by leading our lives in the "ways of G-d" [10]. We break the glass at the wedding to impart to the young couple that they must lead a life of tznius, otherwise their marriage may suffer, just as the first set of luchos was smashed!

The Rema writes (Shulchan Aruch, Even Hoezer 21:5), based on the story related in the Talmud (Bava Basra 58a), that it is not appropriate for a married couple to hug or kiss or otherwise demonstrate spousal affection in public. Similarly it is highly improper for a mother to nurse her baby in public, even without exposing her body [11].

The midda of tznius, however, includes much more than that: one should not wear loud-color clothing to draw attention to oneself, nor speak in a very loud tone of voice, or in an exaggerated soft tone, either of which would accomplish the same result. One should not walk in public in a fashion that will draw attention, either very slowly or very quickly; in a very erect posture, or with a stooped over posture. One should not furnish his home or act in public in an ostentatious fashion [12]. One should always lead a private, hidden life. The word tznius has the same meaning of betzin'ah - in hiding.

On Yom Ha'atzmaut of 1958, Rav Soloveitchik delivered a talk [13] where he quoted in the name of Rav Meir Shapiro (the rabbi of Lublin, and the founder of the famous Yeshiva there) that G-d knew in advance that His spectacular public appearance at the occasion of ma'amad Har Sinai would certainly carry with it negative effects (i.e., the smashing of the luchos). Nonetheless He felt that under the circumstances it had to be done in that fashion [14], in order to make the havdalah (distinctiveness) of the Jewish people very noticeable. Unlike the general distinction between kodesh and chol (as between Shabbos and the weekdays), which is usually not discernable to the average eye, G-d wanted the havdalah of the Jew to be obvious and apparent.

Veholahcha bedrachav dictates that just as G-d on occasion, so to speak "beshaas hadechak", feels compelled to come out of His hiding and anonymity, so too, on occasion we are also called upon, as an exception to the rule, to do certain mitzvos in a public demonstrative fashion. But this exception to the rule should not detract from our proper understanding of the rule, namely, that in principle, each Jew should attempt, to as great an extent as possible, to lead a hidden and a private life.

[1] This is the famous interpretation of the Ravad to the passage in Sanhedrin (9b, 10a)

[2] Often quoted in Nefesh Hachaim by Rav Chaim of Volozhin [3] See Nefesh Harav, pg. 7 [4] The Talmud (Shabbos 86b) records a tradition that was shared by all the tana'im, that ma'amad Har Sinai occurred on Shabbos. Some rishonim understand that due to this, every Shabbos we (the Jewish people and Hakadosh Baruch Hu) celebrate our wedding anniversary! This is how they understand why in the shachris shmonah esrei of Shabbos we speak of ma'amad Har Sinai. The couple celebrates "their anniversary" by retelling the story of their marriage.

The Talmud (Sanhedrin 58b) points out that it is not permissible for a non-Jew to observe Shabbos. The Zohar explains this law by way of a parable: the maid in a royal palace has the keys to all of the rooms, and is expected to keep everything in good shape. However, when the king is having an intimate encounter in the bedroom with the queen, if the maid will barge in at that time, she will have her head handed to her. Shabbos is the day on which we (the Jewish people and Hakadosh Baruch Hu) celebrate our wedding anniversary, and there is much more intimacy than all week long, and non-Jews intruding on that privacy are likened to the maid in the parable.

All year long the text of the Shmone Esrei for Shacharis, Mincha, and Maariv is the same. The same is true on yom tov as well. On Shabbos, however, each of the three tefilos has a different text. The Avudraham explains this by pointing out that the marriage ceremony consists of three parts: the kiddushin, the chuppah, and the yichud. On Friday evening in Maariv we recite Atta kidashta, to reminisce about our kiddushin with Hashem. On Shabbos morning in Shacharis we speak of ma'amad Har Sinai, at which time Hashem was kafah aleihem har kegigis, which served as our chuppah. And finally, at Mincha, towards the end of Shabbos, we reminisce about Atta echod, about our yichud (with Hakadosh Baruch Hu), which always follows the chuppah.

[5] For an elaboration of this concept, see my essay "Torah and Nevuah" on TorahWeb.org (http://torahweb.org/torah/2004/parsha/rsch_tzav.html) [6] The candles and the music are reminiscent of the "kolos" and the "brokkim"; the seven brochos correspond to the seven "kolos" of Har Sinai; and many more. See Tashbatz #464

[7] See Rema to Orach Chaim (siman 560)

[8] I was not able to locate any written source for this quote. However, a similar idea is quoted in seforim in the name of Rav Nachman of Breslav, that the custom to interrupt the chosson in the middle of his dvar Torah is to remind us of the smashing of the luchos, and I once heard from Rav Gifter that perhaps this is the idea he was trying to bring out.

[9] Tanchuma to Parshas Kisissa, end of #31

[10] This was a recurrent theme in the public lectures of Rav Soloveitchik. See the volumes Yemei Zikaron (1986), pgs. 50-52; Divrei Hagos V'ha'aracha (1982), pg. 174-175. See also Nefesh Horav pgs. 1 and 281; and in my two previously published essays on TorahWeb.org - "On the Matter of Masorah" and "Can Women be Rabbis?" (http://torahweb.org/torah/special/2003/rsch_masorah.html) and http://torahweb.org/torah/2004/parsha/rsch_dvorim2.html) [11] For a discussion of the ramifications of a woman violating the principles of tznius, see Talmud Ksubos 72a and 72b, and Tshuvos Lev Aryeh (Grossnass), vol. 1 #30, quoting Rav Boruch Ber. [12] See Rambam, Hilchos Deos (5:6-8).

[13] See Mipninei Horav, pg. 301-302

[14] Halacha has a principle that shaas hadchak k'dieved dami; that beshaas hadchak we allow lechatchila that which normally is only acceptable bideved.

Jerusalem Post Jan 28 2005

PARTNERS by Rabbi Berel Wein

The word partners - shutafim in Hebrew - usually connotes in the mind of the reader or listener a business type of commercial relationship. In Jewish law, the cases of partnership arrangements and their inevitable disputes are many and varied. In fact, the laws of partnerships occupy a large section of the entire code of Jewish civil law as represented in the Choshen Mishpat section of the Shulchan Aruch, the great code of overall Jewish law and custom. As any attorney can tell you, no matter how well drawn and exact a partnership agreement appears on paper, the relationship is governed by the degree and presence of trust and good will amongst the partners. In my experience, first as a lawyer and then as a rabbi, the crisis in partnership arrangements usually arises when the partnership venture is successful and profitable. It is then that the partners each individually feel that the success of the partnership venture is due solely to each one's particular contribution. And, it is then that they begin to resent having to share the profits of the partnership with someone else whom they feel is not really pulling his or her weight. The Talmud, recognizing the inherent difficulties of human nature in holding a partnership venture together for an extended period of time, provided an escape hatch to end the partnership. It is called gud oh agud - you buy me out or I will buy you out of the partnership. Naturally, since matters of price and other thorny details are yet to be negotiated, this relatively simple formula in theory becomes very complicated in practice. Hence, the enormous amount of case law on this subject in the works of Jewish scholarship over the ages.

However, Jewish thought and tradition makes place for other types of partnerships as well. And even though these partnerships do not occupy the space in the legal tomes that the commercial partnerships do, they are ultimately more important and vital than the commercial relationships, which usually come to mind when one speaks of partnerships. Marriage is seen in Jewish tradition as a partnership - a three-way partnership. The Talmud describes it in that fashion, the three partners being the man, the woman and the Creator Who fashioned them. This partnership is the basis

of Jewish survival, the bedrock of society, and the eternal hope for a better future for all of humankind. This partnership is also built upon good will, understanding, adjustments to the wants and needs of others and mutual love and respect. Judaism always contended that bringing the third partner - the Lord - into the partnership, as an active participant would ensure a more harmonious relationship between the other two partners. The partnership of marriage, like all partnerships is subject to dissolution, as Judaism provides for divorce. Nevertheless, the traditional Jewish view of marriage is that it should be viewed as an eternal partnership.

Another type of partnership well publicized in Jewish life is the proverbial Yissachar/Zevulun partnership. Zevulun was the merchant tribe of the Jews while Yissachar was the tribe that devoted itself to full-time Torah study. Zevulun supported Yissachar physically and financially while Yissachar agreed to share its heavenly reward for its Torah study equally with Zevulun. This arrangement has been replicated many times in Jewish history. Rambam and his brother David had such an arrangement. It ended only when David was tragically drowned at sea in a shipwreck. There are many such Yissachar/Zevulun relationships active in the Jewish world today. A case could be made that the active support of yeshivot in the Israeli government's budget is also an example of this kind of physical/spiritual partnership. I don't know if either of the partners to this seemingly political arrangement here in Israel view it as a partnership with such supernatural overtones, but many times in life one does not always realize the true benefit that can eventually accrue to one's self in entering a partnership arrangement. In any event, all partnerships with Torah students have an eternal quality attached to them.

Weekly Parsha YITRO by Rabbi Berel Wein Jan 28 2005

The Torah at the conclusion of this week's parsha states that one was not allowed to mount the area of the altar by the use of a staircase. Rather, the altar had a ramp that facilitated access. The common understanding of this rule is that walking up a ramp allows one to approach the altar in a more physically modest fashion than ascending by means of a staircase. One can take shorter steps and not raise one's legs as high when climbing a ramp as compared to when navigating a staircase. However, the great men of Mussar saw in this prohibition a broader and deeper meaning. They took the Hebrew word "ma'alot" - meaning stairs or steps - and stated that it also meant arrogance, hubris, and egotistical behavior. The kohanim, as the priests in the Temple and by the nature of their positions as guardians of the Torah, would be tempted to look down upon the other Jews, the masses of Israel, as many of them were not Torah scholars and some even relatively unlettered. The Torah preaches against this dangerous elitism as it could possibly lead to intolerance and punishes those that feel that way with the curse of being pompous and arrogant people. The Talmud tells us that God, so to speak, abhors such arrogance in humans. God finds no room for Himself, so to speak, in the presence of those who mount His altar in arrogance - "b'maalot." Humility and love of others are the key characteristics demanded of the kohanim. They are truly the key characteristics that should be demanded of all those who find themselves in leadership roles, spiritual or temporal, in Jewish life and society.

Another requirement of the altar was that no metal tools could be used in its construction. The commentators, especially Rashi, explain that metal tools such as a sword or dagger were used to shorten and snuff out human life while the purpose of the altar was to lengthen and enhance life. These two opposite purposes could not be reconciled. Though there are times when self-defense is necessary and justified, service of God, in the eyes of Jewish history and thought, precludes violence and killing. The Torah itself details specific rules about warfare and its attendant consequences. We are not to be ultimate pacifists at all costs. Yet, King David, the greatest of all Jewish kings was precluded from building the Temple because of his participation in wars. Albeit that all of those wars were justified morally, legally and halachically. Nevertheless, when it comes to the Temple and to its altar, its consecration and construction cannot be through metal tools and men of war. Wars of self-defense are justified but

they are not the goal and purpose of Jewish life. Serving God and man and lengthening and enhancing human life are the values that underpin the whole Torah. I think that this is perhaps why these laws regarding the altar of God find their place in the same parsha as the Ten Commandments and God's revelation to Israel at Mount Sinai. "Not by might nor by power, but rather by My spirit, says the Lord of Hosts." Shabat Shalom.

"RavFrand" List - Parshas Yisro

Men of Truth Recognize the Falseness of Honor

Upon seeing the long lines and inefficient method of adjudication that was transpiring on a daily basis while the people waited for Moshe Rabbeinu to hear their disputes, Yisro recommended the institution of a judicial system—not unlike what we have today—to streamline the process and allow for disputes to be resolved in an appropriate and efficient manner. Yisro suggested a type of appellate system whereby more straightforward matters would be handled at a lower level and more difficult matters would be brought to the higher level courts, ultimately reaching the ears of Moshe Rabbeinu himself.

The judges were to be G-d fearing, men of valor, and men of truth who despise corruption. There were to be judges for a thousand people, judges for a hundred people, judges for fifty people, and judges for ten people. [Shmos 18:21]

It is interesting to contemplate how Moshe went about picking the various categories of judges. We can well imagine the potential rivalry and stress that there might be between different categories of judges. A judge who was to represent only 10 people might well resent the fact that his brother or cousin was picked to represent fifty or one hundred people.

The Kotzker Rebbe (Rabbi Menachem Mendel of Kotzk [1797-1859]) says that the Torah was well aware of the potential for resentment and therefore took measures to nip the problem in the bud. The way the Torah addressed this issue was by making one of the requirements be that the judges must be "anshei emes" [men of truth]. When a person is a man of truth, he is aware of the falseness of kavod [honor]. Kavod is really an ephemeral, non-existent type of matter. The trappings of kavod—I am more important than you or you are more important than me—are irrelevant for a man of truth. It does not mean anything to him.

Since being a man of truth was a prerequisite for being a judge, there could not be a problem of resentment that someone else got a "better position than I did." Such calculations are only matters of vanity and honor-seeking. An 'ish emes' will not be upset because he received 'less kavod.' It would seem that this is obvious. If we look at the matter rationally, it is clear that not being given honor or prestige is nothing to be upset about. Unfortunately, this issue is often not viewed rationally.

On one particular occasion a number of years ago, I spent Shabbos in a community outside of Baltimore that shall remain nameless. After becoming accustomed to davening in a Yeshiva, it is sometimes an eye-opener to daven in a 'shul'. The standards are typically not the same. However, I found it to be particularly peculiar when after the Rabbi went through an entire listing of birthdays, mazal tovs, naming all the parents and grandparents, etc. (a process that literally took ten minutes on the clock), the president went through virtually the same list of people in his announcements at the end of davening.

I asked the host with whom I was staying about this. I assumed that people in this congregation were at least as impatient as I am and I could not understand why they tolerate this. He explained to me that if G-d forbid the Rabbi would neglect to mention that someone's great-grandson became a chosson or something, the people would be mortally offended and would not speak to the Rabbi. Therefore they have to have a fail-safe double system lest anybody be forgotten.

I always say that I like kavod as much as the next person, but there is such a thing as overdoing it. If we would really be people of truth, we would recognize that this is silliness (shtus). What difference does it make if the Rabbi did mention it or didn't mention it; if the president did mention it or didn't mention it; if he did smile or didn't smile; if he did shake hands or

he didn't shake hands? Who cares? Anshei Emes certainly do not care. They don't care if they are the officers of 10 or 50 or 100 or 1000.

Moshe Maintained The Level of The Mountain While Mixing With The People

The pasuk says, "Moshe descended from the mountain to the people. He sanctified the people and they washed their clothing." [Shmos 19:14]

Rashi explains that the apparently superfluous expression "to the people" teaches that Moshe did not attend to his own business. Rather, he went directly from the mountain to the people.

This pasuk is in effect saying that when Moshe Rabbeinu came down from the mountain, he did not check his mail, he did not check his phone messages, he did not start his car to see if the battery died while he was 'out of town'. He did not in any way take care of his private business. He went straight to serve the people.

What is the novelty that Rashi feels needs to be pointed out here? Rav Elya Meir Bloch (1894-1955) suggests in the Peninei Daas that the pasuk is highlighting a unique spiritual accomplishment of Moshe Rabbeinu after he descended from Mt. Sinai. When someone has been "on the mountain" and then comes down "to the people", there is invariably a descent in spiritual intensity.

There are those who spend considerable time in "ivory tower" environments. There was certainly never a greater "ivory tower" than Mt. Sinai during the 40 days when Moshe received the Torah. There are two approaches taken by people who have to leave the "ivory tower" and return to the masses.

The natural instinct is to be concerned "how am I going to protect myself; how am I going to maintain the pristine experience I have managed to acquire?" One approach is to insist: "I will never leave the mountain. Even if I need to leave physically, I will not allow myself to be psychologically brought down from that spiritual intensity. I will stay in my own four cubits of space, in my own rarefied atmosphere. I will not be brought down by the mundane needs of the masses." The other approach is to say "I have an obligation to the people. I know that this will cause some degree of spiritual descent on my part, but I must do what I must do and that's the way it is."

Rashi emphasizes that Moshe Rabbeinu was able to have the best of both worlds. He went straight to the people. He did not ignore their needs. He did not try to stay aloof. But nevertheless, "he did not turn to his own needs." The fact that he mixed with the masses did not cause him to descend spiritually. He remained as spiritually focused as when he was on the mountain. He was amongst the people, he became part of the people, but it did not affect his focus, his intensity, or his spirituality.

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TORAH WEEKLY Parshat Yitro

For the week ending 29 January 2005 / 19 Shevat 5765

from Ohr Somayach | www.ohr.edu

OVERVIEW

Hearing of the miracles G-d performed for Bnei Yisrael, Moshe's father-in-law Yitro arrives with Moshe's wife and sons, reuniting the family in the wilderness. Yitro is so impressed by Moshe's detailing of the Exodus from Egypt that he converts to Judaism. Seeing that the only judicial authority for the entire Jewish nation is Moshe himself, Yitro suggests that subsidiary judges be appointed to adjudicate smaller matters, leaving Moshe free to attend to larger issues. Moshe accepts his advice. Bnei Yisrael arrive at Mt. Sinai where G-d offers them the Torah. After they accept, G-d charges Moshe to instruct the people not to approach the mountain, and to prepare for three days. On the third day, amidst thunder and lightning, G-d's voice emanates from the smoke-enshrouded mountain and He speaks to the Jewish People, giving them the Ten Commandments:

1. Believe in G-d
2. Don't worship other "gods"
3. Don't use G-d's name in vain
4. Observe Shabbat

5. Honor your parents
6. Don't murder
7. Don't commit adultery
8. Don't kidnap
9. Don't testify falsely
10. Don't covet.

After receiving the first two commandments, the Jewish People, overwhelmed by this experience of the Divine, request that Moshe relay G-d's word to them. G-d instructs Moshe to caution the Jewish People regarding their responsibility to be faithful to the One who spoke to them.

INSIGHTS

The House Of Fear

"I am Hashem, your G-d, Who has taken you out of the land of Egypt, from the house of slavery." (20:2)

A bright sunny day at the beach; everything is quiet and peaceful. Suddenly in the distance you see a wall of water the height of a building rolling inexorably towards you.

One can only guess how it must have felt to be sitting in a deck chair seeing death approaching. A person who believes in G-d placed in suchcircumstances certainly understands what it is to fear G-d in a way that few of us will ever experience.

Our relationship with the Creator of the worldcan only be based on one of two things. Either fear or love. Those are the two channels that the Creator has chosen for us to relate to Him. Take it or leave it.

Nowadays fear is pretty much out of fashion. It's non-PC to fear G-d. G-d is a nice G-d. He's my friend. We go for walks together. Nowadays we want to hang-out with God. We want to "chill" with Him. We're not even sure whether we should spell 'Him' with a capital 'H' anymore. After all, that puts a kind of barrier between us (or should it be 'Us').

If a person has no fear of G-d, he also has no love for Him. By fear of G-d, I mean that a person is very careful with his relationship with Him. Any relationship where what I do has no consequences to that relationship is really no relationship at all. No marriage in the world can survive the total indifference of one partner to what the other wants. G-d told us what He wants. He wrote it down in the Torah. If we ignore what He wants, can we still claim to have a relationship with Him? What kind of relationship is that?

In Hebrew, one of the words for an idol is elil. Elil is the diminutive form of the word E'l (a name of G-d). In other words, idolatry is bringing G-d down to my level, to make "Him" into just "him".

Fear of G-d means living in a fashion that I understand that G-d can and will do anything He chooses - and that what He chooses to do is in direct response to what I do. That's called having a relationship.

But the relationship doesn't stop there. Fear of G-d is just the beginning of the relationship, but it is not its end. The end is love.

For when I introspect on the fact that all G-d wants is my good - and no being understands what that good is better than Him - the feeling that emerges from that contemplation is called love.

The whole time that the Jewish People were in Egypt, their relationship with G-d was one of fear. Their daily fear was that they would never escape the crushing oppression of Egypt. After they left, however, and that fear was removed, their relationship with G-d was one of love, for they recognized the great kindness that He had done in freeing them from their crushing enslavement.

Someone who serves G-d just out of fear is like a slave who fears his master. The relationship is real but it is lacking a higher level. Someone who serves G-d out of love, however, is like a son who loves his father.

"I am Hashem, your G-d, Who has taken you out of the land of Egypt, from house of slavery." By taking the Jewish People out of Egypt, G-d also took them out of the "house of slavery." They became like sons who serve out of love, not just out of fear. Based on Kedushat Levi

Efrat, Israel - "The whole nation trembled... and they stood under the mountain. And Mount Sinai was completely enveloped in smoke because the Lord descended upon it in fire... and the whole mountain trembled exceedingly" (Exodus 19:16-18).

From Madonna to Adult Education classes from coast to coast the Jewish (and even Gentile) world has become enraptured with the heretofore esoteric study of the "Kabbalah" (literally, that which was "received" from earlier generations), largely based upon the mystical interpretation of the Bible found in the Zohar (literally, Splendorous light) and its commentaries. In order to provide a glimpse into this Kabbalistic approach to Biblical study, let us examine the more mystical interpretation of the atmosphere surrounding the Revelation at Sinai; you will immediately see that the mystical school of thought has transformed a mysterium tremendum of fear and trembling into a Sacred Marriage of love and commitment - with fascinating ramifications affecting our liturgy, our theology and our husband-wife relationships.

When the Bible reports that the "whole nation... stood under the mountain," Rashi cites the Talmudic commentary, "The Almighty held the mountain over them like a canopy," threatening them with death if they would not accept the Commandments (B.T. Shabbat 88a). The Zohar accepts the interpretation that the mountain was held over them like a canopy; however, it was not a canopy of coercion, but was rather a canopy of commitment, a nuptial canopy (*huppa*) of love and marriage.

For the Zohar, there is only one great love in the Bible, the love-covenant between G-d and Israel; the Revelation at Sinai formalized and legalized that love relationship, providing the marriage contract (*Ketubah*) in the form of the commandments, and the consent of the bride-Israel with the words, "We shall do (commit) and we shall obey (internalize)," *na'aseh v'nishma* (Exodus 24:7). Every human love relationship is merely a spark of that fiery passion at Sinai; hence, the bride and groom are walked to the nuptial canopy amidst the fire of candles, and the bride walks around her groom seven times, reminiscent of the seven expressions of betrothal enunciated by the prophet Hoshea: "I (G-d) shall betroth you (Israel) unto ME forever; I shall betroth you unto ME in righteousness, in justice, in lovingkindness and compassion; I shall betroth you unto ME in faithfulness and you shall know (love) the Lord."

You will notice that in this ritual of the seven expressions of Divine betrothal of Israel, it is the woman who encompasses the man, the bride who seems to be the more dominant, representing the Divine. You will also remember that in the Kabbalistic - hassidic tradition, the noun generally used for G-d is Shekhinah, literally the Divine Presence Dwelling-in-World which is a feminine form (as are all words ending in "ah", *kamatz heh* in Hebrew, such as *yaldah*, a small girl, or *shifhah*, a female maid-servant). When we move into the realm of liturgy and Sabbath ritual, the Kabbalistic imagery and all of its ramifications become magnificently clear. We recite three major and different Amidot (Standing silent Prayers) on the Sabbath: one in the evening, one the following morning, and the final one in the afternoon. The evening Amidah evokes the Sabbath of Creation, citing the Biblical verses, "And the heavens and the earth and all of their hosts were completed. And the Lord completed on the seventh day His creativity which He had made..." It is the woman-bride who is endowed with the major spark of the Divine creativity, since it is she who nurtures the fetus in her womb and actually gives birth to the child. The Kabbalat Shabbat Friday evening prayer liturgy - introducing the Evening Service and created by the mystical interpreters of the Zohar in 16th Safed - features the Shekhinah, the feminine aspect of the Divine: the *Eshet Hayil* (literally, Woman of Valor) Sabbath evening song actually refers to the Shekhinah, (so it is even to be recited or sung around the table if no woman is present), and in the *Lekha Dodi* chant we go out to greet the Sabbath -Shekhinah Queen-bride. Moreover, in this Sabbath evening amidah we ask that "All of Israel who sanctify Your Name shall rest in Her (vah)," a feminine pronoun, and the leader of the Sabbath table first slices the bottom hallah (of the two hallot), which likewise symbolizes the woman. No wonder the betrothal ceremony opens with the bride representing G-d and encompassing the groom! Indeed, the Hassidic Sages note that the opening words of the Friday evening Amidah are "Ata

Kidashta", literally "You sanctified", or "You betrothed" (Kiddushin can be translated as sanctification or betrothal); Friday evening likewise begins our sacred Marriage with G-d.

The morning Amidah evokes the Sabbath of Revelation, describing the glory of Moses as He descended from Mount Sinai with the two tablets of stone in his hands, on which were written the laws of the Sabbath. In the act of Revelation it was the masculine aspect of G-d which was dominant, the G-d groom who chose His bride Israel and gave her His contract of marriage. Therefore, in the Sabbath morning Amidah we ask that "all of Israel who sanctify Your Name shall rest in Him (vo), a male pronoun, and the leader of the Sabbath morning table first slices the upper hallah (of the two hallot) which symbolizes the male. And so it is traditionally the male who gives the ring-as well as the marriage contract - to his bride. Sabbath morning, explain the Hassidic Sages, evokes the gifts and feasts (sacrificial meats of the Mussaf Amidah) of the betrothal meal. The concluding Sabbath afternoon Amidah pictures the Sabbath of Redemption, when You (G-d) are one and Your Name is one, a G-d of peace accepted by the entire world. This can only come about when the masculine and feminine aspects of the Divine, when G-d and His bride Israel, act in concert-together-to bring about the perfection of the world in peace and tranquility. In this Amidah we ask that "all of Israel who sanctify your Name shall rest in them (vam)," a plural pronoun, and the leader of the Sabbath third meal table slices both hallot together. The parallel to the wedding celebration is the *yihud*, or marital home, where bride and groom live together as one in harmony and equality, with neither dominating the other. And so the religious mystics transformed a Biblical passage of awesome and even fearful dimensions into a song of love and mutuality which reverberates within our Sabbath liturgy and ritual as well as in the Marriage Ceremony and its message. Shabbat Shalom.

Bar-Ilan University's Parashat Hashavua Study Center

Parashat Yitro 5765/ January 29, 2005

Trust in Moses

Benjamin Salant - Kibbutz Sa'ad

In this week's reading the Lord says to Moses, "I will come to you in a thick cloud, in order that the people may hear when I speak with you and so trust you ever after" (19:9). This expression is both difficult and surprising. Why the need to believe in Moses, a man of flesh and blood? Furthermore, in last week's reading of the Song at the Sea the Torah already stated that "they had faith in the Lord and His servant Moses" (14:31), so why repeat the idea in this week's reading? Relevant to both verses is the implicit comparison being made between the Lord and Moses and this too is not easily understood. Before addressing these questions we must say that the subject of faith raises many questions that can not be dealt with in depth in this context. Great philosophers have tried to define what faith is and whether the Torah command us to believe. In Sefer ha-Mitzvot Maimonides lists faith in the Lord as the first of the 613 commandments, although many take issue with him. Can a person be commanded, "thou shalt love," or "thou shalt rejoice"? As we have said, these are not our issues at the moment.

Several homilies and interpretations that grappled with these difficulties explained that *vaya'aminu* "and they believed" or *ya'aminu*, "they will believe in you" was not speaking of faith in Moses the man, but in Moses the prophet and in his prophecies. Some even add that the words "ever after" in our Parasha refer to all the prophets who will arise after Moses. So we read in Mekhilta de-Rabbi Ishmael, Yitro (Tractate de-ba-Hodesh, ch. 2): "and so trust you ever after – you and the prophets that will arise after you."

Many exegetes take this approach. The Aramaic Targum Onkelos (14:31) translates:

"And they will believe in the words of the Lord and in the prophecy of His servant Moses." Hizkuni, Rashi, and Nahmanides (loc. sit.), all offer similar interpretations. Ibn Ezra, in his longer commentary on Exodus, uses our verse to answer the question raised by non-Jewish scholars (from

India), whether it is conceivable that the Lord spoke with a human being. He writes: "and so trust you ever after – that you are a prophet, so that their skepticism be removed ... as it is written explicitly: 'we have seen this day that man may live though G-d has spoken to him' (Deut. 5:21)." Maimonides relates to the question why this week's reading had to repeat the idea, "and so trust you ever after," when that point had been made in the previous week's reading (Hilkhot Yesodei ha-Torah, ch. 8):

The Israelites did not believe in Moses because of the miraculous signs he performed; for there is fault in those who believe because of miraculous signs, since the signs could become sorcery and magic. Rather, all the miraculous signs that he performed in the wilderness were done of necessity, not as evidence of his prophecy; it was necessary that the Egyptians be drowned, and so he split the sea and sank them in it ... and likewise all the other miraculous signs. So in what way did they believe in him? At the Theophany on Mount Sinai, seen with our own eyes and not others, and heard with our own ears and not others – the fire, thunder and lightning... And whence do we know that the Theophany at Mount Sinai alone is the proof that his prophecy is true and faultless? As it is said: "I will come to you in a thick cloud, in order that the people may hear when I speak with you and so trust you ever after." This shows that prior to this they did not believe in him with everlasting faith, rather with faith that is accompanied by some lingering doubt.

Maimonides' message is clear: true faith does not rest on miraculous signs. Yeshayahu Leibowitz explains Maimonides' approach here and elsewhere: the ultimate objective is that faith in G-d be separated from all concrete realizations and anthropomorphism.[1] Natural phenomena or wondrous historical events are not sufficient to cause a person to have faith. Pure faith is evidenced by the personal resolve to worship the Lord, not because of miraculous signs that a person has seen or heard.[2]

Ibn Ezra (in his commentary on Ex. 14:31) puts the stress on the words and His servant Moses: "They believed in Moses, that he was His servant and would do nothing but that which He commanded of him." **Rashbam** (loc. sit.) takes this idea even further, saying: "they had faith in the Lord and His servant Moses, even trusting that they would not perish of hunger in the wilderness." It turns out that Rashbam here was basing his commentary on the Mekhilta (Be-Shalah, ch. 3): "That faith with which they believed in Me is deserving that I should split the sea for them, for they did not say to Moses, 'How are we to go into the wilderness, having nothing to sustain us on our way?' Rather, they had faith and followed Moses."

Sforno explains: "and so trust you ever after – they will believe it is possible that you received prophecy face to face, that indeed I shall talk to them face to face, without any dream, as they said: 'The Lord would speak to Moses face to face, as one man speaks to another' (Ex. 33:11.)"

Ba'al ha-Turim, Rabbi Jacob ben Asher (son of Rosh, 13-14th century) takes an original approach to our verse. He deduces from it that one must have faith in the Rabbis. The words "they had faith in the Lord and His servant Moses" are "to indicate that a person who takes issue with his rabbi is like one who takes issue with the Divine Presence; and one who believes the words of the rabbis is like one who believes the Divine Presence."

The representative variety of the exegetical views presented above far from exhausts the subject. Faith was placed in Moses as a prophet, as the servant of the Lord. What is necessary is to believe that Moses relays the word of G-d (see Sforno, above), as was formulated by Rabbi Judah Halevy as well: "True, the people did not have the strength of Moses to see that great sight face to face, but from that day on the people believed that Moses, servant of G-d, had received the word of the Lord" (The Kuzari, 1.7).

[1] Emunato shel ha-Rambam, Tel-Aviv 1980, ch. 5.

[2] Emunah, Historia, ve-Arakhim, Jerusalem 1982, pp. 65ff.

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Haftorah - Parshas Yisro Yeshaya 6:1

This week's haftorah reveals to us the unlimited potential of the Jewish soul. The prophet Yeshaya shares with us his astounding vision of Hashem's throne of glory. He says, "Fiery angels stand before Hashem in service ... They call to one another and say in unison, 'Holy, Holy, Holy is Hashem the master of the legions whose glory fills the entire world'" (6:2,3) Yeshaya saw one of the loftiest visions ever to be seen by man and responded in the following manner, "Woe to me for I remained silent because I am a man of impure lips...and my eyes beheld the Divine Presence itself." (6:5) This verse displays Yeshaya's humble response to his awesome experience feeling unworthy of catching the faintest glimpse of Hashem's magnificent glory. Yet, Yeshaya was troubled by his personal silence during those lofty moments unable to participate in the angels' glorious praise. (see Radak ad loc) He attributed this to his personal imperfection and inadequacy. Apparently, his speech was impure and sinful and rendered him unworthy of uttering a sound in Hashem's holy presence.

The vision continued and Hashem commanded one of His fiery angels to deliver Yeshaya a burning coal. Yeshaya said, "And with tongs the angel removed the coal from the altar, touched my mouth and said...Your sin is removed and your error forgiven." (6:6,7) Immediately following this, Hashem asked, "Whom shall I send?" and Yeshaya responded and said, "Here I am; send me." (6:8) Yeshaya's awesome vision together with his humble response initiated him into prophecy. After this initial cleansing, he became worthy of transmitting Hashem's penetrating message to His people. In addition, Yeshaya's cleansing process allowed him to join the ranks of the angels and converse with Hashem in His actual presence. (Radak ad loc)

This intriguing incident suggests the unthinkable, that man can rise to the lofty status of Heavenly beings. Although Yeshaya was privy to the inner most levels of spirituality he sensed his mortality and felt unworthy of associating with such elevated levels of holiness. Alas, he was a human being and not a spiritual entity. He identified with impurity and sin and didn't deserve to see such revelations or sing Heavenly praises. Hashem revealed Yeshaya that he had the potential and after minor refinement he would personally attain those lofty levels. Interestingly, when we reflect upon this incident we tend to side with Yeshaya. We also wonder, "What position does an impure mortal occupy amongst Heavenly angels?" How could man even consider participating in Heavenly praise? Although angels reflect Hashem's glory what can be said about man?!

The answer to these is found in the essential discussion of mortality between Hashem and the angels. The Sages relate that the angels complained to Hashem when He chose to share His precious Torah with His people. They argued, "Your glory (Your Torah) should remain among the Heavenly beings. They are holy and Your Torah is holy, they are pure and Your Torah is pure and they are everlasting and Your Torah is also." Hashem responded that the Torah could not remain amongst them because they are perfect spiritual beings with no mortality, impurity or illness. Hashem's true glory would ultimately come from man plagued by impurity and mortality. (Midrash Shochar Tov 8) This response also troubles us because, in truth, we side with the angels. Isn't perfect fulfillment of Hashem's will the greatest tribute to His honor? What could be more glorious than the angels' purest praises? How could mortality and impurity serve as positive factors in Hashem's ultimate glory?

The Sages' words in this week's haftorah provide deep insight into this. Rashi reflects upon the burning coal and notes that the fiery angel held it with tongs. This suggests that the coal's heat was too intense for an angel to hold. Surprisingly however, Yeshaya's lip endured direct contact with the coal without being harmed. Rashi quotes the Sages who explain a human being's potential truly surpasses the status of an angel. They support this with a verse in Yoel that says, "For His camp is massive but mightier are those who do His word." (Yoel 2:11) Chazal interpret Hashem's massive camp to refer to His angels and those who fulfill His word to refer to His prophets. This teaches us that, in truth, a devout prophet is greater than an angel. (Rashi 6:7 from Midrash Tanchuma)

The upshot of this is based on man's equal ability to obey or disobey Hashem. An angel's clear perception of Hashem basically leaves no room for anything but perfect behavior. Man, on the other hand, is plagued by impurity, weakness and temptation. His perfect adherence to Hashem's will is undoubtedly true testimony to Hashem's greatness. Man's absolute negation for Hashem's sake displays the true power of His word. The spiritual ascent of a prophet proves that free thinking man can be so subservient to his master that he transcends all physical barriers. Maimonides explains that the basic qualifications of any prophet demand full control over all passions and emotions never succumbing to any physical desire. After achieving this he continues to detach himself from worldly matters totally focusing his mind on spirituality while training it never to stray into frivolity or vanity. He continues developing until his mind becomes transfixed on Hashem's innermost secrets thus deeming one worthy of Hashem's contact. During prophecy one realizes that he transcended all human barriers and joined the ranks of the angels. (see Rambam Yesodei HaTorah 7:1) This incredible accomplishment by man supersedes indeed the Heavenly angels even during their loftiest praises to Hashem. Man, unlike angel, begins far from perfect but can actually refine himself and attain the spirituality of the Heavenly hosts themselves.

We now understand that the human being sings the "praise of all praises" through his enormous efforts overcoming his human imperfections. Yeshaya originally felt unworthy of participating in the Heavenly display of Hashem's glory due to his human limitations and imperfections. Hashem responded that his conscious decision to totally subject himself to Hashem's will surpassed the Heavenly praise. Once Yeshaya's personal speech was totally cleansed he was worthy of participating in the loftiest of all praises. He could now speak in Hashem's presence and even rise above the angels and display, through his total subservience, Hashem's greatest honor.

This lesson has great bearing on our times. Chafetz Chaim raises the classic concern how the latest generations consider merit the advent of Mashiach? If previous generations who were undoubtedly more pious than ours did not merit Mashiach how could our shameful generation merit him? Chafetz Chaim answers that, on the contrary, no generation ever qualified for Mashiach as much as ours. He explains that in previous times Mitzva observance was, basically, a foregone conclusion. It did not require endless self sacrifice and had therefore had relatively limited value. In our days, however, foreign influences are so rampant that even basic Mitzva observance requires tremendous devotion and sacrifice. In present times, we may add, morality has fallen so low that attaining any level of purity and self negation is a tremendous accomplishment. In this light every mitzva has such great value that we, above all, display Hashem's greatest glory. Hashem undoubtedly tells His angels, "Look at My people who manage to remain moral and pure even in their corrupt and free thinking environment." "Can anyone bring Me greater glory than them?"

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YatedUSA Parshas Beshalach January 21, 2005

Toward A Meaningful Shabbos

Why Don't We Say Hallel on Shabbos?

by Rabbi Boruch Leff

I recently heard of a beautiful question from Rav Avigdor Nebenzahl, Rav in the Old City in Yerushalayim and talmid muvhak of Rav Shlomo Zalman Auerbach, zt"l. (Rav Nebenzahl learned b'chavrusa with Rav Shlomo Zalman for many years and Rav Shlomo Zalman said about Rav Nebenzahl that he is the gadol hador in middos.) The question is quite simple. Why is it that we recite the tefilla of Hallel on all the Yomim Tovim and we do not say it on Shabbos? We know that Shabbos has a higher status than all the other days of the year, including Yom Kippur. We recite in our Shabbos tefillos, "...of all days, You blessed it, and of all seasons, You sanctified it", and in Kiddush we refer to Shabbos as "Techilla leMikraei Kodesh -the prologue to the holy convocation."

Why then, if Shabbos is holier than all the other Yomim Tovim, do we recite Hallel only on Yom Tov and not on Shabbos?

(Rav Nebenzahl gives a weekly shmues in the Old City, which is transcribed by Rav Nechemia Klein, and distributed via email. The following will, at times, quote, and at times, paraphrase, from a section of one such transcription.) Let us begin our explanation by pointing out a fundamental distinction between the Musaf offering of Shabbos and that of the other Yomim Tovim. The offerings of all of the Yomim Tovim include a goat brought as a "chatas" or sin-offering. On Shabbos, the entire offering consists only of "two first year lambs, unblemished". Why is there no sin-offering brought on Shabbos?

The answer might be found in the difference between the symbolic meaning of Shabbos observance and that of Yom Tov. Shabbos is the celebration of the perfection of the creation.

"Mizmor Shir Leyom HaShabbos Tov Lehodos La'Hashem -A psalm for the Sabbath day, it is good to thank Hashem" (Tehillim 92:1-2). The world is complete with nothing missing, for that is how Hashem created it. The Rishonim compare this to a human king who makes a grandiose celebration upon completion of the construction of his palace. When Hashem finished creating His palace (the world) it found favor in His eyes, "And Hashem saw all that He had made and behold it was very good" (Bereishis 1:31). He made it a day of celebration. The world is good, nature is good, and therefore, a sin-offering is not necessary.

In contrast, we do find a correlation between Yom Tov and sins. Rosh Chodesh came about as a result of the arrogance displayed by the moon, in the request not to share his responsibilities with the sun. [See Chulin 60b. Of course, we cannot understand that the moon literally sinned, since it does not possess free will. See, Sefer Mima'amakim by Rav Alexander Aryeh Mandelbaum, based on the Torah of Rav Moshe Shapiro, pgs. 26-32, for a deeper understanding of this statement of Chazal].

Rosh Hashana was the day Adam HaRishon ate from the forbidden fruit of the Tree of Knowledge and was judged for his sin. Therefore, the Yom Tov of Yom HaDin came about as a result of sin. In addition, Yom Kippur is the day that Klal Yisrael was forgiven from the Sin of the Golden Calf. Pesach and Shavuos are both associated with the exile in Egypt, itself a result of sin (While the Torah was destined to be given, of course, the Sivan Shavuos date, when the Torah eventually was given, was a result of yetzias mitzrayim.) Sukkos also is connected with the 40-year sojourn in the desert, which came about due to the sin of the meraglim.

In addition, another distinction between Shabbos and the other Yomim Tovim is that the dates for the Yomim Tovim depend on the sanctification of the New Moon. As a result of the moon 'sinning' at the time of creation, we offer a Korban Chatas on those days. Shabbos, however, is dependent only on the sun, which did not sin during the time of Creation. For this reason as well, no Korban Chatas need be offered on Shabbos.

Hallel Praises A Change in Nature

Why, then, is Hallel recited only on Yom Tov? Hallel signifies a change in the natural course of the Creation. Hashem created a system known as nature that is able to function on its own. Of course, we all know that Hashem "keeps nature going", but this is not readily apparent to us, for what we saw yesterday, we see today and will continue to see tomorrow.

Hallel is recited on days when Hashem made a change in the natural order of things, when a miracle had occurred which changed the normative system of the world.

Shabbos, as we mentioned, celebrates the perfection of nature. It is only due to our sins that a change to the order of creation became necessary, and it is for this clear Divine Intervention that we recite Hallel. Our forefathers had no need for miracles, and they knew the Torah even without a Matan Torah. It was our sins that required miracles to save us and for the Torah to be given to us. As the Rambam writes, the result of the exile in Egypt was that, "It almost came to pass that the great tree that Avraham Avinu had planted was uprooted, and the sons of Yaakov would have returned to their wanderings and aimlessness and the errors of the world ..." (Hilchot Avodat Kochavim 1:3). It was only then that Yomim Tovim became inevitable. [The fact that we find the Avos observing the future Yomim Tovim is because they knew that the sins of Klal Yisrael would make the Yomim Tovim necessary.] (End of Rav Nebenzahl's insights.)

Perhaps, according to what we have learned in past columns, we can offer another answer to the question of why we don't recite Hallel on Shabbos. We know that Shabbos is the 'mai'ain olam habah' in this world. On Shabbos, all things in creation are complete; there is menucha in the entire world. When is Hallel recited? Says Rav Shimshon Refael Hirsch (quoted in Olam HaTefilos, by Rav Eliyahu Munk, in the Rosh Chodesh section), Hallel is a praise and glorification of Hashem for Klal Yisrael's continuing existence in golus. Just like Hashem saved us (from the hands of the Egyptians), He continues to do so in every generation.

On Shabbos, we don't mention the suffering of the golus; we focus on the menuchas hanefesh present, and attempt to actualize the serenity that Shabbos offers. We are living in Olam Habah on Shabbos, a time when the suffering of the golus is a distant memory. In this world, we trust that everything Hashem does is for the best, even if we lack understanding. But in Olam Habah, we won't even have any questions. Everything that happened to us in the golus, the need for all the suffering at the hands of the goyim, will be fully understood. Shabbos is a time when we touch some of this reality. Therefore, we don't say Hallel on Shabbos. Hallel implies that we are still in golus, but on Shabbos, to some extent, we live with geulah. Having said all of the above, the reality is that we do indeed recite a type of Hallel on Shabbos. Think about it and you'll understand which Hallel I mean. We'll discuss that Hallel, next week, b'ezras Hashem, as we continually attempt to inject Shabbos with meaning.

Rabbi Boruch Leff is the author of the highly acclaimed book, 'Forever His Students' (Targum/Feldheim), containing powerful Torah lessons on contemporary Jewish life, based on the insights of Rav Yaakov Weinberg, zt"l. Look for the book at your local Judaica store, or email the author at: sbleff@yahoo.com.

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Toward A Meaningful Shabbos

Actually, We Do Say Hallel on Shabbos!

By Rabbi Boruch Leff

Last week, we discussed why the prayer we call Hallel is not said on Shabbos. We cited Rav Avigdor Nebenzahl, who essentially explained that we recite Hallel when we have experienced a change in the natural course of the Creation, when a miracle occurred which changed the normative system of the world. Shabbos, on the other hand, celebrates the perfection of nature. We also suggested that since Shabbos is the 'mai'ain olam habah' in this world, on Shabbos, all things in creation are complete. There is menucha in the entire world. According to Rav Shimshon Refael Hirsch, (quoted in Olam HaTefilos, by Rav Eliyahu Munk, in the Rosh Chodesh section) Hallel is a praise and glorification of Hashem for Klal Yisrael's continuing existence in golus.

On Shabbos, we don't mention the suffering of the golus; rather, we focus on the menucha and we attempt to actualize the serenity that Shabbos offers. That's why we don't say Hallel on Shabbos. Hallel implies that we are still in golus but on Shabbos, to some extent, we live with geulah. In reality, though, there is a passage of Tehillim we say on Shabbos, which Chazal do indeed describe as Hallel. By dint of its name, it appears to be an even greater Hallel than the regular one we say on Yomim Tovim. This passage is Perek 136 in Tehillim, which Chazal (Pesachim 118a) call 'Hallel HaGadol', the Great Hallel. We recite this perek in the extended Shabbos pesukei d'zimra section. To emphasize the significance of this Great Hallel, the custom is to stand when we recite it.

Why is this perek called Hallel HaGadol? Rabbi Yochanan (Pesachim 118b) says it's because Hashem sits in the exalted heavens, yet He still provides food portions for all creations. Rabbi Yochanan focuses on the Ribono Shel Olam's kindness of providing sustenance because this appears to be the main focus of the perek. The penultimate concluding pasuk (136:25) says, 'Nosein lechem l'chol basar, ki l'olam chasdo- He gives food to all flesh because His kindness lasts forever' and as a result of this pasuk (a concluding theme is often viewed as the thrust of a passage, as in the concept of a bracha's conclusion needing to be representative of the entire bracha, 'chasima mei'ein habracha'), the Gemara, in Brachos

(4b), suggests at one point that we should recite Hallel HaGadol thrice daily.

[The Gemara concludes that we say 'Ashrei', perek 145, three times daily instead because 'Ashrei' includes the similar pasuk, 'poseach es yadecha umasbeia l'chol chai ratzon-He opens His hand and satisfies the desire of all living creatures', and 'Ashrei' is written in the order of the aleph-bais, as opposed to Hallel HaGadol which is not.]

Rebbi Yehoshua ben Levi adds to Rabbi Yochanan's words:

the reason why Hallel HaGadol has the refrain, 'ki l'olam chasdo-His kindness lasts forever', 26 times is because there were 26 generations, beginning with Adom HaRishon, until the Torah was given to Klal Yisrael. During those 26 generations, without Torah, the world had no true merits and Hashem was sustaining the entirety of creation simply through His kindness. These are the Gemara's comments pertaining to why we call Tehillim 136, Hallel HaGadol.

Rav Tzadok HaKohein (Pri Tzadok, Volume 3, page 36, in his comments for Shabbos HaGadol) explains that the word gadol is used to describe this perek because gadol always alludes to Hashem's attribute of chesed, which is the theme of perek 136. This makes sense because not only is the overriding issue of Hashem's kindness of granting provisions for the world included, but the refrain of 'ki l'olam chasdo', referencing Hashem's many kindnesses, is mentioned 26 times. We have learned, thus far, the basic information as to what comprises Hallel HaGadol. What remains to be discussed is why Chazal have obligated us to recite Hallel HaGadol on Shabbos. What's the connection between Shabbos and Hallel HaGadol?

One explanation is the concept that we express our trust in Hashem to provide our sustenance in Hallel Hagadol, and we do this by ceasing our work and observing Shabbos, as well. In Hallel HaGadol, by stating that He is the one who perpetually bestows His creations with food, we declare the ultimate negation of our own efforts in making a living.

As Rav Shimshon Refael Hirsch writes (quoted in B'Ma'asas HaShabbos, Volume 1, pgs. 99-101), "Where is the guarantee that man, in his glory, will not forget G-d? That he will not think of himself as a master of this world, which was only given to him as a loan, by the will of Hashem? . . . That he won't see this world as his own? Where is the means to remind man of his purpose as a servant of G-d? . . . To educate him continuously of his goal? Behold, G-d crowned this work in the 7th day of Shabbos. This was of the very first experiences Adom was thrust into after being created on Erev Shabbos. (Shabbos) was given to remind man of his role as a servant of G-d and to help him receive new energy and inspiration to continue in this role."

Rav Hirsch continues to explain that we were given the ability to form, create and conquer the world for six days, but on Shabbos we remind ourselves who the true Creator is. We dedicate the day to Hashem- 'V'Yom HaShvi'i Shabbos Le'Hashem Elokecha-the 7th day is a Shabbos for G-d.' In this way, we ensure that we never get lost into thinking that we provide our own sustenance or accomplishments. Cessation from work is the bris, the covenant and condition, that Hashem established between Himself and the Jewish people, in order for man to be permitted to engage in worldly pursuits. Rav Dessler (Michtav Mi'Eliyahu, Volume 2, pgs. 262-263) writes similarly: "Shabbos sanctifies the entire week because from Shabbos we learn that the work we do during the six work days does not stand alone and exist by itself. Hashem understands what is good for all of His creations and does what is proper and true for them. Therefore, a person should not trust in his own efforts, nor should he worry; rather, he should trust in Hashem."

All of these ideas are what we express through the crowning pasuk in Hallel HaGadol, 'Nosein lechem l'chol basar, ki l'olam chasdo.' Hence, we understand the importance of saying this perek of Tehillim on Shabbos. Another reason for reciting Hallel Hagadol on Shabbos, according to Rav Eliyahu Munk (Olam HaTefilos, Volume 2, page 25), is because the perek recounts many of the miracles of the Exodus from Egypt. Of course, we know that Shabbos functions as a 'zecher leyetzias mitzrayim' (Devorim 5:15 and Kiddush Friday night), but even more than that, the Exodus from Egypt truly began with Shabbos, on Shabbos HaGadol, when Klal Yisrael took the gods of their Egyptian masters- the sheep- and apportioned them

to be sacrificed. Thus, the true breaking of Klal Yisrael's bondage began on Shabbos. Because of Shabbos HaGadol, we recite Hallel HaGadol every Shabbos.

May we make every Shabbos a meaningful experience-a Shabbos which is gadol.

Boruch Leff is the author of the highly acclaimed book, 'Forever His Students' (Targum/Feldheim), containing powerful Torah lessons on contemporary Jewish life, based on the insights of Rav Yaakov Weinberg, zt'l. Look for the book at your local Judaica store, or email the author at: sbleff@yahoo.com.

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Halacha Talk

Curious Kiddush Shaylos

Rabbi Yirmiyahu Kaganoff

The Torah commands us to declare the sanctity of Shabbos, a mitzvah we fulfill when we recite kiddush before beginning the meal. Simple as this mitzvah appears, it sometimes involves interesting shaylos. We recite kiddush before the seudah at night and also Shabbos morning. The Torah mitzvah of kiddush is fulfilled at night and has two brachos, one on the wine and the other is the special kiddush bracha. The daytime kiddush was instituted by Chazal in order to demonstrate that because the Shabbos meals are special we drink a cup of wine beforehand. (The psukim that we recite before this kiddush are a later minhag, presumably to emphasize that we are reciting kiddush.)

One is forbidden to eat or drink before reciting kiddush. The poskim dispute whether an ill or weak person who eats before davening should make kiddush before doing so or after. There is also a dispute whether a woman makes kiddush before eating breakfast on Shabbos morning or whether she does not need to make kiddush until she eats later with her husband. Someone who failed to recite the full kiddush at night for some reason, must recite it before or during one of the Shabbos day meals (Shulchan Aruch, Orach Chayim 271:8). We will later discuss an interesting application of this rule. One can fulfill the mitzvah of kiddush either by reciting it oneself or hearing it from someone else who recites it. This happens when the head of the household recites kiddush for everyone at the table. Everyone is yotzei kiddush, he by reciting it and everyone else by hearing it. This is referred to as the baal habayis being "motzi" the others in their mitzvah. Several requirements must be met in order to fulfill the mitzvah through hearing someone else's kiddush. One of the requirements is that the person reciting kiddush must be obligated in the mitzvah. For this reason, only an adult can be motzi other adults.

When I was twelve-years old, I once spent Shabbos with my widowed grandmother, a'h. She wanted me, as the "man" of the house, to recite kiddush, and I was happy to oblige. Years later it occurred to me that my recital did not fulfill her obligation to fulfill the mitzvah of kiddush since I was under bar mitzvah at the time.

HEARING KIDDUSH

The people fulfilling the mitzvah must hear the kiddush. Therefore, if the baal habayis mumbles inaudibly they do not fulfill the mitzvah. Trying to solve this problem can sometimes create shalom bayis issues or hurt someone's feelings. A rav's direction may be very helpful.

Someone once asked me the following shaylah. His father-in-law recited kiddush in a very garbled manner. Even if his father-in-law indeed recited a full kiddush, he (the son-in-law) did not hear enough to be yotzei. How could he fulfill the mitzvah of kiddush without hurting anyone's feelings? I proposed two possible suggestions. One was to find some practical excuse why he (the son-in-law) should recite his own kiddush after his father-in-law (such as this is his personal custom). Alternatively if this is not a practical solution, he and his wife could discreetly make kiddush in their own room beforehand. (Of course, this solution will not help when their children get older.) Later in this article, we will discuss whether one can recite kiddush in one room and eat in another.

KEEP THEM IN MIND

It is necessary that the person making kiddush intend to be motzi those who want to fulfill the mitzvah, and they must have intent to fulfill the

mitzvah with his recital. This leads us to a curious situation that once happened to me.

I was visiting the Schwartzes (Note: all names have been changed) for Shabbos and they honored me to recite kiddush first - or so I thought. I assumed that I was reciting kiddush for myself and that the baal habayis would then recite kiddush for his family. However, upon completing my kiddush, it became clear that the family had assumed that I had made kiddush for them as well. But since this was not my intention, they were not yotzei.

It turned out that the head of household was embarrassed to recite kiddush in my presence. Under the unusual circumstances, I may well have ended up reciting kiddush twice, one right after the other, because the family still needed someone to be motzi them in kiddush. Thus, if the baal habayis was still reluctant to recite kiddush, I could have recited it a second time for them because of the concept "Yatza motzi," "someone who has already fulfilled the mitzvah may recite kiddush another time for someone who has not yet fulfilled it."

HOW CAN I RECITE KIDDUSH WHEN I ALREADY PERFORMED THE MITZVAH?

One may recite a birchas hamitzvah (a bracha on a mitzvah) on behalf of another person (presuming that we are both obligated to fulfill this mitzvah) even if one is not presently fulfilling this mitzvah because of the principle "kol Yisroel areivim zeh lazeh," "all Jews are responsible for one another," (Gemara Rosh HaShanah 29a). This concept of "areivus" means that since I am responsible to help another Jew observe mitzvos, his responsibility to fulfill a particular mitzvah is also my mitzvah. Since I am responsible to see that my fellow Jew makes kiddush, I can recite the kiddush bracha on his behalf. For this same reason, I can still blow shofar in a shul and recite the brachos for other people even if I already fulfilled the mitzvah of shofar earlier.

MAKING KIDDUSH WHEN I WILL FULFILL THE MITZVAH LATER

I was once asked the following shaylah. Mr. Hirsch was hospitalized, and his wife was unable to make kiddush for her family. Mr. Goldberg, one of the Hirsch's neighbors, asked whether he could make kiddush for the Hirsch family on his way home from shul and then go home and make kiddush for his own family. I told him that this was perfectly acceptable. However if he was not planning to eat anything at the Hirsch residence, he should not drink the kiddush wine but instead ask one of the Hirsch adults to drink most of a revi'is (about one-and-a-half ounces) from the cup (Shulchan Aruch, Orach Chayim 273:4; 271:13). I will explain later why Mr. Goldberg should not drink from the Hirsch goblet.

This seems strange. How can Mr Goldberg recite "borei pri hagafen" and not drink any wine?

THE DISTINCTION BETWEEN THE DIFFERENT TYPES OF BRACHOS

The answer to this question needs an introduction. It is true that one cannot recite a bracha on food or fragrance (birchash ha'ne'henin) for someone else's benefit unless he is anyway making that bracha for himself. This is because the other person is not fulfilling any obligatory mitzvah by reciting these brachos. He needs to recite a bracha because he is gaining benefit, not because he is obligated to perform a mitzvah. Therefore, the rule of areivus does not apply in this case. Because he has no absolute obligation, one does not share in his mitzvah and cannot make the bracha on his behalf. However, the bracha on kiddush wine is different because it is considered part of the obligatory mitzvah of kiddush (Gemara Rosh HaShanah 29a). Therefore, Mr. Goldberg can also make borei pri hagafen for the Hirsches even though he is not drinking any wine. (It should be noted that it is disputed whether this halacha is true for the daytime kiddush.)

AN INTERESTING APPLICATION

Sometimes one has guests for a Shabbos daytime meal who have not yet fulfilled the mitzvah of kiddush this Shabbos at all. (A common application is when a guest is not yet observant.) This provides one with an opportunity to perform the additional mitzvah (in addition to exposing one's guests to Shabbos) of kiddush. As explained above, the normal

daytime kiddush is not a replacement for the night kiddush. Therefore, our unobservant lunch guests have not yet fulfilled the mitzvah of kiddush this Shabbos. How can one alleviate the situation? Since kiddush can be recited the entire Shabbos day, one should recite the full Friday night kiddush on Shabbos daytime on behalf of his guests. Although he has already fulfilled the mitzvah, he can still be motzi his guests. However, in order to do so he must explain to them that hearing kiddush is a mitzvah and that they should listen to him with the intent to fulfill the mitzvah. (It is always a good idea to do this so that one's guests know to fulfill the mitzvah.)

WHY COULDN'T MR. GOLDBERG DRINK THE CUP OF WINE?

Before answering this question, we need to explain the concept of "Ayn kiddush elah b'makom seudah," "Kiddush must be recited in the place that one will be eating a meal," (Gemara Pesachim 101a).

The Gemara relates the following story. One Friday evening, Rabba made kiddush. Although his disciple Abaye was present, Abaye planned to eat his Shabbos meal in his own lodgings. Rabba urged Abaye to "taste something" before he left, voicing concern that the light in Abaye's lodging might extinguish before his arrival, making it impossible to make kiddush there. (I presume that Abaye was unable to locate his wine in the dark.) Rabba pointed out that Abaye would not be yotzei with the kiddush he just heard unless he ate something at Rabba's house because of "Ayn kiddush elah b'makom seudah," (Gemara Pesachim 101a).

This halacha is derived from the pasuk "Vikarasa LaShabbos Oneg" (Yeshaya 58:13), which Chazal midrashically interpret to mean, "In the place where you declare the kiddush of Shabbos, you should also celebrate your Shabbos meal" (Rashbam and Tosafos ad loc.). From this we derive that one must eat a meal in the place that one recites kiddush.

WHAT IS CONSIDERED THE SAME PLACE?

The Gemara rules that someone fulfills kiddush if he recited (or heard) kiddush in one part of a large room and ate in a different part of the room since this is considered the same place. Some poskim contend that one should not move to a different part of the house unless he knew at the time of kiddush that he might do this (Magen Avraham 273:1; Mishneh Berurah 273:3) and even this should be done only under extenuating circumstances (see Biyur Halacha 273:1). However, if one recited kiddush in one building and then went to a different building without eating, one certainly did not fulfill the mitzvah of kiddush and must recite (or hear) it again. This is why Mr. Goldberg could not drink the Hirsch's wine. Since he had no intent to eat at the Hirsch's house, he could not fulfill the mitzvah of kiddush there. Therefore he also couldn't drink the wine since one cannot drink before fulfilling the mitzvah of kiddush. (According to most poskim, Mr. Goldberg has another option: he could drink the kiddush and then another cup of wine. This would be considered kiddush b'makom seudah see Igros Moshe O"C 4 for his chiddush in Kiddush B'makom Seuda that allows one to make Kiddush without eating.)

KIDDUSH IN SHUL

These two concepts (areivus and ayn kiddush elah b'makom seudah) are the basis of the custom that the chazzan recites kiddush in shul Friday evening without drinking the cup of wine.

Why is kiddush recited in shul at the end of Friday evening davening?

The Gemara mentions that in its time guests often stayed and ate their Shabbos meals in rooms attached to the shul and someone recited kiddush in shul on their behalf. Since the guests were eating in the same building, it was considered "kiddush b'makom seudah" and they fulfilled their mitzvah. However, the chazzan who makes kiddush does not fulfill his mitzvah since he is eating his meal at his house which is in a different building. Therefore, he should not drink the kiddush wine. Instead it should be drunk by a guest eating in the building, and if there are no guests the cup is drunk by children who are permitted to drink or eat before kiddush. (Although in general children should be taught to keep mitzvos like adults, there is no requirement of chinuch in this case. Iy'H I hope to discuss this halacha in a future article.)

ANOTHER INTERESTING SHAYLAH

I was once asked the following question from someone who was a guest at a Shabbos bar mitzvah:

"The baal simcha made kiddush in the shul immediately after davening, but the kiddush was conducted in the shul's social hall. Is this an acceptable way to fulfill the mitzvah?" Based on the above discussion, we can answer this question. If the social hall was in a different building, they would need to recite kiddush again in the social hall. Assuming the social hall was in the same building as the kiddush, this was acceptable under extenuating circumstances, assuming that they ate in the social hall. It would be preferred that they follow a different procedure, such as having kiddush made in the social hall.

WHAT IS CONSIDERED A MEAL?

Rabba's words ("taste something") imply that one fulfills kiddush without necessarily eating a meal, notwithstanding the Gemara's statement that one must eat a meal where he recites kiddush. The Gaonim explain that one must begin his meal where he said kiddush by either eating some bread or drinking wine and this answer is quoted in Shulchan Aruch (Orach Chayim 273:5). The Gaonim explicitly state that one does not fulfill kiddush b'makom seudah by eating only fruit. Although some poskim disagree, arguing that one fulfills kiddush b'makom seudah by eating fruit (Shiltei HaGiborim Pesachim 20a:1, quoting Riaz, as explained by Magen Avraham 273:11). The accepted practice does not follow this opinion (Magen Avraham 273:11; Shu't Ayn Yitzchak #12). Magen Avraham rules that one fulfills kiddush b'makom seudah by eating a kizayis-sized piece of mezonos (the same size piece that requires an "al hamichyah" blessing afterwards), and this is the prevalent practice followed on Shabbos morning when people often make kiddush and then eat pastry or crackers. Some poskim rule that one should not rely on drinking wine to fulfill kiddush b'makom seudah but instead eat mezonos or bread (see Rabbi Akiva Eiger to 273:5 and Mishneh Berurah 273:26).

Some people follow the practice of the Vilna Gaon to recite kiddush only immediately before the meal they are eating for the Shabbos seudah (see Biyur Halacha and Rabbi Akiva Eiger to 273:5). In his opinion the concept of "Vikarasa LaShabbos Oneg," means that one should declare the kiddush of Shabbos specifically at the time that one celebrates the Shabbos meal.

KIDDUSH ON YOM TOV

I was once asked the following question. The director of a small senior residence used to always make kiddush for the residents and then go home to eat the Shabbos seudah with his family. One Yom Tov, there were only women in the residence. Could he make kiddush for them without eating there?

WHY SHOULD THERE BE ANY DIFFERENCE BETWEEN SHABBOS AND YOM TOV?

There might be a difference between Shabbos and Yom Tov in this regard. There is a dispute among the poskim whether women are obligated to recite kiddush on Yom Tov. The Gemara states that although women are usually not obligated to fulfill positive time-bound mitzvos (mitzvos aseh she-ha'zman grama), there are numerous exceptions to this rule, including kiddush. Some poskim believe that only Shabbos kiddush is an exception and that women are not required to recite kiddush on Yom Tov (Shu't Rabbi Akiva Eiger #1). Other poskim (Shulchan Aruch HaRav 271:5) contend that there is no difference between kiddush on Shabbos and kiddush on Yom Tov - women are required to recite both (or hear them from someone else, see Igros Moshe O'C 4:63 that brings proofs that women are obligated.)

Although the universal practice is that women hear kiddush on Yom Tov, the above dispute has major ramifications. We mentioned above that one can be motzi someone even when one is not now fulfilling the mitzvah because of the concept of areivus. This means that the person making kiddush carries some of the responsibility of the mitzvah for the person who has not yet fulfilled the mitzvah. However, according to Rabbi Akiva Eiger, a woman does not have a mitzvah of reciting kiddush on Yom Tov. Therefore, a man who is presently not fulfilling the mitzvah cannot recite kiddush on her behalf. According to Rabbi Akiva Eiger, he should eat something after making kiddush and fulfill his mitzvah of kiddush in the residence.

Kiddush sets the tone of the whole Shabbos meal. In the midst of remembering the details and requirements of this mitzvah, we should never

forget to also focus on the beauty of Shabbos and the wonderful opportunity we are given to sanctify it verbally day and night!

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Halacha Talk

Carrying On Shabbos and How To Construct an Eiruv

by Rabbi Yirmiyahu Kaganoff

In Parshas B'Shalach, the Torah introduces us to the mitzvah of not carrying outside, one of the thirty-nine prohibitions of Shabbos. Therefore, this is a good opportunity to study some of the complicated halachos of carrying on Shabbos and the halachos of Eiruvin.

We cannot do justice to this vast and complicated topic in one short article. However, I will attempt to provide an introduction to some of the issues involved.

The Torah prohibits carrying from an enclosed area, called a "reshus hayachid," to a public, non-enclosed area, a "reshus harabim," or vice versa. It also prohibited to carry something for a distance of four amos (about seven feet) or more inside a reshus harabim. For our purposes, we will loosely define reshus hayachid as an area completely enclosed by walls, doors, or a combination of both, and a reshus harabim as an unenclosed area at least sixteen amos wide (about twenty-eight feet) meant for public use or thoroughfare. Many additional technical details define a reshus hayachid and a reshus harabim, some of which will be discussed later in this article. A non-enclosed area that does not qualify as a reshus harabim is categorized as a "karmalis." According to Torah law, one may carry inside, into and from a karmalis. However, Chazal ruled that a karmalis must be treated with the stringencies of both a reshus hayachid and a reshus harabim. This means that under most circumstances it is forbidden to carry inside, into or from any area that is not completely enclosed. This is the way we are familiar with observing Shabbos - one does not carry in any unenclosed area. (I will later point out a significant halachic difference between a reshus harabim and a karmelis.)

Chazal also forbade carrying from one reshus hayachid to another when they are not owned by the same person. Thus, I may not carry on Shabbos from my house to my neighbor's even if both properties are completely enclosed. If both areas are owned by the same person, I may carry from one house to the other, as long as I don't pass through an unenclosed area or an area owned by someone else. I may carry from my house to my neighbor's if we make an "eiruv" which allows the two areas to be treated as if they have common ownership.

BUT I THOUGHT "EIRUV" REFERS TO A PHYSICAL STRUCTURE?

The word eiruv refers to several different conventions instituted by Chazal. We just mentioned the "eiruv chatzeiros" that permits carrying between different areas that are enclosed but have separate ownerships. We create this eiruv by making the property owners partners, through a loaf of bread or a box of matzohs, which for this purpose is sufficient to consider the properties jointly owned. Once this eiruv chatzeiros is made, one may carry from one residence within the eiruv to another since the eiruv gives them common ownership. Common practice is to make the eiruv with matzohs since they last a long time. Custom is to renew the eiruv every Erev Pesach so that it is not forgotten.

One must make sure that the matzohs remain edible. I know of instances where the eiruv was forgotten about and long afterwards it was discovered that the matzohs were no longer edible. Who knows how long people were carrying in a prohibited way because no one had bothered to check the matzohs!

WHAT IF THE AREA IS NOT ENCLOSED?

Our discussion until now has been dealing with an area that is already fully enclosed. However, someone interested in carrying in an area that is not fully enclosed must close in the area before making an eiruv chatzeiros. The most common usage of the word eiruv is in reference to this enclosure.

HOW DOES ONE ENCLOSE AN AREA?

The area must be completely enclosed by halachically acceptable "walls" and "doors." Walls, buildings, fences, hills, and cliffs can all be used to enclose an area. However, when using structures and land features that already exist, invariably there will still be gaps between the structures that must be filled in to complete the enclosure.

The most common method to bridge the gaps is to make a "tzuras hapesach." A tzuras hapesach vaguely resembles a doorway, consisting of two sideposts and a lintel that passes over them, which are the basic components of a doorway. According to halacha, a tzuras hapesach is considered a bona fide enclosure. Thus, if all gaps between the existing "walls" are "closed" with tzuros hapesach, the area is regarded as fully enclosed.

Some opinions allow small gaps to remain within the eiruv's perimeter without a tzuras hapesach. Many eiruvin in North America rely upon this leniency, whereas in Eretz Yisroel the accepted practice is not to.

I was once visiting somewhere when I noticed a large gap in the perimeter of the local eiruv. It turned out that there was a minority opinion that considered the eiruv still kosher despite the fact that the gap was larger than normally accepted in halacha. Needless to say, I was disappointed to discover that the people in charge of the eiruv were unwilling to make a minor repair in the eiruv that could have resolved the problem completely.

A COMMON PROBLEM

There is a halacha that a planted or overgrown field the size of 5000 square amos (approximately 14,000 square feet) inside an eiruv will invalidate the eiruv. This is a very common problem that is often overlooked. Although every responsible eiruv has mashgichim to check the perimeters of the eiruv, there is also a need to check periodically within the eiruv to see that there are no areas so overgrown that they cannot be traversed.

OTHER DETAILS OF TZURAS HAPESACH

There are a myriad of details as to how a tzuras hapesach is made; far more than can be detailed here. For example, one may use a wire for the lintel of a tzuras hapesach, although many opinions require it to be extremely taut (see Mishneh Berurah 362:66 and Shaar HaTziyun). For this reason, standard practice is to use telephone wires as the "lintel" of the tzuras hapesach. Posts are places directly below existing telephone wires, with care taken that the wire passes over the post. The lintel must pass directly above the side posts, although they do not have to actually reach it (Gemara Eiruvin 11b). For example, if the wire used as lintel is twenty feet high and the side posts are only four feet tall, this is perfectly legitimate as long as the wire passes directly above the side posts. To guarantee that the wire remains above the posts, it is a good idea to use fairly wide "posts" and also to periodically check that the wire is still directly above the posts. From personal experience I can tell you that as the posts or the telephone polls settle it is not unusual that they shift so that the post is no longer under the wire. This is also something that eiruv mashgichim may not always check for but should.

The tzuras hapesach is invalidated if something intervenes in the gap between the lintel (wire) and the side post. Thus, it is invalid to rest a side post against the side of a house and attach the lintel to its roof, if any overhang of the roof extends below the lintel and above the side post. Similarly, the eiruv is invalidated if a sign intervenes between the side post and the wire being used as lintel.

I mentioned above that there is a major difference in halacha between a reshus harabim and a karmelis. A tzuras hapesach can only be used to enclose an area that is a karmelis where the prohibition against carrying is only rabbinic. It cannot be used to permit carrying in a reshus harabim where it is forbidden to carry min haTorah (Shulchan Aruch, Orach Chayim 364:2). This leads us into our next discussion.

CONTROVERSIAL EIRUVIN

The details of hilchos eiruvin are extremely complicated and often subject to strong dispute. It is not unusual to find a situation where one rav forbids a certain eiruv min HaTorah, while another rav rules that it is perfectly kosher. Although both decisions are based on the same Gemara and halacha, one posek condemns as chilul Shabbos what the other considers a mere chumrah or less.

This is not a new phenomenon. Let us share a halachic discussion that is over a thousand years old.

600,000 PEOPLE

There is a very old dispute among the poskim whether a reshus harabim (min haTorah) only exists if the area is used by at least 600,000 people, just as the reshus harabim of Klal Yisroel in the desert had 600,000 people using it, the members of the Jewish nation. (Indeed the question is raised that a reshus harabim should require several million people because the 600,000 only included men over twenty and did not include the women and children.)

Rashi (Eiruvin 59a) writes that only an area with this number of people constitutes a reshus harabim that cannot be enclosed with a tzuras hapesach. This excludes all the towns and cities inhabited by Jews from the Middle Ages until fairly modern times. They did not have 600,000 people and could therefore be enclosed by a tzuras hapesach. However, many Rishonim disagree with Rashi and rule that any street or marketplace sixteen amos wide is a reshus harabim and cannot be enclosed with a tzuras hapesach. This issue is confused further by a contradiction in Shulchan Aruch. (In 345:7 he rules strictly, whereas in 303:18 he rules leniently.) Many major poskim follow the lenient interpretation (Magen Avraham; Taz in 345), and it was upon this basis that most Eastern European communities constructed eiruvim. However, according to most poskim this leniency cannot be used today since most large Jewish communities are in places with more than 600,000 people.

A FIGHT OVER AN EIRUV

In the thirteenth century, Rav Yaakov ben Rav Moshe of Alinsiya wrote a letter to the Rosh explaining why he forbade a tzuras hapesach eiruv in his town. In his response, the Rosh proved that Rav Yaakov's concerns were groundless and that he should immediately construct an eiruv. Subsequent correspondence reveals that Rav Yaakov did not change his mind and still refused to erect an eiruv in his town. The Rosh severely rebuked him for this recalcitrance, insisting that if he (Rav Yaakov) persisted he would be placed in cherem. The Rosh also ruled that Rav Yaakov had the status of a zakein mamrei, a Torah scholar who rules against the accepted decision of Klal Yisroel, which is a capital offense! All this demonstrates that heated disputes over eiruvim are by no means a recent phenomenon.

OTHER EIRUV DISPUTES

A different dispute that surfaced among great poskim about 200 years ago is the basis of many contemporary controversies. The question is whether an area that is mostly enclosed by walls is considered a reshus harabim or a karmelis. If it is a reshus harabim, then it is not eiruvable (a word of my own invention) and building tzuros hapesach to close the gaps between the walls will not permit carrying. If it is a karmelis, then tzuros hapesach will permit carrying.

This question was disputed by two great nineteenth century poskim, the Beis Efrayim (Shu”t Orach Chayim 26) who contended that this area is eiruvable, whereas the Mishkenos Yaakov (Shu”t Orach Chayim #121) disagreed. This dispute is very germane in our time since most cities are surrounded or traversed by highways that are surrounded by fences or sound-barrier walls. Although there are large gaps in these fences and walls for the highway entrances and exits, most of the city is enclosed by these fences and walls. Thus according to the Beis Efrayim, the city is considered eiruvable by tzuras hapesach. This is also the opinion of the Chazon Ish. However, some contemporary poskim do not accept this approach and rule that most cities are non-eiruvable. There are several controversial eiruvim in which this issue was one of the questions disputed by the poskim involved.

Those rabbonim who rule that their city should have an eiruv often cite the Chasam Sofer who said that it is a rav's responsibility to ensure that there is an eiruv in his city so that people do not carry inadvertently (Shu”t Orach Chayim #99). Rabbonim who oppose the construction of eiruvim reply that this position is true only when there is no halachic question about the kashrus of the eiruv.

Before carrying in an eiruv, one should ask several questions.

Which rav is responsible for the eiruv? Is it checked regularly? Do not be embarrassed to ask the mashgichim if they follow the entire route of the

eiruv from beginning to end every week. They might suddenly realize that there is a spot that they don't check. Ask them when was the last time that they made sure that the wires are still directly above the side posts and whether anyone has checked recently to see if there are any overgrown areas within the eiruv's borders. Do not rely on being told, "Frum people use it," without getting an answer to your questions.

As in all instances, a person who does not use an eiruv ensure that observing a stringency does not make him feel superior to someone who does not observe this chumrah. (See Michtav MeiEliyahu 3:294 for a very important discussion on this subject.)

In conclusion, we see that disputes among poskim over eiruvim are not recent phenomena. In practice, what should an individual do? The solution proposed by Chazal for any such shaylah is "Aseh lecha rav, vehistaleik min hasafek," "Choose someone to be your rav, and one removes oneself from doubt." Your rav can guide you whether it is appropriate for you to carry within a certain eiruv, after weighing factors of construction heterim, care of eiruv maintenance and family factors. The pesak and advice of one's rav can never be underestimated!

Dei'ah Vedibur - 16 Shevat 5765

Tu BeShvat

By Rav Zev Leff

We apologize to our readers for the timing of the appearance of this article, but it arrived after our Tu BeShvat issue went to press. The rich content needs no apologies, and it will certainly have much to teach and inspire even a week after Tu BeShvat.

Rav Leff's column appears in the print edition of Yated Ne'eman weekly. It does not usually appear on Dei'ah Vedibur.

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Rav Eliezer and Rav Yehoshua argue whether the world was created in Tishrei or in Nisan (Rosh Hashonoh 10b). Tosafos explains (Rosh Hashonoh 27a) that both opinions are in fact valid as the world was created on the plane of thought in Tishrei and on the plane of action, in actuality, it was created in Nisan.

This can be explained in the following manner: Chazal related that originally it arose in Hashem's thoughts, as it were, to create the world with Din, judgment only. Then He accompanied the din with mercy.

The Shlosh Hakodosh explains that this original thought was not nullified by the introduction of mercy, but rather the world was in fact created on two concurrent levels and dimensions. For those who can survive the pure din, they are judged only with din. This is the ideal for the following reason. The entire purpose of creation was a function of G-d's will, and serves to bestow the eternal kindness of Olom Habo. There, are the neshomos, souls, that can receive the pleasure of basking in the splendor of G-d's Presence in His creation.

However, in order for that kindness and pleasure to be complete, it had to be earned. Hence the neshomoh was placed first in the physical world, distant from G-d, so as to be able with its own efforts to create that relationship with Hashem by elevating the soul to be more and more G-dly through Torah and mitzvos and from the service of Hashem that emanates from all physical things and actions. The more one's reward is the product of his own effort, without any assistance or aid, the better it is. Pure judgment, where one gets exactly what he deserves without any mercy, is ideal. This was the level of Yaakov Ovinu (see Michtav MeEliyahu volume 3, p. 3).

The Shlosh Hakodosh says that this was also the level of Rabbi Akiva about whom, as the Romans combed his flesh with iron combs, the angels cried, "Is this then the reward for Torah?" And Hashem responded, "Quiet. This is what arose before Me in my thoughts."

The Shlosh Hakodosh explains Hashem's words to mean that this is what He originally planned, in thought, for the world to be: totally din where one is punished severely, without mercy, for every small sin — but the reward for mitzvas is totally one's earned product.

However, in actuality G-d combined mercy with din for the majority of humanity who can only survive if mercy tempers the din. Originally, these

two dimensions were concurrent, since time did not exist at the moment of Creation. However, following Creation and the introduction of time these two dimensions became related to two distinct time zones. Tishrei became the Rosh Hashonoh of judgment, din, and hence the Rosh Hashonoh of Machshovoh of thought. Nisan became the Rosh Hashonoh of mercy, ma'aseh, the actuality that is based on the fundamental necessity to temper with mercy.

Hence, Tishrei is the Rosh Hashonoh for the din, the Yom Hadin, for the world was created in thought with only judgment, and in Nisan is the Rosh Hashonoh of rachamim, of the mercy of redemption.

Hence, the seforim relate that just as 40 days before the conception of a human being various components of his life's plan are decreed in Heaven, similarly, 40 days before the conception of the world marked the preparatory stages of Creation. The creation of Tishrei actually marks the Creation of man. Hence the actual Creation began on the 25th day of Elul, 6 days earlier and the creation of Nisan began on the 25th of Adar. 40 days prior to these days is the 15th of Av and the 15th of Shvat, respectively, both significant days in our calendar.

On both of these days trees are also significant. On the 15th of Av, trees are dry, their sap evaporated by the heat of the summer. On this day the completion of the seasonal cutting of wood for burning the sacrifices on the Altar occurred. Tu BeShvat, on the other hand, represents the day when the sap begins to rise in the tree initiating the growth of that year's fruit from the rainfall of the current year.

The tree has two names: eitz and ilan. Eitz is the material essence of the tree itself, its physical configuration. Hence, cut wood is also called eitz. The word eitz is spelled ayin, tzaddik, which can literally mean: Look at the tzaddik. By observing the tree we can learn about the nature of the tzaddik.

Man is compared to a tree, ho'odom eitz hasodeh. The Maharal (commentary to Sanhedrin 92a) explains that actually we are an inverted tree: Our limbs are downward and our head, the root, is upward. This signifies that in this physical world alone do we stand on our feet, for our true rooting is in the spiritual world. Hence the medrash relates that in the spiritual world one in fact is inverted, head below forming the root, and base and limbs above (see Paneiach Rozo at the end of parshas Chayeit Soroh).

According to some, this is the meaning of the gemora (Bava Basra 10b) that the spiritual world is an inverted world, where the upper are down and the lower are up; that everyone stands on his head with his feet above. Perhaps this is why most babies are born headfirst, descending into the physical world from a more spiritual world.

The feet and legs are therefore symbols of physical and material support. Hence the covering of the foot and the uncovering of the head represent the physical posture where apparently the foot is the root which is covered and the head is the limb which is exposed. Therefore when we want to assume a spiritual posture, we remove our shoes and let that limb be uncovered and cover our heads, thereby imitating a tree whose root is covered and limbs exposed and thus emphasizing that our root is our neshomoh, our spiritual dimension, represented by the head and mind. This explains the removal of Moshe Rabbenu's shoes when trodding on earth sanctified by G-d's Presence at the sneh. Likewise the removal of one's shoes in the Beis Hamikdash and the removal of the Kohanim's shoes during the priestly blessing.

This is also our posture on Yom Kippur, a day of total spirituality, and this is also the posture that a mourner assumes in order to be able to empathize with the soul of the departed in its acclimating to the spiritual world.

This is also significant of the removal of the shoes in the chalitzah ceremony of the brother who does not want to perform yibum, who cannot or will not empathize with the soul of his departed brother. Hence, material possessions are called (in Devorim 11:6), hayekum asher beragleihem, that which places a person on his feet. Literally, this places us in the posture of standing on our feet in this physical world and not on our true root, our head.

On Tu B'Av, in preparation for Yom Hadin, we take the tree which symbolizes man's essence and cut it down, offering it in flames on the

Altar in total subjugation to Hashem. Therefore the astrological sign of the month of Av is a lion, for the fire on the altar is likened to a crouching lion. It is on the day of Tu B'Av that shidduchim are made, since marriage introduces the Shechinah, symbolized by the letters yud and hei that transform the fire into ish and ishoh. Marriage is the symbol of man's imperfection, the need for him to be perfected by another. At the same time marriage enables one to be G-d-like in perfecting another human being. This is the preparation for the Yom Hadin that takes place on Tu B'Av. However, once man recognizes his true nature and subjugates himself totally to Hashem, Hashem gives him the ability to produce his own fruit. He aids us with his mercy to earn our reward in Olom Habo, through utilizing this material world properly. This is signified by Tu BeShvat, the 40-day preparation for the Rosh Hashonoh of Nisan, the rosh hashonoh of Regolim, literally of the feet, though really it refers to the three holidays when we went to the Beis Hamikdash on foot.

The gemora comments (Chagigah 3a) on the verse in Shir Hashirim, "Ma yofu pe'omayich bane'olim bas nodiv, how beautiful are your footsteps in your shoes, the daughter of the munificent one." How beautiful are your footsteps when you ascend for your three yearly pilgrimages to Yerushalayim, you the daughter of Avrohom Ovinu who was the first convert.

Perhaps the idea is that aliyah leregel means literally the uplifting of the foot. On yom tov all the material and worldly aspects are elevated and sublimated in the service of Hashem through the joy of yom tov and then one is beautiful even in his shoes, meaning even in assuming a physical, material posture.

And where did we acquire the ability to transform the physical world into spirituality? From Avrohom Ovinu, who transformed his secular, physical, non-Jewish being into a Jewish one, possessing inherent holiness.

Hence, Tu BeShvat involves the tree as an ilan, a fruit-producing entity that utilizes the waters of mercy to be able to function. Hence, the astrological sign of Shvat is a Delli, a ladle for drawing water. Although we find the term ilanei srak, to refer to ilanos that do not produce fruit, the gemora relates that in the future all ilanei srak will also bring forth fruit. Hence they are in essence ilanos — fruit-bearing trees — that for whatever reason in this world do not bear their fruit.

The word ilan has rich symbolisms. The numerical value of the letters yud, lamed, nun equals 90 which is the numerical value of tzaddik. Hence ilan is really alef, tzaddik, which can be read literally to mean learn or contemplate the tzaddik. Understanding the fruit-giving power of the tree will help us to understand the tzaddik.

Fruit, specifically the fruit of Eretz Yisroel, has the power to connect us to Hashem. The Torah in Vayikra 19:23 instructs us that when we enter Eretz Yisroel we should plant fruit trees. The gemora comments that since G-d in the beginning of Creation planted trees in the garden of Eden, so too should we emulate Him and plant trees upon our entrance to Eretz Yisroel. Emulating G-d usually applies to His attributes. On the surface it seems difficult to extend emulating G-d to the planting of fruit trees. The Medrash (Bereishis Rabbah 39:8) relates that Avrohom Ovinu was traveling after Hashem told him to leave his home and came to Aram Naharayim, and found the inhabitants there eating and drinking and partying. He entreated G-d that this should not be the land that he would receive. He came to Eretz Yisroel and found the inhabitants weeding in the proper time and hoeing in the proper time, and he entreated that this be the land that would be designated to him. What impressed Avrohom Ovinu with idol worshipers involved in agriculture over those who were partying needs explanation.

There are two divergent philosophies of life. One can be summed up by the following statement: The one who has the most toys when he dies wins. This enunciates an approach to life that presents pleasure in all its forms as the raison d'être of life. This outlook views life as the total of seconds between birth and death and glorifies the material gratification one can achieve during that period.

The Torah philosophy on life is diametrically opposed to this approach. From a Torah standpoint, life begins for us as souls in a spiritual world prior to our entrance into this physical world, and it continues on for

eternity in that spiritual form after we leave this physical world. This world is not the goal of life but rather a place to utilize as a means to reach that goal. Enjoyment is not the purpose of this world, but rather the purpose is the investment of energy and effort to sanctify his natural world, in order to ultimately create eternal pleasure in the World to Come.

According to the simple meaning of the verses, Eisov was a hunter and Yaakov a shepherd. A hunter seeks immediate gratification, killing a mature animal for his enjoyment that he did nothing to raise. A shepherd, on the other hand, invests time and effort to raise the animal until he can ultimately enjoy its benefits.

Avrohom Ovinu observed that chutz Laaretz was conducive to a lifestyle of eating, drinking and partying that represents the philosophy of life that extols pleasure as the goal of existence. Hence he found this incompatible and not conducive to a Torah life.

Eretz Yisroel, on the other hand, was conducive to a lifestyle where one puts in effort now for a future benefit, represented by planting and performing the agricultural preparations to produce fruit. The Meiri says that Olom Habo, the World to Come, is the ultimate fruit of this world. Hence, when G-d created this world He planted fruit trees to show that this world is likened to the planting of a tree whose fruit is the product of the effort and toil of this world and eventually harvested in the Next World. We should likewise enter Eretz Yisroel and understand how to utilize it properly to create a society predicated on putting in all the necessary toil in this world to reap the spiritual benefits of eternal bliss in the next world. Hence, fruit is a symbol of a true Torah approach to life.

The mitzvos of Terumos and Ma'asros help to guide us in utilizing the fruit properly. The Alef of ilan represents the reishis, the first bikkurim that refers to all the firsts which form the foundation and which set the pattern for all that follows. They must be dedicated totally and purely to Hashem. The yud, ten, represents ma'aser rishon and terumas ma'aser, the tenth. The number ten represents the unifying of all under Hashem's unity just as ten is a unit that combines and unifies all the integers preceding it. It also represents the goal of all the many things in the Creation to be unified in service of Hashem.

So we take the first to adjust our intent properly and the goal (the tenth) to adjust our accomplishment properly.

The lamed represents limud, learning, and corresponds to ma'aser sheini about which the Torah says, lema'an tilmad leyir'oh es Hashem Elokecho. Bringing ma'aser sheini to Yerushalayim is an exercise in learning to fear G-d, for ma'aser sheini is brought to Yerushalayim to teach one how to fear G-d by eating in holiness in a holy environment and exposed to the holy Kohanim and Leviim. Thereby, we transform our eating, which preserves and promotes our physical being, to an expression of service of Hashem.

Additionally, while spending time in Yerushalayim eating the ma'aser sheini, one observed the Kohanim and Leviim and saw their exemplary spiritual lives and spent time actually learning from them while in Yerushalayim. After one has clarified his intentions and goals, he must learn how to apply his intentions to all the various situations and components of this physical and material world.

Finally the nun of ilan represents the 50 gates of wisdom that correspond to all the various aspects of the physical world and all of creation, making one recognize his responsibility to all of the various components of creation, to unite them and to provide them with the sustenance in order that G-d's plan can be recognized as a united effort of all Jews and all components of the universe. This corresponds to ma'aser oni, to the tithe given to the poor, which intimates one's responsibility to sustain and give to others and enable them to serve Hashem.

Additionally, the nun represents the word nefilloh, falling, which represents and implies the oni, the poor man, who is falling and needs me to support him. Hence the fruit when viewed in this perspective teaches us to be a tzaddik.

Perhaps this relationship between the eitz and the ilan is also brought out in parshas Beshalach. The Torah tells us that they came to Moroh and could not drink the bitter waters that they found and Hashem instructed

Moshe Rabbeinu to cast a tree, an eitz, into the water which would remove its bitterness.

The ability to make the waters of Torah sweet and usable obliges one to recognize as a prerequisite one's posture as a tree and to understand what is the root and what is the limb — that the spiritual aspect of man is that which roots him and gives him permanence and stability and the material aspect is merely a limb for expansion. Once that tree is utilized then the waters of Torah become usable and drinkable.

There in Moroh, G-d gives the beginnings, the first mitzvos to the Jewish people and from there the Jewish people advance to Eilim where they find many streams of water and 70 fruit- giving date palms. These are the ilanot which enable man to give forth his fruit.

Tu BeShvat, therefore, is the time to contemplate our preparation for the yearly re-creation of the Jewish people in Nisan to be able to function ideally in bringing forth our fruits to sustain and nurture this world as a means to create Olom Habo.

Let us realize that those fruits can be produced in their ideal state only when we will be in the fertile, physical and spiritual environment of Eretz Yisroel — when the world will be filled with the knowledge of Hashem, kemayim layam mechasim, as the waters fill the earth, soon, in our days.

Weekly DAFootnotes - Niddah 37 - 43

For the week ending 29 January 2005 / 19 Shevat 5765

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BEYOND CONCEPTION

When Ruth conceived a child who was to be the grandfather of King David, an unusual term is used in describing this development. Rather than the usual "she conceived" found elsewhere in Tanach, the passage in the Book of Ruth (4:13) relates that "G-d granted her harayon (conception)".

In our gemara the Sage Mar Zutra calls attention to the gematria - numerical value of the letters - of the word harayon. The letters of this word add up to 271 and this is understood to be a hint that this is the number of days in a full-term pregnancy.

In his commentary on Ruth, the Malbim offers an interesting explanation of this unusual terminology. Boaz was a very old man when he married Ruth. The Midrash states that he passed away the morning after his wedding. Ruth had not borne any children in her earlier marriage to Machlon who was a young man. For her to now conceive from such an aged husband was not natural and this is what is meant by the stress on Divine intervention expressed in G-d granting her the ability to conceive the child who would be the progenitor of the royal House of David. Niddah 38b

THE INSIDE AND OUTSIDE OF IMPURITY

Neveila - the flesh of an animal which died - causes ritual impurity for the one who touches or carries it. When it comes to the neveila of a fowl which would be permitted to be eaten had its death been caused by shechita (ritual slaughtering), the only way that it causes ritual impurity is by being eaten.

This seems paradoxical for if the neveila of an animal can cause ritual impurity even through external contact, it would seem logical for it to achieve the same effect if this contact were internal through eating. One passage in the Torah, however, serves to eliminate the possibility of the neveila of an animal having this power.

In prohibiting one who ate neveila from eating from sacrificial flesh, the Torah states "He shall not eat from it to become ritually impure because of it." (Vayikra 22:8) The fact that the passage stresses eating as the manner in which this impurity is caused is seen as an indication that it is referring only to the neveila of a kosher fowl, and not to the neveila of an animal which can cause such impurity even through touching or carrying. But even an attempt to extend this rule about eating thus stated in regard to fowl to include animals as well is eliminated by the concluding words "of it," which strictly limits impurity caused by eating to fowl alone. Niddah 42b

H A A R E T Z

A Talmudic Revolution

By Avi Beker

Most of the Jews in Israel, as well as in the U.S., are probably not aware of the silent but dramatic revolution behind the somewhat laconic announcement by the Mesorah ArtScroll publishing house in Brooklyn. It stated that the 73rd and last volume of the translation of the Babylon Talmud into English, accompanied by commentaries, would be published next month.

Without exaggeration, it can be stated that the Schottenstein Edition of the Talmud (named for the main donor) has caused the most significant revolution in the bookshelves of American and Israeli Talmud scholars in the past century. It has made the Talmud available on a scale that had never been known within or outside the Jewish people. Even in the heyday of the Eastern European yeshivas, before the Holocaust, there were never so many Jews who studied, read and understood the unique language, style and logic of the "Sea of Talmud." Every one of the volumes in the ArtScroll enterprise was published with more than 60,000 copies, and they have been deposited in the libraries of the most prestigious universities in the world.

About 10 years ago, the publishing house began translating the Talmud with commentaries into Hebrew, and has so far completed 30 volumes. At the same time, they started a French translation of the Babylonian Talmud and an English one of the Jerusalem Talmud. In Israel, thousands of people use ArtScroll's Hebrew translation for their daily page of Talmud study or in academic frameworks.

The publication of the last volume of the Schottenstein Edition will be the culmination of 15 years of labor by thousands of workers and translators in the U.S. and Israel - at a cost of some \$20 million - to create the most reader-friendly version of the Talmud since it was written, and one that has received the stamp of approval from the leaders of the ultra-Orthodox world in both Israel and the U.S.

That is the difference between the ArtScroll edition and Rabbi Adin Steinsaltz's undertaking, which preceded it in concept and implementation but was boycotted by the ultra-Orthodox establishment in Israel. Steinsaltz originally changed the structure of the traditional Talmud study page, but though he amended this in later editions, the boycott remained in effect.

There is quite a great deal of irony in this disqualification, since the structure of the page that has been accepted for centuries was originally decided on by the non-Jews who wanted to market it to the Jews.

In addition to this important contribution to the Jewish bookshelf, the ArtScroll edition can be seen as a clear victory in the latent struggle between "the new Babylon" (in other words, the U.S.) and Jerusalem. In

the same way that the Babylonian version of the Talmud took the upper hand over the Jerusalem version in the sixth century, Orthodox Jewry in the U.S. has clearly succeeded in establishing an enterprise that the yeshiva world in Israel, supported also by the state, is not even able to begin.

The struggle was determined by the scientific and organizational superiority of the ultra-Orthodox Jews in the U.S. Their success - particularly those associated with the world organization of Agudat Yisrael, like ArtScroll - is characteristic of the greater openness of the American ultra-Orthodox world. Many from that world have academic backgrounds and many have the need to work for a living, and their connection with technological innovations made it possible to harness the computer era to the benefit of the Talmudic enterprise.

In fact, all the great works of interpretation and concordance in recent generations have been written outside the world of the Israeli ultra-Orthodox yeshivas: the Mishnaic commentary of Pinhas Kehati, the Da'at Mikra commentary on the Bible published by the Rabbi Kook Institute, Steinsaltz's Talmud and others. ArtScroll has published many hundreds more translations and commentaries, including the Bible and prayer books, the Rambam and the Shulhan Aruch. All of these follow the Orthodox tradition but comply with the accepted criteria of modern scholarship, and also serve non-religious Jews and non-Jewish researchers.

It is possible today to wrestle with difficult Talmudic problems without understanding Hebrew or Aramaic. The Talmud, rather than the Bible, which was adopted by Christianity and partially by Islam, is considered the most influential spiritual influence in forming the identity of the Jewish people in the Diaspora. In many cases, it was the main thrust of anti-Semitism.

ArtScroll's representatives - especially its chairman, Rabbi Meir Zlotowitz, and the chief editor, Rabbi Nosson Scherman - are modest about their achievements and describe their enterprise as translation with some interpretation. Whoever knows their volumes of the Talmud is aware that this is a gigantic work of commentary that brings together interpretations from different periods and adds to them a historic Torah context.

In addition to the literal translation - which is likewise anchored in scientific research - the ArtScroll Talmud contains a vast amount of commentary and remarks on the Talmudic text and the interpretations of Rashi, the Tosaphists and other Medieval commentators, and those of later centuries (the Aharonim). The scientific approach, the sifting and choosing of material, the rewriting and the historical research all make ArtScroll's Babylonian Talmud the greatest enterprise of commentary on the Jewish bookshelf in the last few centuries.

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