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## INTERNET PARSHA SHEET ON YISRO - 5767

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<http://613.org/rav/ravnotes2.html>

### **Rav Soloveitchik ZT"L Notes ( Volume 3)**

Notice These are unapproved unedited notes [of R.Y.?] of classes given by Rav Soloveitchik. ..[Thanks to David Isaac for typing these notes]

Lecture delivered by Rabbi Soloveitchik on Saturday night, Feb 17, 1979

There are some questions connected with this week's Sedra of Yisro. The last chapter of the previous sedra B'Shalach ended with the story of the attack of Amalek. This week's sedra commences with the advent of Yisro, Moshe's father-in-law, and his advice to Moshe. What is the continuity? It is hard to understand. Another question is that we call it, "And Yisro heard" but basically the parsha is devoted to his coming to the desert, being received by Moshe, his introduction to the elders of Israel. The major part of the sedra of course is devoted to the giving of the Ten Commandments. Yisro was the first one to praise the name of G-d in connection with "Yetzias Mitzraim". It is said that it is a shame that Moshe, Aaron and the 600,000 Israelites didn't sing the "Shira" as soon as they left. They "Shira" at the sea doesn't mention Mitzraim. The entire description is of the miracles at the Red Sea. Gemora is critical of this. The first one to praise the Exodus per se was Yisro.

First, it is strange why Moshe didn't mention it. Second, the Torah is eager to single out Yisro as a great personality. He also intuitively guessed at the judicial system which the Torah was to incorporate and which G-d would sanction. Even now we have the same judicial system as recommended by Yisro. It is interesting that in sedra Devarim - Chapter 1, line 9 - Yisro is not mentioned. "And I said to you at that time, I cannot carry you alone!" This system would have been introduced even without his advice, but why is it recorded? The fact of his advice apparently is of great importance! He is described in positive terms. Moshe begged him to remain with Israel. According to Chazal, Yisro did join the community because it is recorded that the children of Kenites (Yisro's family) lived in Eretz. Why didn't the judicial system occur to Moshe? Why did it occur to Yisro? The following is why "Hashgocha" (Providence) precipitated the series of events on the strength of Yisro's advice.

The main theme of today's sedra is "Matan Torah" to the community which was started by Abraham, Isaac and Jacob. They were already a great nation at the Exodus but at "Matan Torah" they became not only great but holy. "Kedusha" was added on Sinai. The purpose of elevating Israel to the exalted position has a universal aspect. Yisro was charged with passing on the Torah so that humanity should accept! It is yet a long distance to the goal but a goal it is. We have the vision portrayed by many prophets. Many peoples dislike that the Jews were charged with the mission. Whether we have fulfilled our part is a different story. "My spirit will flow over every spirit, every flesh!"

An entire prayer revolves about this theory! The Torah was given exclusively to us but for a limited time. At the Messianic age it will then be

for all. This Tefilah is the one of "Machroysanu" of Rosh Hashanah, of which "Aleynu is part". "And it is said the saviours shall up on Mount Zion to judge the Mount of Esau and the sovereignty shall be the L-rd's. And it is said the L-rd shall be King over all the earth; and in that day shall the L-rd be One and His name One!"

It means the Torah will become the universal book of morality. These "Tefilos" are based on the prophet Isaiah and others. At present, the Torah is the exclusive possession of Israel but at the Messianic age it will be passed on to the entire world. That is why the Torah was given amongst thunder, lightning and noise. The whole world trembled! All the creatures that came into the world were frightened. It started with a universal affair and ended with a private affair. After all, the 600,000 was a small group in relationship to the world. It was a covenant similar to marriage between man and wife; it was private. Yet all knew it was of cosmic proportions, including not only the 600,000 ex slaves but all mankind. All knew although they didn't understand. But basically it was a private affair. We have both propositions in "Shofros". Not only the human beings but all creatures were involved. It taught all of nature how to live together! The Torah will teach "Chesed" and kindness not only to humans but to all elements of nature - in the eschatological era of Moshiach! All will become cooperative. Question: was it private or for all? Answer: Yes -- but in the future. It is to redeem the world -- not only the Jewish people. For a limited period of time it is limited but ultimately it will become cosmic. When this will be we don't know. Jacob wanted to reveal the "Eschatological Era" but it was removed from him. The element of "Chesed" will be injected into the cosmic nature. The Torah will become the guiding book of all nature. But again, for the present time it is a private affair.

This is why thunder and lightning accompanied it! Why? If it was a private affair why not give it quickly and in solitude? Rashi says in sedra "Ki Sisso" that when G-d told Moshe to ascend and He will inscribe the second Tablets it was different. The first ascent was accompanied with thunder and lightning but the second time, "No one shall accompany you." It will be complete secrecy. Why? "Publicity caused the failure, the evil eye." Modesty is better. Then why the first time with alarm, audible throughout the cosmos? Because the peoples of the world had to know that this giving will have great significance for the entire world. The world had to be notified. Therefore, the second time the world knew already. "Now I don't want a single soul to know." There is a question to be raised! Who posed the question? Amalek! According to Chazal, G-d sent agents to several nations concerning acceptance of the Torah. All rejected. It is related "Lo Sirtzoch" - (do not kill). Esau rejected - "Do not steal - commit adultery" - others rejected. There is a low in "G'ayrus" (conversion). You cannot impose it unless a person is ready! A man cannot become a "gayr" unless he feels he is able to comply with it. If a person declares, "I am not morally strong enough, you cannot impose it! This in effect is what Esau and Ishmael declared and the Al-mighty accepted it. If you do impose it, it is invalid. Now is "Yehodus" (providence) ready to give this doctrine to the whole world? Is the world or mankind ready? Do men have the spirit to accept this? It means "losing money in the strict matter of honesty, etc." It is a very costly affair economically. The peoples are not ready. Is humanity per se ready to accept our way of life? Actually, we the teachers are lacking too. We engage in "Loshen Horah" (slander), we are not above cheating the government, etc. Economy is very ruthless. Karl Marx criticized our form and introduced his own which is even worse. Many of the people today are not ready to accept the "Choshan Mishpat" (the breastplate of justice). If he is not ready, why should he be converted? Is the world ready to accept this kind of a Torah? This doubt was aroused with tremendous impact at the "Milchemes Amalek" (the war of the Amalekites). Is Amalek ready to accept the Torah? "The Throne is not whole as long as Amalek (evil) exists. Can this evil power accept the Torah? Pharaoh said, "We are guilty." It was possible to convert Pharaoh! But Amalek? Therefore it was a necessity to introduce to the people someone else - a non-Jew - Yisro! - who will be ready to accept. Intuitively, Yisro was a Jew. The Torah purposely left out

Moshe at this instant. Yisro guessed the judicial system for a definite reason. The whole concept of “chesed” was instituted by Yisro, the non-Jew. This teaches that despite the unfortunate incident with Amalek, Yisro ahd to come to dispel the idea that an outsider cannot accept the Torah. Actually, Amalek knew nothing about Israel. It was merely irritated by a small group of people. This was the basic trait of Naziism. They were inspired by murder, inspired by “R’Tzicha” (evil). Doing a good thing is a source of inspiration; evil is also a source of inspiration. “Mitzvah gorereh mitzvah - Avayrah gorereh avayrah.” (Good inspires good - evil inspires evil.) This was Amalek, inspired by doing evil. So, how can they be inspired by Torah?

We have to teach by deed - not by book. If a Jew is engaged in proper activity, he enjoys to respect of the world and this is the concept of “Kiddush Hashem” (Sanctifying the Holy Name) - and prohibition of “Chilul Hashem” (profaning the Holy Name). Why is “Kiddush Hashem” so great and “Chilul Hashem” so bad? If our ethical deeds are good, they bring others closer. Otherwise, it teaches others to do evil. You won’t be able to be “Mamleches Kohanim” (a priestly nation) unless you are members of “Goy Kodosh” (a holy nation).

Thus, Torah introduced Yisro! If there is one Yisro, there can be many Yisros, the antithesis of Amalek. Mankind will be converted to the Almighty. Will mankind ever be ready? Yes! Yisro confirmed it! Israel, in order to implement the message of Sinai must be on one hand the teacher and on the other hand the warrior. Are the two missions compatible? Yes! The idea that, “Yehodus” is absolute pacifism is wrong. Yes, we are for pacifism but not when we are threatened. Therefore, we have parsha Amalek before “Matan Torah”. Even though “Asseres Hdibros” (commandments) has the injunction “Lo Sirtzoch” -- do not kill -- on the other hand, we often have to fight Amalek (evil). But there are people like Yisro! Why did Moshe send Yisro to proselytize other peoples? Because through a man like Yisro, the whole Torah assumes cosmic proportions. Even though Moshe would have known of the judicial system by word of the “Hashgocha” still it was Yisro who introduced it to make known that it will be possible by all - non-Jews alike - to accept the word of the Torah at the appointed time.

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<http://www.jlaw.com/Articles/brain.html>

#### **The Brain Death Controversy in Jewish Law Rabbi Yitzchok A. Breitowitz**

Historically, death was not particularly difficult to define from either a legal or halachic standpoint. Generally, all vital systems of the body-respiratory, neurological, and circulatory-would fail at the same time and none of these functions could be prolonged without the maintenance of the others. Today, with major technological advances in life support, particularly the development of respirators and heart-lung machines, it is entirely possible to keep some bodily systems “functioning” long after others have ceased. Since we no longer face the inevitable simultaneity of systemic failures, it has become necessary to define with greater precision and specificity which physiological systems are indicators of life and which (if any) are not, especially in light of the scarcity of medical resources and the pressing need for organs for transplantation purposes. Over the past 20 or so years, the concept of “neurological death” commonly called “brain death,” “whole brain death” or “brain-stem death” (and, sometimes, inaccurately-termed “cerebral death”) has gained increasing acceptance within the medical profession and among the vast majority of state legislatures and courts in the United States. Whether this standard comports with halacha is a matter of great controversy among rabbinic authorities. The purpose of this article is not to take sides nor in any way resolve the halachic debate. Its purpose is more modest. This article will attempt to explain to the general reader: (1) what is “brain death” and how is it clinically determined; (2) some (not all) of the major sources on whether it is an acceptable criterion of death from the standpoint of halacha; (3) a “scorecard” on how contemporary authorities line up; and (4) the halachic and legal ramifications of one view or the other.

I. WHAT IS “BRAIN DEATH” AND HOW IS IT DIAGNOSED? The concept of total “brain death” as an alternative to the older definition of irreversible circulatory-respiratory failure was first introduced in a 1968 report authored by a special committee of the Harvard Medical School<sup>2</sup> and was later adopted, with some modifications, by the President’s Commission for the Study of Ethical Problems in

Medicine and Biomedical Research, as a recommendation for state legislatures and courts.<sup>3</sup> The “brain death” standard was also employed in the model legislation known as the Uniform Determination of Death Act which has been enacted by a large number of jurisdictions and the standard has been endorsed by the influential American Bar Association. While New York is one of the few jurisdictions that does not have a “brain death” statute, it has adopted the identical rule through the binding decisions of its highest court.<sup>4</sup>

The rapid, and near universal, acceptance of neurological criteria of death is probably attributable to three factors. First, moving the time of death to an earlier point facilitates organ transplants, and indeed makes such transplants possible. Organs, especially hearts and livers, are suitable for transplantation only if they are removed at a time when blood is still circulating. Once cardiac arrest stops circulation, rapid tissue degeneration makes the organ unsuitable for such use. Given the increasing success of these operations and the relative uselessness (from a secular standpoint!) of sustaining “brain dead” patients on respirators, there is a natural temptation to redefine death so that organs become available to serve higher ends. It is no coincidence that the movement towards acceptance of “brain death” coincided with the development of cyclosporine and other anti-rejection drugs.

Additional considerations involve triage and allocation of scarce medical resource. It is extraordinarily expensive (in terms of equipment and labor) to maintain patients on respirators and other life support and using these resources for “brain dead” patients prevents their deployment for those who stand a better chance of recovery. Yet a third impetus towards redefinition is an understandable desire to spare families the agony and anguish of watching a loved one experience a protracted death.

For whatever the reason, the current definition of “death” is now a composite one: death is deemed to occur when there is either irreversible cessation of circulatory and respiratory functions (the “old” definition) or irreversible cessation of all functions of the entire brain including the brain stem.<sup>5</sup> The principal utility of this second standard permits declaring as dead a comatose, ventilator-dependent patient incapable of spontaneous respiration but whose heart is still beating due to the provision of oxygen via an artificial breathing apparatus.

At the outset, two points must be made absolutely clear. First, contrary to the misperceptions of many lay people, “brain death” is not synonymous with merely being comatose or unresponsive to stimuli. Indeed, even a flat EEG (electroencephalogram) does not indicate brain stem destruction.<sup>6</sup> The human brain consists of three basic anatomic regions: (1) the cerebrum; (2) the cerebellum; and (3) the brain stem consisting of the midbrain, the pons, and the medulla, which extends downwards to become the spinal chord. The cerebrum controls memory, consciousness, and higher mental functioning. The cerebellum controls various muscle functions while the brain stem controls respiration and various reflexes (e.g., swallow and gag). A patient may be in a deep coma and nonresponsive to most external stimuli but still very much alive. At most, such patients may have a dysfunctional cerebrum but, by virtue of the brain stem remaining intact, are capable of spontaneous respiration and heartbeat. Indeed, the most famous of these cases, Karen Ann Quinlan, was able to live off a respirator for almost a decade. While such persons may be popularly referred to as brain dead, they are more accurately described as being in persistent vegetative state [PVS] and are very much alive under both secular and Jewish law. Removal of organs such a donor would indisputably be homicide. This is even more true for the phenomenon known as being “locked-in” where the patient is fully conscious but unable to respond.

A second point to keep in mind is the relationship among respiration, circulation, and the brain. The heart, like any organ, or indeed cell, needs oxygen to survive and without oxygen will simply stop beating. Respiration, in turn, is controlled by the vagus nerve whose nucleus is located in the medulla of the brain-stem. The primary stimulant for the operation of the nerve is the presence of excess carbon dioxide in the blood. When stimulated, the nerve causes the diaphragm and chest muscles expand, allowing the lungs to fill with air. Spontaneous respiratory activity can therefore not continue once there is brain stem destruction or dysfunction. The heart, on the other hand, is not controlled by the brain but it is autonomous. It is obvious, of course, that the brain-stem will inevitably lead to cardiac cessation not because of any direct control the brain stem exercises over the heart but simply because the heart muscle is deprived of oxygen. Where, however, the patient’s intake of oxygen is being artificially maintained, the heart may continue to beat blood and circulate for a considerable amount of time after the total brain-stem destruction. The time lag between brain death and circulatory death is on the average only two to ten days, though there is at least one case on record where a woman’s heart continued to beat for 63 days after a diagnosis of brain death.<sup>7</sup> (Indeed, she delivered a live baby through Caesarean section.) It is this crucial gap between cessation of spontaneous respiration and cessation of the heart beat that defines the parameters of the phenomenon called “brain-stem death.”

The steps taken in a clinical diagnosis of “brain-death” vary from medical center to medical center and those differences may have significant halachic repercussions but will typically involve the following:<sup>8</sup> (1) a determination that the patient is in a deep

coma and is profoundly unresponsive to external stimuli; (2) absence of elicitable brain-stem reflexes such as swallowing, gag, cough, sigh, hiccup, corneal, and vestibulo-ocular (ear); (3) absence of spontaneous respiration as determined by an apnea test;<sup>9</sup> and (4) performance of tests for evoked potentials testing the brain-stem's responsiveness to a variety of external stimuli. These tests are to be repeated between 6-24 hours later to insure irreversibility - with life support supplied for the interim - and a specific cause for brain dysfunction must be identified before the patient will be declared dead.<sup>10</sup>

An additional test that is sometimes employed (when other clinical tests are deemed inconclusive) is radionuclide cerebral angiography [nuclide or radioisotope scanning]. A harmless radioactive dye is injected into the patient's blood-stream, typically through the intravenous tubing already in place. In brain-dead patients, scanning will reveal an abrupt cutoff of circulation below the base of the brain with no visible fluid draining away. While many observers have described this test as nearly 100% accurate, others have claimed the brain-stem circulation, especially in the medulla, is not well visualized and absolute absence of blood flow to this region cannot be diagnosed with certainty.<sup>11</sup>

Note that a patient who is brain dead may theoretically continue to have muscle spasms or twitches or even sit up. Whether this so-called Lazarus Reflex is an indicator of life will be discussed in due course; what is undisputed is that such movements are coordinated from the brain from the brain but solely from the spinal cord. It should also be noted that there are several instances of clinically brain dead patients carrying live babies to term.<sup>12</sup> Again, this may or may not be significant.

## II. IS BRAIN DEATH AN ACCEPTABLE HALACHIC CRITERION OF DEATH?

The question breaks down into distinct issues. First, is irreversible dysfunction of the entire brain a valid criterion of death? Second, even if the answer is yes, are the medical tests currently utilized in establishing such a condition halachically valid indicators of its presence? One could easily subscribe to "whole brain" death as a concept and yet reject the particular diagnostic tools employed.

There are a number of halachic sources that are relevant to the question of "brain death", the most important being the Mishnah in Oholot 1:6, the Talmud in Yoma 85a, passages in Teshuvot Chatam Sofer and Teshuvot Chacham Tzvi, and various pronouncements of R. Moshe Feinstein in his *Iggrot Moshe*.<sup>13</sup> This is not the forum for a detailed examination of these sources other than to note that a number of them are equivocal and subject to a variety of interpretations.

Briefly stated, the Mishnah in Oholot establishes the dual propositions that, first, physical decapitation of an animal is a conclusive indicator of death and second, some degree of subsequent movement is not incompatible with a finding of death provided that such movement qualifies as spastic in nature (pircus be'alma) like the twitching of the "severed tail of a lizard." The Talmud in Yoma 85a, detailing with a person trapped under a building, rules that a determination of respiratory failure establishes death without the need to continue to uncover the debris to check heartbeat. Proponents of "brain death" argue that a dysfunctional brain-stem is equivalent to a decapitated one (physiological decapitation), that destruction of the brain-stem inevitably means inability to spontaneously respire (meeting the criterion in Yoma) and that subsequent "movement," whether the Lazarus Reflex or the heartbeat, falls into category of pircus since such movement is not coordinated from a "central root and point of origin,"<sup>14</sup> i.e., the brain.

The counter-arguments are: first, physiological dysfunction is not the equivalent of anatomical decapitation. The only phenomenon short of actual decapitation that might similarly qualify is total liquefaction (lysis) of the brain, something that probably does not occur until well after cardiac arrest. Second, according to Rashi in Yoma, cessation of respiration is a conclusive indicator of death only when the person is "comparable to a dead man who does not move his limbs." While certain forms of postmortem movement may be characterized as merely spastic and would not qualify as "movement," the rhythmic coordinated beating of the heart and the maintenance of a circulatory system can hardly be characterized as pircus since such a heartbeat is life-sustaining and identical to that in a normally functioning individual. Reference is also made to the teshuvot of Chatam Sofer and Chacham Tzvi who both write that it is only the cessation of respiration and pulse (heartbeat) that allows for a determination of death and the Gemara in Yoma merely creates a presumption that upon cessation of respiration and an appropriate waiting time, one is permitted to assume that heartbeat has stopped as well. Since this assumption is obviously not true in the case of "brain dead" patients hooked up to respirators whose heartbeats are monitored, such patients may not be declared as dead.

The position of R. Moshe Feinstein, whose psak could well have been definitive at least in the United States, is unfortunately a matter of some controversy. His son-in-law, Rabbi Dr. Moshe Tendler, a Rosh Yeshiva in RIETS and Professor of Biology, Yeshiva College, has vigorously argued the concept of decapitation in Mishnah Oholot.<sup>15</sup> His position finds strong support in *Iggrot Moshe*, Yoreh Deah III no. 132 which seems to validate nuclide scanning as a valid determinant of death. This is also the understanding of the Israeli Chief Rabbinate, R. David Feinstein (who admits,

however, to having no inside information on the topic), and R. Shabtai Rappaport, the editor of R. Moshe responsa.<sup>16</sup>

Others, however, have interpreted his teshuvot very differently, pointing out that R. Moshe reiterated twice (indeed, in one instance two years after the "nuclide scanning" reference) that removal of an organ for a transplantation was murder of the donor.<sup>17</sup> (R. Tendler's response: Both of those teshuvot refer to comatose patients in a persistent vegetative state who are capable of spontaneous respiration and are very much alive and not to those who are respirator-dependent.) They also cite R. Moshe's express opposition to proposed "brain death" legislation in New York unless it contained a "religious exemption."<sup>18</sup> (R. Tendler's response: Although R. Moshe accepted the concept of "brain death," his support of an exemption was simply to accommodate the view of other religious Jews who disagree.) Finally, they note that in the very teshuvah upholding the use of angiographic scanning, R. Moshe approvingly cites Teshuvot Chatam Sofer, Y.D. no. 338, who insists on absence of dofeik to breathe, and no other sign of life is recognizable with them (Vegam lo nikarim behem inynei chiyut achairim). Their conclusion: R. Moshe merely validated nuclide scanning as a criterion to verify one determination of death, i.e., absence of respiration, but did not maintain that it alone was sufficient.<sup>19</sup> This author certainly lacks both the competence and the authority to resolve this dispute but presents it to the reader so that he may see why this area has been so fraught with unresolved controversy.

## III. CONTEMPORARY VIEWS

The following is a cataloging of the major schools of thought among contemporary poskim and rabanim on the brain death issue and some of the recent events connected with this question.

1. As noted, Rabbi Dr. Moshe Tendler has been the most vigorous advocate for the halachic acceptability of brain death criteria. In his capacity as chairman of the RCA's Biomedical Ethics Committee, Rabbi Tendler spearheaded the preparation of a health-care proxy form that, among other innovations, would authorize the removal of vital organs from a respirator dependent, brain death patient for transplantation purposes. Although the form was approved by the RCA's central administration, its provisions on brain death were opposed by a majority of the RCA's own Vaad Halacha (Rabbis Rivkin, Schachter, Wagner and Willig).<sup>20</sup>

2. The Israeli Chief Rabbinate Council, in an order dated Cheshvan 5747, has also approved the utilization of "brain death" criteria in authorizing Hadassah Hospital to perform heart transplants but on a somewhat different theory than Rabbi Tendler. Postulating that cessation of independent respiration was the only criterion of death (based on Yoma 85 but somewhat inexplicably also citing Chatam Sofer, Y.D. no. 338), the Rabbinate ruled that brain death was confirmatory of irreversible cessation of respiration. Theoretically, this would allow for a standard far less exacting than clinical brain death, perhaps nothing more than a failure of an apnea test. Indeed, Dr. Steinberg, the principal medical consultant to the Rabbinate, dismissed any requirement of nuclide scanning since destruction of the brain's respiratory center may be conclusively verified without such a test.<sup>21</sup> Since defining "death" exclusively in terms of inability to spontaneously respire would lead to the absurdity that even a fully conscious, functioning polio patient in an iron lung is dead, a subsequent communication from R. Shaul Yisraeli, a member of the Chief Rabbinate Council, qualified the Rabbinate's ruling by imposing, as an additional requirement, that the "patient be like a stone without movement"<sup>22</sup> (but apparently maintaining that heartbeat does not qualify as such movement). It is probable, though not certain, that R. Tendler's test of "physiological decapitation" and the Rabbinate's newly formulated test of "respiratory failure coupled with profound nonresponsiveness" amount to the same thing though the Rabbinate has not retracted from its non-insistence on nuclide scanning.

3. Rabbi J. David Bleich, Rosh Kollel at Yeshiva University and author of many papers and a recently published book on the subject, has stated that anything short of total liquefaction (lysis) of the brain cannot constitute the equivalent of decapitation. He further maintains, relying on Rashi in Yoma, the Chatam Sofer, and the Chacham Tzvi, that even total lysis would be insufficient in the presence of cardiac activity but dismissed the matter as being only of theoretical importance since cessation of heartbeat inevitably occurs prior to total lysis. He also asserts that his position is not based on stringency in case of doubt but rather on the certainty that the brain death patient is still alive, a certainty that could be relied upon even to be lenient, e.g., a Cohen may enter a "brain dead" patient's room without violating the prohibition of tumat meit.

4. Rabbi Aaron Soloveitchik, Rosh Yeshiva of Brisk and RIETS, has done slightly further than Rabbi Bleich. Even if the heart has stopped and the patient is no longer breathing, the patients is alive if there is some detectable electrical activity in the brain.<sup>23</sup> It has been noted, however, that there is no recorded instance of this phenomenon occurring.

5. Rabbi Hershel Schachter, Rosh Yeshiva and Rosh Kollel of RIETS, has taken a more cautious view. Conceding that the concept of "brain death" may find support in the decisions of R. Moshe, he concludes that such a patient should be in the category

of safeik chai, safeik met (doubtful life). While removal of organs would be prohibited as possible murder, one would also have to be stringent in treating the patients as met, e.g., a Cohen would not be allowed to enter the patient's room.<sup>24</sup>

6. Most contemporary poskim in Eretz Yisroel (other than the Chief Rabbinate) have unequivocally repudiated the concept of death based on neurological or respiratory criteria.<sup>25</sup> Of special significance are letters<sup>26</sup> signed by R. Shlomo Zalman Auerbach and R. Yosef Elyashiv, widely acknowledged as the leading poskim in Eretz Yisroel (if not the world), stating that removal of organs from a donor whose heart is beating and whose entire brain including the brain-stem is not functioning at all is prohibited and involves the taking of life. Unfortunately, these very brief communications do not indicate if the psak is based on vadei (certainty) or safeik (doubt) nor do they address what the decision would be in case of total lysis.

#### IV. HALACHIC AND LEGAL RAMIFICATIONS

Obviously, in a matter so fraught with controversy, every family confronted with the tragic situation of a brain death patient must follow the ruling of its posek. To the extent the patient is halachically alive, removal of an organ even for pikuach nefesh would be tantamount to murder. The principle of ain dochin nefesh mipnei nefesh—that one life may not set aside to ensure another life—applies with full force even where the life to be terminated is of short duration and seems to lack the meaning or purpose and even where the potential recipient has excellent chances for full recovery and long life. If, on the other hand, the donor is dead, the harvesting of organs to save another life becomes a mitzvah of the highest order. In light of the overwhelming opposition to the “brain death” concept, caution and a stance of shev v’al taaseh (passivity) appears to be the most prudent course. How the “brain death” problem will play out in other areas such as inheritance, capacity of a wife to contract a new marriage, or the need for chalitzah if a man dies leaving a brain dead child will have to await further clarification.

There are, however, two other points that need to be considered. The argument is occasionally made if the halachah rejects the concept of “brain” or “respiratory” death, Orthodox Jews would be unable to receive harvested organs on the ground that the recipient would be an accessory to a murder. As others have noted,<sup>27</sup> this conclusion does not follow. To the extent the organ in question would have been removed for transplantation whether or not this specific recipient consents, i.e., there is a waiting list of several people, the Orthodox recipient is not considered to be a causative factor (gorem) in the termination of a life. There is no general principle in halachah that prohibits the use of objects obtained through sinful means. It is true that if, because of tissue typing and the like the organ is suitable for only on recipient and if that recipient declines the transplant, the organ will not be harvested, an Orthodox recipient may indeed be compelled to decline. But this is rarely, if ever, the case.<sup>28</sup>

A second point: as noted, “brain death” is legal definition of death in vast majority of the United States. New York is the only state that requires medical personnel to make a reasonable effort to notify family members before a determination of brain death and to make “reasonable accommodations” for the patient’s religious beliefs.<sup>29</sup> In all other jurisdictions, doctors would be empowered unilaterally to disconnect a patient from life-support mechanism once that patient meets legal definition of death.<sup>30</sup> Hospital personnel may or may not defer to the wishes of the family but there is no duty on their part to do so or even to ascertain what those wishes are.<sup>31</sup>

Perhaps one point of consensus that may emerge in an area otherwise fraught with acrimonious controversy would be the desirability of enacting “religious accommodations” exceptions nationwide. After all, even the proponents of a “brain dead” standard understand that others, in all honesty and conscience, may hold a different halachic view, one which they should not be compelled to violate. Hopefully, our community will be responsive to such an effort.

#### V. CONCLUSION

“You preserve the soul within me and You will in the future take it from me” (Daily Prayers). Only God, Who is the source of all life, can take life away. We are enjoined to cherish and nurture life as long as it is present, no matter how fleeting or ephemeral. Yet it is precisely because each moment of life is so precious that G-d has imposed on man the awesome responsibility of defining the moment of death, the point after which the needs of the dead may, and indeed must, be subordinated to those of the currently living. No one has ever seen a neshamah leave a body and it is the unenviable task of our gedolim and poskim to tell us when this occurs. May Hakodesh Baruch Hu grant them the insight to truly make out Torah Torat Chayim.

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#### Rabbi Frand on Parshas Yisro

Rabbi Yissocher Frand <ryfrand@torah.org> to ravfrand  
“RavFrand” List - Rabbi Frand on Parshas Yisro -  
A Father-In-Law’s Gentle Reminder To His Son-In-Law

Rav Elyakim Schlessinger makes the following observation, in his work *Beis Av*:

The Torah teaches: “Yisro, the father-in-law of Moshe, took Zipporah, the wife of Moshe, after her having been sent away; and her two sons; of whom the name of one was Gershom, for he had said, ‘I was a sojourner in a strange land’; and the name of the other was Eliezer for ‘the G-d of my father came to my aid, and He saved me from the sword of Pharaoh.’” [Shmos 18:2-3]

This narration takes place well after the birth of Moshe’s two sons. For this reason, it is unusual that the Torah tells us why they received those names.

It is the style of the Torah to often tell us why various children were given specific names. Typically, they are named because of specific events that are engendered by their birth. It is appropriate to provide these descriptions when a child is born. But here, since these children were born much earlier, the Torah should simply record their names, not the reasons why they had them. By this point, the reasons are ancient history!

Rav Schlessinger suggests that Yisro was sending a pointed message to his son-in-law, Moshe Rabbeinu. Moshe’s real leadership task was now about to begin. The taxing career that Moshe had as the leader of the Jewish people was starting. When a person is faced with a situation where he has an entire congregation or — in this case — an entire nation to worry about, it is very easy for the person’s own children to slip through the cracks.

The logic is simple: “I need to worry about Klal Yisrael. So if the teacher gives my son a bad report card, I don’t have time to worry about it. I simply have bigger things on my mind, worrying about the macro problems of leading the Jewish people.”

Yisro wanted to bring home to Moshe Rabbeinu the idea that he should never forget the importance of the individual — of the microcosm that makes up the bigger group. Yisro is gently saying, “Moshe, if the Almighty had not paid close attention to you, where would you be? You are only in the position you are in now because ‘The G-d of my fathers was with me and he saved me from the sword of Pharaoh.’” If G-d had taken the attitude, “Okay Moshe is only one person, I have bigger issues to worry about, where would you be?” One person CAN make all the difference in the world. Your children too — if they are properly tended to — could grow up to become great leaders in their own right.

History is not made up of the deeds of nations. It is made up of the deeds of individuals. Yisro is reminding Moshe that although he has the overwhelming responsibility of leading Klal Yisrael, he has responsibility for his two young sons as well.

#### The “Man” Moshe – First And Foremost

When Yisro arrived at Bnai Yisrael’s wilderness encampment, Moshe went out to greet him. The Torah narrates: “Moshe went out to greet his father-in-law and he bowed and he kissed him; and they inquired one man to another. (ish l’rei-ayhu)” [Shmos 18:7].

Rashi points out that there is somewhat of an ambiguity in this pasuk [verse]. We cannot be certain who the pronoun “he” is referring to when the Torah says “he bowed down and he kissed him”. Was it Moshe who initiated the action of bowing and kissing his father-in-law or was it Yisro who initiated the action of bowing down to and kissing his son-in-law?

Rashi says that the Torah resolves this ambiguity by use of the term “ish”. We know elsewhere that Moshe is referred to as “ish” [the man] as in the pasuk “And the man (v’ha’ish), Moshe was exceedingly humble.” [Bamidbar 12:3]

But still the question must be asked, why did the Torah convey the meaning of this ambiguous pasuk in such a roundabout way? Why not simply tell us directly that it was Moshe who did the bowing and the kissing? Why the need for the nuanced use of the word “Ish”?

Rabbi Mordechai Kamenetsky suggests that the Torah is sending us a message. A son-in-law is going out to greet his father-in-law. The son-in-law bows down to the father-in-law. The son-in-law kisses the father-in-

law. The son in law is the great Moshe Rabbeinu. Why does he humble himself like that to Yisro? Moshe does so because he is first and foremost an "ish". These actions were not a function of Moshe the prophet, or Moshe the leader of Israel. It is a function of Moshe the human being, Moshe the "mensch". In spite of all that that he was, first and foremost he was a "mensch."

Rav Gifter once made note of the pasuk at the beginning of Parshas Noach: "These are the generations of Noach. Noach 'ish', 'tzadik', 'tamim', was he in his generations." True, he was righteous (tzadik) and true he was whole-hearted and pure ('tamim'), but the prerequisite of any of that was the fact that he was an 'ish', a 'mensch', a decent human being.

Here too, we know that it was Moshe who was showing this honor to his father-in-law. Why? It was not because he was the great leader or prophet or teacher. It was because he was the decent human being ('ish') Moshe.

Rabbi Kamenetsky relates that a family member of his, Rabbi Tzvi Kamenetsky, was trying to get in touch with a friend who was staying at the Carribean Hotel in Miami Beach. Rabbi Tzvi Kamenetsky called the front desk and asked to speak to such and such a person. The operator rang the room and there was no answer. She then asked if he wanted to leave a message. He said, "Please tell so and so that Rabbi Kamenetsky called." The operator (who sounded like an elderly black Southern matron) said to him, "Rabbi Kamenetsky? Are you related to the famous Rabbi Kamenetsky?" He responded, "Yes he was my grandfather." She answered back, "He was your grandpa! He was a good friend of mine, Rabbi Kamenetsky!"

She went on to explain that when Rabbi (Yaakov) Kamenetsky came to the hotel, he gave "some kind of Bible class" every morning in the lobby of the hotel. "Every single morning before he gave the class, he would come by my desk, give me a nod, and say 'Good morning!'. When he finished the class he would walk by my desk again and say 'Have a good day! That Rabbi Kamenetsky, he was a great rabbi, but he was a great MAN!'"

This is the same Rav Yaakov Kamenetsky that we have mentioned in the past who always used to greet the nun who walked the streets of Monsey. He used to say hello to her as well. One does need to be the genius that Rav Yaakov was, one does not have to be the proficient expert in Shas that Rav Yaakov was, the great and clever intellect that Rav Yaakov was. One merely needs to try to be the mensch that Rav Yaakov was.

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This write-up was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tape series on the weekly Torah portion. The complete list of halachic topics covered in this series for Parshas Yisro are provided below: These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information.

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Covenant & Conversation

Thoughts on the Weekly Parsha from

**Sir Jonathan Sacks**

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 2 years ago - currently 5765]

<http://www.chief Rabbi.org/tt-index.html>

Yitro

IMMEDIATELY PRIOR TO THE GREAT REVELATION AT MOUNT SINAI, G-d instructs Moses as to the nature of the covenant he is

proposing to make with the children of Israel. On their willing acceptance of these terms, all else will depend.

In the course of this preamble, the Torah articulates what, in hindsight, could be called the first mission statement and the first sound-bite. In a mere four Hebrew words, G-d defines the vocation he is calling on the Israelites to make their own:

"A kingdom of priests and a holy nation." 1 What does this mean? I have written elsewhere on the phrase "a kingdom of priests" (At least part of its meaning, I have argued, has to do with the invention of the alphabet, which occurred in or close to centres of Hebrew life in the age of the patriarchs, or possibly during the period in which the Israelites were slaves in Egypt. The Israelites were the first to internalise the possibilities of this new information technology, namely that it heralded, for the first time in history, a society in which everyone could read and write and thus have access to knowledge, the single greatest source of human dignity. In ancient times - indeed in Europe until the invention of printing - the only class that was literate was the priesthood. "A kingdom of priests" thus meant, among other things, "a society of universal literacy").

What, though, of the phrase *goi kadosh*, "a holy nation"?

Rudolf Otto, in his book *The Idea of the Holy*, famously defined the holy as the *mysterium tremendum et fascinans*, a sense of being in the presence of something vast and awe inspiring. There is doubtless much truth in this idea, but the late Eliezer Berkovits argued the opposite: that whenever we encounter the word holy in relation to G-d it refers to his involvement with humanity, not his transcendence or mystery.

However, these analyses do not go far enough in explaining what the word holy means in the Torah. Its most obvious appearances in the Mosaic books are twofold, the first in relation to Shabbat - the day G-d himself proclaimed holy - and the inner chamber of the sanctuary known as the holy of holies. It is in these contexts that we are best able to learn what holiness means when applied to a people.

Lurianic kabbalah gave Judaism one of its most glorious concepts - an idea, to be sure, that had been present from the outset but had never been articulated as simply before. The idea was *tzimtzum*, divine "contraction" or "self-effacement."

Behind the idea of *tzimtzum* is the realization that there is a contradiction between the infinite and the finite. If G-d is everywhere, how can anything else exist? Two different entities (G-d and that which is not G-d) cannot occupy the same space. The kabbalistic answer is that the very act of creation involved a self-limitation on the part of G-d. G-d, as it were, contracted His presence so that finitude - space and time and the things that occupy them - could emerge.

The Hebrew word for space and time, *olam* (which means both "universe", i.e. the totality of space, and "eternity", i.e. the totality of time) also means "hidden" as in the word *ne'elam*. Thus embedded in the Hebrew language is the idea that space and time are dimensions of the hiddenness of G-d, who is beyond space and time.

Yet were G-d entirely hidden from the universe it would be, experientially and functionally, as if He did not exist. At best Deism would be true (that G-d set creation in motion and thereafter did not intrude into the universe). G-d would be a *Deus absconditus*, a creator who deserted humanity.

Thus the very terms of creation involve a paradox. Without G-d the universe would not exist; but the presence of G-d threatens the existence of anything apart from him. "No man," says G-d, "can see me and live."

To this the Torah has an answer at once simple and profound. The universe was created in six days; yet creation itself involved seven days. The seventh day is declared by G-d himself to be holy - meaning, henceforth it will become the window in time through which we see the presence of G-d.

How do we do so? By renouncing our own status as creators (on Shabbat all *melakhah* meaning "creative work" is forbidden). On Shabbat we are passive rather than active. We become creations, not creators. We renounce

making in order to experience ourselves as made. Shabbat is the room we make for G-d within time.

Likewise the tabernacle. Essentially this was a large portable tent, a framework and its hangings. Wherever it was erected, it defined a certain space as holy, meaning, set aside for G-d. Within that space nothing was to intervene between the worshipper and God. In particular, priests had to avoid contact with death or anything resembling it, since death is peculiarly human - as in the term "mortal" - while G-d represents life. The Tabernacle is the room we make for G-d within space.

The immensely detailed instructions for the construction of the Tabernacle and its service (like the equally detailed laws of Shabbat) are there to signal that nothing in holiness is the result of human initiative. To occupy holy space or time is to renounce human creativity so as to be existentially open to divine creativity. That is why Nadav and Avihu died because they brought an offering "that was not commanded." The holy is space / time as defined by divine not human will. We enter G-d's domain on his terms not ours. That is not a consequence of holiness but its very meaning.

Thus, not every time or space is holy. That is of the essence. A world in which all time was Sabbatical, or in which all space had the sanctity of the Tabernacle, would be one in which human beings could not exist as human beings. There would be neither time nor space for human endeavour or achievement. That is precisely what G-does not want to happen. He welcomes human work. That is what the Torah means when it says that we are created in G-d's image, meaning that we, like G-d, are creative. We, like G-d, are capable of imagining a world that is not yet and bringing it into being.

However, if no time or space were holy, the opposite danger would exist, namely that a world in which G-d is hidden would be one in which, for many people, G-d does not exist. This would be a world with no limits on human self-assertion - always the prelude to political, military, economic or environmental disaster. Therefore there must be some window - some point of transparency - in the screen between the infinite and the finite. That is what holiness is.

Holiness is the space we make for G-d. In the simplest and most elegant way, holiness is to humanity what *tsimtsum* is to G-d. Just as G-d effaces himself to make space for mankind, so we efface ourselves to make space for G-d. We do this by a temporary renunciation of creativity. Holiness is that bounded emptiness filled by the divine presence.

This idea was utterly incomprehensible to the Hellenistic mind. When the Greeks and Romans first encountered Jews, they could not understand Shabbat. They knew the concept of a holy day - every religion has such days. What they had never before encountered was a day made holy by rest, a day of being rather than doing. Many of them expressed their candid opinion that Jews observed the Shabbat because they were lazy. That was the only explanation they could give.

Likewise, an ancient tradition states that when the Roman General Pompey invaded Jerusalem and entered the Temple he was amazed to find that the holy of holies was empty. He expected to find in it the Israelites' holiest idol. The idea that empty space - like empty time - might be holy was beyond him.

Holiness is the space we make for the Otherness of G-d - by listening, not speaking; by being, not doing; by allowing ourselves to be acted on rather than acting. It means disengaging from that flow of activity whereby we impose our human purposes on the world, thereby allowing space for the divine purpose to emerge. All holiness is a form of renunciation, but since G-d desires the existence of human beings as responsible and creative beings, he does not ask for total renunciation. Thus some times are holy, not all; some spaces are holy, not all; some people are holy, not all. All nations contain holy individuals. What makes Israel unique is that it is a holy nation, meaning, a nation all of whose members are summoned to holiness. It was the first faith to see holiness as a property not of a sacred elite but of national life itself.

The concept of a nation is fundamental to Judaism, because the nation is a basic unit of culture. As a socio-political entity, it constructs its own form of order through law, ritual, and custom. It is where many smaller groupings, families and communities, come together to construct the basic terms of their common life. And G-d wants his presence to inform public life - otherwise he would have limited his concerns to the individual and the soul.

Judaism knows the faith of individuals. That is what Bereishith is about. The Book of Psalms is the eternal lexicon of the soul in dialogue with G-d. Judaism also knows the faith of humanity as such. That is the meaning of the first eleven chapters of Bereishith and their culmination in the Noahide covenant, the covenant G-d makes with all mankind. But its great concerns are with the life we construct together and the terms on which we do so: justice, compassion, human dignity, peace, the limited and proper conduct of war, care for the dependent, welfare for the poor, concern for the long term viability of the environment, above all, the rule of law in which strong and weak, powerful and powerless, are subject to the same code of conduct applied equally to all. These institutions and ideals are essentially political; hence they require the constitution of a nation as a political entity.

That is the meaning of the phrase *goi kadosh* a holy nation. At Sinai the Jewish people, until then a mere aggregate of individuals, linked by family, memory and the experience of exodus, became a body politic with the Torah as its written constitution. The word *goi* - like its cognate term *geviyah* - means "a body." It is a metaphor for a group of individuals whose relationship to one another is as of the limbs to a body. Sinai creates the terms of collective existence. Henceforth the Israelites are implicated in one another's fate.

The word *kadosh* in this context therefore designates a third emptiness, not time (Shabbat), nor space (the Tabernacle) but the empty throne (cathedra, seat of authority). The place occupied in other nations by the monarch, ruler or Pharaoh, is, in the case of Israel, to be left empty for G-d. Israel is to become a republic of faith under His direct sovereignty. He is the author of its constitution, the framer of its rules, the one who guides it through its long journeys, sustains it in hours of need, and gives it hope in times of crisis. The essence of the Sinai revelation is that the Israelites become the first - indeed the only - nation formed on the basis of a covenant with G-d.

Hence the significance of the setting: in the wilderness. All other nations become nations because they have lived together for a long time in the territory they see as home. Whether through war, assassination, coup d'état, plebiscite or general acclaim they elect an individual or group to be their leader, and a political structure which determines relationships between rulers and ruled.

Israel becomes a nation prior to all these things. It has not yet reached its land. It does not yet have a king. These things lie far ahead in the future. Sinai constitutes the creation of a nation long in advance of those things that normally lead to the birth of a nation, because it is not a normal nation but a holy one.

What then does it mean to be a holy nation? At least the following:

[1] Jewish history will continually point to something beyond itself, something that cannot be explained by the usual laws of history. That is what Moses means when he says:

Ask now about the former days, long before your time, from the day G-d created man on the earth; ask from one end of the heavens to the other. Has anything so great as this ever happened, or has anything like it ever been heard of? . . . Has any god ever tried to take for himself one nation out of another nation, by testings, by miraculous signs and wonders, by war, by a mighty hand and an outstretched arm, or by great and awesome deeds, like all the things the LORD your G-d did for you in Egypt before your very eyes? This too is the meaning of Isaiah's remarkable statement: "You are my witnesses," declares the LORD, "that I am G-d." 4 In its collective fate and destiny Israel will constitute the most compelling evidence of Divine involvement in human history. It will reach heights of achievement, and

sometimes depths of degradation, that have no counterpart in the fate of other nations. As Tolstoy once wrote, "The Jew is the emblem of eternity."

[2] Jewish law - the eternal structure of its collective existence - will bear witness to its more-than-human character. Hence Moses' statement:

See, I have taught you decrees and laws as the LORD my G-d commanded me, so that you may follow them in the land you are entering to take possession of it. Observe them carefully, for this will show your wisdom and understanding to the nations, who will hear about all these decrees and say, "Surely this great nation is a wise and understanding people" . . . What other nation is so great as to have such righteous decrees and laws as this body of laws I am setting before you today? The graciousness of its welfare legislation, and the lucidity of its (unremittently anti-mythological) faith will bespeak a social order more than human in its sheer humanity. As Matthew Arnold wrote: "As long as the world lasts, all who want to make progress in righteousness will come to Israel for inspiration, as to the people who have had the sense for righteousness most glowing and strongest."

[3] It will be a nation that recognises in all its laws the existence of something beyond itself. Thus the very land it inhabits will not be its own but G-d's ("The land shall not be sold in perpetuity because the land is Mine"). All forms of rulership, whether of judges, elders or monarchs, will be limited by the overarching sovereignty of G-d; hence the moral right of prophets to criticise kings and "speak truth to power." Israel will know no absolutes - not the state nor the individual nor the status quo - for there is only one absolute, namely G-d himself. This single fact will save it, in the course of history, from tyranny on the one hand, anarchy on the other, but it will always be the enemy of tyrants, because it will always refuse to worship anything less than G-d himself.

[4] Its governance will always rest on consent rather than obedience to power. This fact is implicit at Sinai, where G-d himself had to secure the assent of the people before giving it its laws (The Talmud entertains the possibility that G-d coerced the Israelites into agreement - by "suspending the mountain over their heads" - but then immediately concludes that if this were so, the covenant would be null and void). At more than one time in Jewish history, the need for consent has threatened to make the Jewish people virtually ungovernable. Despite this, Jews never compromised on that principle. Judaism is thus hyper-democratic - sometimes a political weakness, but always an assertion of human dignity.

[5] Historically, the most remarkable outcome of the Sinai covenant was that even when they lost their land and sovereignty, Jews did not cease to be a nation - because they became a nation before they reached the land or acquired sovereignty. In exile they became the world's first global people, the first virtual nation, defined not by shared territory, fate, culture, political system or even spoken language, but purely by a covenant enacted by their ancestors more than a thousand years earlier.

Kadosh therefore means: that which in itself points beyond itself. It means the time which signals eternity (Shabbat), the space which intimates being-beyond-space (the Tabernacle), and the nation whose history and way of life bespeak something outside the normal parameters of history and ways of life.

In one of my favourite quotations, the American writer Milton Himmelfarb once wrote:

Each Jew knows how thoroughly ordinary he is; yet taken together, we seem caught up in the things great and inexplicable . . . The number of Jews in the world is smaller than a small statistical error in the Chinese census. Yet we remain bigger than our numbers. Big things seemed to happen around us and to us. That is as good a way as any of saying what it means to be a holy nation.

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<http://www.anshe.org/parsha.htm#parsha> Parsha Page by Fred Toczek - A Service of Anshe Emes Synagogue (Los Angeles)

**Parsha Page by Fred Toczek** A survey of parsha thoughts from Gedolei Yisroel compiled by Fred Toczek. Perfect for printing and use at your Shabbos tisch.

YISRO 5757

#### I. Summary

A. Yisro comes from Midian. While Moshe had carried out his mission in Egypt, his family had returned to Midian. Now that the Jews were in the wilderness, his father-in-law Yisro brought Zipporah and his sons to join him in Rephidim. After Moshe welcomed Yisro affectionately and related what Hashem had done for the Jews, Yisro acknowledged Hashem's powers and offered sacrifices to Him. Yisro advised Moshe to appoint judges to assist him since he was overburdened with judicial duties, and so that he could focus only on the difficult cases; Moshe did as Yisro suggested. Yisro returned to Midian.

B. Preparations for Receiving Torah. On the first day of Sivan, the Jews arrived in the Sinai wilderness, where they encamped in front of the mountain. Moshe approached the mountain and heard Hashem's voice instructing him to remind the Jews how He delivered them from Egypt and that, if they obeyed Him, they would be transformed into a "kingdom of priests and a holy nation." Moshe descended from the mountain and repeated Hashem's words to the Elders and people, to which the people responded in unison "All that the L-rd has spoken we will do!" Moshe reported these words to Hashem, and was told that Hashem would appear in a thick cloud and speak to him before the entire assembly of Jews (so that His Divine mission would never again be doubted). The people were told to prepare themselves for three days to receive the Torah and not to touch (under penalty of death) the boundaries of the mountain.

C. The 10 Commandments. On the 6th of Sivan, thunder/lightning erupted and a cloud descended the Mt. The trumpet was heard and Moshe brought the Jews to the Mt.'s foot. The Mt. was enveloped in smoke and Hashem summoned Moshe to its summit. As instructed by Hashem, Moshe told the Jews not to gaze upon His Manifestation. Hashem Himself then declared the foundation of religious/moral conduct, the 10 Commandments:

I am the L-rd your G-d who delivered you from Egypt . . . ; You shall have no other gods before Me . . . ; You shall not take the name of the L-rd your G-d in vain . . . ; Remember the Sabbath day to keep it holy . . . ; Honor your father and mother . . . ; You shall not murder; You shall not commit adultery; You shall not steal; You shall not bear false witness against your neighbor; You shall not covet your neighbor's house, wife, servant, ox, donkey or any of his possessions. D. Hashem speaks to the people through Moshe; Moshe begins to receive a series of laws. The people were so awestruck by what they had witnessed that they withdrew (after the second commandment according to Rambam) from the Mt. and pleaded with Moshe to speak to them in Hashem's place lest they die. Moshe then drew near to the thick darkness and received a series of laws, the first four dealing with Divine worship (i.e., the prohibition against idolatry and general laws respecting the altar).

#### II. Divrei Torah

##### A. Lil' Mode U'lilamed (Rabbi Mordechai Katz)

1. A lesson in humility. The Midrash says that when Hashem decided to give the Torah to the Jews, all of the mountains in the desert (except Mt. Sinai) vied for the honor of being the site for this great event. Only Mt. Sinai did not claim itself to be the most fitting site, and for this reason was selected by Hashem. In addition, the Torah was also given in the barren desert, to show that the Torah provides its own glories and doesn't require the trappings of a fancy exterior in order to be great. Similarly, a person is to be judged on his inner, not exterior, qualities.

2. Free choice or force? When Hashem offered the Jews the Torah, they proclaimed "Na'aseh V'nishma" ("we will observe and then we will hear what the Torah contains"); this suggests that the Jews accepted the Torah of their own accord. Why, then, does the Gemorah state that Hashem threatened the Jews by suspending a mountain over their head until they agreed to accept the Torah? The Midrash teaches that while their acceptance was immediate and enthusiastic, Hashem's "force" refers to later generations of Jews. Our ancestors were wise enough to perceive the great prize that Hashem offered and we cannot undo their good work by forsaking that gift.

3. Honoring One's Father and Mother. The 10 commandments are divided into two categories -- the first five comprise laws between man and G-d, while the second five relate to laws between man and man. Why, then, is honoring one's parents in the first five? (A) The Talmud teaches that whoever honors his parents honors Hashem, since it indicates a willingness

to accept authority and to carry on the Jewish tradition; (B) Haamek Davar adds that despite one's natural love [or, G-d forbid, lack thereof] for one's parents, respect for them is part of one's obligation to G-d; (C) Respect for parents is a cornerstone of faith in the entire Torah, for our tradition is based upon the chain from Abraham and Sinai, a chain in which the links are successive generations of parents and children (Meshech Chochmah).

#### B. Growth Through Torah (Rabbi Zelig Pliskin)

1. A parent's love makes his/her children more loving towards others. The Midrash says that Moshe demanded that the people come to him and thus himself had to walk to the burning bush to come closer to Hashem; the prophet Shmuel, on the other hand, went to the people and thus merited having Hashem come to him. R' Chaim Shmuelevitz says that this teaches that one's closeness to Hashem is dependent on one's love for other people. The Midrash says that Shmuel got his great love for other people from a garment his mother lovingly made for him and which he always kept with him. The love we show our children implants in them a deep feeling of being loved which, in turn, allows them to love others.

2. Love of others, seeing the good in people, and humility are prerequisites to accepting the Torah. "And the Jews encamped" there near the mountain." The word "encamped" is in the singular since, as Rashi learns out, they were one unit ("as one person with one heart"). From here, R' Yeruchem Levovitz notes that love of our fellow man is a prerequisite to accepting the Torah. R' Yitzchok of Vorki also noted that the word comes from the word meaning "finding favor"; that is, the Jews found favor in the eyes of each other and thus found favor in the eyes of Hashem. Finally, the Nachal Kidumim notes that togetherness is possible only when there is humility which allows you to find good, rather than fault, in others. By growing in these traits, you make yourself into a more elevated person worthy of receiving the Torah.

#### C. In the Garden of The Torah (the Lubavitcher Rebbe, Rabbi Menachem M. Schneerson, z"tl)

When the Twains meet. Rambam explains that the Torah was given to us not merely to spread Divine light, but to cultivate "peace". "Peace" refers to harmony between opposites. Chazal teach that the verse "the heavens are the heavens of G-d, but the earth He gave to the children of man" means that originally there was a Divine decree separating the physical from the spiritual; at the time of the giving of the Torah, however, G-d "nullified this decree" and allowed for unity between the two. However, true peace involves more than the mere negation of opposition. The intent is that forces which were previously at odds should recognize a common ground and join together in positive activity, to bring about an awareness of the G-dliness in every element of existence.

#### D. Wellsprings of Torah (Rabbi Alexander Zusia Friedman)

Remember and Keep the Shabbos. "Remember the Shabbos day to keep it holy." As Rashi notes, the words "remember" and "keep" were spoken in one utterance. A poor man may find it easy to "keep" the Shabbos since he has no business concerns which demand his attention during the Shabbos, but he may have difficulties "remembering" the Shabbos since he may lack the money to honor the Shabbos by drinking wine, partaking of good food, etc. A wealthy man, on the other hand, may find it simple to "remember" the Shabbos with care since he has more than enough money to buy food and drink with which to do so, but may find himself remiss in "keeping" the Shabbos for fear that he might suffer great financial losses by shutting down his business for a day. Thus, Chazal point out that the two commands -- to "remember" and "keep" the Shabbos -- were said in one utterance and that therefore no distinction can be made between them. The wealthy man is duty bound not only to "remember" the Shabbos, but to "keep" it as well. At the same time, he must help the poor man to "remember" the Shabbos by providing financial assistance to enable him to "remember" it fittingly. (Dubno Maggid)

#### by Rabbi A. Leib Scheinbaum

- Parshas Yisro Shema Yisrael Torah Network  
<shemalist@shemayisrael.com> to Peninim  
PARSHAS YISRO

Now I know that Hashem is greater than all gods, for in the very matter in which (the Egyptians) had conspired against them!" (18:11) Rashi explains that Yisro was intimating that he had experimented with other religions. After experiencing every form of idolatry, he was now thoroughly convinced that Hashem was superior to any other form of deity. He derived proof of Hashem's Omnipotence from the fact that when He had punished the Egyptians, He had punished them measure for measure, for what they had conspired to do to the Jews. Pharaoh had planned to drown the young Jewish males in the Nile River. Hashem arranged for Pharaoh's final punishment to be executed by the Red Sea. Hashem punishes and rewards in accordance with the rule of middah k'neged middah, measure for measure. We do not always perceive this, but upon careful introspection, we will notice that this principle is always in effect.

There is an important lesson to be derived from this pasuk. Horav Aizik Ausband, Shlita, notes that Hashem performs miracles; He alters the course of nature, just to teach man a lesson. After all, the splitting of the Red Sea was no ordinary miracle. Hashem made a condition with Maas'e Bereishis, the Creation of the World, that one day He would change the course of nature and split the Red Sea. If the sole purpose was to kill the Egyptians, He certainly could have employed other methods. It is not as if Hashem had never before punished a large segment of people. He slew the Egyptian firstborn; he destroyed Sancheiriv's army. He did not have to drown the Egyptians through a miraculous effort on His part.

Hashem acts only for a reason, to carry out a purpose. Here, it was to teach them and the world, a lesson: measure for measure. You attempted to destroy the Jewish People using the medium of water. You will perish through the medium of water. A punishment is necessary. Understanding why and for what one is being punished are equally significant.

People must be imbued with the awareness that Divine Providence governs the world. The greatest manifestation of Hashgachah, Providence, is through the principle of measure for measure. If one does not clearly see that retribution parallels one's actions, both in a negative and positive sense, he can always err and say, "It just happened," without realizing that nothing "just happens" by coincidence.

In other words, the entire miracle of Krias Yam Suf, the splitting of the Red Sea, was to impart one lesson: middah k'neged middah. Rav Ausband cites his rebbe, Horav Asher Kalmen Baron, zl, rosh yeshivah in Ponevez in Europe, who expressed a similar idea, supporting it from a statement of Chazal in the Talmud Shavuos 20b. Chazal teach us that Hashem said the words "Shamor, guard, and zachor, remember, the Shabbos to keep it holy," at the same time, in one utterance. This is a reference to the two times that the commandment to observe Shabbos is mentioned in the Aseres HaDibros, Ten Commandments. Once, the Torah writes "Zachor es yom haShabbos", and, in the other instance, it says "Shamor es yom haShabbos." Hashem articulated both commandments simultaneously. We derive an important halachah from this. Zachor and shamor are compared to each other concerning all aspects of Shabbos. Thus, a woman, who normally is not obligated in time-bound mitzvos, would never-the-less have to observe the positive mitzvos related to Shabbos, such as Kiddush.

Whoever is commanded to observe the prohibitive mitzvos must, likewise, observe the positive mitzvos. This halachah is derived from the fact that Hashem vocalized both shamor and zachor simultaneously. He altered nature, so that Klal Yisrael would derive an important halachah. This gives us but a glimpse into the overwhelming significance of each and every halachah. If Hashem is prepared to change nature for a halachah, we should certainly be obligated to observe it.

If you do this thing, and G-d shall command you - then you will be able to endure. (18:23)

Yisro gave Moshe Rabbeinu advice concerning how to circumvent the fatigue that would overcome him if he maintained his demanding schedule of personally judging the people. Fatigue can be manifest in different forms. It can be physical or it can be emotional. Physical fatigue is the result of overwork or work without rest. Likewise, emotional fatigue is the result of having to endure constant incursions against our emotions, each intrusion breaking down our defenses until we ultimately capitulate and lose hope. How does one avoid falling prey to emotional aggression, to the constant attacks that we, as a nation who value our spiritual dimension, succeed in avoiding the pitfalls which we must confront on a regular basis in today's base society?

It is important that we retain focus on: who we are, from whom we have descended; what we represent; and our future legacy. We must constantly infuse in our minds and in the minds of our children that - yes - we are better. We have a glorious past. True, we have suffered persecution and misery, but we are still here. Our persecutors are not. They have been replaced with our present tormentors, but that is all a part of Hashem's Divine Plan. When we connect with our past, we are filled with pride in being the bearers of Hashem's doctrine for mankind. Those of us who have forgotten - or who, unfortunately, have never been aware of - our past have a difficult time enduring the challenges and obstacles which confront us on an almost constant basis.

Horav Yaakov Galinsky, Shlita, relates a powerful incident which left a lasting impression, teaching him a powerful lesson about how one can endure even under the most vexing situations. The episode took place in a Siberian slave labor camp where Rav Galinsky and so many of our brethren suffered unbearable and inhuman pain and misery. The Russians did not single out Jews as the only enemies of the state. Whoever had the misfortune of falling into their clutches was imprisoned and relegated to performing backbreaking labor under the most brutal conditions. After a full day's work, the men would trudge back to their barracks to lay down on their wooden bunks and attempt to fall into a painfully fitful sleep.

Every night at approximately 2:00AM, one of the Polish prisoners would arise from his "bed" and remove a bag that was hidden beneath his bed. He would quickly remove what appeared to be some kind of a uniform, put it on, view himself in the mirror, quickly remove the suit, return it to the bag and go back to sleep. This went on every night. While Rav Galinsky was used to strange things occurring in prison, this man's actions were very puzzling. Sleep was very important to the prisoner's well-being. To force oneself to arise in the middle of the night just to put on a suit seemed irrational. There had to be an explanation that would shed light on this man's strange behavior.

One day, when they were alone, Rav Galinsky asked the man to explain his behavior, "Why do you arise in the middle of the night to put on your suit and view yourself in the mirror? Do you not value your sleep?"

"Yes, Rabbi, my sleep is very important to me, but so are my sanity and dignity. Let me explain. Prior to being taken captive by our Russian tormentors, I was a distinguished general in the Polish army. I had the respect of thousands of soldiers. Suddenly, our army was vanquished and I became a prisoner. The degradation and depravation to which they subject us is, in my opinion, a greater danger than the physical blows which they rain down on us on an almost constant basis. At all costs, I had to prevent them from getting into my mind and destroying it. Therefore, every night when everybody is fast asleep, I risk removing my general's uniform which I was able to retain in my possession. I don the uniform and look in the mirror. For two minutes, I see before my eyes my true self - my position and my status. I do not see a broken down, frail prisoner. I see a general in the Polish army! This is how I am able to maintain my sanity."

This idea applies equally to us. We are the descendants of a noble lineage with a compelling legacy for the future. If we visualize ourselves in our true uniforms, a uniform which exemplifies the Jewish essence and spirit, we will be able to transcend the society in which we live.

The following episode from the life of Horav Shimon Schwab, zl, has previously been featured in these pages. I repeat the story because of its impact and lesson. Rav Schwab served as rav in a small town in Germany. On Shushan Purim, 1936, he became the focus of a libelous accusation. The Nazis, who were becoming more powerful, claimed that in one of his sermons, he had publicly slandered Hitler, yemach shemo. The Gestapo picked him up and demanded an explanation. He looked the Gestapo official straight in the face and flatly denied having said anything disparaging about the German chancellor. Apparently, when he was addressing the sin of the Golden Calf, he made use of the word "vermittler," which in German means intermediary. The government spy who was in the audience thought he had heard the name Hitler instead. Rav Schwab was told that the case would be discussed and reviewed and that they would advise him of the result. In the meantime, he was remanded to his home.

It goes without saying that Rav Schwab feared for his life. It took two months for the matter to be settled in his favor. He later related that during this entire time, he did not change into his bedclothes when he retired at night. The reason he gave for this behavior demonstrates to us the quality of pride and dignity with which we should be infused. It seems that it was common for the Nazis to break down a person's door in the middle of the night and take the person out to a makeshift gallows erected in the middle of the town to execute them. Rav Schwab feared for his life, knowing that until his case was resolved, his life hung in the balance. Therefore, he feared that if the Germans found him guilty, it was important that he, the rav of the community, not hang there in his bedclothes. This would denigrate the position of the rav and everything that he represented. Therefore, for two months, Rav Schwab went to bed every night in his clothes. He maintained his dignity under the greatest duress, because he understood who he was, from whom he had descended, and whom he represented. What a powerful lesson for us all.

Honor your father and your mother. (20:12)

A cornerstone of our belief in the entire Torah, the mitzvah of Kibbud Av v'Eim, honoring one's father and mother, affirms our belief in and commitment to the Mesorah, chain of transmission of Torah from Har Sinai. As with all other mitzvos, we do not seek rationale to justify or explain the mitzvah. It is Hashem's command, an edict from the Almighty, which is our most compelling reason to observe the mitzvah. This idea is underscored in the following incident which is related by Horav Yitzchak Zilberstein, Shlita.

An individual who played a leading role in a major crime spree which involved huge amounts of money was about to be sentenced to ten years in prison. He sent a letter to Rav Zilberstein stating that he had the opportunity to diminish his sentence if he could use the abuse he had sustained in the hands of his father as part of his defense. His lawyers felt that after the judge heard about the traumatic effect that this had on his childhood, he would reduce his sentence by five years. Rav Zilberstein responded that Torah law does not permit this. Even if it meant being incarcerated for an additional five years, he was not permitted to publicly humiliate his father. Word would get out, and the media would have a field day with the scandalous news.

A few hours went by, and Rav Zilberstein received another request from the defendant. He cited the Talmud Yerushalmi, which rationalizes Kibbud Av v'Eim as part of one's obligation to be makir tov, to acknowledge the benefits and favor one receives and to offer gratitude to his benefactor. Parents raise their children and provide them with sustenance, an education and love. Does this apply, however, to a parent who has clearly reneged on his responsibility? Indeed, in his case, it was not hakoras ha'tov, good; rather, it was hakoras ha'ra, acknowledging the evil, that his father wrought against him. Does he still owe him respect under such circumstances?

Rav Zilberstein responded in a number of ways, each answer affirming his earlier p'sak that prohibited him from saying anything negative about his father, regardless of the consequences. Among them was the following explanation. In the Talmud Kiddushin 31a, Chazal relate the story of Dama ben Nesina, a gentile in Ashkelon, who possessed jewels which were a perfect match for what was needed for the Eiphod, vestment worn by the Kohen Gadol. The Chachamim, Sages of Yerushalayim, came to Dama requesting to purchase the jewels. They were prepared to offer an exorbitant amount of money to procure these jewels. Alas, the key to Dama's safe deposit box was beneath the pillow upon which his father was sleeping. He was not prepared to wake his father, regardless of how much money he risked losing. The sages left reluctantly to search for another source for these jewels.

One year later, Dama ben Nesina was rewarded for the respect he accorded his father, with the birth of a Parah Adumah, Red Heifer, in his herd of cattle. Indeed, Dama understood that this was a reward, for the time when the sages approached him to purchase the jewels. He said, "I know that if I would charge you an exorbitant price, you would agree to pay it. All I ask is the amount of money I lost last year when I had to forego the sale of the jewels out of respect for my father."

The commentators wonder why Hashem rewarded him with a Parah Adumah? Certainly, there must have been other ways to enrich this gentile who was so meticulous in observance of Kibbud Av v'Eim. They explain that Hashem sought to impart to us a critical lesson concerning the mitzvah of honoring one's parents. Just as Parah Adumah is one of those mitzvos that are under the scope of chukim, Divine decrees, mitzvos that seemingly have no human rationale; so, too, is Kibbud Av such a mitzvah. While it may seem to have its roots in the middah of hakoras hatov, it does not. We are to observe it for the same reason that we observe Parah Adumah - Divine imperative.

Rav Zilberstein concluded that the man was not permitted to disgrace his father, even if the result would be a reduction in his jail sentence. There is no negotiating with regard to mitzvos.

In memory of Meir Bedziner R' Meir ben Betzalel HaLevi z"l nifter 24 Shevat 5764 on his yahrzeit. Reb Meir loved people and was beloved by all. His sterling character and pleasant demeanor were the hallmarks of his personality. He sought every opportunity to increase the study of Torah and that it be accessible to all. 'yehi zichru baruch'

The Bedziner and Meltzer Families

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**RABBI JOSH FLUG**

**The Mitzvah of Havdalah**

Part II

Last week's issue provided an overview of the mitzvah of Havdalah. The article discussed whether Havdalah is a part of the mitzvah of zechirat Shabbat or whether it is its own unique mitzvah. In this week's issue, we will discuss the components of the Havdalah service.

The Requirement to Use Wine

As discussed in last week's issue, there is a requirement to use a cup of wine for Havdalah. This requirement is rabbinic in nature. The Gemara, Pesachim 107a, discusses whether one can fulfill the mitzvah of Havdalah by using other beverages in place of wine. According to Ramban, Hilchot Shabbat 29:17, one may not use other beverages for Kiddush but one may use them for Havdalah. Ran, however, Pesachim 22a, s.v. Bat, rules that one should only use other beverages for Havdalah if there is no wine available.

Rama, Orach Chaim 296:2, presents two seemingly contradictory rulings on this matter. First, Rama rules that if one has a choice of using wine from a "blemished" cup or using beer, he should use the wine from the blemished cup. [A cup of wine is considered pagum if someone already drank from that cup.] This implies that one should only use other beverages if there is no wine available. Second, Rama rules that it has become a tradition to recite Havdalah at the conclusion of Pesach on beer because at that time it is a special beverage. This implies that one may recite Havdalah on other beverages even when wine is available.

Magen Avraham 296:5, resolves the apparent discrepancy by suggesting that in principle, Rama allows the use of other beverages for Havdalah. However, not all beverages qualify for use for Havdalah. Rambam, op. cit., states that only chamar medinah, a beverage that serves as a replacement for wine in a particular locale, may be used. Rama's first ruling refers to a locale where beer is not the chamor medinah. In that place, it is certainly preferable to use wine from a blemished cup. Rama's ruling regarding the conclusion of Pesach refers to a locale where beer is the chamor medinah. [R. Moshe Feinstein, Igrot Moshe, Orach Chaim 2:75, rules that one may not recite Havdalah on soft drinks. Although they are served at formal meals, they are not considered significant since they are only drunk when one is thirsty.]

The Spices

The Mishna, Berachot 51b, mentions the concept of reciting a beracha on spices during the Havdalah service. According to Beit Hillel, which is the normative opinion, the beracha on the spices precedes the beracha on the flame. Tosafot, Beitzah 33b, s.v. Ki, note that the reason for smelling spices on Motza'ei Shabbat is that on Motza'ei Shabbat one experiences the loss of the neshama yeteirah (the additional soul) and the spices serve to restore the body to normal. For this reason, Tosafot suggest that if Yom Tov occurs on Motza'ei Shabbat, it is not necessary to smell spices because the additional food items that are eaten on Yom Tov have the same effect as the spices. Additionally, at the conclusion of Yom Tov, one does not smell spices because there is no loss of the neshama yeteirah.

Shulchan Aruch, Orach Chaim 217:2, states that one only recites a beracha on a fragrant item if it is generally used for producing a good smell (as opposed to deodorizing a foul smell). If an item qualifies for recitation of a beracha, one may use that spice during the Havdalah service. However, there are numerous berachot that are applicable to spices depending on various factors, similar to the laws of berachot on food items. Mishna Berurah 297:1, rules that in order not to create confusion, at Havdalah, one should always recite the beracha of "borei minei besmimim" regardless of whether that is its proper beracha. Nevertheless, he notes that it is proper to use a spice whose actual beracha is borei minei besmimim (a spice whose beracha would be shehakol if it were a food item).

The Beracha on the Flame

The Gemara, Pesachim 54a, notes that there is an important distinction between the beracha recited on the flame of Motza'ei Shabbat and the beracha recited on the flame of Motza'ei Yom Kippur. The beracha on the flame of Motza'ei Shabbat is a function of fire being created on Motza'ei Shabbat and therefore, a flame that was lit after the conclusion of Shabbat is suitable. Regarding the flame of Motza'ei Yom Kippur, the only justification to recite a beracha on a flame is to signify the fact that this flame lasted the entire Yom Kippur and was not used for any melacha. As such, one may not light a flame after Yom Kippur and recite a beracha.

The Gemara, Berachot 53b, states that if one does not have a flame available for Havdalah, one is not required to search for one. Rashba, ad loc., cites the opinion of Ra'avad that this is only true on Motza'ei Shabbat when the purpose of the beracha is merely to commemorate the creation of a flame. However, on Motza'ei Yom Kippur, the purpose of the beracha is to show the difference between Yom Kippur and other days and therefore, one must seek out a flame for the beracha.

Shulchan Aruch, Orach Chaim 298:1, quotes the opinion of Ra'avad as a single viewpoint (yesh mi she'omer) implying that other Rishonim disagree. Ramban, Berachot ad loc., seems to represent the dissenting opinion. Ramban implies that on Shabbat, one may either recite a beracha on a flame that was not used for melacha the entire Shabbat or one may light a new light as a commemoration for the creation of the flame. According to Ramban, there is nothing unique about Yom Kippur other than its limitation to recite a beracha on a new light. If there is no requirement to search for a flame on Shabbat, there should be no requirement to search for a flame on Yom Kippur.

R. Shlomo Zalman Auerbach, Me'orei Eish, ch. 5, presents two objections to the use of an incandescent bulb for the beracha of borei me'orei ha'eish. Both objections are based on the idea that the purpose of the beracha is to commemorate the creation of the flame. First, the Gemara, Berachot 53, implies that a fire that produces light is not sufficient to recite a beracha. One must recite a beracha on an actual flame. R. Auerbach suggests that the reason for this requirement is that the light used for the beracha must be similar to that of the flame that was created on Motza'ei Shabbat. An incandescent bulb, which does not have a flame, would not meet this requirement.

Second, the Talmud Yerushalmi, Berachot 60b, states that one may not recite a beracha on a flame that is inside an enclosed glass. R. Auerbach notes that one can argue that the exclusion of a light inside an enclosed glass does not apply to a light bulb because the light bulb cannot illuminate without the glass case. However, R. Auerbach argues that since the reason for this exclusion is that the beracha must be recited on a situation similar to the flame that was created on Motza'ei Shabbat, it is more logical to exclude an incandescent bulb from a beracha.

R. Auerbach admits that if the objection to the use of incandescent bulbs for the flame of Havdalah is that they are not similar to the flame of creation, then on Yom Kippur, these objections should not apply. Furthermore, according to Ramban, who implies that a flame that was not used for melacha warrants a beracha, if an incandescent bulb was lit for the entire Shabbat, one would be permitted to recite a beracha. However, R. Auerbach notes that since we don't find a distinction between the type of flame that may be used on Motza'ei Shabbat and Motza'ei Yom Kippur, nor do we find any distinction regarding flames enclosed in glass, one must conclude that the beracha was not instituted unless the flame meets the requirements that would fulfill either reason (with the one exception being a new flame).

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From: innernet-owner@innernet.org.il on behalf of Heritage House [innernet@gmail.com] Sent: Monday, February 20, 2006 3:23 PM To: innernet@innernet.org.il Subject: InnerNet - "Classic Jewish Tales" INNERNET MAGAZINE <http://innernet.org.il> February 2006

**"CLASSIC JEWISH TALES"**

**by Rabbi Yisrael Bronstein**

**THE SHOEMAKER'S REPAIR**

Rabbi Yisrael Salanter was returning home very late one night. As he walked through the dark alleyways, he suddenly noticed that a light was still burning in the home of the shoemaker. He knocked on the door and entered his home.

"Why are you still sitting and working at such a late hour?" asked Rabbi Salanter.

"As long as the candle burns," replied the shoemaker, "it is still possible to repair."

Those words made a great impression upon Rabbi Salanter and, from then on, he repeated them on many occasions.

"Do you hear?" Rabbi Salanter would ask. "As long as the candle burns, it is still possible to repair! As long as a person is alive and his soul is within him, he can still rectify his deeds."

\* \* \*

#### THE MISER OF CRACOW

In the city of Cracow resided an elderly, wealthy Jew, Reb Shimon. His wealth was well known to the people of Cracow; just as well known, however, was his stinginess.

All the days of his life, he did not so much as give one coin to tzedakah. Thus his nickname: "Shimon the Miser."

One day, Reb Shimon passed away. The town's burial society decided to bury him in a disgraceful manner and lay him to rest on the outskirts of the cemetery, a place reserved for the lowly members of the town.

That Friday afternoon, the rabbi of Cracow, Rabbi Yom Tov Lipman Heller (author of "Tosafos Yom Tov"), sat in his home engaged in Torah study. Suddenly, he heard a faint knock at the door. "Come in," the rabbi called out. The door opened and in walked Reb Zalman, one of the poor men of Cracow. "Rebbe," said Reb Zalman, "could you please help me? This week, I don't have even one coin in order to buy food for Shabbos."

"What do you mean by, 'this week'?" asked Rabbi Heller. "What did you do until this week?"

"Until this week," answered Reb Zalman, "every Friday morning, I would find an envelope placed under my door containing the amount of money I need to buy food for Shabbos. Yet this morning, I checked under my door and there was no envelope! I am therefore left without any money to buy Shabbos food."

While they were conversing, there was another knock at the door. Another pauper walked in; he, too, came to ask for money for Shabbos. He was followed by another pauper and yet another.... They all had the same request: "Rabbi, please provide us with our Shabbos needs."

The wise rabbi deduced that the man who had passed away that week, an individual who everyone had thought to be a miser, was in reality a hidden tzaddik who had performed the mitzvah of tzedakah with utmost secrecy. Every week, Reb Shimon had apparently provided scores of Cracow's poor with the funds to acquire their Shabbos needs.

The rabbi made a public announcement: "I order the entire community to gather in the shul at once!"

The rabbi, wrapped in his tallis, ascended the podium, opened the ark, and declared, "We, the people of Cracow, are gathered here today in order to beg forgiveness from one of the tzaddikim that lived in our midst. His greatness went unnoticed by us; we denigrated him and called him, 'The Miser.'"

"In the name of the entire community," cried the rabbi, "I hereby beg for total forgiveness from Reb Shimon, who was a righteous and holy Jew!"

Years later, when it came time for Rabbi Heller to depart to his Heavenly abode, he requested to be buried next to the tzaddik, Reb Shimon.

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#### JEWISH UNITY

The Torah says: "And Israel camped there facing the mountain" (Exodus 19:2). Rashi points out that the word "vayichan" is in the singular, despite the fact that the Torah was describing the encampment of thousands of Jews. This teaches us, says Rashi, that at this particular encampment the Jewish people were united -- "as one person, with one heart."

In the Passover Haggadah, asked Rabbi Yitzchak of Vorki, it states, "Had He brought us to Mt. Sinai, but not given us the Torah, it would have sufficed us." These words are perplexing, for why would simply arriving at Sinai suffice for us, if it would not have resulted in our receiving the Torah?

The answer, said the rabbi, is as follows: When describing the Jewish nation's encampment at Sinai, the Torah tells us, "And Israel encamped there facing the mountain" -- as one person, with one heart. Even had we not received the Torah, it would have been worthwhile for us to be brought before Mt. Sinai just so that we could achieve such complete unity.

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