

Jerusalem Post :: Friday, February 13, 2009
ELECTIONS :: Rabbi Berel Wein

This week here in Israel we were treated to the conclusion of the usual bruising election campaign to determine the leadership of the country for the next few years. It is worthy to note that there is almost no expectation within the Israeli electorate that this next government will serve its full term in office – none of them ever do as they are toppled by events, scandal, and ineptitude. Nevertheless, people here take politics (though not necessarily politicians) seriously. Campaigning is vicious and personal, and the competition is very intense.

I have often wondered whether the concept of elections as currently conducted is in any way consonant with Torah law and religious Jewish values. I am hard pressed to think that it is, and therefore the politically correct notion that is paid lip service here that Israel is a “Jewish democratic” society is quite ill-defined. In a campaign where slander and insult abound, is there any way that it can be condoned under the laws of evil speech so emphasized in the Torah? And is the rule of the majority, when that majority decides for principles diametrically opposed to Torah law and Jewish tradition, to be accepted simply because there is temporarily a majority that has voted for it? Many an evil and disastrous person and policy has been democratically elected to office with a later cost of life and individual freedoms. Yet Winston Churchill was reputed to have remarked that democracy is a terrible form of governing, but it still is the best one that human society has as yet created. In spite of all of my misgivings as outlined above, I grudgingly must concede to the accuracy of his statement.

In First and Second Temple times, the government of Israel was purely personal and in a sense dictatorial. With the establishment of monarchy by King David, it became dynastic even though the natural squabbles about succession were always present. However, in First Temple times all of the kings were subject to the influence if not sometimes even the control of prophets. Even the string of wicked kings who ruled over the northern ten tribes of Israel were subject to the withering criticism and powers of the prophets such as Elijah and Elisha. Prophets could be persecuted and punished, but they could not be ignored. Thus, the people found their voice through the prophet who represented God, so to speak, and tradition and destiny. Even when the people chose to ignore the words of the prophets, it was their choice, and the consequences of that choice were clearly predicted to them by the prophet.

In a sense, there was a rudimentary form of democracy present then. People voted not through the ballot box, but rather by their behavior and life choices. And in effect, this is always the basic democratic principle of life – people do what they wish to do. It is the task of government today to inform people of the consequences of their individual behavior, much as the prophets of old did. The distortion of our political system is that it rewards those who knowingly give false promises and erroneous prognostications about their future plans, policies, and what the true consequences of these behaviors and policies are.

In Second Temple times, the Jews lived under the rule of the Men of the Great Assembly, a parliamentary body that was appointed but not popularly elected, under the Hasmonean kings who ousted the Greek rule, and finally under Roman governors and domination. The counterforce to the rulers was the presence of the rabbinic scholars – the Tanaim, both early and late – who represented the populace and the traditions of Israel. Though they themselves were not prophets, they served as the substitute for the earlier prophets of First Temple times in forming public opinion and opposing tyranny and wrongheaded policies.

In the long exile of the Jewish people, popular democracy, in the sense of the modern understanding of the words, including elections, existed. Though there always was a ruling upper class, the masses had the ability to either vote them out of power – eighteenth and nineteenth century kehilla life in Europe – or to simply form new movements, such as Hasidism,

which circumvented the existing power structure. In early twentieth century Europe, the Jewish society fragmented into many different political parties each vying with the other through popular elections for the leadership of the Jewish society. This system has been imported into our modern day country of Israel with its multiplicity of parties and its intense rivalries. But as we say here, this is what is, so let us hope for the best and be realistic and hopeful at one and the same time.
Shabat shalom.

Weekly :: Parsha YITRO :: Rabbi Berel Wein

The Torah teaches us important lessons about wealth and money in this week's parsha. In fact, many of the Ten Commandments deal directly or indirectly with money and wealth. The commandment about the observance of the Sabbath teaches us that money is not nearly everything in life.

The drive for wealth and the necessity of making a living in difficult times drove the immigrant generation in the United States, which was overwhelmingly traditional, to work on the Sabbath. This has inevitably led to the great and tragic assimilation of a great many of Americans of Jewish descent and to a wave of crippling intermarriages. There are exceptions to this rule, but generally it is true. Those who discarded the Sabbath in favor of wealth and seeming physical comfort are the unfortunate and unintentional progenitors of a generation of children, grandchildren and great-grandchildren who are no longer Jewish in any sense of the word.

Wealth and money are necessary parts of everyone's life. But the Sabbath trumps them – it is the most important element of Jewish life and the one guarantee of Jewish success and survival. A more direct view on the problem of money and wealth lies in the commandment not to covet. Coveting the belongings, the possessions, or the spouse of another is one of the prohibitions of the Ten Commandments. One could say it lies at the root of many of the other commandments. One cannot understand the commandment not to kill others and not to steal from them only through the prism of the commandment not to covet what belongs to someone else. It is as simple as that.

Stealing comes in many forms and shapes and circumstances. From misleading advertising to Bernard Madoff, stealing is pretty much rife in the world. The rabbis of the Talmud stated that most people eventually are found guilty of having stolen something in their lives. The drive to acquire more for one's own self, to be richer and apparently more financially secure, drives the person to steal in a myriad ways. The drive for wealth forces moral and eventually legal compromises with the pure conscience that the Torah wished us to possess. The halacha even possesses within it the concept of stealing someone else's mind and intent. One is not allowed to mislead other people in order to obtain financial reward for one's self. I knew a good person who, while selling his home, nevertheless informed the potential buyer of all of the hidden defects that existed in the house. Kosher money is harder to come by than is kosher food.

The drive for wealth, if left unchecked and untamed, can also eventually lead to murder. Many a murder has occurred in human life because of money. King Solomon stated that money can answer all problems, but nevertheless he was forced to admit in his own life that he was not exactly accurate in that assessment. It can answer many problems, but it is not all powerful. All money is fungible and impermanent. Don't take my word for it; just look around at our current world.

Shabat shalom.

TORAH WEEKLY :: Parshat Yitro
For the week ending 14 February 2009 / 20 Shevat 5769
from Ohr Somayach | www.ohr.edu

OVERVIEW

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

1. Believe in G-d
2. Don't worship other "gods"
3. Don't use G-d's name in vain
4. Observe Shabbat
5. Honor your parents
6. Don't murder
7. Don't commit adultery
8. Don't kidnap
9. Don't testify falsely
10. Don't covet.

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

INSIGHTS

A Fish Out Of Water

"And G-d spoke all these words." (20:1)

Chagall, Rothko, Modigliani, Pollock, Mahler, Kafka, Mendelssohn, Marx, Trotsky, Freud, and Einstein are but a small fraction of the Jewish contribution to creative invention.

Some 15 percent of all Nobel Prize nominees have been Jewish, while the Jewish People barely rise above a half a percent of the world's population. The Jewish desire to light up the world, and their success in doing so, is very disproportionate to our numbers.

Mark Twain, in his now famous article in Harper's Bazaar (March 1898), identified the Jew's "alert and aggressive mind."

Of all the anti-Semitic slogans lobbed our way throughout history, no one has ever accused the Jews of being stupid. What is referred to in the United States as a Polish joke, and becomes in England an Irish joke, has never transmuted anywhere in the world to a Jewish joke.

The aspiration of someone who delves deeply into the Torah is to author his own chidushim (novellae). How is it possible to say anything new after thousands of years and thousands of brilliant minds turning the Torah over and over? And yet, every generation produces its truly gifted Torah thinkers who manage to innovate and enlighten while nevertheless staying firmly within the parameters that the Torah itself defines.

We are a people of innovation.

The first mitzvah given to the Jewish People was Kiddush HaChodesh, the sanctification of the New Moon. It was the first mitzvah because it expresses the essence of the Jewish People; the new moon is both as old as the solar system and brand-spanking new. And the Jewish People are both as old as history and as new as tomorrow.

When Yaakov Avinu blessed Ephraim and Menashe, his blessing was that they should multiply like fish.

Something very interesting happens when rain falls on a lake. The fish come to the surface to drink the drops of rain. In spite of the fact that they are surrounded by water - they live in it; they drink it - nevertheless, fish always swim up to imbibe the new drops of rainwater.

Thus it is with the Jewish People. If a Jew is not connected to Torah he will still thirst for innovation as history amply demonstrates. And for those for whom Torah is life, though the Torah was given over three thousand years ago, the Jewish mind and soul longs to hear and drink in the words of the greatest Torah minds of the age.

Peninim on the Torah by Rabbi A. Leib Scheinbaum Parshas Yisro

The entire people responded together and said, "Everything that Hashem has spoken we will do." (19:8)

The Revelation-- with all that preceded it -- including the actual Giving of the Torah-- was an unparalleled, awesome experience. Above all, it was a Jewish experience. With this in mind, we may wonder how someone who is megayer, converts to Judaism, relates to an experience that was so seminal and so inherently Jewish. Chazal teach us: The Torah writes: "Hashem came from Sinai - having shone forth to them from Seir, having appeared from Mount Paran." (Devarim 33:2) What was He doing in Seir and Paran? Rabbi Yochanan says, "This teaches us that Hashem went to every nation and asked them to consider accepting the Torah. They refused. He then went to Klal Yisrael, who accepted it wholeheartedly." Let us try to digest this statement. Is it not probable that some members of the gentile nations were quite ready to accept the Torah? Furthermore, is it certain that every Jew was ready to accept the Torah? Is it possible that some might have dissented?

The Gaon, zl, m'Vilna explains that this is exactly what occurred. A number of gentiles wanted to join Klal Yisrael. Regrettably, they were outnumbered and, thus, compelled to follow the majority. These neshamos, holy souls, are the source of all those who have converted and become geirei tzedek throughout the generations.

There is, however, a flip-side to this phenomenon. Regrettably, some of our own co-religionists were not prepared to accept the Torah. They balked, but were absorbed among the multitudes that declared, Naase V'Nishmah, "We will do and we will listen." Their neshamos were the souls of alienated and mixed up Jews who became meshumadim, apostates, throughout history. The weakness in their spiritual character did not allow them to withstand the vicissitudes that have confronted the Jew.

The Chida substantiates this idea from the fact that Chazal refer to the convert as ger she'nisgayer, a convert who converted. Clearly, prior to his conversion, he had not yet been a ger. Therefore, he should be referred to as goi, a gentile, she'nisgayer, that converted. This indicates that the neshamah of the ger stood with Klal Yisrael at Har Sinai. He was already then a ger. It just took some time until his relationship with Klal Yisrael was revealed.

The Yalkut Reuveni posits that the ger was originally a Jew who, due to his sin, was nisgalel, reincarnated, as a gentile and now has returned to his original Jewish state. Since he was sent back to this world as a gentile only for the purpose of atonement, a phenomenon which was achieved, it is as if he had never left the Jewish People.

Count Pototsky, the famous ger tzedek, Rav Avraham ben Avraham, zl, who was very close to the Gaon, zl, was burned at the stake on the second day of Shavuus in the year 1749, because he refused to denounce his Jewishness. When the Gaon became aware that Rav Avraham was about to die, he conveyed a message to him that he could have saved him from death by using the secrets of Kabbalah, mysticism. The Count replied that he did not want to be saved. He was prepared to die Al Kiddush Hashem, to sanctify Hashem's Name. "From the moment I acknowledged the existence of the true G-d, I have waited for the time in which I could fulfill the mitzvah of Kiddush Hashem. I am not willing to forego this singular opportunity just in order to save my body." No explanation exists, other than the above hypothesis, for such unparalleled devotion. He, as well as countless other geirim, stood at Har Sinai and declared: Naaseh v'nishmah, "We will do and (then) we will listen."

Horav Shlomo Zalman Auerbach, zl, was wont to relate from the talmidei ha'Grah, disciples of the Gaon, that among their group was a distinguished student who exemplified character refinement, as well as erudition. This young man and his wife sustained the loss of an infant son shortly after the infant's birth. The Grah came to visit them during the Shivah, seven day mourning period. He explained that when the ger tzedek's neshamah ascended to Heaven, it was noted that while he purified himself during his lifetime in a manner that was unprecedented and absolutely incredible, he

did have one spiritual fault: his conception and birth were not b'kedushah, consecrated. In other words, his parents were not Jewish. Therefore, he was sent back to this world as a gilgul, in the body of their infant. He died shortly after birth, and, as his birth parents, they merited to complete his spiritual tikkun, restoration.

Horav Yechiel Michel Feinstein, zl, relates that he heard that the Shabbos prior to the Count's conversion, his last Shabbos as a gentile, he could not rest. He did not stop speaking about the kedushah, sanctity, of Shabbos. He felt a transition about to occur, a metamorphosis taking place within him. He clearly possessed a great neshamah which inspired him to question, to anticipate and to yearn for the moment when he, too, could experience the kedushah Shabbos. This is one more sign that geirus, conversion, is more of a transitional about-face, in which one returns to an original sense of belonging, rather than a completely new beginning.

The entire people responded together and said, "Everything that Hashem has spoken we shall do!" (19:8)

Much has been written about Klal Yisrael's response. In fact, Naase v'nishma, "We will do and we will listen," has become a fundamental principle in Jewish thought. The Ohr HaChaim HaKadosh focuses on how they responded - in unison, unanimously accepting Hashem's Torah with enthusiasm and fervor. He writes: "No one responded later than his fellow, nor did anyone precede his fellow; no one altered his declaration or replied in a different version. Fortunate is a world in which this nation is a member of its nations." He concludes: "The word yachdav, together, indicates that everyone spoke simultaneously, at the same moment, in the same vernacular, with the same words. This demonstrates the incredible unity that reigned among Klal Yisrael at that time."

Never has there been such an unparalleled display of harmony among Jews. This awesome demonstration of oneness, solidarity and unanimity stands out as the pre-eminent "achdus moment" in our history as a people. Horav Yitzchak Hutner, zl, distinguishes between the unity of Klal Yisrael at Mattan Torah, the Giving of the Torah, and that of the Egyptians whose singular purpose was to annihilate the Jews. Concerning the Giving of the Torah, it is written, "And Yisrael encamped there, opposite the mountain" (19:2), which Rashi explains as, k'ish echad, b'lev echad, as "one man with one heart." In 14:10, the Torah describes the Egyptians chasing after us, "Egypt was journeying after them," rendering the entire Egyptian army into one "Egypt," a force united on one mission: killing the Jews. Here, Rashi describes them as focused in a totally opposite manner, b'lev echad k'ish echad, "with one heart as one man." What is the distinction between these two formulations?

Rav Hutner explains that the difference lies in the nature of Klal Yisrael as one entity - one person - one body. Although we are considered one organism, we do have individual retzonos, wills, and attitudes. In rare instances, however, all of our preferences and desires coincide, as they did during Mattan Torah, when we all yearned for the same goal: to accept the Torah. Then, we are of one body and one heart - a harmonic totality. This is possible because essentially we are one body. The nations of the world do not have this ascendancy, since they are individual bodies. At times, they are of one heart like one body. They can never have total unity, because their bodies do not comprise a single unit.

Horav Yitzchak Zilberstein, Shlita, cites Horav Sholom, zl, m'Belz, who notes the significance of achdus among Jews. He makes the following observation. On Monday and Thursday following Krias HaTorah, the Torah Reading, we recite five verses of Yehi Ratzon, "May it be the Will," in which we petition the Almighty for the fulfillment of the yearnings and desires common to us all: for the restoration of the Temple; for the preservation of the remnant of our people who have escaped destruction; for the life and welfare of the disseminators of Torah together with their families and disciples; and, finally, for the advent of the promised tidings of salvation, consolation and the ingathering of the exiles. These are wonderful and meaningful prayers. They are followed by the Acheinu, "As for our brethren," prayer, in which we pray that our brethren throughout the world be redeemed from oppression and distress, speedily in the not-too-distant future. Why, asks the Rebbe, is the Acheinu prayer preceded by a Yehi Ratzon, special plea to the Almighty?

The Belzer Rebbe explains that when Klal Yisrael is on the level of Acheinu, when all Jews view themselves as brothers, when harmony and unity reign, it will not be necessary to add the special plea. The merit of achdus will by itself catalyze Hashem's favor. No greater merit is accrued for our people than when we act as one people, as brothers, in mind, body and spirit.

Whenever I permit My Name to be mentioned, I shall come to you and bless you. (20:21)

In Pirkei Avos 3:7, Rabbi Chalafta ben Dosa talks about the presence of the Divine Spirit among men who study Torah. He first proves this to be true when the group consists of ten men. He substantiates this idea even when it is a group of five, or three, or even two. Then he concludes by saying, "And from where do we know that this is true even if one Jew studies alone? Because it is said in Shemos 20:21, 'Whenever I permit My Name to be mentioned, I shall come to you and bless you.' The commentators note that the word azkir, "I permit My Name to be mentioned/remembered," seems to be out of place. Should it not have said, tazkir, "You will remember Me." Horav Meir Lehmann, zl, explains that the "place" is understandably a reference to the Sanctuary, where the korbanos, sacrifices, are offered, and which serves as the only place in which the Shem Ha'Meforash, Ineffable Name of Hashem, may be pronounced in its written form. Rabbi Chalafta chooses this pasuk to teach us a profound lesson. Even when a man attempts the difficult task of studying Torah alone, Hashem supports him and helps him to succeed. Furthermore, lest one think that having studied alone without the benefits accrued in studying with a chaburah, group of scholars, diminishes his merits, for he has become utterly dependent upon Hashem's help, the pasuk concludes: "I shall come to you and bless you." It will be considered as though you accomplished this all by yourself.

Thus, the Torah writes azkir, "I cause My Name to be remembered;" it is with Hashem's intervention that the individual succeeds, yet he receives merit. Wherever Hashem's Name is remembered, even if the individual is alone and needs Divine help to succeed, the Divine Spirit grants him enlightenment.

People turn to gedolim, Torah leaders, and admorim, chassidic rebbes, for brachos, blessings, in all areas of life and human endeavor. This is appropriate, since they are tzaddikim, righteous people, and this is consistent with the Rabbinic axiom, Tzaddik gozeir v'Hakadosh Boruch Hu mekayeim, "The righteous person decrees and Hashem fulfills (his decree)." We forget, however, that every Jew who focuses his mind and effort on it has his own unique powers. Often, we rely so much upon the blessings of others that we forget to act on our own behalf.

Chazal are teaching us that each and every Jew has the ability to be blessed directly from the Source of all blessings, from the same Source that the tzadikim receive their blessings: from Hashem. All one has to do is study Torah with sincerity and diligence. The Shechinah, Divine Presence, comes and sits next to him, hovering over him, helping him to understand until He ultimately blesses his endeavor.

A chosson, groom, came to Horav Meir Chadash, zl, to seek his blessing and counsel before his wedding. The venerable Mashgiach told him, "I am certain that you are following the tradition of visiting with Rabbinic leaders of the present and also of the past, petitioning them for their blessing. Surely, you must want the blessing of He Who is the Source of all blessing. Clearly, you want Hashem's blessing. I advise you that on the day of your chupah, you set aside a specific block of time as a seder to study Torah. Hashem will then come to you and bless you. In this way, you will proceed to the chupah accompanied by Hashem's blessing."

Otzros HaTorah puts it succinctly when he cites the pasuk we recite three times a day: Karov Hashem l'chol kor'av, l'chol asher yikra'uhu b'emes, "Hashem is close to all who call upon Him; to all who call upon Him sincerely." This pasuk means exactly what it says. Hashem moves near to anyone who calls to Him with sincerity. We have no need to look for any other panaceas - only to turn to Hashem. When He is close, we can ask Him to address our needs.

When the Chafetz Chaim became known as the great sage and tzadik that he was, people flocked to him from all over, seeking his blessing. He commented: "Is it possible that in the place where the King is to be found

and available that a person would instead come and seek out the favor of His servant? The Ribbon Shel Olam is in your midst. He is available to hear your pleas. Why would you, instead, turn to someone like me? I cannot help you on my own. Turn directly to Hashem!"

The Chafetz Chaim once visited a community and was greeted by a large throng of people, all waiting to speak to him, to petition him to pray for them and their families. He looked at them and said, "No father is pleased when one son sends his request via another son. The father wants the petitioner to turn directly to him without any intermediary. We are all banim la'Makom, sons of the Almighty. Each and every one of us should turn directly to Him. He who feels that as a result of his sins, Hashem is angry with him, should perish the thought. I assure you that Hashem waits and desires your prayer. He will appease you as soon as you turn to Him. This is what a father wants."

He would advise people to go into their own private little corners and pour out their hearts to Hashem, like a son to a father: no platitudes; no speeches; no fancy kavanos, devotions, or esoteric meditations; just plain talk in simple terms, with warm tears and a broken heart. Tell it like it is and ask in simple terms.

The Chafetz Chaim would offer the following analogy: A poor man approaches a wealthy miser and cries his heart out to him, insisting that he is unable to get money from anyone else. He has exhausted all avenues of relief. "Please help me. There is no one else," he pleads. Even the most miserly, tightfisted individual will open up his wallet to give. Surely, if one turns to Hashem, his G-d, his Heavenly Father, the Creator of the universe, saying, "No one else can help me but You, Hashem." Surely, Hashem will listen. Try it.

You shall not ascend My Altar on steps, so that your nakedness will not be uncovered upon it. (20:23)

The Kohanim ascended to the Altar by means of walking up a ramp. Had they been required to mount it on steps, it would mean raising their legs in a manner that would represent a slight immodesty on their part to the steps of the Altar. On a ramp, they would not have to spread their legs, and they would instead move more evenly. The last two pesukim of this parsha teach us a profound lesson. The preceding pasuk adjures us not to use metal as the raw material to cut the stone used for the Altar. The Altar is here to extend life, while metal is often used to shorten life, as in weapons. Both pesukim deal with sensitivity towards the Altar and its steps, both inanimate objects that have no feelings or consciousness. Yet, if the Torah sees fit to warn us to refrain from causing "shame" to those inanimate objects, then surely we should be extremely vigilant not to cause shame or embarrassment to any human being.

Sensitivity towards another human being occurs in two ways: negative, which is understandable and acceptable; positive, which some of us find difficult. In other words, while we all agree that humiliating someone is a terrible thing to do, not all of us seem prepared to go out of our way to provide support or to make someone feel good. Let us first focus on the dreadful consequences stemming from negativity towards one's fellow.

The Chasam Sofer relates the following incident which took place during the Maharsha's tenure in Ostrow. An individual, who was notorious for the evil he had perpetrated, died. This man, albeit Jewish, did not act in a manner becoming a Jew. Nonetheless, as often occurs, he wanted to die as a Jew even if he had not lived as one. As the deceased was being prepared for burial, one young man, a student in the yeshivah, went over and pinched the deceased on his nose. The other members of the Chevra Kadisha, sacred society, who were doing the taharah, washing and purification of the body, snickered. That night, following the burial, the young man who had committed the dastardly act had a dream in which the deceased appeared and summoned him to a din Torah, lawsuit, before the Heavenly Tribunal.

The next morning, the young man spoke to his father and shared his fears with him. His father told him not to worry. It was nothing. The deceased apparently did not agree with the father, because he appeared again - and again, demanding the young man's presence before the Heavenly Tribunal. It reached the point where the young man became gravely ill as a result of the anxiety catalyzed by the recurring dream. He was brought to the

Maharsha, who had him go to sleep in his home, with instructions that the Maharsha be called as soon as the dream repeated itself.

A few hours after the young man fell asleep, he awoke screaming, gripped by a deathly fear. The Maharsha was immediately notified. When he arrived at the bed where the shaken young man sat trembling with fear, he immediately asked the "deceased," "Why are you bothering this young man?" The "deceased" replied that he had been humiliated by him.

"But you are a rasha gamur, totally wicked person. Your entire life was focused on committing evil. What do you expect from this young man?" the Maharsha asked.

"It is not true. I was not totally evil. I once noticed a Jewish scholar fall into the river, and, as he was about to go under, I jumped in and rescued him from certain death. As a result of this incident, we established a relationship and became good friends. I even secretly supported him and his family. Thus, when I arrived in Heaven, I was treated with the utmost respect. Indeed, one would think that I was a devoted Torah sage. No sins were recorded against me, because one who saves a fellow Jew is considered as if he sustained the entire world. Furthermore, due to the fact that I supported a talmid chacham, Torah scholar, I share in his Torah achievements. I am also considered a scholar. Yes, I certainly have the right to demand reparation for the humiliation which I sustained."

The Maharsha thought for a moment and responded. "In truth, while you have achieved tremendous merit, you still have a considerable amount of unrepented sin that must be accounted for. It can neither be ignored nor brushed away. The Satan is waiting with a record of your life of sin and wickedness. He is being blocked from going forward, due to the one life that you saved, but Satan is relentless. He will not halt his indictment of you, and he continues to seek some way to "trip you up." If, through your dogged pursuit of revenge against this young man, you cause his death, Satan will come forward clamoring that there is no middah k'neged middah, measure for measure. True, you saved a life, but you also will have taken a life. They should cancel each other out, and you should have to answer for your sins. Is that what you really want? I suggest that you acquiesce and forgive this young man before your redress claims you as its victim."

The dream came to an abrupt end. The lesson of this story is compelling. The Heavenly Tribunal was about to summon the soul of this young man prematurely as a result of the minor humiliation he caused to the deceased. How careful we should be concerning the feelings of our fellow man.

There is no dearth of stories which relate to the actions of those whose sensitivity for their fellow man was acute. There are two, however, that I have treasured, due to the individual involved and the sensitivity which he demonstrated. Horav Chaim Ozer Grodzenski, zl, guided European Jewry during the first half of the twentieth century. An acknowledged source of Torah perspective concerning everything Jewish, he was a source of counsel, Torah erudition and adjudication to thousands of European Jews. His living room at any given time would be filled not only with roshei yeshivah and rabbanim, but also with widows, orphans, yeshivah students and communal leaders from all over.

He would often spend his summers in Druskenik, a resort town near Vilna. As a result, this became the summer address for Jews to visit. They came by the scores to talk, ask advice, seek a blessing, and speak in learning.

The rabbi of Druskenik made it his responsibility to seek suitable quarters for Rav Chaim Ozer and his rebbetzin. When the rebbetzin passed away, Rav Chaim Ozer said that all he needed was a bed and a book case. After the rabbi had shown him the quarters that he had selected, Rav Chaim Ozer said, "I must check with her before I make a decision."

The rabbi was taken aback, but said nothing. It was one of the bystanders that whispered quietly, "Is not Rav Chaim Ozer a widower?" The mystery surrounding "her" was soon solved, when they discovered that he was referring to his cook. Apparently, the kitchen in the bungalow was some distance from the dining area. Rav Chaim Ozer feared that carrying the food and the dishes all the way from the kitchen to the dining room would be too much for the cook. Only after she arrived and gave permission did he acquiesce to renting the bungalow.

He would often take health walks in the forest while he vacationed in Druskenik. Each time he would be accompanied by a group of students and

a rav seeking his counsel. They were once walking when a young man with a speech impediment came over to ask directions to a certain place. One of the rabbanim who accompanied Rav Chaim Ozer was about to give the directions, when Rav Chaim Ozer suggested that they walk with the young man. It was a not-so-short walk and completely out of their way. The other rav asked Rav Chaim Ozer why simply giving the directions would not have sufficed. The sage replied, "That young man has great difficulty speaking. The directions are far from easy to follow. He would, therefore, have to stop a few more times to ask people for directions. I am sure that, as a result of his speech impediment, he finds it difficult to ask something of others. By accompanying him, we made certain that he would not have to ask anybody else for directions." This is the meaning of sensitivity to the needs of others.

Va'ani Tefillah

He will do the will of those who fear Him; He will hear their cries and save them.

The text of this prayer seems redundant. The Divrei Chaim, Horav Chaim Halberstam, zl, m'Sanz explains that the righteous are embarrassed to petition Hashem for all things material. It is inappropriate for a person whose life is one of total devotion to the spirit to be concerned about gashmius, physicality and material needs. Hashem, however, does what has to be done. He takes care of His devotees, even if they do not ask. This is the meaning of Retzon yireiv yaaseh, "He will do the will of those who fear Him." Hashem knows what is their will - even if they do not express themselves. How does Hashem do this? The pasuk continues: V'es shavasam yishma v'yoshieim, "He will hear their cries and save them." Shavah is a silent cry from the heart. Hashem listens to the heart of the tzadik. He hears his internal cry. This is his ratzon, will. Hashem listens to the heart and fulfills the will of the tzadik.

In memory of Meir Bedziner R' Meir ben Betzalel HaLevi z'l niftar 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

Rabbi Yissocher Frand on Parshas Yisro Not Just A Case of Politics Making Strange Bedfellows

Parshas Yisro contains the narration of the receipt of the Torah. This section is the Torah reading on the first day of Shavuus. The pasukim say, "In the third month from the Exodus of the Children of Israel from Egypt, on this day, they arrived at the Wilderness of Sinai. They journeyed from Rephidim, and arrived at the Wilderness of Sinai and encamped in the Wilderness and Israel encamped there, opposite the mountain. [Shmos 19:1-2].

Rashi comments that the verbs for they arrived (ba-u), they journeyed (va'yis-u), they arrived (va'yavo-u), and they encamped (va'yachanu) are all plural. Suddenly, when the pasuk states: "Israel encamped there" the Torah uses a singular verb (va'yichan). In a famous comment, Rashi notes that the encampment at Sinai was "like one man with one heart" (k'ish echad, b'lev echad), although until that point every encampment had been with some complaint or dispute.

The Tanna of the School of Eliyahu is even more explicit: "Great is peace and unity for in connection with all the travels we find 'They traveled', 'They camped' (plural - indicating multiplicity of opinions and strife). However when they came to Sinai, they camped in unity as it is written (singularly) 'Israel encamped opposite the mountain.' The Almighty said, 'Since they despised strife and loved peace and camped as one person, the time has come for Me to give them My Torah.'"

The Avnei Nezer points out that Rashi makes a very similar comment in last week's parsha (B'Shalach). The pasuk says, "And behold Egypt traveled after them (noseah achareihem)" [Shmos 14:10]. Again, the pasuk uses the singular form of the verb noseah. There too Rashi comments "with one heart, like one man." In other words, the Egyptians achieved this apparent level of unity in their pursuit of Israel.

However, the Avnei Nezer suggests, there is a significant change of emphasis from the Rashi in B'Shalach to the Rashi in Yisro. In B'Shalach, when speaking about the Egyptian pursuit of Israel, Rashi uses the expression "b'lev echad k'ish echad" [with one heart, like one man] and here in Yisro, when speaking about the encampment at Mt. Sinai, Rashi uses the inverse expression "k'ish echad, b'lev echad" [like one man, with one heart]. Why is Rashi not consistent in explaining the idea of unity?

The Avnei Nezer gives a beautiful answer. The Mishneh says "Any love dependent on a tangible matter is destined to become nullified; any love independent of tangible matters is destined to last." [Avos 5:16] People can have a love based on a specific reason or agenda. One can fall in love with a person based on their money or beauty, but when the ulterior motive for establishing the relationship disappears, the love disappears. If, on the other hand, the love and unity is NOT based on any specific trait or reason but is based on the people themselves, that is love of a different magnitude. There can be unity among people for different reasons. Sometimes there is unity among people because they have the same agenda. The thing that binds us together is common purpose. Basically, we hate each other, but if we have a common purpose, we can put aside our differences and unite to achieve a common agenda. There is an expression "politics makes strange bedfellows."

Fundamentally, these groups have totally opposite philosophies of life, but on one issue there can be unity and common purpose. For example, we have many differences with the Catholic Church, but when it comes to the question of government aid for parochial schools, we do share a common agenda. On this issue, we are on the same side and we can work together in unison.

The Egyptians formed this latter kind of coalition amongst one another. They all had one goal - to recapture the escaping Jews, their former slaves. This is articulated in the expression "b'lev echad" [with one heart]. They had a common desire which created a unity that made them be "k'ish echad" [like one man]. This is a very tenuous type of unity.

This is contrasted with Israel's encampment opposite the mountain that Rashi describes beautifully as "k'ish echad, b'lev echad". There, the unity was created because of commonality of the people themselves. Everyone felt they were brothers with each other. This was real unity, not merely superficial unity to achieve a common agenda. This sense of identity of "k'ish echad" of course led to an identity of purpose as well - "b'lev echad".

As an addendum, I would like to share the following beautiful insight that I recently heard. Consider the five consecutive paragraphs recited on Mondays and Thursdays following the Torah reading. Each of the first four paragraphs begins with the words "Yehi Ratzon m'lifnei Avinu B'Shamayim..." [May it be the will before our Father in Heaven...] We pray that it should be His Will to reestablish the Bais HaMikdash; it should be His Will to have mercy upon us; it should be His Will to sustain the scholars of Israel and their families; and it should be His Will that we hear good tidings, and so forth. Suddenly, this poetic symmetry is broken in the fifth paragraph, which does not begin with the words "Yehi Ratzon" but begins with the words "Acheinu kol Beis Yisrael" [Our brethren, the entire House of Israel]. Why the change?

Rav Chaim Sanzer teaches a fantastic lesson. In the fifth paragraph, the words "Yehi Ratzon" become superfluous. Rav Chaim Sanzer explains that if we can already speak in terms of "Our brethren, the entire House of Israel" with a love and unity that we consider each and every Jew as our sibling, there is no greater fulfillment of "May it be the Will of our Father in Heaven" than this. The words "Yehi Ratzon" become superfluous. Great is peace when Israel encamps as one man opposite the mountain. This is the ultimate fulfillment of the Will of the Almighty.

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD

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**Rabbi Benjamin Yudin (The TorahWeb Foundation)
Timing is Everything**

The parsha begins by telling us that Yisro heard. What did he hear? Rashi cites the opinions of Rebbi Eliezer and Rebbi Yehoshua (Zevachim 116a) that he heard of the splitting of the Red Sea and the war with Amalek, and this caused him to come and convert to Judaism.

At first glance, it is somewhat puzzling that both of these phenomena contributed to his coming. The splitting of the sea was an indisputable open miracle while the war with Amalek was fought in a conventional fashion. In fact, the Torah itself testifies that at times during the war (when Moshe's hands were down) that Amalek prevailed. What did the war with Amalek contribute to causing Yisro to come and convert?

The Be'er Yosef (Rabbi Yosef Salant z'l) suggests a fascinating insight. The Torah tells us as part of the Shiras HaYam – the song of praise and exaltation – that the children of Israel sang to Hashem following their miraculous deliverance, “people heard and trembled, they were mortified by Israel's ascendancy. All the inhabitants of Canaan melted in fear of destruction and conquest” (Shemos 15:14-15).

At this moment in history, the Jewish nation was invincible, impenetrable. This perception and fear did not last long. When Amalek attacked, they accomplished “asher korcha” (Devarim 25:18) which our Rabbis understand to mean in addition to ‘chancing upon you,’ as ‘who cooled you off.’ Rashi explains that the pedestal that the Jewish nation was placed upon as a result of the Splitting of the Sea was toppled by Amalek. It may be compared to a boiling hot bath into which no person could descend. One scoundrel came, jumped into it; although he himself was scolded, he cooled it off for others. Similarly, the luster of the Jewish people was now diminished.

It is thus these two contrasting events that Yisro heard. Who is this Yisro? Shemos Rabbah (1:9) teaches that Pharaoh has three advisers who sat on his executive committee, advising him what to do with his Jewish problem. Bilaam, Iyov (Job), and Yisro. Yisro is a recognized world leader and adviser. In addition, Yisro is an accomplished theologian who studied all existing religions of the day, and chose Judaism above all the rest (Tanchuma Yisro 7). Moreover, the Mechiltah informs us that Yisro was living in an environment that afforded him much honor and recognition, yet he abandoned it all to go to the desert, a place of literal desolation, to study and accept Torah.

The damage done by the war with Amalek, the blow to the honor and dignity of the fledgling Jewish nation, following miraculous salvation at the splitting of the Red Sea, was restored by Yisro's embracing Judaism. The feeling of vulnerability that Israel felt by being attacked by Amalek was now replaced with greater self confidence and self esteem by Yisro's choosing on his own to convert to Judaism. Timing is everything!

This lesson is timeless. At different times there are different mitzvos and priorities. The Rabbis describe the mitzvah of Moshe's taking the remains of Yosef as they were leaving Egypt as “chacham lev yikach mitzvos - the wise man busies himself with mitzvos” (Proverbs 10:7). At first glance, why award Moshe with this special designation? Were not the rest of the Jewish people involved in the mitzvah of bizas Mizrayim, fulfilling the prophecy to Avraham Avinu that the slaves will leave with great wealth? The answer is obvious! While Moshe and Bnei Yisroel were involved with mitzvos, Moshe's were more demanding, less lucrative, and he seized the moment.

We are living in special and challenging times. We can not ignore the many who are experiencing economic hardships. A genuine interested show of concern is a fulfillment of “nosei b'ol im chaveiro” (Avos 6:6). “Feeling his plight” is a warranted mitzvah of the day. Increased support of local Torah institutions is especially necessary to compensate for the many who are presently unable pay their yeshiva tuition.

Finally, this past week the Jewish world lost a Yisro in the form of Rabbi Noach Weinberg, z'l. He, like Yisro, demonstrated initiative, and at a time when the Jewish nation needed a boost to its morale, Rabbi Weinberg created the network of kiruv rechokim throughout the world. As Yisro of old, he not only restored many to their roots, but the raised the level of Jewish pride and identity.

May we follow the example of Rabbi Weinberg, like Yisro before him, and recognize our opportunities to seize the moment and involve ourselves in the performance of mitzvos.

h a a r e t z

Portion of the Week / Of commandments and customs

By Benjamin Lau

At the heart of this week's Torah reading are the Ten Commandments, which God granted to Israel on Mount Sinai. The Torah refers to them as “the words of the covenant” (Exodus 34:28) because they are the very backbone of the faith and constitute the practical agenda of the Jewish people, a nation that seeks to lead humanity to an exemplary way of life.

In Deuteronomy, Moses recounts the event at Mount Sinai to a younger generation that was born in the desert, a generation that was not present at this decisive event, which will soon be entering the Promised Land: “For ask now of the days that are past, which were before thee, since the day that God created man upon the earth, and ask from the one side of heaven unto the other, whether there hath been any such thing as this great thing is, or hath been heard like it? Did ever people hear the voice of God speaking out of the midst of the fire, as thou hast heard, and live?” (Deuteronomy 4:32-33).

Considering their tremendous importance, it would have been natural to suppose that the Ten Commandments should occupy a central position in the awareness of every Jew. However, they have actually become highly controversial and the subject of an ongoing dispute among rabbinical authorities, who have sought to downplay the centrality of the granting of the commandments, and the Jewish public at large, which wanted to continue to relive that dramatic moment in the nation's history.

During the First and Second Temple periods, the Ten Commandments held a privileged status compared to other important elements of the Torah. According to the Mishnah (Tractate Tamid), when the priests presented korban tamid (the daily sacrificial offering) in the Temple in Jerusalem, their prayer included the Commandments, the “Shema Yisrael” prayer, and the priestly blessing. Yigael Yadin, a renowned archaeologist and the Israel Defense Forces' second chief of staff, who discovered tefillin at Qumran, showed that the parchment in the tefillin included the Ten Commandments.

The Babylonian Talmud (Tractate Brachot) relates, however, that at a certain point in time, the rabbinical authorities decided to remove the Ten Commandments from Jewish liturgy: “Rabbi Judah cited Samuel [a third-century amora, or post-Tannaic Talmudic scholar, who lived in Babylon]: ‘Even Jewish communities outside the Land of Israel wanted to include the Ten Commandments in their prayers; however, the rabbis removed them from the liturgy because of the argument used by the heretics.’” The Jerusalem Talmud elaborates on that argument: The heretics claimed that only the Ten Commandments, and not the other commandments in the Torah, were given to Moses at Sinai.

The late Prof. Ephraim E. Urbach of the Hebrew University of Jerusalem pointed out in an article that such an argument was used only by a certain group of heretics. Obviously, such a claim seriously undermined the Torah's authority.

Although the rabbis succeeded in minimizing the Ten Commandments' centrality in Judaism, we can still find traces of the tradition of giving them a privileged status in the liturgy. For instance, the commandments appear in the prayers recited individually before the beginning of communal services. In one area, as well, the general public gained the upper hand over the rabbinical authorities: When the Torah is read in the synagogue and the reader reaches the passage containing the Ten Commandments, the congregation rises; this happens three times a year - on the Sabbaths when Parashat Yitro (this week's Torah portion) and Parashat Va'etchanan, respectively, are read, and on the festival of Shavuot.

In 1934, Abraham Haim Freimann publicized responsa by Maimonides on questions concerning Jewish law; this collection included hundreds of responsa that had never been published before. In one of them (section 46), members of a certain Jewish community inform Maimonides that, several generations earlier, a great rabbi had come to their community and had stopped the custom of rising when the Torah reader recited the Ten Commandments, on the grounds that this practice supported the argument used by heretics. However, a new rabbi came along, who used to live in a

community where the congregants did rise on such occasions, and he wanted to institute that custom, on the grounds that, when the Torah reader reaches the Ten Commandments, the congregants must follow the example of the Israelites at Mount Sinai, about whom it is written: "And they stood at the nether part of the mount" (Exodus 19:17). The new congregation objected to the decision of the rabbi to use his authority to change a custom that had been instituted many years earlier by the first rabbi.

Maimonides concurred: "The custom instituted by your late rabbi, may his soul rest in peace, is correct and the argument he used to justify it is a valid one. And this is the proper custom: Wherever it is the custom to stand up when the Ten Commandments are included in the Torah reading, that custom must be canceled."

Despite Maimonides' objections, the custom has lingered to this day, and in most synagogues throughout the world, the congregation rises when it hears the Ten Commandments read out. Former Sephardi chief rabbi Ovadia Yosef has, for years, tried to eradicate the custom. In 1938, four years after Freimann published the collection of Maimonides' responsa, in his own responsum, Rabbi Yosef (who was only 18 at the time) referred to the custom and summed up his position as follows: "Naturally, we should all follow Maimonides' instructions."

However, the general Jewish public is unwilling to give up this practice, and former Jerusalem chief rabbi Shalom Mashash even wrote an article justifying it: "This was a time-honored custom in Morocco and the congregants would stand up when the cantor recited the Ten Commandments in the synagogue. At those moments, there was a grand feeling of awe in the synagogue and no one dared to utter a word. This practice can be traced back to the fact that, when the Torah was granted to Israel amid thunder and lightning, we are told: 'And when the people saw it, they removed, and stood afar off' (Exod. 20:18)."

Rav Kook List

Rav Kook on the Torah Portion

Yitro: Coercion at Sinai

The Torah describes the remarkable events that preceded the revelation at Mount Sinai:

"Moses led the people out of the camp towards God, and they stood at the bottom of the mountain." [Ex. 19:17]

The Midrash interprets the phrase "bottom of the mountain" quite literally: the people were standing, not at the foot of the mountain, but underneath it!

"The Holy One held the mountain over them like a bucket and warned them: If you accept the Torah - good. And if not - here you will be buried!" [Shabbat 88a]

Would it not have been preferable for the Jewish people to accept the Torah from their own free will? Why does the Midrash teach that they were forced to accept it?

Limits to Free Will

It is essential that we have the ability to choose between right and wrong. This is how we develop and refine our ethical faculties. However, there are limitations to our free will.

Not everything is subject to freedom of choice. Free will itself is an integral part of life and is beyond our control. We are not free whether to choose or not. We must make a choice. We decide what to choose, where to go, which path to take. But the necessity to choose, like life itself, is forced upon us.

If the Torah was simply a manual for making good ethical decisions, it would be appropriate for Israel to be free to accept or reject the Torah. The Torah would belong to the realm of free will, and the fundamental decision to accept and follow the Torah would need to be made freely, without coercion.

But the Torah is much more than a moral guidebook. The Torah expresses our inner essence. When we violate the Torah's teachings, we become estranged from our own true selves. For this reason, the Torah needed to be given to Israel in a compulsory act, just as the very basis of free will is placed upon us without our consent.

Supporting the World

The corollary to this truth is that the Torah is not the private possession of the people of Israel, nor is Israel a private entity unconnected with the other nations of the world. Within inner core of creation, all is interconnected and interrelated. The universe mandates the existence of the Torah and its acceptance by Israel.

Why did the Midrash use the image of an immense mountain dangling overhead as a metaphor for the inevitability of Matan Torah?

Mount Sinai merited a unique position on that decisive day. The mountain represented all of creation; it became the universe's center of gravity. Mount Sinai absorbed the quality of universality and was permeated with the force of inevitable destiny. It represented the impossibility of life, or any aspect of existence, without Israel accepting the Torah.

The Jewish people made their stand under the mountain. Like Atlas, they supported an entire universe that was concentrated within the mountain held over their heads. "If you accept the Torah, good" - for then you will have been faithful to your true essence, the truth of your very existence. "And if not, here you will be buried." The entire universe will rise up against you, just as you have rebelled against your true selves.

[adapted from Ein Eyah vol. IV, p. 191]

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The Alter on the parsha

Shmuessen of rav Nosson Tzvi Finkel adapted from sefer ohr hatzafun by Rabbi Eliezer Grunberg (Development Director - RSA, Yeshiva Chafetz Chaim)

PARSHAS Yisro 5769

כוחה של נקודה רוחניות

We tend to measure our spiritual achievements by the number of our positive acts and great feats we perform. When performing small spiritual acts or when holding back and not doing wrong, we sometimes may question what effect is it having on our spiritual growth. Does it make such a difference? Are we really accomplishing? When we learn a little Mussar, does it really help?

In this week's Parsha, in the Aseres Hadibros, we are given the mitzvah of Shabbos. "כי ששת ימים עשה ה' את השמים ואת הארץ את הים ואת כל אשר בהם וינה" "שמות כ"א"א) – "For in six days Hashem made the heavens and the earth, the sea and all that is in them, and He rested on the seventh day." On the day of Shabbos nothing new was created, the whole process of creation came to a halt. It was a day of complete rest – there were no actions being performed. Yet Shabbos and its very state of rest is what completed creation.

"ששת ימים תעבד ועשית כל מלאכתך, ויום השביעי שבת לה' אלקיך לא תעשה כל מלאכה" (שמות כ"א"א) – "Six days shall you labor and accomplish all your work; but the seventh day is Sabbath to Hashem, your G-d; you shall not do any work..." Just as Hashem rested on the seventh day, we are commanded to rest on the Shabbos and refrain from working as well. Every week it is that very state of rest which brings about the holiness of Shabbos – as the posuk "וינה ביום השביעי על כן ברך ה' את יום השבת ויקדשהו" – "And He rested on the seventh day. Therefore, Hashem blessed the Sabbath day and sanctifies it."

The Gemara (ע' פסחים מ"ט) tells us that until the age of 40, Rabbi Akiva was ignorant of Torah law and truly despised Torah scholars. Rabbi Akiva himself said, "When I was ignorant of the Torah I used to say, 'who will give me a Torah scholar and I will bite him like a donkey.'" Yet, we know that Rabbi Akiva became one of the greatest Torah scholars. Chazal tell us that Moshe Rabbeinu, when he received the Torah from Hashem, was shown insights of Rabbi Akiva that he was not able to understand. Rabbi Akiva uprooted his hate for the Torah and its learners and came to love them. The Gemara in Berachos teaches us that his love for Hashem was such that every day he yearned for the opportunity to sanctify Hashem's name with his life. When that time came and the Romans combed his flesh with combs of iron, Rabbi Akiva did not feel the pain – he accepted the yoke of Heaven with pure love and happiness.

What caused this transformation in Rebbi Akiva? Chazal (ע' אבות דר' נתן פ"ו) tell us that one day Rebbi Akiva was standing near a well and saw that the constant drip of water had bore an indentation in the rock. Rebbi Akiva said, "If something so soft can break something so hard then surely the words of Torah can make an impression on my heart." After not learning for 40 years he immediately went to study Torah.

Merely looking at the water and learning a simple lesson had an impact on Rebbi Akiva's soul that resulted in him reaching such levels of spirituality. While our actions and even holding back from acting seem small and insignificant, from Chazal we see that this is not the case. We live in an era when so many are ignorant of the Torah and the influences of society constantly lure more away. The power of a small dose of inspiration can go along way in returning a Jew to his heritage. Every little step in the right direction and every time we deliberately hold back for the sake of Hashem can be a spiritual achievement beyond our imagination.

ליכות לרפואה שלמה תינוק בן אילנה יוכבד

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YatedUSA Parshas Yisro 19 Shevat 5769

Halacha Discussion by Rabbi Doniel Neustadt

Tosefes Shabbos: How and When

Remember the Shabbos day (Yisro, 20:8)

From here is derived the mitzvah of Tosefes Shabbos (Mechilta)

The majority of poskim maintain that the mitzvah of mosifin mi-chol al ha-kodesh, starting Shabbos early in order to incorporate a small part of the weekday into Shabbos, is a positive commandment min ha-Torah.¹ Although this seems to be a relatively easy mitzvah to perform — a mitzvah which most people assume that they perform routinely and correctly — this is not necessarily the case. In order to know if we are, indeed, performing this mitzvah correctly, lets review the basics:

Question: How much time should be added as tosefes Shabbos?

Discussion: The Rishonim do not specify a particular amount of time as the minimum addition required to fulfill this mitzvah. Latter-day poskim suggest various amounts of time, ranging from a minimum of two,² four,³ and five⁴ minutes, up to twelve⁵ or even fifteen⁶ minutes. One who is particular to fulfill the mitzvah according to the views of all poskim is to be commended.⁷ Tosefes Shabbos is equally incumbent upon men and women.⁸

One may be mekabel Shabbos as early as pelag ha-Minchah, which is an halachic (zemaniyos) hour and a quarter before sunset, but not earlier. Any kabbalas Shabbos made before pelag ha-Minchah, including lighting candles, is null and void and must be repeated.⁹

Question: What is the procedure for being mekabel tosefes Shabbos?

Discussion: In order of halachic preference, there are four possible methods of fulfilling the mitzvah of tosefes Shabbos. One can do so by:

1. Reciting a blessing or a prayer that sanctifies the Shabbos¹⁰ such as Kiddush, davening the Shabbos Ma'ariv, answering Borechu, reciting Mizmor shir l'yom ha-Shabbos or Bo'i b'shalom. Women can fulfill the mitzvah by lighting candles and reciting the appropriate blessing.¹¹

2. Stating that he is mekabel Shabbos for the sake of the mitzvah of tosefes Shabbos.¹²

3. Thinking in his mind that he is being mekabel Shabbos — even without actually expressing it in words.¹³

4. Refraining from doing forbidden Shabbos Labors — even without actually expressing or even thinking in his mind that he is accepting the Shabbos — it is considered as if one added some time on to the Shabbos day and one fulfills the mitzvah.¹⁴

Question: When, exactly, should tosefes Shabbos take place?

Discussion: L'chatchilah, tosefes Shabbos should take place before sunset, for according to our custom, Shabbos begins at sunset. Thus, in order to perform the mitzvah of adding on to the Shabbos, one must be mekabel Shabbos before sunset. After sunset, one is not adding to the Shabbos since it is already Shabbos — regardless of his kabbalah.

L'chatchilah, too, tosefes Shabbos should take place after davening the Friday Minchah. This is because once Shabbos has been ushered in, the weekday Minchah service may no longer be davened.¹⁵

Ideally, therefore, Minchah on Friday afternoon should be scheduled to begin approximately twenty to twenty-five minutes before sunset. This will allow the congregation to daven Minchah and recite Mizmor shir or at least Bo'i b'shalom before sunset. This is the custom in many yeshivos and some shuls and the preferred manner to fulfill this mitzvah.¹⁶

B'diavad, if the minyan started late and will not be able to be mekabel Shabbos before sunset, an individual may be mekabel Shabbos upon himself after finishing the silent Shemoneh Esrei. He may still answer the Minchah Kedushah etc., although it is already Shabbos for him.¹⁷ This solution, however, will not help the Sheliach Tzibbur who must repeat the Shemoneh Esrei.

Question: Many, if not the majority of shuls, begin davening Minchah right before sunset, and do not recite Mizmor shir before sunset. Some shuls even go so far as to begin davening Minchah after sunset. How do these congregations fulfill the Biblical mitzvah of tosefes Shabbos?

Discussion: There are a number of possible approaches that could explain how these congregations fulfill the mitzvah of tosefes Shabbos:

1. As mentioned earlier, some poskim maintain that tosefes Shabbos need not be explicit — either verbally or silently — at all; simply refraining from forbidden work before sunset is sufficient. Thus the congregations who daven Minchah late are fulfilling the mitzvah of tosefes Shabbos simply by refraining from doing forbidden work before sunset. [Davening Minchah after this type of tosefes Shabbos will not be considered a "contradiction" to Shabbos, since there was no specific Kabbolas Shabbos that officially welcomed the Shabbos.¹⁸]

2. Some poskim are of the opinion that one may fulfill the mitzvah of tosefes Shabbos even after sunset. This is because in halachic terms, the "day of Shabbos" does not begin until tzeis ha-kochavim, when three stars are visible. Since until that time it is still Halachically considered as Friday, one can still fulfill the mitzvah of "adding" on to the "day of Shabbos" by verbally accepting Shabbos any time before tzeis ha-kochavim.¹⁹

3. Some poskim are of the opinion that it is permitted to daven Minchah on Friday afternoon even after an individual was mekabel Shabbos. Although Shulchan Aruch rules that once Kabbalas Shabbos has been recited in shul, Friday's Minchah may no longer be davened (and if an individual came late to shul and answered Borechu or said Mizmor shir with the congregation, he may no longer daven Minchah),²⁰ this applies only to a congregational Kabbolas Shabbos. A private Kabbolas Shabbos, such as a woman lighting candles in her home or an individual man accepting the Shabbos privately, does not preclude his (or her) davening the Friday Minchah afterwards.²¹

Footnotes

1 Beur Halachah, O.C. 261:2, s.v. yesh omrim.

2 Eretz Tzvi 70; Igros Moshe, O.C. 1:96.

3 Avnei Nezer 4:98.

4 Minchas Elazar 1:23; Teshuvos Maharshag 38.

5 Siddur Ya'avetz.

6 Mishnah Berurah 261:22 and Beur Halachah, s.v. eizeh, based on Chayei Adam 5:2, maintains that tosefes Shabbos together with bein ha-shemashos (which is about 14 minutes long) is half-an-hour long.

7 Mishnah Berurah 261:23.

8 See Kaf ha-Chayim 261:16.

9 Mishnah Berurah 261:25.

10 The concept that tosefes Shabbos should be accepted only through a blessing or a prayer and not through a simple statement is mentioned by several Rishonim; see Ritva to Berachos 27a, Shabbos 23b and 35a, Eiruvin 40b and Rosh Hashanah 9a. See also Chidushei ha-Ran, Shabbos 35a, quoting Ra'ah.

11 Men who light candles are not automatically mekabel Shabbos; Mishnah Berurah 263:42.

12 Mishnah Berurah 261:21 (as understood by Shoneh Halachos 261:3; Shemiras Shabbos K'hilchasah 46:2; Az Nidberu 1:1). [Possibly, just saying "Gut Shabbos" is sufficient, if by saying so one means to actually usher in the Shabbos and not merely to express a greeting; see Rav Akiva Eiger, O.C. 271:1.]

13 Bach and Gra, quoted in Mishnah Berurah 553:2. Tehilah l'David 263:10, however, opines that this is invalid.

14 See Aruch ha-Shulchan 261:2; Eretz Tzvi 60; Yabia Omer 7:34; Shevet ha-Levi 10:50. See Imrei Shalom 4:18 for an elaboration.
15 Mishnah Berurah 263:43.
16 Shemiras Shabbos K'hilchasah 46:5.
17 Tzitz Eliezer 10:15; Yabia Omer 6:21.
18 See Avnei Yashfei 1:56, quoting Rav Y.S. Elyashiv.
19 See Chazon Ovadyah, Shabbos, vol. 1, pg. 264.
20 O.C. 263:15.
21 See Beur Halachah 261:4, s.v. ein; Eretz Tzvi 60; Mishmeres Shalom 26:2 quoting the Minsker Gadol; Minchas Yitzchak 9:20; Tzitz Eliezer 13:42; Bris Olam, pg. 13. Preferably, one should specifically stipulate at the time of tosefes Shabbos that he is planning to daven Minchah afterwards; see Chazon Ovadyah, Shabbos, vol. 1, pg. 266.

YatedUSA Parshas Yisro 19 Shevat 5769

Halacha Talk

by Rabbi Avraham Rosenthal

Reciting Kiddush on Shabbos

One of the aseres hadibros that we will hear this Shabbos morning is the mitzvah of “zachor es yom haShabbos lekadsho” – “Remember the day of Shabbos to keep it holy” (Shemos 20:7). As this pasuk is the basis for reciting kiddush (and havdalah), let us take this opportunity to review some of the halachos relevant to kiddush on Shabbos. Of course, in the limited space of this article, it is impossible to cover all aspects and details of this mitzvah. Therefore, this week we will focus only on one aspect of kiddush: the requirements of the kiddush cup.

REVI'IS REQUIRED

One of the basic requirements of the cup or glass used for kiddush (kos shel bracha) is that it must hold a revi'is of liquid (Rambam, Hilchos Shabbos 29:7). If the kos does not hold the minimum amount, it is not considered to be a kos shel bracha. One who recites kiddush over such a kos, not only has he not fulfilled the mitzvah, but he has recited a bracha levatalah (Sha'ar Hatziyun 183:14; Shulchan Aruch 271:11). [What one should do in this situation is beyond the scope of this article. See Shemiras Shabbos K'hilchasa, vol. II, chap. 47, footnote #48.]

THE AMOUNT OF A REVI'IS

There are three major opinions how much this is.

- 1) According to the Chazon Ish, a revi'is is 150 milliliters or 5.1 fluid ounces (Chazon Ish, Orach Chaim #39).
- 2) Rav Moshe Feinstein maintains that a revi'is is 97.6 milliliters or 3.3 fluid ounces (Haggaddah Kol Dodi).
- 3) And the most lenient opinion is that of Rav Avraham Chaim Na'eh, who holds that it is 86 milliliters or 2.9 fluid ounces (Kuntres Hashiurim).

As an interesting aside, there is a mnemonic to remember the opinions of the Chazon Ish and Rav Na'eh. The gematria of “kos” is eighty-six, the amount of milliliters according to Rav Na'eh, while the gematria of “kos hagan” (a proper cup) is one hundred and fifty, a revi'is according to the Chazon Ish.

THE KOS – TEN ENHANCEMENTS

The Gemara states (Berachos 51a) that a kos shel bracha – a cup used for the reciting of a bracha, requires ten things that enhance the mitzvah: hadacha, shtifa, chai, malei, itur, ituf, notlo bishteit yadayim, nosno bi'yemin, magbiho min hakarka tefach, and nosain einav bo. We will explain these terms shortly. There is a disagreement among the Rishonim as to which kos shel bracha the Gemara is referring. According to some, the Gemara is speaking specifically about the cup of wine used during bircas hamazon (Rashi ad loc.). Others contend that these halachos apply to all cups of wine used for a bracha, such as kiddush, sheva brachos, and havdalah, etc (Magid Mishnah, Hilchos Shabbos 29:7 explaining the opinion of the Rambam; Leket Yosher, Orach Chaim pg. 86).

It is interesting to note that most of the halachos relevant to the kos shel bracha are found in Hilchos Bircas Hamazon, and not in Hilchos Kiddush. However, when discussing the laws of kiddush, many authorities refer to Hilchos Bircas Hamazon and write that those halachos are applicable to kiddush as well (Shulchan Aruch 271:10 and Mishnah Berurah #42 and #44).

It should be noted that there are varying opinions among the Rishonim as to which of these ten items are halachically required. However, several poskim mention that it is preferable to perform all of them as a mitzvah min hamuvchar – in order to perform the mitzvah in the best possible manner (Magen Avrohom 183:5; Aruch HaShulchan 271:23).

RINSING THE CUP

The first two preparatory enhancements, hadacha and shtifa, are synonymous terms for rinsing. In this case, one refers to rinsing the inside of the cup, while the other, the outside. There are three separate scenarios concerning this halacha, each with its own rules:

- 1) If there is leftover food residue in the cup, then it must be either rinsed with water or wiped with a cloth on the inside and out (Shulchan Aruch 183:1 and Mishnah Berurah ad loc.). This halacha is more relevant to the kos shel bracha of bircas hamazon, as it is plausible that a cup used during the meal was subsequently designated for bentching. Indeed, this is often the case with the kos of bircas hamazon on the seder night. Concerning kiddush however, it is less likely to find food residue in the cup.
- 2) If there is no food residue, rinsing or wiping is not required, but it is considered proper conduct to do so anyway (ibid.).
- 3) If the cup is completely clean, halachically neither rinsing nor wiping is required; however, according to the Kabbala, one should always rinse the inside and outside of the kos shel bracha before use (ibid; Aruch HaShulchan 183:1; Kaf HaChayim 183:4).

THE “CHAI” REQUIREMENT

The next enhancement of the kos shel bracha is that it must be “chai.” This does not mean that one has to wear a chai necklace while making kiddush! Before explaining what this term means, a brief introduction is required.

Up to and including the time of the Gemara, wines were so strong that they could not be drunk without dilution. In fact there is a discussion in the Gemara (Berachos 50a-b) whether one recites the bracha of borei pri hagefen on undiluted wine, as it was too strong to drink. As a result, the wine was always diluted before use. There is even a disagreement in the Gemara whether the optimum dilution ratio is one part wine to three parts water or one part wine to two parts water (Shabbos 76b-77a).

Based on this above discussion, some Rishonim explain that the Gemara's requirement of the kos shel bracha being “chai” means that the wine is poured into the cup before it is diluted. In this sense, “chai” means “raw” or “unprepared” (Rashi, Brachos 51a, s.v., chai; Tosafos, Brachos 50b, s.v., modim).

DILUTING DURING BENTCHING

As long as we are mentioning this idea, it is worthwhile to take the time to explain a particular minhag Yisroel. Some are accustomed to add a few drops of water to the kos shel bracha held during bircas hamazon upon reaching the second bracha – Nodeh. This is based on the opinion of some Rishonim that the dilution of the wine takes place not before bentching, as we just mentioned, but rather during the second bracha (Rif, Berachos ibid.; Rambam, Hilchos Berachos 7:15; Shulchan Aruch 183:2). Why specifically there?

This is because that bracha, bircas ha'aretz, is the bracha where we thank Hashem for the wonderful gift of Eretz Yisroel. By adding water at that point, we are indicating the praise of Eretz Yisroel that produces such wonderful, strong wine. Nowadays, our wines are not so strong, and we no longer dilute them. However, according to the Kabbala, no distinctions are made between different wines, and water should always be added (Kaf HaChayim 183:6). It is important to point out that even though in the time of the Gemara they added either two or three parts water, nowadays, we add only a few symbolic drops. (According to those who follow the Kabbala, specifically three drops of water are added [Kaf Hachayim 271:58].)

ANOTHER EXPLANATION OF CHAI

As we mentioned, because our wines are weak, there is no longer a halachic requirement to dilute them. However, there is another explanation of “chai” that is still applicable. The word chai can also be translated as “fresh.” For this reason, the poskim maintain that it is a “mitzvah min hamuvchar” to pour the wine into the kos immediately before kiddush, thereby using a “freshly” poured cup. Also, the poskim write that one

should preferably pour the wine into the cup specifically for the mitzvah of kiddush (Rama 183:2 and Mishnah Berurah ad loc.).

A LIVE CUP

Although the previous explanations of “chai” relate to the wine, there is yet another explanation that has to do with the kos itself. How is a cup “alive”? In a discussion concerning the laws of damages, the Gemara (Bava Kamma 54a) states that with regards to utensils, “their breakage is their death.” (It is beyond the scope of this article to explain the context of that statement.) Based on this, some Rishonim understand that if a broken utensil is “dead,” a “live” utensil is whole and complete (Tur 183).

It is for this reason that the kiddush cup should be whole and not broken anywhere. Not only is this true for the actual receptacle that holds the wine, but the rest of the cup must also be whole and complete. For example, if the cup has a pedestal base and part of it is broken, it is preferable not to use that kos (Shulchan Aruch 183:3 and Mishnah Berurah ad loc.).

However, if the kiddush kos has a hole or a crack and therefore cannot hold a revi'is of wine, it is completely invalid and may not be used (Sha'ar Hatziyun 183:14). If the hole is in a place that allows the kos to still hold a revi'is, it is preferable not to use this cup (Pri Megadim 183, Mishbetzos Zahav #1). Even if the crack does not penetrate the entire cup and nothing leaks out, the kos should not be used lechatchilah (Mishnah Berurah 183:11).

THE CASE OF THE LEAKY KOS

Although it sounds unusual to have a situation where the kos has a hole and it cannot hold a revi'is, I know of a case where this actually occurred. A friend of mine related to me the following incident: He had bought a brand new silver becher for his new son-in-law and presented it to him on the Friday before Shabbos Sheva Brachos. Using that becher, the chosson recited the Friday night kiddush on behalf of all the guests. After bentsching, one of those honored to recite one of the sheva brachos, discovered that the kos had a hole at its base and wine was leaking out! The two fathers went to a local Rav, who told them that they had not fulfilled the mitzvah of kiddush, and they needed to repeat it. Once they were making kiddush, they needed to eat because of the rule “ein kiddush ela bemaikom seudah,” that one does not fulfill his obligation in kiddush unless he eats afterwards. So, they were told to wash again, eat a kazayis of bread, bentsch and recite another set of sheva brachos. (Please note that I am only citing this story as an example of a holey kos. Please do not follow the halachic ruling without consulting a rav.)

DISPOSABLE CUPS

According to the opinion that “chai” requires the kos to be whole and complete, the poskim maintain that one should try and use a beautiful becher for the kos shel bracha in order to enhance the mitzvah. Basing themselves on Kabbala, some authorities maintain that it is preferable to use a silver cup rather than glass (Mekor Chaim [Chavos Yair], Kitzur Halachos #183; Kaf HaChayim 472:11).

Based on the idea that the kos should be beautiful, some poskim contend that one should not use a disposable cup for kiddush. Since it is something that will be discarded, it is not considered something fitting to use for the mitzvah (Shu"t Igros Moshe, Orach Chaim vol. III, #39).

Other poskim disagree and contend that since people will not hesitate to use disposable utensils even when serving honored guests at various functions, such cups can be used for kiddush. This is especially true with the disposables of nowadays, since they are fitting to be reused and the only reason that they are not is because they are inexpensive (Shu"t Tzitz Eliezer, vol. XII, #23).

If one is in a situation where the only thing available for kiddush is a disposable cup, one may use it (Shu"t Igros Moshe, Orach Chaim vol. III, #39; Shu"t Be'er Moshe, vol. III, #55 and vol. V, #42; Rav Shlomo Zalman Auerbach, quoted in Shemiras Shabbos Kehilchasa, vol. II, chap. 47, footnote #51).

MY CUP RUNNETH OVER

The next item on the Gemara's list is “malei.” This refers to the fact that the kos shel bracha should be full (Rama 183:2). There is a discussion in the Gemara concerning the reward of someone who uses a full cup. According to one opinion, he will receive an unlimited inheritance; while

according to the other opinion, he will inherit both this world and the World to Come (Berachos 51a). The Mishnah Berurah (#9) comments that provided there is a revi'is of wine, this is not an absolute requirement, but rather the preferred way to perform the mitzvah.

What is the definition of “full”?

Some are accustomed to fill the cup to the point of overflowing. However, the poskim cite a different custom where the cup would be filled up to, but not including the rim. This was for two reasons: 1) in order that the wine should not spill out and go to waste and 2) in order that the cup's rim should be visible (see Magen Avrohom 183:4 and Taz 183:4).

Why did people want the cup's rim to be visible? This brings us to the next item on the list.

ITUR

“Itur” literally means “crown.” By allowing the cup's rim to remain visible, the rim functioned as the kos's “crown” (Shulchan Hatahor [Baal Shomrei Emunim], Seder Hashulchan – Kos shel bracha).

The Vilna Gaon was accustomed to surround the kos shel bracha with six smaller cups filled with wine. This is based on the Gemara (Berachos 51a) that relates that Rav Chisda would surround the kos with utensils (Maase Rav #86).

Nowadays, the prevalent custom is not to do “itur” at all. This is based on the opinions of some Rishonim who maintain that there is a differing opinion in the Gemara that maintains itur is not a requirement (Rosh, Berachos 7:35; Tur 183, in the name of Tosafos).

Some explain that the reason itur is not practiced anymore is because according to one opinion in the Gemara and according to the Zohar, the definition of “itur” is to surround the kos shel bracha with one's students. Most people do not have students and even those who do, do not necessarily have them for kiddush. Therefore, due to the rarity of this situation, the practice has fallen into disuse (Kaf HaChayim 183:3).

Although, as we have said, itur is generally not practiced today, there are authorities who maintain that one should not do the opposite of itur. This refers to a situation where one places empty cups around the kos shel bracha. (Tiferes Shmuel to Rosh, Berachos 51a, #30; Bircei Yosef 183; Sha'arei Teshuvah 183:1). Therefore, when placing the empty cups into which the one reciting kiddush will pour the wine, one should take care that these cups not surround the kiddush cup, but rather be placed to the side.

ITUF

Although we are focusing on the halachos of kiddush, since most of the discussion in the poskim concerning ituf revolves around bircas hamazon, we will start there and come back to kiddush. There is a disagreement in the Gemara (Berachos 51a) whether ituf refers to putting an additional garment over one's clothes or an additional covering on one's head.

As we have said, the ten enhancements are not required according to halacha; they are merely hiddurim. Even according to the opinion of the mekubalim cited by the poskim that they are all required, ituf is only required in Eretz Yisroel and not in chutz la'aretz (Magen Avrohom 183:5). This is because ituf does not only show deference to the cup of wine used for the mitzvah, but it also indicates respect for the Shechinah that is present in Eretz Yisroel.

Thus, it would seem that the only requirement to wear a hat and jacket during bentsching applies only in Eretz Yisroel, and only for those who wish to follow the teachings of the Kabbala. However, the poskim maintain that a yarei shamayim should put on a hat and jacket for bentsching. This is in order that the person should be cognizant that he is about to speak to Hashem and that he should do so with the correct frame of mind (Magen Avrohom ibid, quoting Bach; Be'er Heiteiv 183:11). The Mishnah Berurah (183:11) notes that both a hat and jacket are included in ituf and the minhag Yisroel today is to do so even when bentsching alone without a cup of wine. Additionally, Rav Shlomo Zalman Auerbach, zt"l, commented that this minhag also applies in chutz la'aretz (V'sein Bracha chap. 18, footnote #20).

The poskim maintain that the same applies to kiddush as well, and lechatchilah, one should don a hat and jacket for the mitzvah (Magen Avrohom 183:5 in the name of the Bach; Mishnah Berurah 183:11 and 271:42; Kaf HaChayim 183:2). Not only does this apply to the one reciting

kiddush, but to those fulfilling their obligation by listening as well. This is because they fulfill their obligation through the concept of shomei'a ke'oneh – that one who listens is viewed as if he said the words himself. Since the listeners are also “reciting kiddush,” they should be attired properly (Shemiras Shabbos Kehilchasa, vol. II, chap. 47, footnote #131). Incidentally, the opinion that maintains that ituf only applies in Eretz Yisroel is difficult to understand. This is because when the Gemara discusses this halacha, it cites examples of Amoraim who practiced this, and several of them lived in Bavel (Kiddush Kehilchasa, chap. 9, footnote #49).

RECEIVING AND HOLDING

The next two items in the Gemara's list are notlo bishtei yadayim and nosno bi'yemin, that when picking up the kos shel bracha, one should do so with two hands and then place it in his right. The reason for specifically picking it up with two hands is to indicate that he cherishes the mitzvah and desires to lift it up enthusiastically. Once he picks it up, in order to indicate that the mitzvah is not a burden, he specifically holds it with one hand. If he finds it difficult to hold the cup steady in one hand, he should not place his other hand on the cup as well in order to steady it. Rather, he may place one hand under the other (Shulchan Aruch 183:4; Taz and Mishnah Berurah ad loc.).

Although the Gemara states that the kos is held in the right hand, in many places throughout Shas, the “right” hand refers to the dominant of the two. Therefore, a right-handed individual would hold it in his right, while one who is left-handed holds it in his left (Shulchan Aruch 183:5).

As we have said, picking up the kos with two hands is based on the term “notlo bishtei yadayim.” This is taken to mean simply that when one picks up the kos from the table, he does so with both hands. However, several Rishonim understand that “notlo” – “taking,” refers to taking it from someone else. For this reason, many people have a custom that someone else at the table picks up the kos shel bracha with two hands and presents it to the one reciting kiddush who in turn takes it with two hands (Shibolei Leket #156; Leket Yosher pg. 86; Kaf HaChayim 183:19 in the name of the Zohar).

Many have a minhag, based on the Mekubalim, to place the kos shel bracha on the palm of the hand with the upright fingers surrounding it (Magen Avrohom 183:6; Mishnah Berurah 183:15). Others contend that this view is not necessarily the only way to understand the Zohar. Rather, it is possible that the Zohar is referring to merely holding the cup in the normal fashion of wrapping one's fingers around it (Magen Avrohom ibid.).

RAISE IT UP

The next item, magbiho min hakarka tefach, means that one should raise the kos a tefach above the ground. The Rishonim explain that this refers to someone who is sitting on the ground. However, when sitting at the table, the kos should be raised at least a tefach above the table (Rashi 51a, s.v., min hakarka; Shibolei Leket #156). The Acharonim write that if one's hand is beneath the kos shel bracha, it is possible that he does not need to raise his hand a tefach. Rather, the thickness of his hand or fingers might be included in the tefach. Also, if the kos has a base or pedestal, one only needs to raise the cup's receptacle a tefach off the table (Tehillah LeDovid 183:3; Shulchan Shlomo 183:6).

PAY ATTENTION

The last enhancement of the kos shel bracha, nosain einav bo, is that one should look at the cup during kiddush. Not only does this apply to the one reciting kiddush, but everyone at the table who is fulfilling his obligation of kiddush must also look at the kos. The reason for this is that one will pay attention to the kiddush and not think about other things. In fact, one of the reasons why the kos is raised is so that it should be noticeable to everyone, allowing them to see it easier (Tur and Shulchan Aruch 183:4). Some argue that if the reason for lifting the kos is to enable those sitting at the table to see it better, it follows that if one is by himself, it should be unnecessary to lift it up at all. However, the truth is that according to the Zohar (Parshas Pinchas pg. 245b) there is another reason for lifting up the kos that has nothing to do with the diners. Unfortunately, to cite that reason is beyond the scope of this article. Therefore, one should always raise the kos, even when dining alone (Kiddush Kehilchasa, chap. 9, footnote #30).

START IT OFF RIGHT

There is a well-known concept that if something starts off well, there is greater hope that it will continue in the same fashion. For example, the Chazon Ish often encouraged his talmidim to make a point of learning on Motzai Shabbos and Rosh Chodesh, in order that the coming week or month would be infused with limud haTorah.

In the same manner, kiddush is the start of our weekly twenty-four hours of mei'ein olam habo. Let us try and perform the first Shabbos mitzvah as best as we can in order that the rest of Shabbos will be infused with that special kedusha!

THE WEEKLY DAF :: Bava Kama 51 - 57

For the week ending 14 February 2009 / 20 Shevat 5769

from Ohr Somayach | www.ohr.edu

by Rabbi Mendel Weinbach

PULLING TOGETHER - Bava Kama 55a

Torah Law prohibits the use, in tandem, of an ox and a donkey - and similarly any two animals one of a kosher species and the other not - for any sort of work such as plowing or pulling a wagon. Rabbinical Law extends this ban to any two diverse species of animals.

The question is posed as to whether this ban also applies to a case in which a man hitches a wagon to a team consisting of a goat walking along the seashore and a large fish swimming alongside in the water. The argument can be made that since the goat does not function in the water nor the fish on land, therefore this cannot be considered working in tandem. It may be contended, however, that the wagon is ultimately moving forward as a result of their joint effort.

This question is not resolved in the Talmud and therefore falls into the category of all such unresolved issues. It is forbidden to use this odd couple to pull a wagon, but violation is not punished by a human court, which acts only on transgressions of whose nature there is no doubt.

TPCA -TORAH PREVENTION OF CRUELTY TO ANIMALS

Prevention of cruelty to animals is a Torah concept that finds explicit expression in the command to help unload an animal collapsing under its burden. This humane concept also underlies a number of the explanations offered by leading Torah commentaries for the above-mentioned ban on working an ox and donkey in tandem.

1. The donkey is weaker than the ox and will suffer by trying to keep up with its stronger companion.
Ibn Ezra
2. The ox chews its cud, creating the impression for the non cud-chewing donkey that it is enjoying food while the companion goes hungry.
Ba'al Haturim
3. All species of animals instinctively cling to their own kind and suffer when forced into the company of strangers. An important lesson may be learned from this: never to couple, in one operation, humans of opposite natures. If the Torah showed such concern for the suffering of dumb animals, how much more so must we be careful in avoiding harm to our fellow man with the intelligence to perceive his Creation.
Sefer Hachinuch

TALMUDIGEST :: Bava Kama 51 - 57

For the week ending 14 February 2009 / 20 Shevat 5769

from Ohr Somayach | www.ohr.edu

by Rabbi Mendel Weinbach

TRIPLE THREAT - Bava Kama 53b

A man gets pushed by another man and an ox into a pit in the public thoroughfare, causing him physical damage.

Since there are three parties responsible for this damage - the man, the owner of the ox and the one who dug the pit - payment for the damage caused must be equally divided among them.

The ruling of the Sage Rava needs clarification in regard to the responsibility of the one who dug the pit. Tosefot compares this situation to one in which a person takes someone's garment and puts it into the fire belonging to a third party. Just as it is illogical to blame the owner of the

fire for the use which is consciously made by someone else to cause damage, so too it does not make sense to hold the pit's digger responsible for a man using it to cause damage.

The resolution of this problem provided by Tosefot is that the man did not consciously push the victim into the pit. Although he is still held partially responsible, he cannot be held responsible for that part of the damage that resulted from the pit being where it was.

WHAT THE SAGES SAY

“When the owner of the flock is angry with his goats he blinds the leading goat (so that it will stumble and fall into a pit followed by the others - so too when G-d wishes to punish the Jews He appoints improper leaders for them - Rashi.)

A Galilean to Rabbi Chisda - Bava Kama 52a

**Please address all comments and requests to
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