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To: Parsha@YahooGroups.com  
From: crshulman@aol.com

INTERNET PARSHA SHEET  
ON SHMINI - 5761

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

"Opening Day" is Day Eight

The parsha begins, "And it was on the eighth day..." [Vayikra 9:1] To which eighth day is the Torah referring? The Torah is discussing the "eighth day" after the previous seven, during which the Jewish people performed the Seven Days of Inauguration Offerings. It was a "Chanukas HaBayis" [inaugural dedication], so to speak, for the Mishkan [Tabernacle], with Moshe Rabbeinu acting as the Kohen Gadol [High Priest].

The "eighth day" referred to in the above quoted pasuk [verse] was the day when Aharon took over from Moshe, and the Mishkan began functioning in its normal way with the Kohanim performing the services.

Rav Dovid Feinstein notes that it is peculiar that the Torah refers to this occasion as the "eighth" day. It was really the "first" day. The first seven days were merely a dry-run rehearsal. Every day, they put up the Mishkan and then took it down, and the Shechina, the Divine Presence, did not rest within it. This was the real "Day One" of the functioning of the Mishkan, when the Shechina came down, [9:23] yet the Torah insists on calling it the "eighth day". The Torah emphasizes the previous seven days nonetheless, even calling the whole Parsha "Shmini" (meaning eighth). What message is the Torah giving us?

He suggests that the Torah is teaching us the following important lesson: in spiritual matters, preparation is almost as important as the real thing. If the Torah had called this "Day One", it would have been sending the message that all the preparation was merely practice. That may be how it works in worldly affairs, but not regarding matters of spirituality (Ruchniyus). Preparation is vital for spiritual matters. Preparations place the mitzvah in its proper perspective. Therefore the Torah emphasizes that this is day 8, not day 1.

At a Siyum marking the conclusion of a tractate of Talmud we say "We toil in our tasks (of learning) and they toil (in worldly tasks). We work and receive reward and they work and do not receive reward." What does this really mean? Those who work are paid for their work. What does it mean "they work and do not receive reward"? The answer is that in other areas of life, a person only receives reward if he completes the task, if he is successful in his endeavor. A person is only paid for producing. It is not the effort or preparation that counts; it is the results: "What's the bottom line?"

Regarding matters of spirituality, however, if a person attempts to do a mitzvah, but does not achieve the end result, the person still receives reward for his attempt.

So too regarding the Mishkan, the months of preparation and the Seven Days of Inauguration Offerings are not merely past events that are forgotten on "Day One". The effort of that preparation will pay off.

There will be reward for it.

We toil and receive a reward. "Opening Day" is already "Day 8" because all the thought and preparation that led up to that day also play a very important role in G-d's calculations.

What Could Aharon Have Said?

The Torah says that when Aharon lost his two sons, he kept quiet -- "And Aharon was silent" [Vayikra 10:3]. The Medrash says that this verse implies that Aharon really did have something to say, but that he held back. What did Aharon want to say? The Medrash gives a very cryptic answer: He wanted to say "On the eighth day the flesh of his foreskin shall be circumcised." [Vayikra 12:13]

What is the meaning of this Medrash? The Shemen HaTov answers by quoting a Gemarah [Niddah 31b]: The Gemarah asks why Milah [circumcision] takes place on the eighth day - why not circumcise the baby boy immediately at birth? The Gemarah answers that Milah occurs on the eighth day so that we will not have a situation where everyone is happy and the parents of the child are sad.

According to Torah law, the mother is Tameh [ritually impure] and is forbidden to her husband for seven days following the birth of a male child. If the Milah took place during that first week, everyone would be happy, but the parents - who were not allowed to have any physical contact with one another - would be sad. G-d did not want to put a damper on the festive occasion. G-d wants everyone to be happy - including the father and mother - when a father brings his son into the Covenant of Avraham our Patriarch. Therefore the circumcision was 'delayed' until the eighth day at which time the mother (at least on a Torah level) is permitted to her husband (even though she is still prohibited at that point by Rabbinic Law), so that the parents can fully participate in the celebration of the Milah.

The Medrash is referring to this Gemarah. The Dedication of the Mishkan was a great day of celebration for the Jewish people. On that very day, the two eldest sons of the High Priest suddenly died. It was as if, on a joyous day dedicating a new synagogue, one of the main beams collapsed killing two of the celebrants. Clearly, such a calamity would have eradicated the celebration.

The Shemen HaTov explains that Aharon could have argued with G-d. "Granted my sons did something wrong, they deserved to be punished - but do not execute Your Judgment on them today, of all days! After all, we learn that Milah is done on the eighth day because You are sensitive not to place a damper on a joyous occasion."

However, Aharon held his peace and kept quiet. "VaYidom Aharon" -- Aharon remained like a stone.

Transcribed by David Twersky; Seattle, Washington  
[twerskyd@aol.com](mailto:twerskyd@aol.com) Technical Assistance by Dovid Hoffman; Baltimore  
[dhoffman@torah.org](mailto:dhoffman@torah.org) These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Weekly Portion Torah Tapes: Tape # 278, Chatziza and Netilas Yadayim Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail [tapes@yadyechiel.org](mailto:tapes@yadyechiel.org) or visit <http://www.yadyechiel.org/> for further information. Torah.org depends upon your support. Please visit <http://torah.org/support/> or write to [dedications@torah.org](mailto:dedications@torah.org) or [donations@torah.org](mailto:donations@torah.org). Thank you!  
Torah.org: The Judaism Site <http://www.torah.org/> 17 Warren Road, Suite 2B [learn@torah.org](mailto:learn@torah.org) Baltimore, MD 21208 (410) 602-1350 FAX: 510-1053

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[http://www.torahweb.org/torah/2000/parsha/rwil\\_shmini.html](http://www.torahweb.org/torah/2000/parsha/rwil_shmini.html)  
[From last year]

RABBI MORDECHAI WILLIG ZIKNEI YISRAEL

The medrash in the opening pasuk of Parshat Shemini compares Ziknei Yisrael (elders of Israel, i.e. Torah leaders) with the wings of a

bird: just as a bird cannot fly without wings, Yisrael can not do anything without their Zikeynim. (Yife Toar explains that this refers to the fact that the advice of Torah scholars is followed by Am Yisrael.)

The notion of Torah knowledge imparting to the scholar that learns lishmah the ability to offer wise counsel that individuals can benefit from is found in the beraita of Kinyan Torah (Avot 6:1). The medrash extends the principle to Klal Yisrael, the Jewish community as a whole.

Advice is, by definition, not binding. One who seeks rabbinic advice and chooses to ignore it does not violate halachah. Indeed, if he is convinced, based on superior information, that the Rabbi has erred, he should ignore the advice. Many rabbis do not offer specific counsel when the expertise of others in a particular area exceeds their own. Instead, they advise the questioner to follow the opinion of an expert in the field.

The possibility that the greatest of scholars can err in strict halachah is explicit in Vayikra (4:13 see Rashi). Even in that case, an individual who is convinced that the Sanhedrin erred may not rely on their decision (Horayot 2b).

The Talmud (Gittin 56b) cites the view of Rabbi Akiva that Rabbi Yochanan ben Zakai, the greatest Torah leader of his day, erred grievously in a political decision equivalent to advice for Klal Yisrael. While it is true that the Talmud defends Rabbi Yochanan ben Zakai's view, and, assuming it is wrong, attributes it to divine intervention which confounded the wisdom of a chacham, nonetheless, the principle of rabbinic fallibility is extended from pure halachah to more general matters.

This exception does not detract from the idea of the medrash cited earlier. Just as in halachah we must follow rabbinic rulings, despite the possibility of error rather than lapse into halachic anarchy (see Sefer HaChinuch, 496) so too in the realm of advice, both personal and communal, we do well by adhering to the counsel of Ziknei Yisrael, even though it is sometimes wrong.

In his eulogy for R. Chaim Ozer z"l, the Rav z"l noted that a Torah leader whose life was devoted to halachic learning and decisions could be relied upon for solutions to political and worldly matters (Divrei Hagut VeHaaracha p.192).

Ironically, the great rabbanim of that very era were criticized for offering bad advice that led to terrible consequences during the Holocaust. The proper resolution is that while Torah confers great insight on general matters to those who pursue it lishmah and master it, mistakes, both large and small, do exist and at times are caused by divine intervention confounding the wise.

Between the body specific halachot, codified in the Shulchan Aruch, and poskim for all generations, and the realm of advice referred to in the medrash, there is a third area: this includes matters which are of a halachic nature, but go beyond specific rules of classical psak. Some have referred to this domain as public policy, a term borrowed from the lexicon of secular law. Some rabbis have defended their refusal to submit to the opinion of acknowledged Torah giants on the grounds that on such issues there is no rabbinic authority. Of course, if this is true, laymen are free to reject the opinions of their rabbis as well.

However, this domain is not limited to public affairs. Rabbanim have traditionally ruled on such matters for both individuals and communities and their rulings were considered as authoritative as any psak in specific ritual or civil law.

A European rav prohibited the introduction of Reform innovations in his kehilla. His psak was accepted even though no technical violation of a particular paragraph of the Shulchan Aruch occurred. Even in private matters, more difficult to enforce or document, most of those who adhered to the Rav's psak on a strict Shulchan Aruch matter followed his more general halachic decisions.

Thus, these decisions should be referred to as halachic policy and as in other areas, the Ziknei Yisrael should be the ones to decide the matter.

Moreover, if one submits a question of this nature to a Rav he is bound by the decision which is not merely advice.

With the breakdown of the kehilla system, the decisions of rabbanim are not as binding in Shulchan Aruch matters or general halachic matters. Different opinions, sometimes both valid, can coexist in the same community, in both realms, and proper respect should be demonstrated for the view of another. However, in principle, there is the idea that greater Torah knowledge in the specifics of Shas and poskim confers greater authority on matters of halachic policy, and that authority must be accepted.

In the world of Modern Orthodoxy this acceptance is far from universal. American culture, which objects to submission to authority, and the greater tolerance for opposing views, in all halachic areas, generally shown by the Torah scholars of this community have combined to create the illusion that, if no specific classical text is violated, anything goes. This mistaken impression is a grave danger to this community as such and individuals and families that belong to it.

Of course, the principle of rabbinic fallibility applies here as well. Moreover, in halachic policy matters, conditions and nuances can change and lead to different decisions. But, as in the other areas, communities and individuals should look to the Torah scholars of their time, place, and broadly defined community for proper leadership. If this is done, then as the medrash teaches, those who follow can soar to greater heights in all aspects of life.

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<http://www.artscroll.com/parashah.html> Parashah Talk  
Excerpt from Darash Moshe II, by RABBI MOSHE FEINSTEIN  
Parashas Shemini

Moshe said to Aharon: Come near to the Altar and perform the service of your sin-offering and your elevation-offering and provide atonement for yourself and for the people (9:7)

Moshe told Aharon to perform the service of the sin-offering at the end of the inauguration period for the Tabernacle, and said to him concerning that offering, "provide atonement for yourself and for the people." But this is difficult to understand: The sin-offering calf that Aharon brought only provided forgiveness for Aharon, and not the people! The people's forgiveness was provided by the goat offering, as the end of this verse states.

Ibn Ezra and Ohr HaChaim have asked this question, and suggested answers. It appears to me that the answer is this: Atonement is not possible if one continues to sin. Therefore, if the leader and teacher of the nation, whose behavior is naturally emulated, is a sinner, the nation will not be forgiven for their sins because of the likely prospect that they will continue sinning. Therefore, Moshe said that first Aharon must purify himself and ensure that he is clean of sin, and then others will emulate him and follow the path of Hashem Yisbarach and His holy Torah. This would prepare the nation to receive atonement. Then, the only sins to be concerned about would be those from the past, which can be forgiven through the goat offering.

We see here how anyone who is influential on other's behavior, such as community leaders or teachers, must be extremely careful to achieve and maintain the highest purity possible, for what they do determines whether or not the repentance of others will be acceptable.

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<http://www.jpost.com/Editions/2001/04/19/Columns/Columns.24888.html>

Shabbat Shalom: WHEN SILENCE IS THE BEST ANSWER  
By RABBI SHLOMO RISKIN

(April 19) "And Aaron was silent." (Leviticus 10:3)

One of the most tragically poignant moments in the entire Bible is

recorded in this week's Torah portion of Shmini: The Desert Sanctuary is being dedicated, Aaron the High Priest is ministering before the nation in all his glory, a fire akin to the fire of Sinai descends from the heavens as a Divine confirmation of the sincerity of the sacrificial ritual, the entire nation falls prostrate in exultation and gratitude - and then another heavenly fire descends, this time to claim the lives of Aaron's beloved sons Nadab and Abihu.

Rashi, the great commentator who faithfully conveys the most accepted rabbinical interpretation, views Aaron's sons as having been righteous and pure. He emphasizes Moses' words to his elder brother - "by my close ones shall I be sanctified, and in the face of the entire nation shall I be glorified" (Leviticus 10:3) - as meaning: "Aaron, my brother, I knew that this House would be sanctified by the most beloved ones of G-d, and I thought it would be either through me or through you. Now I see that they [Nadab and Abihu] were greater than both of us."

Especially in light of this perspective, the biblical account "And Aaron was silent" is difficult to understand. After all, Moses was the brother described as "heavy of speech" and Aaron was the accepted spokesman; moreover, our tradition emphasizes the centrality of verbal communication as the major characteristic of humanity (see Targum to Genesis 2:7).

I believe that the direction toward understanding may be derived from a strange formulation of a Mishna in the Ethics of the Fathers: "Rabbi Akiva says... Tradition is a safeguard for Torah, tithes are a safeguard for wealth, oaths are a safeguard for modesty, a fence for wisdom is silence" (3, 17). Generally, Rabbi Akiva expresses the safeguard, or fence, before the value he is trying to protect; in the case of silence, the safeguard comes second.

I would suggest that in general, speech, and especially academy lectures of Torah teaching, is the best protection and insurance for study and wisdom; however, there are always unusual situations when silence is the necessary "weapon of the last resort," when, if the individual is forced to speak, he/she will only destroy a very special relationship - and then it is silence which becomes the only option of wisdom.

THE SAGES of the Talmud declared that the world is preserved only because of those who stop themselves from speaking out in difficult moments of strife (B.T. Hulin 89a) - they even attribute to the Almighty the attribute of silence in the face of those who desecrate His name ("Who is like thee among the silent - not elim (mighty) but rather ilmim (silent) - O G-d" - B.T. Gittin 66a.)

Perhaps the most acute example of a most painful but necessary silence is to be found "between the words" of a personal tragedy faced by Jacob.

Jacob has fought his battles with Esau, survived the challenge of exile and assimilation at the hands of his uncle Laban, overcome his grief at the loss of his beloved wife Rachel, and has finally returned home to the land of Canaan: "And it was when Israel dwelt in that land.

Reuben went and lay with Bilhah his father's concubine and Israel heard."

What then follows in all of the biblical parchments is an empty space, followed by a single brief biblical statement: "And the children of Israel were 12" (Genesis 35:22). There is no recorded comment from the mouth of Jacob; apparently he remained silent.

I believe the Torah is "silently" portraying the complexity of reaction with which every wise parent can certainly identify. No matter what the true nature of Reuben's transgression with Bilha might have been - according to rabbinic tradition, he switched his father's bed from Bilhah's tent to Leah's tent after the death of Rachel - he certainly acted in a manner unbecoming any son, and certainly not the son of Jacob. The patriarch must have been incensed, enraged - but at the same time, slightly guilt-ridden. After all, had he not also deceived his father, Isaac, and could he not possibly interpret Reuben's action as a cry for his rightful place as first-born - a position which Jacob had denied him in

favor of Joseph?

Moreover, to speak out would force him to banish Reuben from the family of Israel - and this father Jacob was loath to do. Hence, the difficult but wisest course was to swallow his anger and his words, pursue a policy of silence, and thereby retain his relationship with his weak but well-meaning son.

Hence, an empty space in the parchment scroll and the laconic but profound postscript to Jacob's silence: "And the children of Israel were 12."

We also see the importance of silence in one of the most powerful elegies in our liturgy, the Eileh Ezkara. In the description of 10 martyrs which we recite on Yom Kippur, the angels in heaven cry out, "Is this Torah and is this its reward?"

The Almighty responds: "Silence! One more sound, and I shall turn the world back into water."

I was once present at a circumcision ceremony of a baby whose mother and grandparents were still mourning (sitting shiva) for the father, who had been killed in the Yom Kippur War. He had been the only son of two people who were the sole survivors of their respective families after the Holocaust.

I was invited to name the baby, Yitzhak Abba ben Yitzhak Abba. I intoned the blessing, which includes a verse from the prophet Ezekiel, "And I see you rooted in your blood (damayich), and I say to you, by your blood shall you live, by your blood shall you live."

Almost everyone wept and wailed - almost everyone, since the bereaved parents remained silent.

I thought to myself that damayich can mean "your blood" and can also mean "silence" (vayidom Aharon) - by your silence shall you live.

This is Aaron's legacy.

Shabbat shalom

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From: RABBI BEREL WEIN [SMTP:rbwein@torah.org] To: rabbiwein@torah.org Subject: Rabbi Wein - Parshas Shemini

In the face of overwhelming tragedy, the death of his two sons, Aharon is nevertheless reprimanded by Moshe for a seeming infraction of the halacha regarding the eating from a sacrifice while one is yet grief-stricken over the personal loss of near relatives. Aharon responds by defending his position as being halachically correct and proving the point to Moshe. Thereafter, Moshe, upon reflection, admits that Aharon is correct and that he fulfilled the Torah's law in this matter completely. The question that begs answering in this situation is the obvious one. At a black moment such as this one, where is there room for discussion of an arcane halachic rule? Is this not a moment for emotion, for compassion, for sympathy, not for law and legalisms? Is it not almost cruel of Moshe to raise any sort of halachic issue whatsoever with his brother at a time of such sadness and tragedy?

As usual, the Torah uses this all too human situation to grant us an insight into G-d's view, so to speak, of life and human behavior. For any sort of mental stability to be present in one's life, one must live by a set of values and rules. Without such norms and standards, one is constantly blind-sided and buffeted by the never-ending problems of life.

And one is a prisoner of one's emotions and personal conflicts. There are so many times in life that one asks one's self, "Now what am I supposed to do? How am I to react to this event?" It is because of this recurring and never-ending human question that halacha takes on such a central role in the life of a Jew. It is precisely for this reason that halacha is so all-pervasive, covering every act and situation of a Jew's existence. It is the halacha that rules our lives and sets our standards of behavior under all circumstances of life and all human conditions.

In today's society, G-d and religion have to somehow conform to the human being's comfort and pleasure zone. Religion cannot be too demanding. Three days of mourning is sufficient, not seven. Restrictions

on behavior and entertainment on the part of the mourner are to be discarded. Religion cannot make one feel uncomfortable or make too many demands on time or life-style. G-d should have no say in the way human beings should express their emotions. In a society as self-centered as is ours, religion is defined by and for me alone. There is no room for communal or generational considerations. It is only me - here and now - that counts. Thus the positive psychological benefits of an halachically endorsed grieving period and process is ignored and eventually forgotten. The Torah and Jewish tradition have carefully and minutely described the laws, attitudes and customs that should govern one who is in the process of confronting tragedy and loss. The Torah in this instance, as in all other affairs of life, is on the side of humans. It attempts to give us perspective and balance, strength and inner fortitude in order that we be better equipped to deal with the inevitable blows of life. Therefore, Moshe correctly calls Aharon to task for apparently not following the Torah's law when tragedy overwhelmed him and his family. But it is the very steadfastness of Aharon in observing the Torah's laws, as expressed in his response to Moshe's criticism, that allows him to revive himself and rise from his grief and pain and become the great High Priest of Israel, beloved by G-d and all of the Jewish people.

Death is always an unwelcome visitor. Nevertheless, our mortality makes its appearance at our doorstep unavoidable. Yet there lies within our souls and us deep resources that enable human beings to deal with this final act of the life cycle. The Torah, and its accompanying halachic rules and norms, lights the way through the darkness of sad events and moments of grief. "Yea, though I walk in the valley of the shadow of death, I fear no evil, for You are with me," says King David. In Jewish tradition and history "You are with me" is reflected in the laws and customs that the halacha has created for those trying and searing moments. And in so doing, "You are with me" becomes the cry of our ultimate triumph over death and darkness.

Shabat Shalom. Rabbi Berel Wein Rabbiwein, Copyright 1 2001 by Rabbi Berel Wein and Project Genesis, Inc. Project Genesis: Torah on the Information Superhighway learn@torah.org 17 Warren Road, Suite 2B <http://www.torah.org/> Baltimore, MD 21208

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From: Ohr Somayach[SMTP:ohr@ohr.edu] To: weekly@ohr.edu  
Subject: Torah Weekly - Shemini \* TORAH WEEKLY \* Highlights of the Weekly Torah Portion Parshat Shemini

WHAT YOU DON'T KNOW... "Speak to the Children of Israel, saying "These are the creatures that you may eat..." (11:1)

There aren't a lot of similarities between working in a sound recording studio and re-fueling an aircraft. In a studio you get a chance to meet a lot of very ordinary people whom fame has made the contents of their breakfast cereal the subject of serious and considered media analysis. In an airport you get a chance to meet a lot of large metal airplanes. However, they do have one thing in common. Eventually they both cause you to lose your hearing acuity. It's usually a slow process but it's also inevitable. The advantage of working at an airfield, however, is that you can wear sound-excluders. In a studio, the band would be most insulted to find their producer and engineer working on their latest masterpiece with large yellow mufflers. (Much as their masterpiece probably deserves mufflers -- and the larger the better.) There's an old adage in the music biz: If you can't play well -- play loud.

Eventually, after years sitting in front of giant monitor loudspeakers listening to electric guitars with enough "top" on them to part your hair at six feet, you'll start to lose the sensitivity to those high frequencies. Then others lower down the scale. And so on.... The interesting thing is that you won't notice that you have lost your sensitivity to these frequencies. In a sense that's the saddest kind of loss -- a loss that you don't even know about. It's not true that "what you don't know can't

hurt you." When you lose something and you know you have lost it, it provokes feelings of introspection: Why have I lost this thing? It provokes a consideration of what we have lost -- and we re-value that which remains ours. But a loss of which we have no consciousness has no positive aspects at all.

"Speak to the Children of Israel, saying "These are the creatures that you may eat..." Eating treif (non-Kosher) food is the spiritual equivalent of losing our hearing. It cuts us off from life's "higher frequencies." It deadens our spiritual "ears" and denies us the holiness that is the potential of ever Jew. And the greatest tragedy is that we don't even notice.

Written and compiled by Rabbi Yaakov Asher Sinclair

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From: Yeshivat Har Etzion's Israel Koschitzky Virtual Beit Midrash[SMTP:yhe@vbm-torah.org] To: yhe-sichot@vbm-torah.org  
Subject:SICHOT61 -24: Parashat Shemini Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash (Vbm) Sichot of the Roshei Yeshiva SICHOT OF HARAV AHARON LICHTENSTEIN SHLIT"A  
Parashat Shemini INNOVATION AND ROUTINE  
Summarized by Jeremy Winson

"Vayehi ba-yom ha-shemini" - on the eighth day, the mishkan was dedicated. Chazal enumerate many unique aspects of this festive day. The Gemara (Gittin 60a) mentions eight sections of the law which were taught on that day. Rashi (quoting Shabbat 87b and the Seder Olam) emphasizes that it was a day of "firsts" - it marked the inauguration of the kehuna, the sacrificial service, the priestly blessing, etc. Undoubtedly, the pinnacle of the day was reached when the fire descended from Heaven for the first time and devoured the sacrifice. It was a day of innovation, the beginning of a new chapter for the Jewish people.

There is, however, another perspective on "the eighth day," which both complements and contrasts with its being a day of innovation. The previous week had been that period known as "Yemei Ha-miluim" - a Grand Opening ceremony. According to Rashi, every day the mishkan had been assembled and dismantled; each day the mishkan was something new and extraordinary. The eighth day heralded a new era for the mishkan - that of routine service. True, it was the beginning of this new epoch, but by its very nature it was an ORDINARY day, from which point on the mishkan and avoda (service) would be permanent fixtures in their lives.

The transition from the extraordinary to the routine is further exemplified by the personalities with whom the avoda was associated. Moshe Rabbeinu was the sole servant in the mishkan during the Yemei Ha-miluim. Apparently, his status cannot be seen as that of a temporary Kohen Gadol (High Priest). The Gemara (Avoda Zara 34a) notes that when Moshe served in the mishkan during the seven preparatory days, he wore only the four white garments of a regular kohen, and not the additional four golden garments of the Kohen Gadol. Rashi (ibid., s.v. Moshe) explains that Moshe's service in the mishkan was "al pi ha-dibbur," by a special divine directive, and was unconnected to the kehuna (priesthood). Hence, the "Yom Ha-shemini" represents the transition from world of prophecy, personified by Moshe, to the world of priesthood, characterized by Aharon.

Prophecy is pure, direct spirituality and religious inspiration, in contrast to the formalized institution of kehuna. The priesthood is handed down from father to son, whereas the gift of prophecy is not inherited. Furthermore, no area has more detailed halakhot explicitly described in the Torah than the Temple. In essence, the kehuna represents the world of organized religion.

Why were the Yemei Ha-miluim at all necessary? Was it purely a Grand Opening ceremony?

The week of inauguration, we suggest, was designed to set the tone

for the institution of kehuna. Judaism vehemently rejects the notion of "pure spirituality" untamed by the rigors of Halakha. However, the dangers of organized religion are also clear; the prophets regularly criticize meaningless and uninspired performance of religious ceremonies. By working in the mishkan for the first week of its existence, Moshe infused the institution of priesthood with the burning enthusiasm and deep fervor that typifies prophecy. Indeed, according to one opinion in the Gemara (Zevachim 101b), Moshe continued to receive matnot kehuna (priestly gifts) during the rest of the Israelites' forty-year sojourn in the wilderness; the umbilical cord between prophecy and priesthood may not have been cut during that entire period.

The tension and balance that exist on a national level between the excitement and innovative spirit of prophecy, on the one hand, and the constancy of kehuna, on the other hand, are integral to every individual's religious struggle. Our lives are necessarily rooted in the rigors of day-to-day activities, and our religious observance is detailed and prescribed by Halakha, down to the minutest details. The challenge, though, is to unite this structured life with inspiration, fervor, and fire - to unite kehuna with prophecy.

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From: Machon Zomet[SMTP:zomet@mail.netvision.net.il]  
To:shabbat-zomet@yerushalayim.net Subject: Shabbat-B'Shabbato:  
Shemini 5761 Shabbat-B'Shabbato - Parshat Shemini  
SANCTIFYING G-D'S NAME BY SILENCE AND BY  
ANTICIPATION

by RABBI YOSEF MENDELEVITZ, Machon Meir, Jerusalem,  
FORMER PRISONER OF ZION

"All Bnei Yisrael are obligated to sanctify the great name, as is written, 'And I will be sanctified within Bnei Yisrael' [Vayikra 22:32]. And it is forbidden to desecrate it. Anyone who does not do a sin, one of those about which it is written that it is preferable to be killed rather than sin, has thereby sanctified the name of G-d." [Rambam, Hilchot Yesodei Torah 5:1]. Before the community as a whole was given the command "They shall not desecrate my holy name" [Vayikra 22:32] (the beginning of the verse quoted above by the Rambam), the priests were given a separate command. "Speak to Aharon and to his sons... Let them not desecrate my holy name, which they sanctify for me" [22:2]. Why were the Kohanim given a command before Bnei Yisrael in general?

The answer to this can be understood from the words of Moshe in this week's portion: "This is what G-d has said, I will be sanctified by those who are close to me" [Vayikra 10:3]. The Kli Yakar explains, "Whoever is closest to the king must be especially careful with his honor. And this is what Moshe says... I will be sanctified by those who are close to me." However, if Moshe was referring to Nadav and Avihu in the phrase "those who are close to me," they in fact received no advance warning. If so, how did their action cause greater sanctification? Thus, we are left to wonder exactly who are the honored and closely related people who bring about sanctification of the name of G-d.

It may be that Moshe was referring to Aharon himself, in that the

way he reacted to the death of his two sons - "And Aharon was silent" [Vayikra 10:3] - was a public sanctification of G-d. According to the Sha'ar Halevavot, on the subject of submissiveness, "If suffering will outweigh fear, and one yearns for the judgement of G-d and accepts the punishment, this will show the humility before G-d. As was written about Aharon, 'And he was silent.'" Silence and humble acceptance of the Almighty with respect to anything that He does is an act of sanctification. And the first ones to be commanded about this were the Kohanim, who are closest to the Almighty.

Silence has an additional significance, and it can be seen in the phrase, "Awesome is praise, He performs wonders" [Shemot 15:11]. The problem is that it is not clear what aspects of G-d's praises are awesome. According to Rashi, "They will be afraid to praise G-d for fear of missing some traits, as is written, 'For you, silence is praise' [Tehillim 65:2]." Ibn Ezra develops a similar theme. "All of those who give praise are afraid to praise His name, because it is impossible to list all of his glory. However, they are required to praise Him, because He alone performs wonders."

Thus, this verse is referring to a time after G-d has performed His deeds. How can we take it upon ourselves to summarize this great wonder in a few words? The Ramban, on the other hand, explains that the very actions of the Almighty are awesome. "G-d is awesome in praise, for He does awesome things and glorified by them. This is similar to the verse, 'For you, silence is praise.' The straightforward meaning of this is that anticipation is a type of praise for G-d. Whoever yearns for help from G-d will receive his request and will then praise Him."

Sanctification of G-d comes about not only as a result of specific actions by man. Both silence and anticipating G-d's help are also forms of reciting the prayer, "Let His great name be glorified and sanctified" [Yitgadal].

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From: Young Israel Divrei  
Torah[SMTP:yitorah-owner@listbot.com] Young Israel Divrei Torah -  
<http://www.youngisrael.org>

RABBI DR. CHAIM WAKSLAK Young Israel of Long Beach, NY  
Daf Yomi: Gittin 73

The inauguration of the Mishkan was an eight-day ceremony that commenced on the 23rd day of Adar. On each of the initial seven days, Moshe erected the Mishkan, performed the entire service himself and then disassembled the Mishkan at the conclusion of the service. During this seven-day period of time Aaron and his sons were commanded to simply remain within the confines of the Mishkan to protect HaShem's charge (VaYikra 8,35). The inauguration climaxed with the consecration of Aaron and his sons as Kohanim on the eighth day and from that time onward, only Kohanim were eligible to serve in the Mishkan.

Parshat Shmini opens on the eighth day with the special inaugural sacrifices of the newly installed Kohanim. Rashi quoting from the Torat Kohanim and Masechet Shabbat 87b, indicates that the eighth day of inauguration coincided with Rosh Chodesh Nisan. It is with regard to this day that we are told in Masechet Megilla 10b, that it was as joyous in the eyes of HaShem as the day in which the heavens and the earth were created.

Aaron performed the inaugural service that included the offering of several sacrifices and the blessing of the children of Israel with the anticipation of the imminent appearance of the Shechina. At this point, in the absence of any heavenly response, Moshe and Aaron entered the

Mishkan and exited to bless the assemblage with the following blessing: May it be the will that the Shchina should rest upon the labor of your hands. Their prayers are immediately answered and the Shchina comes to rest upon the Mishkan.

It is on the eighth day, in the midst of this supreme joy and celebration, that tragedy strikes! Two of Aaron's sons, Nadav and Avihu bring an aish zara, a strange fire, resulting in their being punished by a fire emanating from the Holy of Holies which consumed them. The celebration was tragically marred. Aaron was dumbstruck and Moshe had to put back all of the pieces. Several questions about these proceedings deserve our attention.

(a) What is the relationship between the Yom HaShmini and the day on which the heaven and earth were created to the extent that the Talmud describes HaShem's joy as identical in each of these instances? (b) Why was it necessary for Moshe to construct and dismantle the Mishkan on each of the initial seven days? (c) Why was the sin of Nadav and Avihu so great as to warrant the punishment of death? (d) What was the message of the blessing offered by Moshe and Aaron, May it be the will that the Shchina should rest upon the labor of your hands instead of May it be the will before your G-d that the Shchina should rest upon the labor of your hands? (The latter being the standard text of the Yehi Ratzon prayer)

To answer these questions we need to return to the beginning of the Torah where on the first day of creation we are told, HaShem saw that the light was good (Breishit 1,4). Rashi quoting from the Midrash states that the initial light was of an intense spiritual quality and HaShem saw that the wicked were unworthy of enjoying it. Therefore, He separated it from the rest of the universe and set it aside for the righteous for the future.

Apparently, HaShem was anxiously waiting the moment when this light could be revealed and enjoyed by a deserving generation. The first such opportunity presented itself at the time of Kabalat HaTorah which followed a line of seven righteous generations (Abraham, Issac, Yaakov, Levi, Kehat, Amram and Moshe) who rectified the sins of the previous generations and were able to bring the light down in successive steps through the seven heavens which intervene between the HaShem and earth. Unfortunately, HaShem's objective was not realized because of the sin of the Golden Calf (Egel HaZahav).

The next opportunity for the great spiritual light to be revealed would be on the eighth day of the Mishkan's inauguration. Indeed, this day of revelation of the hidden light would bring joy to HaShem in a fashion that was identical to the day it was actually created - the first day of creation. Moshe would recreate the merits of the seven generations that were lost because of the sin of the Egel HaZahav and with each succeeding day of service he would shepherd the light through the seven heavens until once again on the eighth day this light would be revealed to the nation of Israel. Parenthetically, the reason that Aaron and his sons were commanded to simply remain within the confines of the Mishkan may be a form of a pre-emptive Shiva in the anticipation of Nadav and Avihu's death following which they would be precluded from sitting Shiva. The sin of Nadav and Avihu was immeasurably more severe than the actual transgression for it once again thwarted the cosmic plan of HaShem of revealing this spiritual light. In anticipation of disappointment and disillusionment of the Children of Israel Moshe and Aaron bless them not by saying May it be the will of G-d but rather May it be your will (Yehi Ratzon). Ultimately it is within the will of the people to bring upon themselves the bountiful blessings of HaShem including the magnificent spiritual light that lies waiting in His repository only to be released.

This past week we commemorated Yom HaShoa, a day of remembrance for the six million Kedoshim, may HaShem avenge their deaths. In many ways the generation that perished were steeped in

religious observance and Torah erudition so that they could be deemed to be of a caliber to be the beneficiaries of HaShem's blessing and spiritual light. Yet, as baffled as the commentators are with regard to the transgression of NaDav and Avihu, so might we wonder in amazement as to why this very generation would be so tragically decimated and annihilated. However, the blessing of Moshe and Aaron stand: May it be the will - May it be our will to do that which is necessary to bring about our redemption and the revelation of the holy light.

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From: Jeffrey Gross[SMTP: jgross@torah.org]

Weekly-halacha for 5761 Selected Halachos Relating to Parshas Shemini

By RABBI DONIEL NEUSTADT Rav of Young Israel of Cleveland Heights

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

SEFIRAS Ha-OMER: FORGETTING TO COUNT ONE DAY

QUESTION: If one forgot to count one day of the Sefiras ha-Omer, may he continue to count?

DISCUSSION: There is a major dispute among the poskim of the Geonic era over whether or not forgetting to count one day invalidates the entire count. Some are of the opinion that the Torah's command to count "seven complete weeks" renders the entire count as one entity, one long mitzvah. Consequently, forgetting to count one day destroys the entire sequence and no further counting is possible. Most other poskim hold, however, that each day is considered a separate mitzvah. One [or several] day's omission, therefore, has no bearing on counting the other days.

The Shulchan Aruch(1) rules like the majority opinion, that one day's counting has no connection to the other days'. One must, therefore, continue to count the sefirah even when a day [or several days] were omitted. The blessing over the count, however, should not be said, in deference to those who hold that omitting a day invalidates the entire mitzvah. The Mishnah Berurah recommends that one hear the blessing from someone else, so that he can fulfill the mitzvah in the proper way, with a blessing.

If a person is uncertain as to whether he missed the previous day's count, he is permitted to count the remaining days with a blessing(2).

One who forgot to count during the night should count during the following day without a blessing. He may then continue to count on the following evenings with a blessing.

One who forgot to count on a Thursday night but remembered to do so on Friday afternoon after kabbalas Shabbos and Maariv but before sunset, may count on the following days with a blessing(3).

There is a dispute among the latter-day poskim(4) concerning one who forgot to count one evening, but remembered to count the next day after sunset but before nightfall (the time period known as bein ha-shemashos). Some allow him to count on the following days with a blessing while others do not. A problematic case like this should be presented to a rav for a decision(5).

FOOTNOTES: 1 O.C. 498:8. 2 O.C. 489:8, Mishnah Berurah and Beur Halachah. 3 Sha'arei Teshuvah 489:4; Igros Moshe O.C. 4:99-3. 4 See Sha'arei Teshuvah, ibid.; Birkei Yosef 489:17; Sho'el u'Meishiv 4:3-127. 5 See Kaf ha-Chayim 489:83 who rules not to say a blessing, while Yabia Omer 4:43 rules that a blessing may be said. Surely, one who remembered to count within 9 minutes after sunset, may count on the following days with a blessing; see Igros Moshe O.C. 4:62.

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Torah.org: The Judaism Site <http://www.torah.org/> 17 Warren Road,  
Suite 2B [learn@torah.org](mailto:learn@torah.org) Baltimore, MD 21208

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Gitin 52 "MY WIFE, MY HOME" AGADAH: Rebbe Yosi teaches that a wife is called "Bayis." In numerous places we find metaphors of "building" used with regard to the marriage of a woman. Let us analyze the meaning behind this.

(a) When Boaz married Ruth, the people who witnessed the wedding blessed Boaz with the Berachah that Hashem should make Ruth "like Rachel and like Leah, who together \*built\* the house of Yisrael..." (Ruth 4:11), comparing the woman to a "Binyan."

Similarly, the Gemara in Kesuvos (8a) lists the Birchos Chasanim, the special Berachos which are recited for seven days after a wedding. In the Berachah of "Asher Yatzar," we say that Hashem "formed Adam in His image... and He established for him, from his own flesh, an everlasting structure," referring to Chavah. Rashi explains that Chavah is called a "Binyan," a structure, based on the verse, "va'Yiven... Es Hatzela" (Bereishis 2:22). The Gemara (Berachos 61a) tells us that the Torah calls Chavah a "structure" because of the physiological differences between man and woman which allow the woman to carry a child. (See also Rashi in Shemos 19:3 who says that "'Beis\* Yakov' -- the \*house\* of Yakov\* -- refers to the woman.")

(b) The nature of a woman as a "Binyan" only manifests itself after she is married, when the man has the opportunity to serve as the "builder" and the woman has the opportunity to become "built."

HA'RAV DOVID COHEN, Shlit'a, points out that these "constructive" roles of man and woman are alluded to in their Hebrew titles.

A male child is called a "Ben," and a female child is called a "Bas." A grown man is called an "Ish," and a woman is called an "Ishah." The Chachamim point out that what differentiates "Ish" from "Ishah" is that the word "Ish" contains the letter Yud, and "Ishah" contains the letter Heh (Sotah 17a). When the male child, the "Ben," gets married, he acquires the Heh of the woman, the "Ishah," making him into a "Boneh" (spelled Beis, Nun, Heh). He is involved in building the Binyan. When the female child, the "Bas," gets married, she acquires the Yud of the man, the "Ish," and she becomes the Binyan or "Bayis," the foundation of the home.

Accordingly, Rebbe Yosi might have called his wife "Bayis" in order to remind himself of his responsibility towards her. It is only through his bond to her that his wife will become "built" into a proper "Bayis."

In a certain sense, the same can be said to explain why Rebbe Yosi called his ox his "field." The ox's potential to bring a person his livelihood must be developed by its owner, who invests his time and patience into plowing with it and caring for it. To remind himself of this, Rebbe Yosi called his ox his "field."

(c) The house that is built by a man and his wife is not just a physical one. It is a dwelling place for the Shechinah itself, for the Divine Presence of Hashem. The Gemara in Sotah (ibid.) teaches that when there is peace between a man and his wife, the Shechinah dwells in their midst. The letter Yud of the word "Ish" and the letter Heh of the word "Ishah" come together and form the name of Hashem, to symbolize that the Divine Presence rests upon them (see Rashi to Bereishis 30:16). Their home becomes a "Mikdash Me'at," a miniature reproduction of the Beis ha'Mikdash.

The Gemara in Sotah continues that, Chas v'Shalom, if there is not peace between a man and his wife, the letters of the name of Hashem -- the Yud and Heh -- depart from the "Ish" and "Ishah," leaving two flames -- "Esh" -- which destroy each other. It seems that when there is peace between them, fire also plays an important role. Hashem's presence is compared to an "all-consuming fire" (Devarim 4:24; see Sotah 14a). For this reason, smoke and fire always mark the place upon which the Divine Presence rests, as on Mount Sinai and in the pillar of flame that escorted the Jewish people out of Egypt. Zecharyah (2:9) tells us that when Hashem returns to Zion, He will be "as a protective wall of fire surrounding it," when He rests His Divine Presence inside it.

The peaceful union of man and wife creates a dwelling place for the protective fire that denotes Hashem's Presence. This, in turn, alludes to the fire of the Torah, which leads a person along the way of Hashem and protects Him from all harm (see Sotah 21a). "One who is without a wife is without Torah" (Yevamos 63a), and one who is \*with\* a wife is well-equipped to construct a house built on the foundations of Torah study and observance. (M. Kornfeld)

Gitin 60 HALACHAH: THE ORDER OF THE ALIYOS WHEN READING THE TORAH QUESTION: The Gemara lists the order of the Aliyos, describing who takes precedence for being called to read from the Torah. We do not follow this practice today. Why do we not follow this order? Moreover, it seems from the Gemara that there is nothing special about the sixth Aliyah ("Shishi"). Why, then, do many people consider "Shishi" to be a more honorable Aliyah?

ANSWER: The ARUCH HA'SHULCHAN (OC 136:2) writes that today, we no longer have Parnasim (community leaders), nor Talmidei Chachamim who can answer a Halachic question in any area of Torah. Hence, we cannot follow the order mentioned in the Gemara.

He writes that it is a Mitzvah to put an end to the common but mistaken assumption that certain Aliyos are a disgrace. When one sees that people look down upon a certain Aliyah, he should go out of his way to get that Aliyah in order to prevent disgrace of the Torah and the emergence of arguments.

The prevailing custom is to give the Rav of the congregation the third Aliyah ("Shelishi"). In certain places, the custom is to give the Rav the last Aliyah (see Aruch ha'Shulchan, ibid., and Mishnah Berurah 136:5).

The source for treating "Shishi" as a more honorable Aliyah is from the Zohar.

HALACHAH: READING FROM A SEFER TORAH THAT IS "PASUL" OPINIONS: The Gemara says that the weekly Parshah should not be read from a Sefer Torah that is missing a section of its parchment (Yeri'ah). Does this imply that a Sefer Torah is Pasul only when it is missing an entire Yeri'ah?

In addition, does this imply that a Sefer Torah that is Pasul may not be used for the public reading of the Torah?

(a) TOSFOS in Megilah (9a) proves from here that a Sefer Torah that is missing just one word is valid as long as it is not missing an entire Yeri'ah.

(b) The RASHBA here says that even if the Sefer Torah is missing one letter, it is Pasul. He explains that our Gemara does not mean to imply that if only one letter is missing, the Sefer Torah is valid. In his Teshuvos (1:611), the Rashba writes that the Gemara mentions that the Sefer Torah is Pasul when it is missing an entire Yeri'ah, because in such a case it is not permitted even to read from another Chumash in that Sefer Torah. In contrast, when it is missing only one letter, it is permitted to read from the other Chumashim in that Sefer Torah.

(c) The RAMBAM (in a Teshuvah quoted by the KESEF MISHNAH, Hilchos Sefer Torah 10:1) maintains that a Sefer Torah that is missing even one letter is Pasul. He proves from our Gemara that a Sefer Torah that is Pasul can be used for the public Torah reading, and only if it is missing an entire Yeri'ah is it Pasul for the public Torah reading. This ruling, however, is not consistent with the Rambam's ruling in Hilchos Sefer Torah, where he writes that a missing letter renders a Sefer Torah unfit for public Torah readings.

HALACHAH: If the Sefer Torah was found to be Pasul in the middle of the Torah reading, we do not re-read the previous Aliyos that were read before the error was found, because we rely on the opinions that a Sefer Torah that is Pasul is still valid to be used for the Torah reading.

If the mistake was found in the middle of an Aliyah, the MAHARI BEI RAV is of the opinion that the person who was called up for that Aliyah should \*not\* recite the Berachah that is normally recited after an Aliyah ("Baruch... Ashar Nasan Lanu Toras..."). Rather, the reader must first read at least three verses from a valid Sefer Torah, and then the person may recite the Berachah. The SHULCHAN ARUCH (OC 143) rules in accordance with this opinion.

The MORDECAI maintains that if one can conclude his Aliyah where the mistake was found, he should recite the concluding Berachah at that point. If he cannot end his Aliyah there (due to the nature of the Pesukim being read, or because he has not yet read the minimum number of verses), he should read by heart until a point that he can end the Aliyah and then recite the concluding Berachah.

The REMA makes a compromise and writes that if the mistake was found at a point where the Aliyah can be concluded, he should recite the concluding Berachah at that point. If the Aliyah cannot end there, they should take out the valid Sefer Torah and finish the Aliyah in it, and then recite the concluding Berachah.

The MISHNAH BERURAH (143:13) quotes Acharonim who say that if a mistake was found after several Aliyos have been read, then when it is possible to split the remainder of the Parshah into seven Aliyos, it is preferable to do so.

The Mishnah Berurah (143:29) discusses what should be done if the synagogue does not have another Sefer Torah. Some Acharonim say that in a case the rest of the Aliyos should be read \*with\* the Berachos, but the NODA B'YEHUDAH and the SHA'AREI EFRAIM say that no additional Berachos should be said. Therefore, the one who received the Aliyah in which the mistake was found should remain standing at the Bima and he should not recite the concluding Berachah. The Gabai should call up others for the rest of the Aliyos, but they should \*not\* recite the Berachos. When they finish reading the Parshah, the one who received the Aliyah in which the mistake was found should make his concluding Berachah.

Gitin 67 ATTRIBUTES OF THE SAGES Isi ben Yehudah enumerates the attributes of some of the Chachamim. The Mefarshim explain the meaning of his various descriptions.

(a) "Rebbi Meir was a wise man and a scribe." The IYUN YAKOV explains that the attribute of being a scribe is that he had a perfect memory of the Torah and was able to write a Torah scroll without having to look into another one to know what to write (see Megilah 18b).

The BEN YEHOYADA points out this is a rare combination of two attributes that usually are not found together in one person. People who are very sharp and sagacious tend not to have a phenomenal memory, while people who have a phenomenal memory tend not to put their efforts into having a deep understanding of what they learn. Rebbe Meir, though, had both attributes.

(b) "Rebbi Yehudah was a wise man when he would choose to be." RASHI explains that this means that when Rebbe Yehudah wanted to delve into a matter carefully and thoroughly, he

was wise.

The ARUCH (quoted by the Maharsha) explains that Rabbi Yehudah was the leader of the sages and he was always the first to speak. Whenever he wanted to speak, he was able to speak words of wisdom at whim.

The MAHARATZ CHIYUS explains that Rabbi Yehudah had the ability to dwell into the depths of the wisdom of the Torah in any situation in which he found himself, regardless of how unsettling or troublesome it was.

(c) "Rebbi Tarfon was like a pile on nuts." RASHI explains that just as when one removes a nut at the bottom of a pile of nuts, the entire pile of nuts collapses, so, too, when Rebbi Tarfon was asked a question, he would cite proofs from all parts of the written and oral Torah.

The BEN YEHOYADA adds that Isi ben Yehudah uses the term "nuts" to describe Rebbi Tarfon because the Gematriya of "Egoz" (nut) is the same as that of "Tov" (good) and the Torah is called Tov ("Lekach Tov;" Mishlei 4:2). In addition, just like one must crack the shell to get to the fruit of the nut, so, too, one must toil in order to "break open" the Sugya one is learning by asking questions and analyzing it so that he will arrive at a proper understanding of the Gemara.

(d) "The teaching of Rebbi Eliezer ben Yakov was Kav v'Naki (measured and pure)." RASHI explains that although Rebbi Eliezer ben Yakov taught less (in terms of quantity) than the other sages (his teaching was "measured"), that which he taught was always accepted as Halachah (it was "pure"). The MAHARSHA says that there are 102 Beraisos taught by Rebbi Eliezer ben Yakov (102 is the Gematriya of "Kav").

The BEN YEHOYADA says that Isi ben Yehudah uses the term "Kav" because a measure of a Kav is comprised of four Lugim, which represent the four basic approaches to studying the Torah: Peshat, Remez, Derash, and Sod. He adds that Torah is acquired by one who limits himself in worldly indulgence, like the Kav of carobs that Rabbi Chanina would eat each week, which would be his sustenance for the entire week.

Gitin 69 TALMUDIC REMEDIES HALACHAH: The Gemara describes, at length, many remedies for various ailments. These Talmudic remedies differ noticeably from the medicines and medical procedures that are commonly used today. Are these remedies recommended for use today?

The YAM SHE'EL SHLOMO (Chulin 8:12) writes that the Sages of previous generations issued a Cherem (decree of excommunication) in order to prevent anyone from attempting to use the remedies described in the Gemara. He explains that this was instituted because these remedies were prepared specifically for the nature of people in Bavel and for the climate of Bavel, and they are not compatible for treating people of our nature and in our climates. If a person would attempt to use these remedies and find that they do not work, he might come to ridicule the words of the Chachamim without realizing the reason why they did not work for him.

The MAHARIL (quoted by REBBI AKIVA EIGER in the Shulchan Aruch YD 336) says a similar idea. He gives an additional explanation for why these remedies do not work for our illnesses. He says that we do not know the exact method of preparation of these remedies and therefore they do not work for us. (See Rebbi Akiva Eiger there for an exception to this rule.)

The CHAVOS YAIR (Teshuvah 234) expands on this idea. He says that we do not know the exact translation or identity of the herbs and other materials mentioned in the Gemara, nor do we know the exact quantities that should be used and the proper method of preparation. He cites, also, the Yam Shel Shlomo's explanation.

The RAMBAM never quotes any of these remedies. In Hilchos De'os (4:18) he mentions occasions when one may perform blood-letting. The HAGAHOS MAIMONYOS quotes the Gemara in Shabbos (129a) that is not compatible with what the Rambam writes. The KESEF MISHNAH answers that this is not a question on the Rambam since it is known that the remedies of Bavel, to which the Gemara in Shabbos is referring, are not compatible to people in our places of residence. This can also explain why the Rambam does not cite any of the Talmudic remedies.

RAV SHERIRA GA'ON, quoted in the Otzer ha'Ge'onim (Chelek Teshuvos, Gitin 68b), writes that the remedies written in the Gemara were developed based on general medical knowledge of that time and not based on Torah knowledge (for if they were based on Torah knowledge, then the remedies would apply today as well). Since the remedies are based on the general medical knowledge of that time, we are not required to accept these medications and procedures. RABEINU AVRAHAM, the son of the Rambam, writes a similar idea. (It is important to stress that this applies only to medical procedures. In contrast, \*Halachic\* decisions made by the Amora'im are based on their knowledge of the Torah and must be accepted, since they had a greater and clearer knowledge of the laws of the Torah than we have today.)

Gitin 70 HALACHAH: GIVING MEDICAL TREATMENT TO A "NOCHRI" QUESTION: The Gemara relates that Rav Simi treated an idolater who was suffering from leprosy with a remedy that the Gemara prescribes, and the idolater was healed of his illness.

How could Rav Simi give medical treatment to a Nochri? The Gemara in Avodah Zarah (26a) says that it is prohibited for a midwife or a nurse-maid to render her services to a Nochri

child, because she is thereby enabling that child to grow up to serve idols! (TOSFOS in the name of RABEINU ELCHANAN)

ANSWERS: (a) The MEIRI (in Avodah Zarah), the DARCHEI TESHUVAH (YD 158:2) and others (see RASHBA, Teshuvos 1:8 and as cited by the Beis Yosef in YD 154) write that the prohibition of the Gemara in Avodah Zarah applies only to treating Nochrim who actually serve idols. A Jew is permitted to give medical treatment to a Nochri who does not serve idols.

(b) The RI, cited by Tosfos, answers that perhaps it was permitted for Rav Simi to treat the Nochri because he needed to practice this medical treatment in order to know how to administer it to Jews who might have the same illness. To practice a medical treatment on a sick Nochri is permitted.

(c) TOSFOS answers further that if the Nochri knows that the Jewish medical practitioner is an expert in the treatment of his illness, the Jewish doctor is then obligated to treat the Nochri in order to prevent malice ("Eivah") of the Nochri towards the Jews.

This is also the way the RAMBAM rules (Hilchos Avodah Zarah 10:2). The Rambam, though, adds a second condition that is necessary to permit a Jew to treat an ill Nochri. He adds that even when there is concern for malice, it is still prohibited for the Jew to treat the Nochri unless the Jew takes a fee for treating the Nochri. Likewise, even if the Jew takes money, he may not treat the Nochri unless there is concern for malice. (The D'VAR YAKOV cites the YAD DAVID who says in the name of the SEMAG that the Rambam himself relied on this Gemara as his source for becoming a doctor in Egypt, where he treated Nochrim. The YAD DAVID himself says, like the Me'iri and others, that even though there was no concern for malice in the Rambam's case, it was permitted for the Rambam to treat Nochrim because they did not serve idols.)

The RAMBAN (in Toras ha'Adam) rules this way as well, prohibited a Jew from treating a Nochri where there is no "Eivah," even if the Jew would receive money for it. However, where there will definitely be "Eivah," a Jew may treat a Nochri \*even for free\* (whereas the Rambam permits it in such a situation only when the Jew receives money for his services). (The Ramban derives this from the Gemara earlier in Gitin (61a) which says that we visit the sick of the Nochrim just like we visit the sick of the Jews, and visiting the sick is a form of healing, as the Gemara in Nedarim teaches.)

(It is interesting to note that the TZITZ ELIEZER (17:6) asks how could Elisha the prophet have cured Na'aman from his leprosy, as Na'aman was a Nochri? He answers that in the case of Elisha, there was a great Kidush Hashem involved, and therefore it was permitted for him to cure Na'aman.)

(d) Tosfos answers further that perhaps to heal an adult Nochri from his illness is not the same as tending to an infant. In the case of treating an infant, the Jew is actually helping to raise the child who will serve idols. In contrast, an adult is already an idol-worshipper, and the Jew will not be helping him become an idol-worshipper by providing treatment for his illness; the Jew is merely helping to remove illness or risk of death, and is not playing an active in bringing the Nochri to serve idols.

HALACHAH: The SHULCHAN ARUCH (YD 158:1) rules that a Jew may not provide medical treatment to a Nochri even if he receives money for it, unless there is concern for "Eivah." The REMA, however, rules like the RAMBAN who says that when there definitely will be resentment against the Jews if a Jew does not treat a Nochri, then it is permitted to treat a Nochri even for free.

(All of this applies to rendering medical treatment to a Nochri on a weekday. Regarding transgressing the laws of Shabbos in order to give medical treatment to a Nochri, there are various other Halachos which are not within the scope of this Insight.)

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From: Ohr Somayach[SMTP:ohr@ohr.edu] To: dafyomi@ohr.edu Subject: The Weekly Daf - #375 By Rabbi Mendel Weinbach, Dean, Ohr Somayach Institutions

REMEDIES OF THE RABBIS A wide variety of remedies for physical and psychological disorders is offered by our Sages in the first part of the seventh perek. Maharsha raises an interesting problem in regard to this: King Chizkiyahu was praised by the Sages for hiding the "Book of Remedies" (Mesechta Berachot 10b). Rashi explains that his motive was to encourage people to pray to Hashem for recovery. Why then did the Sages Ravina and Rabbi Ashi, who redacted the Babylonian Talmud, include these remedies? Might this not defeat the purpose of Chizkiyahu's concealment? Maharsha's explanation is that since Hashem gave man the right to heal himself (Shemot 21:19) there is nothing wrong with having a knowledge of remedies for illnesses. Publicizing all of them for the general public, however, is problematic because there may be some people who will put all of their faith in the remedy rather than in Hashem. This is why Chizkiyahu put away the Book of Remedies and left their knowledge to those who received them via oral tradition. But just as the Sages saw the need to write down the Oral Law -- which was initially supposed to be transmitted orally -- because the weakening memories in later generations posed a danger that this information would be forgotten (Gitin 60a), so too did the Sages find it necessary to record the remedies lest they be likewise forgotten by everyone, even those who should know them. Maharsha concludes with these words: "Thus you see that the Talmud lacks no area of wisdom, for you will find a true and effective remedy for any illness if you fully understand the language of the Sages. Let not any scorners scoff at the Sages that they were deficient in medical knowledge."

The compilation "Ta'amei Haminhagim" quotes the Maharil to the effect that one should refrain from using any of the remedies and chants mentioned in the Talmud because a failure to fully understand and administer them may lead to a person losing faith in the Sages. The only exception, he notes, is the treatment mentioned in Mesechta Shabbat (67a) for one who has a fish or meat bone stuck in his throat because experience has proven its effectiveness.

[Ed: I know a first-hand of the effectiveness of the above.] \* Gittin 69b