

INTERNET PARSHA SHEET
ON NASO - 5758

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* TORAH WEEKLY * Highlights of the Weekly Torah Portion Parshas Naso <http://www.ohr.org.il/tw/5758/bamidbar/naso.htm>

The Same Old Song "His offering was: One silver bowl, its weight a hundred and thirty (shekels); and one silver basin of seventy shekels in the sacred shekel, both of them filled with fine flour mixed with oil for a meal-offering" (7:13-14) An imaginary conversation. "Wow! What a concert! I've never heard the London Symphony play like that. Their Brahms' First was absolutely superb!" "I dunno. I heard the Boston Pops last week. They played the same tunes..." Or how about... "Ian McKellen's Iago must rate as one of the definitive Shakespearean interpretations of the century..." "Yeah, but didn't Shakespeare write any other tragedies? I mean, they do Othello, followed by Hamlet, followed by Macbeth followed by King Lear and then back to Othello again. Occasionally they throw in Timon of Athens or Antony and Cleopatra for a change, but then it's back to the same old stuff over and over and over..."

After Moshe finished building the Mishkan, he sanctified it and all its vessels and utensils. Then, the Princes of Israel brought offerings to inaugurate the Mizbe'ach (altar). Each prince, representing his tribe, brought his offerings one day after another. For twelve days they brought their offerings. The Torah faithfully describes each of the offerings of each of the princes and they are all identical. Absolutely identical: "...one silver bowl, its weight a hundred and thirty (shekalim); and one silver basin of seventy shekalim in the sacred shekel, both of them filled with fine flour mixed with oil for a meal-offering; one gold ladle of ten (shekalim) filled with incense; one young bull, one ram, one sheep in its first year for an elevation-offering; one he-goat for a sin-offering; and for a peace-offering: Two cattle, five rams, five he-goats, five sheep in their first year." Not a short list. The Torah records this list over and over again. Twelve times. Why couldn't the Torah have just written that all the princes brought identical offerings? The Torah never wastes a word, a letter or even a dot. If the Torah wrote a seeming redundancy twelve times, there must be a good reason. The answer is that the offerings weren't identical. Each one was infused with the individual enthusiasm of the prince who brought it. Each one was permeated with the unique personality of its owner, his own personal devotion, his own spiritual striving. Like two performers who can take an identical piece of music and imbue it with an individuality that makes both performances unique; like an actor who can wring from lines which have been said for hundreds of years a new and original interpretation, so too each of the twelve princes of the tribes of Israel brought the spiritual uniqueness of himself and his tribe as an offering to his Creator.

The Hollow "O" "So Moshe took the wagons and the oxen and gave them to the Levi'im... And to the sons of Kehas he did not give; since the sacred service was upon them, they carried on the shoulder." (6:6-9) Imagine you're sitting in the front row of Carnegie Hall. The orchestra is about to strike up the instantly recognizable opening bars of Beethoven's Fifth Symphony. "Da, da, da, Dah ... Da, da, da -- and then to your horror, the entire orchestra lands on a note exactly one semitone higher than Beethoven wrote: "Dah!" The sound is like someone dragging his fingernails across a classroom blackboard, excruciating beyond words. Music is an unforgiving thing. It works totally encased within a closed system. One step outside the scale, outside the system, and our teeth are set on edge. Arguably, the greatest musician who ever lived was King David. In Psalm 119, David Hamelech praises Hashem. He says "Your chukim (laws which surpass human understanding) were to me songs." What a beautiful sentiment! King David praising Hashem by telling him that the mysteries of Hashem's

B'S'D' laws -- the chukim -- sang to him like songs. And yet the Talmud (Sotah 35a) tells us that because of that sentiment, Hashem allowed King David to falter by making a mistake that a child in kindergarten wouldn't make. A mistake that led to the death of Uzza, the son of Avinadav. King David's mistake was to bring the Holy Ark up to Jerusalem in a wagon. This week's Parsha tells us that the reason Bnei Kehas did not receive any wagons from Moshe was that they had no need of them. The Bnei Kehas were charged with carrying the Holy Ark on their shoulders. It was never to be moved around in a wagon. So what was inappropriate about King David's praise of Hashem that led him to such an error, and what was appropriate about his punishment? What do songs have to do with a wagon? The word in Hebrew for a wagon is "agala." It is related to another word "igul," meaning circle. Music exists in a limited system, encircled by the strictures of tonality. Every octave, it essentially repeats itself. Music may be "the deepest of the arts and deep beneath the arts" (E.M. Forster), but it nevertheless exists within a finite structure. A note outside the scale is an excruciating impossibility. Fingernails on a blackboard. A violation beyond the boundaries of the musical sphere. Like a circle outside of which nothing can exist, music is a fixed system. The essence of a chok, statute, is that it exists outside of the systems that we can ever understand. It exists outside the tightly-drawn, all-encompassing "O" of this world. It is forever beyond the grasp of man, outside his system of recognition. King David, on his level, thought that he could relate to the chukim as though they were songs: "Your chukim were to me songs." Songs, however greatly they praise Hashem, can only exist within the finite tonality of music; songs can never break through the hollow "O." Now we can understand the aptness of the punishment that he received. King David stumbled by putting the Holy Ark, the quintessential representation in this world of the chok, the supernal wisdom, on a wagon. He tried to make it ride on an agala, on an igul. On a circle. On the musical scale. He tried to make the infinite mysteries of the chok ride on the circle of this finite world.

"Are You Receiving Me? Over." "May Hashem illuminate His countenance for you and be gracious to you..." (2:22) The largest radio transmitter in town can be blasting out 50,000 watts of power, but if the radio at the other end isn't turned on you won't hear a thing. In the above verse, "be(ing) gracious" means finding grace in the eyes of others. But the question arises -- if Hashem illuminates His countenance for us, surely there can be no question that we will find favor in the eyes of others. So what can the additional bracha of Hashem being gracious -- of giving us favor in the eyes of others -- mean? We can have all the best qualities, but they can still go unrecognized. Our good qualities can live like a princess locked in the top of a castle. When Yosef was in prison in Egypt, Hashem gave Yosef grace in the eyes of the prison guard. Yosef is called Yosef Hatzadik -- Yosef the righteous. Not Yosef a tzaddik, but Yosef the tzaddik. Yosef was the essence of righteousness, and yet Hashem still had to give him favor in the eyes of the prison guard. Some people are unable to see the true virtue of a person, often perceiving the very opposite of the person's true self. It needs a special bracha for a person's virtues to be recognized by the world. That's the bracha of finding favor in the eyes of others -- that their receiver will be turned on.

Sources: The Same Old Song - The Ramban as heard from Michael Treblow The Hollow "O" - Talmud Sotah 35, Rabbi Moshe Shapiro as heard from Rabbi Yosef Brown "Are You Receiving Me? Over." - Degel Machane Ephraim Written and Compiled by Rabbi Yaakov Asher Sinclair General Editor: Rabbi Moshe Newman Production Design: Eli Ballon Prepared by the Jewish Learning Exchange of Ohr Somayach International 22 Shimon Hatzadik Street, POB 18103 Jerusalem 91180, Israel <http://www.ohr.org.il>

mj-ravtorah@shamash.org naso.98 Shiur HaRav Soloveichik ZT"L On Parshas Naso (Shiur date: 6/20/78)

"Speak to Aaron and his sons, saying: So shall you bless the children of Israel, saying to them (Amor Lahem)" (Bamidbar 6:23). Rashi says 1) Amor is similar in form to Zachor and Shamor (in the Ten Commandments); 2) Amor is written in the full form (with a Vav), [to teach us] that they should not be in a hasty or bewildered state when they bless the people, but rather they should bless them with the proper intent and with a full heart. The Rav

examined both of these ideas.

Why did Rashi compare the form of the word Amor to that of Zachor? Zachor is the infinitive form (the root form of the word). The imperative form (Tzivuy) would be Zichor. If HaShem was commanding us to keep the Shabbos or to remember the Shabbos, why not use the imperative form of the word, Zichor, Shimor? Rashi (Shemos 20:8) says that the infinitive form teaches that one must always be thinking of Shabbos. Rashi quotes the opinion of Shamai to set aside the choicest objects encountered during the week for Shabbos. The Gemara (Baytzta 16a) says that Hillel had a different approach, that he would dedicate all his actions to the glory of HaShem and use the best that he had available before Shabbos. Rashi and the Rambam agree with the opinion of Shamai in this case, even though we have a principle that we always accept the opinion of Beis Hillel, because in this case Shamai's opinion matches the commandment as written in the Torah. Zachor teaches that no matter what day of the week it might be, one must always think of, and look forward to, Shabbos.

In the Parsha of Bircas Kohanim, the Torah says Amor Lahem and not Emor Lahem. From the use of the infinitive form instead of the imperative form, we learn that once a Kohen is Oleh Lduchan, goes up to bless the people, he retains a perpetual obligation to bless the people whenever he is asked to. (This is Rashi's opinion, Tosfos disagrees, see Sotah 38a). This perpetual obligation to bless the people is similar to the perpetual obligation to constantly remember the Shabbos. That is why the form Amor is used, similar to the use of the form Zachor.

The Rav explained the other statement of Rashi as to why Amor is written in the full form, with a Vav. Prior to blessing the people, the priests recite a blessing that HaShem sanctified them and commanded them to bless the people with love, Bahava. It would appear from the text of this blessing, that the true fulfillment of the biblical obligation to bless the people requires that they do it with Ahava. The Shulchan Aruch notes that a priest who is in mourning for one of the 7 relatives, does not bless the people during the Shiva period. The Rama extends this, and says that a priest who has lost a close relative should not Duchen for the full year extended period of mourning. Had Bircas Kohanim been a Mitzvah of simple recitation of some text, it should have been treated the same as Tefila and Krias Shema, which are Mitzvos that the mourner must fulfill despite his depressed frame of mind. Apparently the requirement to perform Bircas Kohanim "Bahava", prevents the Kohen mourner from being Oleh Lduchan.

The Rama rules that in Chutz Laaretz the Kohanim do not perform Bircas Kohanim daily because they are preoccupied with thoughts of daily survival and the need to earn a living, [which precludes them from fulfilling their obligation with its proper intent]. We do not find that similar pre-occupation removes the obligation to recite Krias Shema or to pray on a daily basis. The word Amor teaches that there is a biblical obligation to perform this Mitzvah Bahava, which is different than other Mitzvos. The fulfillment of Bahava requires the priests to bless the people with the proper intent and with a full heart and not to bless them while in a hasty or bewildered mood.

The perpetual obligation to bless the people indicated by Amor (similar to Zachor) is connected to the obligation to bless them Bahava. Amor teaches that the Kohen must always be ready to bless the people based on this perpetual obligation, just like the Jew must always think of Shabbos. Amor also teaches that it must be done through Ahava, that this perpetual obligation can only be fulfilled when the Kohen is of a clear frame of mind.

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ravfrand@torah.org "RavFrاند" List - Rabbi Frاند on Parshas Naso

The Dilemma of Nisanel ben Tzuar Parshas Naso is the longest parsha in the Torah, containing 176 verses. (It is interesting to note that the longest tractate in Talmud -- Bava Basra -- also has 176 blatt (folios, two-sided pages), and the longest chapter in Tanach, the Bible -- Tehillim (Psalms)

119 -- also has 176 verses.) When I was a young child, I remember feeling bad for the Bar Mitzvah boy who had to read Parshas Naso. The truth of the matter is that in terms of being a Ba'al Koreh [(Public) Torah reader], Parshas Naso is a rather simple parsha, because a large part of it is basically repetition. The end of the Parsha contains the recitation of the various sacrifices offered by the Princes of each of the Tribes on consecutive days in honor of the dedication of the Mishkan. The Torah tells us the exact offering of every single Prince. However, as it turns out, every Prince brought exactly the same offering. For 12 Princes (Nesiim), one after the other, the Torah tells us verbatim the same thing. So the Bar Mitzvah boy doesn't have to learn so many new pesukim, after all. There is a fascinating Medrash on this portion of the Nesiim. The Medrash relates that the Nasi from Yehudah, which was the first tribe to make an offering, had it easy. He could offer whatever he desired. The second Nasi -- Nesanel ben Tzuar of the Tribe of Yissachar -- was faced with a dilemma: what was he going to bring? We can compare this dilemma to the following situation: There will be 12 Bar Mitzvahs in shul, one week after the other. The first Bar Mitzvah serves a fruit cup, a quarter of a chicken, a piece of kugle, some carrots, and some chocolate cake for desert. That is Bar Mitzvah -- Week 1. The next week is Bar Mitzvah, Week 2. What does he serve? "I should serve the same chicken, the same kugle? That makes no sense! I'm not an imitator. That is not me. I'll do it differently. I'll serve chicken cutlets and broccoli..." The person will plan how to make each course a little different, a little better. The poor third guy has already seen the chicken and the chicken cutlets. What can he do? He obviously must serve beef! We can readily understand that by the time we get to Bar Mitzvah number 12, he really needs to outdo himself... The Medrash says that this is what went through the mind of Nesanel ben Tzuar: If I try to do different than the Tribe of Yehudah, if I try to 'one-up' Nachshon ben Aminadav, then the Nasi after me and the Nasi after him will face a spiral of escalating sacrifices, escalating costs, until day 12. Imagine what the Nasi will have to bring by then! Nesanel ben Tzuar reasoned as follows: We know our own nature. Everyone will argue that his offering was better. This will lead to Lashon Hara and hatred and jealousy. We know our nature. So, Nesanel ben Tzuar did a tremendous thing. He brought exactly the same offering. He set the tone -- everyone is the same. What was G-d's response? The Medrash says an unbelievable thing... There is an inviolate rule that a Public Offering can override Shabbos prohibitions, but a Private Offering cannot. No individual offering is ever brought on the Sabbath. If that is true, the sequence of offerings of the Princes should have been suspended on Shabbos, since they were Private Offerings. In this case, however, G-d allowed the offering to be brought even on Shabbos because it was like a Public Offering. Since all of the offerings were brought exactly like one another to maintain the sense of community (Tzibur), peace, and unity -- this was a Korban Yachid (Private Offering) that was infused with the spirit of a Korban Tzibur (Public Offering). It was a Korban Yachid that was brought to keep the Tzibur intact. G-d said -- as it were -- "For Me, this is considered a Communal Offering". There is a great ethical lesson here. This teaches us the importance of communal unity and the importance of communal peace. We see what G-d's response is to one who does things to promote such peace, unity, and harmony. A person that keeps a Tzibur together is one who brings merit to the masses in a most distinguished fashion and who merits many wonderful things for himself as well.

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yhe-sichot@virtual.co.il] YESHIVAT HAR ETZION ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH (VBM) PARASHAT NASO SICHA OF HARAV AHARON LICHTENSTEIN SHLIT" A "He Will Separate Himself from Wine ..." Summarized by Dov Karoll

In describing the laws governing one who has the special status of

nazir (nazirite), the Torah commences with the prohibition of wine and grape products (6:3): "He will separate himself from wine, both new and old. He will not drink anything soaked in grape products, nor will he eat grapes - whether fresh or dried." In a seeming repetition, the Torah continues in the next verse: "For all the days of his nezirut [the status of being a nazir], he will not eat any grape products - from the pit to the outer layer." The nazir accepts upon himself three different prohibitions - grape products (verses 3-4), haircuts (verse 5), and coming in contact with a corpse (verses 6-7). Why is only the prohibition of grape products repeated?

The emphasis on grape products is also apparent at the end of the parasha. After describing the process which the nazir undergoes at the conclusion of his period of nezirut (6:13-20), the Torah adds, "And afterwards, the nazir will drink wine." There is no mention of his being permitted to come into contact with the dead, or being allowed to cut his hair. By contrast, the mishna (Nazir 45b) mentions two of these elements - "And afterwards, the nazir is permitted to drink wine and come into contact with the dead" (the allowance for haircuts is not mentioned because the nazir cuts his hair as part of the aforementioned process). Why does the Torah present only the consumption of wine as representing reentry into regular society? How does it differ from the other prohibitions of the nazir?

The answer lies in a more careful reading of the first verses of the parasha. In verse 2, the Torah mentions the concept of a nazir, without describing what it entails. In verse 3, the Torah answers this question - "He will separate (yazir) himself from wine ..." (the words "nazir" and "yazir" share the same root). In other words, the definition of the nazir is his separation from grape products. Rashi (6:2, s.v. Neder) follows this same path: "Nezira (or nezirut) always refers to some sort of separation. In this case, it refers to separation from wine." It seems clear from Rashi that the primary separation which the nazir is effecting is his separation from grape products. Based on this explanation, the second question is also answered. The Torah mentions the drinking of wine as the symbol of the nazir reentering society, for that was the defining factor of his separation.

The Gemara (Ta'anit 11a) cites an interesting dispute: "Shemuel said: Whoever imposes fasts upon himself is a sinner. [Shemuel] held in accordance with the following statement. Rabbi Elazar Ha-kappar Be-rabbi asks: Why does the Torah state (Bamidbar 6:11), 'And the Kohen will atone for him [the nazir], for he sinned to his soul?' Against what soul has the nazir sinned? He has brought suffering to himself, by separating himself from wine. And if it is wrong to separate oneself from wine, how much more so is total asceticism to be considered sinning! However, Rabbi Elazar [disagrees]: The nazir is called holy, as it says (6:5), 'He is considered holy, and he should allow his hair to grow wild.' If one who causes himself suffering through one thing (wine) is considered holy, how much more so is one who separates himself from all physical pleasures considered holy!"

Again, separation from wine is viewed as the central component of nezirut, since it represents abstinence from physical pleasure. The other laws of nezirut seem to relate to different elements of the nazir's status. Avoiding contact with the dead relates to the similarity between a nazir and a Kohen. Not cutting his hair seems to be related to the holiness of which Rabbi Elazar spoke (the continuation of the gemara explains that according to Shemuel, the holiness applies specifically to the hair). Only wine is viewed as a worldly element from which the nazir separates himself.

The abstinence from wine can be viewed on two different levels. Firstly, wine represents physical pleasure in general. Consequently, the Rambam (both in Shemona Perakim and in Mishneh Torah) uses the nazir as an exemplar to discourage total separation from worldly pleasures: "A person should not say: 'Since jealousy, desire, honor and the like can take a person out of this world, I will totally separate myself from them, and go to the opposite extreme,' to the extent that he will not eat meat, drink wine, get married, live in a nice home, or wear nice clothing - wearing rather sackcloth and rough wool, like the idolatrous priests - as this is an improper path, and

it is forbidden to follow it. He who follows this path is called a sinner, which is apparent from the nazir..." (Hilkhot De'ot 3:1) The Rambam, following Shemuel's view, applies the prohibition against denying oneself wine to other pleasures as well. He considers it important is to reach a middle ground in these areas, and not to deny them completely.

Beyond representing physical pleasure in general, wine has a special nature. On the one hand, it can help bring about a raising of spirits. There are many contexts in which wine expresses joy, and enhances it as well. This holds true on the objective halakhic level, as expressed by the halakhic principle that the joyful songs sung at the offering of sacrifices in the Mikdash are accompanied by wine - "Ein shira ela be-yayin." It is also true on the more subjective level - as expressed by the verse (recited every Rosh Chodesh): "Wine gladdens the heart of man" (Tehillim 104:15). It is for these reasons that wine is present at most happy occasions, such as a wedding and Berit Mila. On the communal and personal levels, wine can be a means to enhance man's feelings.

On the other hand, wine can also be the cause of drunkenness. If it is not controlled, drinking can bring about a loss of control, and even a deterioration of man's nature. When a person allows himself to lose some control in this area, he will very often be dragged along to a total loss of control. If he allows his drinking to overcome him, the results can be disastrous. It can even lead to the tearing apart of families. Can the same be said for chocolate, movies, or Coca Cola? Do they bring a person to such great heights or terrible traumas?! Wine is more significant than other pleasures in this regard - it has the potential to raise a person up, or to destroy him.

What determines which of these two extreme results wine will bring about? The answer is control. If the person remains in control of his drinking, the wine can bring him joy. If, however, the person becomes enslaved to his drinking, it can have horrific results. It is critical for a person to remain in control of his drinking.

In medieval times, it was common for philosophers to believe that the way to achieve spiritual perfection is by denying oneself of the physical elements of this world. If one follows this path, the danger of being overtaken by those physical elements is minimal. However, modern thinking has a very different view on "this-worldly" matters. Take, for example, the approaches of two primary modern Jewish thinkers, Harav Soloveitchik zt"l and Harav Kook zt"l. While their worldviews differed in many ways, they both emphasized the positive nature of the physical world. They taught that there is much to be gained from the proper use of physical things.

For those who follow this path, having a positive outlook on the physical world, it is important to reach a proper balance. If one believes that there is some spiritual value to physical engagement, then it is crucial to learn the lesson of wine. If a person controls the manner in which he derives benefit from the physical world, he can gain much from it. However, if a person allows himself to be controlled by physical pleasures, he will encounter severe difficulties.

To a certain extent, the period during which a person is in Yeshiva is comparable to a period of nezirut. He is somewhat detached from the pressures of the world, and focuses heavily upon Torah. During this period, a person must internalize this message of remaining in control of his physical involvements. If he can incorporate this message into his very nature, he will be able to remain in control of his physical demands when he leaves the Yeshiva, and use them toward productive ends. By doing so, he has taken the positive elements of the nazir and applied them to the real world - "And afterwards, the nazir shall drink wine."

(Originally delivered at Seuda Shelishit, Shabbat Parashat Naso 5757.)

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'NEZIRUT' AS A MIRACLE AND AS A WONDER by Rabbi Sha'ar Yeshuv Cohen, Chief Rabbi of Haifa The description of the "nazir," who abstains from grapes and alcoholic products, starts with the words, "A man or a woman who takes a wondrous vow to be a nazir to G-d" [Bamidbar 6:2]. The word used to describe the vow is "yafli," from the root peh-lamed-aleph, meaning a wonder or an outstanding phenomenon. It is true that the entire essence of a vow is speech. However, even though the fact that a human being can talk is indeed remarkable (Onkeles translates "a living soul" [Bereishit 2:7] as "a talking spirit"), this is not the only mitzva which depends on the power of speech. Other examples are the recitation of the Shema, prayer, and the grace after meals. Why was the wondrous aspect of this skill emphasized specifically in relation to the nazir?

In addition, while there are other cases of a vow described by the word "pele," (see Vayikra 22:21 and 27:2), in the portion of Matot it is written, "A man who makes a promise" [Bamidbar 30:3], and the root "pele" is not used. Thus, there may be a type of vow which is not an object of wonder, but a vow to be a nazir is always a wondrous act.

Not all the commentators accept the interpretation of the word "yafli" as meaning a wondrous sign. For example, Onkeles translates it as "he will separate himself," and Rashi explains that this means to separate oneself from the other people and their worldly pleasures. The Sifri explains that the expression refers to a vow that is intentional and not coerced. On the other hand, Ibn Ezra writes, "He is performing a wondrous act, since most of the people of the world follow their temptations." But this is still not clear. Most of the mitzvot of the Torah cause us to be different from other people. Why is it only the act of a nazir which is so unique?

There are two types of nazir. The first, which is the reason for the proximity of this passage to the description of a sotah suspected by her husband, follows the rule that anyone who sees a sotah in her corruption should take a vow to abstain from wine (Nazir 2a). For this reason, the Talmud volume of Nazir is in the section of Nashim [laws pertaining to women] and not in Kodashim [holiness], which might at first glance appear to be more reasonable. This type of nezirut, which has clear aspects of self infliction, is related to sin and wrongdoing, and it is rooted in the ability to withstand the evil inclination. The nazir is therefore described as one "who has sinned in his soul" [Bamidbar 6:11].

However, there is a second type of nezirut, which is entirely an object of wonder, at a level of holiness which can lead to the inspiration of a holy spirit and prophecy. When Shimon the Righteous met a nazir of this type, he kissed his head, saying, "Let there be many more like you; those like you are referred to in the verse, 'A man ... who takes a wondrous vow.'" Shimon feared that any other nazir did not have pure intentions and might eventually come to regret his adventure. He only believed in this specific nazir from the south, who took the vow when he was attracted to his own image reflected in a well. Shimon had no doubt that this person was truly inspired by a holy desire. Why was he so impressed? The answer is that other cases of nezirut are inspired by external triggers, often in an attempt to imitate someone else's actions. Serving G-d in this way can include a distasteful element, and one who follows in this path may falter in his determination. However, when the service of G-d stems from introspection, looking at one's own reflection, he can be sure that he is truly on the wondrous path leading to a close approach to G-d Himself.

OU Torah Insights for Shabbat Naso 5758

Parshat Naso tells of the inauguration of the Mishkan in the wilderness: "It was on the day that Moshe finished erecting the Tabernacle, he anointed and sanctified it." Rashi asks why the Torah gives credit to Moshe for erecting the Mishkan, when Betzalel and Oholiab had constructed it. In fact many wise-hearted men and women contributed to the efforts that went into this wonderful, architectural marvel. Why does the Torah attribute the Mishkan to Moshe alone? Rashi explains: "Lefi shemash nafsho alav--Because he sacrificed for it." Moshe Rabbeinu was moseir nefesh over each of the many minutiae that came with the construction of the Mishkan. He painstakingly followed the progress of its construction; it is, therefore, attributed to him. Many times we find this concept in the Tanach. The Beis Hamikdash is called Sukkas David. Though Shlomo Hamelech actually built it, it was David Hamelech who demonstrated the mesiras nefesh to build the Holy Temple. At a bris milah, Eliyahu Hanavi is represented by the kisei shel Eliyahu. Because he had the mesiras nefesh to make sure that every Jewish child has a proper circumcision, even during times when fulfilling this mitzvah was punishable by death, he is honored at every bris. And so it is with our avodas hakodesh. Even though we do not always see the end of our work, we must always strive to build, to teach and to sanctify. It is easy to become discouraged in the face of great odds. But with mesiras nefesh, with Hashem's help, we will prevail. The reward we receive might not be in completing our objective, but simply in working toward it. This is a tremendous lesson--to put our greatest efforts into striving for, if not quite reaching, our goals. In that lies the achievement. As Pirkei Avos teaches, "The work is not yours to finish. But you are not free to neglect it." Rabbi Edward H. Garsek Rabbi Garsek is rabbi of Congregation Etz Chayim Toledo, Ohio.

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business-halacha@torah.org Business-Halacha - Peshara / Compromise In Bais Din

Question: Reuven has been summoned to a Din Torah by a business colleague. Although he is agreeable to going and finding out whether he is Halachically liable, he is concerned that the Bais Din may arbitrarily impose a settlement, which could be to his detriment. He is therefore asking the Bais Din to clarify what authority they have and what his rights are. Can a Bais Din arbitrarily impose a compromise upon disputing parties, or only if both agree to compromise may this be done?

Answer: A. After hearing both sides of a case, a Bais Din is permitted to suggest to both parties that they solve their dispute through compromise, if they are willing. They are also permitted to gently try to convince one or both of the parties of the necessity and benefits of compromise, and how much, in their opinion, the defendant should pay the plaintiff. This is true even if the Bais Din has already finished their deliberations and have decided how much the defendant is Halachically liable to pay. If the Dayanim feel that for the sake of Shalom (peace) it is worthwhile to try to convince the parties to settle themselves, they may do so in a gentle manner, without imposing a settlement on either side. This is because Shalom must be a primary concern of a Bais Din. Our Rabbis state, "What judgement is there that combines Emes (truth) and Shalom? Peshara!!"

B. If any one of the parties is not interested in compromise, and agreed to go to Bais Din only on condition that the Bais Din determine what his Halachic rights are to the best of their ability and not impose any settlement, no Peshara may be imposed involuntarily. Similarly, if any one of the parties only agreed to have the case determined in a manner that would involve settlement but would be close to the Din (Peshara Kerova L'Din), but not to have any settlement imposed merely based on the sense of fairness of the Dayanim, the Dayanim would only be permitted to impose a settlement of up to 1/3 of the total verdict. In other words, if the Dayanim find that the plaintiff deserves to be paid \$900 by the defendant, for the sake of Shalom or because of other mitigating circumstances they would be permitted to deduct \$300 from the amount owed for the sake of compromise. However, the plaintiff would have to receive a minimum of \$600.

C. If the two parties consent to resolve their dispute in front of a Bais Din without any preconditions, or if they sign an arbitration agreement, as is commonly done today in Batei Din, the Dayanim are permitted to judge as they see fit. They do not need the consent of the parties, but may obligate them to abide by their decision, whether Peshara or Din.

D. Just as a Dayan must remain totally objective when deciding who is Halachically correct, so too he must be totally objective when determining what the Peshara should be. He may not favor one party over the other based on friendship, social standing, etc.

E. Similarly, just as the Halacha is that a verdict is null and void if a Dayan has made a blatant mistake in his judgement. i.e. it is contrary to what is stated as the concluding Halacha in the Gemara, Shulchan Oruch, or accepted Halachic responsa (To'eh B'Dvar Mishna), so too if a Dayan made a mistake in the process of making a settlement and incorrectly exempted a party from paying something that he is clearly obligated to according to Halacha, the settlement is void and the person must pay his full obligation.

F. Based on the above, if, for example, the plaintiff is claiming that he lent the defendant \$1000, or that he supplied him with merchandise or services worth \$1000, and the defendant has not yet paid him, and it is clear to the Bais Din that this is true (either through witnesses or admission of the

defendant), there is no basis on which to make a Peshara in this case, and the Bais Din must obligate the defendant to pay the full amount. However, if the Bais Din realizes that it isn't practical for the defendant to pay the full amount at this time, they may allow that the full amount be paid in installments, as they see fit.

The following situations are some of the cases where there would be basis for a Bais Din to impose a Peshara to resolve a dispute. 1. If the plaintiff claims that the defendant damaged him, and the Bais Din determines that it was unintentional. 2. If the facts of the case are under dispute by both parties, and the Bais Din has no way to determine who is correct, but there is circumstantial evidence indicating that one side is correct. 3. If one of the parties is Halachically obligated to take an oath to back his claim or defense. Today we do not force people to swear in Bais Din, but the Dayanim may decide to "redeem" the oath by paying for part of the claim. 4. If the situation requires an estimation of the value of a property or a business by experts, and there is disagreement among them as to what the actual value is, the Bais Din would have to make some sort of compromise.

Sources: The above Halachos are based on the statements of the Shulchan Aruch and the Rema in Choshen Mishpat 12:2, the Bach (4), the S'Mah (6-10), the Shach (5), the Gilyon Rabbi Akiva Eiger, and the Pischei Teshuva there (3-7). This week's class is based on a column by Rabbi Tzvi Shpitz, who is an Av Bet Din and Rosh Kollel in the Ramot neighborhood of Jerusalem. His column originally appears in Hebrew in Toda'ah, a weekly publication in Jerusalem. It has been translated and reprinted here with his permission and approval.

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daf-insights@shemayisrael.com Insights to the Daf: Eruvin 28-35 brought to you by Kollel Iyun Hadaf of Yerushalayim Rosh Kollel: Rabbi Mordecai Kornfeld daf@shemayisrael.co.il ...

Eruvin 30 "SINAI" SAID... QUESTION: The Gemara asks how many raw eggs are needed to make an Eruv. Rav Nachman said that "Sinai" said two eggs. "Sinai," explains Rashi, refers to Rav Yosef. Why did Rav Nachman refer to Rav Yosef as "Sinai," and not by name, as usual? ANSWERS: (a) The BECHOR SHOR explains that according to the Gemara in Pesachim (110b), it is a Halachah le'Moshe mi'Sinai that it is harmful to eat *two* eggs (because demons harm those who eat "Zugos," pairs, of certain foods). How, then, could the Shi'ur for making an Eruv with eggs be *two* eggs? Two eggs should not be considered edible food! The Eruv would be "Zugos" and we could not eat it! (This question is asked by the Besamim Rosh #183). We find on the next Daf (31a) that Rav Yosef maintains that an Eruv may be made only for the sake of a Mitzvah (such as walking afar to learn Torah). According to one opinion in Pesachim (109b), the reason why the fourth cup of wine at the Pesach Seder is not considered "Zugos" is because it is a Kos Shel Berachah. If so, it could be whenever a pair is eaten for a Mitzvah it is not harmful to eat it. This is Rav Nachman's intention. The Shi'ur for an Eruv is indeed a pair of eggs, and there is no problem of "Zugos" because the Eruv is made for the sake of a Mitzvah. Who is to say that the Halachah le'Moshe mi'Sinai that states that eating two eggs constitutes "Zugos" does not apply to Mitzvos? "Sinai," i.e. Rav Yosef, known to be an expert in the intricacies of Halachos le'Moshe mi'Sinai*, was the author of the statement. He can be relied upon to say that "Zugos" does not apply to objects of Mitzvos. (The RASHASH and the GRIV ask on this explanation that an Eruv is made of the amount of food used for *two* meals. If so, there is no problem with using two eggs, because only one egg will be eaten at each meal.) (b) The Gemara earlier (28a) cites a Beraisa that says that the amount of pomegranates of Ma'aser Ani that one gives to a poor person on the threshing floor is two. If Rav Nachman would have just said that "Rav Yosef* said two eggs," we would have thought that Rav Yosef is merely making an inference from that Beraisa and comparing Ma'aser Ani to Eruv Techumin, and the size of eggs to pomegranates. That would have been a mistake, though, as we find that Rav Yosef himself became upset when someone said that the laws in the Beraisa apply equally to Eruv Techumin. Therefore, Rav Nachman referred to Rav Yosef as "Sinai," meaning that he was an expert in all of the Beraisos (Rashi) and found some explicit Beraisa that said that the Shi'ur of an Eruv is two eggs. (M. Kornfeld) (It should be pointed out that Rav Nachman also calls Rav Yosef "Sinai" in Mo'ed Katan 12a. None of these answers seems applicable in that Gemara.)

Eruvin 32 HALACHAH: A "CHAZAKAH" THAT A "SHALIACH" DOES HIS JOB OPINIONS: There is a principle that a Shaliach does his job -- "Chazakah Shaliach Oseh Shelichuso." Rav Nachman and Rav Sheshes argue whether this principle applies only to laws which are d'Rabanan (the opinion of Rav Nachman), or even to d'Oraisa laws (the opinion of Rav Sheshes). What is the Halachah? (a) TOSFOS (DH Rav Sheshes) cites RABEINU SHIMSHON of FOLIERRE (Falaise) who rules leniently like Rav Sheshes, based on the BEHAG's rule that "the Halachah is in accordance with Rav Nachman with regard to monetary matters and like Rav Sheshes with regard to matters of prohibitions." This is also the ruling of the RI as well as the conclusion of the ROSH. (b) RABEINU TAM (cited in Tosfos), however, rules like Rav Nachman, because a number of Sugyos throughout Shas seem to favor the more stringent opinion of Rav Nachman, that only with regard to Rabbinic laws may this Chazakah be relied upon. This is also the opinion of the RIF and RAMBAM. (MISHNAH L'MELECH, Hilchos Bechoros 4:1, who concludes that one should be stringent and follow this opinion).

Eruvin 32b DO THE PROHIBITIONS OF "SHEVUS" APPLY DURING "BEIN HA'SHEMASHOS" QUESTION: According to Rabbi, the prohibitions of "Shevus," or the Isurei d'Rabanan of Shabbos, do not apply during Bein ha'Shemashos. This is the Halachah as well (SHULCHAN ARUCH OC 307:22, 342:1). If the Gezeiros d'Rabanan do not apply during Bein ha'Shemashos, then why does the Mishnah in Shabbos (34a) state that it is prohibited during Bein ha'Shemashos to separate Ma'aser and to immerse utensils in a Mikvah if those acts are prohibited on Shabbos only mid'Rabanan? Does Rabbi argue with that Mishnah and permit those acts to be done during Bein ha'Shemashos? ANSWERS: (a) The RITVA cites the RA'AVAD who says that Rabbi certainly agrees to the Mishnah in Shabbos. When Rabbi said that the prohibitions of "Shevus" do not apply during Bein ha'Shemashos, he was referring only to the laws of Eruv Techumin. Rabbi is saying that when the Rabanan enacted the law of Eruv Techumin, they said that the Eruv is valid as long as there is no Isur d'Oraisa preventing one from getting to his Eruv. If there is an Isur d'Rabanan preventing access to the Eruv, the Eruv is nevertheless valid. However,

they did not actually *permit* doing an Isur d'Rabanan during Bein ha'Shemashos in order to get to the Eruv. (This is similar to the concept that Rashi explains at the end of the Amud regarding the area of a person's Eruv Techumin being considered like a Reshus ha'Yachid that extends up to the sky, even though it is not really a Reshus ha'Yachid.) (b) The RAMBAM (Hilchos Shabbos 24:10) writes that it is permitted to transgress an Isur "Shevus" during Bein ha'Shemashos for the sake of a Mitzvah. Since an Eruv is made for a Devar Mitzvah (such as going to learn Torah from a teacher who is farther than 2000 Amos away), it is permitted to do an Isur "Shevus" for that purpose. Rabbi agrees, though, that to take Ma'aser from fruit is prohibited during Bein ha'Shemashos, since it is not being done for the sake of a Mitzvah. (MAGID MISHNAH ibid.)

Eruvin 35b A "CHAZAKAH" DURING "BEIN HA'SHEMASHOS" QUESTION: The Mishnah mentions a case of an Eruv made with Terumah food that became Tamei, but it is uncertain whether the food became Tamei before nightfall (in which case the Eruv would be invalid) or after nightfall (and the Eruv is valid). Rabbi Meir and Rabbi Yosi argue whether such an uncertain Eruv is valid or not. Rabbi Meir maintains that an Eruv in doubt is *not* a valid Eruv. The Gemara asks how can Rabbi Meir be stringent regarding an Eruv in doubt, when elsewhere we find that he is lenient in a case of doubt (in a case where one is in doubt whether the body that one touched at night was living or dead at the time that he touched it). The Gemara answers that the case of the Eruv that became Tamei is when it is known for sure that the Terumah became Tamei at the beginning of Bein ha'Shemashos (that is, a Sheretz fell on it at that time). If so, asks the Gemara, why does Rabbi Yosi say that the Eruv is valid? The Gemara is forced to retract its suggestion that the case is when the Terumah became Tamei at the beginning of Bein ha'Shemashos. Why did the Gemara not suggest a simpler answer, asks REBBI AKIVA EIGER (Gilyon ha'Shas). TOSFOS in Shabbos (34a, DH Sheneihem) explains that a Chezkas Taharah is effective only in a case when one is not sure when an item became Tamei (for example, before or after Bein ha'Shemashos). If, however, it is known for certain that the item became Tamei during Bein ha'Shemashos, but we are not sure whether Bein ha'Shemashos is day or night, then we *cannot* use the Chazakah to determine that the item is Tahor until the night. A Chazakah can only tell us that an item retains its status quo until the latest possible moment (that is, until the moment at which there is no longer any doubt about its status). Since, in the case of an item becoming Tamei during Bein ha'Shemashos, we know *exactly* when* the item became Tamei, and the only doubt is whether that point in time was considered day or night, the Chazakah does not tell us that it is day and the food is Tahor. If so, the Gemara should have said that Rabbi Meir will admit that the food is Tamei in the case of the Mishnah because it is discussing a case where we know that the Sheretz fell onto it during Bein ha'Shemashos, rendering it Tamei. A Chazakah cannot tell us whether the given moment during Bein ha'Shemashos when the Sheretz fell on the Terumah is day or night. In such a case, Rabbi Yosi should still say that it is a valid Eruv because he maintains that any Eruv in doubt is valid. Why did the Gemara not suggest such a case? ANSWERS: (a) RASHI (Shabbos 34a) seems to disagree with Tosfos's rule. Rashi maintains that a Chazakah could be applied even in such a case. Even though we know exactly when the Sheretz fell on the Terumah, the Chazakah can tell us that that moment during Bein ha'Shemashos was Halachically nighttime and not daytime (and the Eruv is thus valid), since night is inherently later than day. According to Rashi, then, the Gemara was not able to suggest that this is the case in which Rabbi Meir and Rabbi Yosi argue, because in such a case Rabbi Meir would agree that it is a valid Eruv because of the Chazakah. (b) The RESHASH points out that from Berachos 2a it seems that Rabbi Meir and Rabbi Yosi are of the opinion that the duration of Bein ha'Shemashos is not more than "k'Heref Ayin," the blink of an eye. If so, it may be suggested that we cannot be in doubt because the Sheretz fell during Bein ha'Shemashos. If Bein ha'Shemashos is the length of the blink of an eye, the Sheretz cannot fall exactly at that moment. That is why the Gemara cannot say that the argument is when the Sheretz fell at exactly that moment. (c) Perh aps when the Gemara says that there was a Sheretz on the Terumah at the beginning of Bein ha'Shemashos, it means to say exactly what Rabbi Akiva Eiger suggests that the Gemara should say. Furthermore, our Gemara is probably the source for Tosfos suggestion that a Chazakah does not apply when the it is known that the Sheretz fell on the Terumah during Bein ha'Shemashos. Tosfos learned that the Gemara is suggesting that the argument in our Mishnah involves Rabbi Akiva Eiger's case, when the Sheretz fell on the Terumah at a known point during Bein ha'Shemashos. If this is the Gemara's case, then why does the Gemara ask that Rabbi Yosi should agree that the Eruv is not valid? Since Chazakah does not apply in this case, there should remain a Safek (whether the moment at which the Sheretz fell on the Terumah is considered day or night), and Rabbi Yosi rules that a Safek Eruv is valid! The RASHASH explains that Rabbi Yosi indeed would not permit a Safek Eruv in such a case. The Gemara concludes (36a) that according to Rabbi Yosi an Eruv in doubt is valid only because of a Chazakah. (This is also clear from Tosfos, ibid., DH Sheneihem). Without a Chazakah, Rabbi Yosi would not permit use of the Eruv; therefore the case of the Mishnah cannot be that a Sheretz fell on the Terumah during a known point of Bein ha'Shemashos.

daf-discuss@shemayisrael.com Eruvin 009b: Making a Heker through Lavud Pinchus Idstein <Rabbi@aol.com> asked: Question: When the Gemora proposes the idea of saying Lovud and thereby you would have a Lechi How does that work? Lovud is a din, its not something that can be seen. How then could it serve as a Heker? Thanx so much for all you do!

The Kollel replies: Excellent question! Where a Lechi does not produce a Heker, the Rabanan usually do not allow using such a Lechi (such as ha'Omed me'Elav, 15a, according to some Rishonim, or Korah b'Alakson, 8b). Why should Lavud be allowed? The Gemara on 9b that you refer to mentions a few cases of Lavud. The one that involve s two Chatzeros, one 11 wide and one 10 wide, is a question of Pasei Chatzer and not Lechi. Pasim are larger than a Lechi, and apparently other mechanisms besides Heker are involved. (This may answer the question of Tosfos top of 12a.) (On the top of the page, the Gemara discusses *invalidating* a Lechi due to Lavud, and not using Lavud to make the Lechi work.) Of course, if a Lechi is placed within three Tefachim of a Mavoy it works because of Lavud. However, in such a case the Heker is indeed there (i.e., there already is a Lechi with the proper Shiur); it just has to be placed next to the wall of the Mavoy, and Lavud puts it there. Regards, M. Kornfeld

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drasha@torah.org [Not in Fri. AM distribution] DRASHA PARSHAS
NASO -- PENNIES FROM HEAVEN Rabbi Mordechai Kamenetzky
Yeshiva of South Shore

The portion of Naso contains the phrases that are said everyday by every congregation in the world. In the Diaspora they are incorporated in the repetition of the Shemone Esrai, and in Israel the kohanim themselves recite them each morning as they bless the nation: Birkas Kohanim, the priestly blessings. In this week's portion Hashem instructed the kohanim to bless the people: "Thus shall you bless the nation of Israel, speak unto them. May Hashem bless you and safeguard you. May He illuminate His countenance upon you and let you find grace. May He lift His countenance upon you and establish peace for you." (Numbers 6:22-26) It seems that we ask for more than blessing. Why is each one of the blessings followed with its practical implication? Bless us ♣ and safeguard us. Illuminate us ... and let us find favor in the eyes of others. Lift countenance.. and establish peace for us. Is it not enough to be blessed and have the illumination of his countenance? What is the necessity of the second half of each blessing? Noted attorney Robert Harris, Esq. of Woodmere, told me a wonderful story: A man once pleaded with the Al-mighty to bestow a bit of His abundance upon him. He implored and begged his Creator for long life and wealth. After all, the poor soul figured, G-d had an abundance of everything; why then, wouldn't He spare something for a Jew in need. He entered a huge, empty synagogue on the Lower East Side and began to cry. "Ribono Shel Olam (Master of the universe)," he cried "in the great extent of Your eternity what is a million years?" The man began to tremble. He imagined that he actually heard a response. "To Me a million years is just a mere second!" boomed a voice inside his mind. The man continued. "And," he pleaded, "to the magnitude of Your great bounty, what, may I ask, is a billion dollars?" "A billion dollars is just a mere penny," came the resonating reply. "Then," begged the man, "can I not have just one of your pennies?" "Surely!" came the response. And then a pause. "But you must wait a mere second!"

It is not enough to get a blessing from Hashem. It must be given with the assurance that it will have a practical implication. Many people receive blessings of wealth and health only to lose them to thieves and aggravation. Each of the priestly blessings is followed by a safeguard - a follow up. A blessing of wealth alone is not enough. Hashem must guard it. Illuminating us with His countenance is not enough. Unless fellow humans appreciate the grace that G-d has given the Jews, in this very corporeal world, it is a worthless gift. And of course, even if He lifts his countenance upon us we still need the blessings of shalom - peace. The Torah also teaches us that blessing others must be done with a full heart and full hand. To bestow generosity on others must include a vehicle to appreciate the bounty. Otherwise you have given the gift of a billion dollars - in a million years. We may give blessings to our fellow Jews, but the greatest blessings we receive and give are those that we can use - immediately and forever.

Dedicated in memory of Irving I. Adelsberg by the Adelsberg Family
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