

[From Efraim Goldstein <efraimg@aol.com>]

**Weekly Internet Parsha Sheet
Pinchas 5765**

Mazel Tov to Sharona and Uri Meyers on the birth of a son
Mazel Tov also to grandparents Karyn and Shalom Feinberg
siblings Covi and Michal, aunt Ayelet and uncle Aaron, and aunt Adina and the
entire family

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JEWISH MUSIC Rabbi Berel Wein

Over the ages, Jewish music, so to speak, has always been religious, prayer music. However, over the past half century, really beginning with the Shlomo Carlebach era, Jewish music has branched out. In Israel, the popular songs and performers, although using Hebrew as the language of the lyrics, are not really in the Jewish music genre. The songs are the same in content and style as pop music the world over, except in Hebrew. There are many performers who create "Jewish music" by using the words of prayers and Psalms as the lyrics to the song while the melodies employed are similar to pop, rock, and other forms of secular music. Because of the explosion of technology in bringing music to the masses, Jewish music is also riding the crest of that technological wave, both in the instruments used to produce the music and the different forms of reproducing it. We have come a long way from the round vinyl records that were placed on the turntables of phonographs. DVDs, CDs, cassette tapes, iPods and other marvels are the vehicles of dissemination of today's Jewish music.

Synagogue music was the province of the chazanim – the cantors in the synagogues. Famous chazanim were heroes in the Jewish world and many times the synagogue service was essentially a sort of concert of religious music. Because of this not all of the chazanim were necessarily of the level of piety and observance that the standards of halacha demanded, but rather it was the voice and musical talent that carried the day. The popularity of chazanim was of such a nature that they were the main draw that brought people to the synagogue, with the prayer services themselves becoming almost secondary to the "concert." I remember that a famous Jewish gangster died of old age and his family feared that very few people would show up to honor the deceased at the funeral, so they engaged a very famous cantor to sing the requisite prayers at the funeral. They advertised this on posters throughout the Jewish neighborhood and the funeral parlor was packed with listeners. Whether this ultimately was aid to the soul of the departed one is a debatable question. Perhaps as a reaction to the deification of some chazanim, coupled with the decline of "cathedral" congregations in the Orthodox Jewish world and the determination to place meaningful prayer above melodic concert-like performances, the institution of the chazan began to decline in the Orthodox world after the Holocaust. However, over the last few decades, especially here in Israel, the chazan has regained his preeminent position in Jewish life. Great chazanim concerts, ship cruises

and personal performances have now become very popular. A whole new generation is being raised to appreciate the creativity and nuances of fine cantorial music. Of course, the resurgent talent and unquestioned piety of many of the great chazanim of today has also played a great role in the rebirth of the popularity of chazanic performances the world over.

Some of the great stars of the opera and the movies began their careers as chazanim. Al Jolson was himself the chazan that he portrayed in his role in the movie, "The Jazz Singer." Jan Peerce was a famous chazan before he became a leading tenor at the Metropolitan Opera Company in New York. The same was true of his brother-in-law, Richard Tucker, who became one of the premier stars of the Met. Both Peerce and Tucker continued to serve as cantors for the High Holy Days while being at the Met. Apparently, once a chazan, always a chazan.

There was also a genre of Jewish music called Yiddish folksongs. These songs, which expressed all of the pathos, humor and reality of Ashkenazi Jewish life, were immensely popular amongst the masses of Ashkenazi Jews. There were also wedding songs, both in Yiddish and Hebrew, meant to gladden the hearts of the bride and groom. The various Chasidic groups developed their own special tunes and lyrics for various occasions, not limited at all to the prayer services in the synagogue. Many of the tunes were "borrowed" from the songs of their non-Jewish neighbors – even from Napoleon's army that swept through Eastern Europe in the war of 1812 in Russia – and were "Judaized." This was true of many popular Israeli melodies, originally used as secular songs that were adapted and introduced into the prayer services. So how Jewish is Jewish music? Jewish music is apparently designated by its use more than by its origin.

More about Sephardi Jewish music in a later column. Shabat shalom.

Weekly Parsha

PINCHAS Rabbi Berel Wein

Pinchas is a tainted hero. Rashi records for us that the tribes of Israel, especially the tribe of Shimon, complained that someone who is a descendant of "one who fattened calves for paganism and dares kill a head of a tribe in Israel" should not be entitled to any honors. The Lord, so to speak, comes to his defense and grants the gift of the priesthood to him and his descendants and also the supreme blessing of peace. The Torah records his genealogy as being from Elazar and Aharon and not from the one who "fattened calves for idolatry." Yet, even this restoration of status and Godly confirmation of the Rectitude of Pinchas is also somewhat reserved. In the word "shalom" that marks the covenant of peace granted to Pinchas by God, the letter "vav" in this word, as it is written in the Torah, is split and cracked. He is not granted the full blessing of peace but rather a diminished portion of it. Our rabbis taught us that this is because his heroics involved violence and the taking of human life, albeit in a just and holy cause. Nevertheless, peace obtained through violence and the death of others, even if those deaths are unavoidably necessary and completely justified, is always somewhat tarnished, cracked and split. Pinchas is completely vindicated and rehabilitated by the Torah, but a lingering resentment

against his act of boldness and zealotry remains present amongst the Jewish people.

Pinchas reappears later in Jewish history in the book of Shoftim/Judges. There he is the High Priest and according to some opinions, the leader of the Sanhedrin as well. The Talmud records for us that in the tragic story of Yiftach and his daughter, in which Yiftach vowed to sacrifice the living creature that would first confront him when he returned home after the successful war against Bnei Ammon, was first greeted by his daughter upon his return home. The Talmud is of the opinion that Yiftach's vow could have been annulled legally by the court of Pinchas. But Pinchas insisted that Yiftach come to him to obtain such an annulment while Yiftach felt that this would be an affront to his position as the "shofeit" judge and temporal leader of Israel. So nothing was done, the vow remained, and the innocent life of Yiftach's daughter was snuffed out on the altar of pride. So Pinchas is slightly tarnished in this story as well.

The eventual complete redemption of Pinchas occurs when the Talmud equates him with the prophet Eliyahu. It is therefore Pinchas/Eliyahu who accompanies the Jewish people throughout the ages and the troubles. He is present at every brit milah and at every Pesach seder. He is the harbinger of our complete redemption, the one who will bind the generations together and is the symbol of hope and the glorious future of Israel and humankind. It is as Eliyahu that Pinchas receives the undisputed heroic stature that the Lord grants to him in this week's parsha. May we see him speedily in our days. Shabat Shalom.

TORAH WEEKLY—Parshat Pinchas

For the week ending 23 July 2005 / 16 Tammuz 5765

from Ohr Somayach | www.ohr.edu

by Rabbi Yaakov Asher Sinclair

OVERVIEW

G-d tells Moshe to inform Pinchas that Pinchas will receive G-d's "covenant of peace" as reward for his bold action - executing Zimri and the Midianite princess Kozbi. G-d commands Moshe to maintain a state of enmity with the Midianites who lured the Jewish People into sin. Moshe and Elazar are told to count the Jewish People. The Torah lists the names of the families in each tribe. The total number of males eligible to serve in the army is 601,730. G-d instructs Moshe how to allot the Land of Israel to Bnei Yisrael. The number of the Levites' families is recorded. Tzlofchad's daughters file a claim with Moshe: In the absence of a brother, they request their late father's portion in the Land. Moshe asks G-d for the ruling, and G-d tells Moshe that their claim is just. The Torah teaches the laws and priorities which determine the order of inheritance. G-d tells Moshe that he will ascend a mountain and view the Land that the Jewish People will soon enter, although Moshe himself will not enter. Moshe asks G-d to designate the subsequent leader, and G-d selects Yehoshua bin Nun. Moshe ordains Yehoshua as his successor in the presence of the entire nation. The Parsha concludes with special teachings of the service in the Beit Hamikdash.

INSIGHTS

Only One Job

"Pinchas, the son of Elazar, the son of Aharon, the Kohen..." (25:11)

A true story.

A number of years ago a unique manuscript came to light in the Cairo Museum of Antiquities. The manuscript was a previously unknown work by one of the Rishonim (earlier commentators). Its existence came to the attention of a certain Jew whom we shall call Reb Shalom. Reb Shalom made it his business to track down and publish such manuscripts.

Reb Shalom made overtures to the Egyptians. They were unresponsive. Undeterred, Reb Shalom went to work. He galvanized every source of pressure he could bring to bear. He lobbied Senators in Washington, Members of Parliament in Westminster. Eventually, the Egyptians were prepared to listen. To the Jewish People, the manuscript was priceless. To the Egyptians it was worth three-quarters of a million dollars.

Three-quarters of a million dollars is not a paltry sum by anyone's estimation. Reb Shalom did not flinch, and in due course the money was paid and the manuscript delivered. With great eagerness Reb Shalom and his team of experts gathered around as the manuscript was opened. Silence fell upon the room as, for the first time in centuries, the holy words of the manuscript greeted the eyes of those who truly knew their meaning and significance. And then, one of Reb Shalom's colleagues leaned forward to examine a certain line, and in doing so his coat brushed against a large Styrofoam cup which held a full cup of hot coffee. The material of the coat barely grazed the cup, but it was enough. The entire contents of the cup spilled over the delicate manuscript. Within seconds the entire manuscript became a sodden un-decipherable mess. The man who had spilled the coffee slumped into his chair with his head between his hands. The room filled with a deafening silence. After a few moments Reb Shalom walked over to the man, put his hand on his shoulder and said:

"Don't worry. We'll get you another cup of coffee."

A Jew only has one job in life - to do the will of G-d. Up until the moment that the coffee spilled, Reb Shalom's job was to publish the manuscript. After it spilled his job was to not get angry. The job doesn't change, only the context.

When people would ask Reb Shalom how the work on the manuscript was coming along, he would reply that it was going to be a very long job. In fact, the story of what happened to the manuscript didn't emerge until many years later, when, after Reb Shalom's death, the person who had spilled the coffee revealed the fate of the manuscript.

At the end of last week's Torah Portion, Pinchas takes a spear in his hand and slays Salu, a prince of the tribe of Shimon, together with a Midianite princess called Kozbi. At the beginning of this week's parsha, the Torah refers to Pinchas as "the son of Elazar, the son of Aharon the Kohen." The Torah specifically links Pinchas to Aharon, his grandfather. The job of Aharon and of every kohen is to create shalom - "peace" - between the Jewish People and G-d. Actually shalom is not adequately translated by the word peace. Shalom means a state of wholeness, of completion. Sometimes we create shalom through gentle acts of kindness and mercy, and sometimes

shalom can only come, as in this case, through intransigence and apparent cruelty. However, the common denominator is that our entire job in life is to do the will of G-d, whether that may be through gentleness or zealotry - or by offering another cup of coffee.

Adapted from a story told by Rabbi Zvi Myer Zylberberg as heard from

Rabbi Reuven Levitt

Written and compiled by Rabbi Yaakov Asher Sinclair

Halacha Talk

by Rabbi Yirmiyohu Kaganoff

Shaving and Haircuts

During the Three Weeks

Question #1: My company sent me out of town to meet a new client, and I forgot to have my hair cut before Shiva Asar B'Tamuz. May I have the bushier parts trimmed? Does it make a difference if I use a non-Jewish barber? May I shave?

Question #2: My son wrote me that in his yeshiva in Eretz Yisroel, the Sefardi bochurim shave during the Three Weeks. Is this permitted?

Question #3: Boruch Hashem, we will be celebrating the Bris of a Grandson during the Three Weeks, and I do not want to look disheveled for the Bris photos. May I shave in honor of the occasion?

Question #4: My wife says that her hair is sticking out beyond her tichel and she would like to trim it. May she?

The three-week period between Shiva Asar B'Tamuz and Tisha B'Av is observed by klal Yisroel as a time of mourning. These three weeks heralded the beginning of the tragedies that took place prior to the destruction of both Batei Hamikdash. Prior to the destruction of the First Beis Hamikdash, the daily korban tamid ceased on Shiva Asar B'Tamu. It did not resume until the Jews began constructing the Second Beis Hamikdash seventy years later (see Rambam, Hilchos Taanis 5:2). Before the destruction of the Second Beis Hamikdash, the walls of the city of Yerushalayim were breached on Shiva Asar B'Tamuz, leading to the complete devastation that followed (Gemara Taanis 28b).

To commemorate these tragic events, the minhag is to observe some mourning practices (aveilus) from the 17th day of Tamuz until Tisha B'Av (Rama, Darchei Moshe 551:5 and Hagahos 551:2; Ben Ish Chai, Parshas Devorim #4; Knesses Hagedolah; Sdei Chemed Vol. 5, pg. 279 #14). (According to most customs, some aveilus extends into the morning of the Tenth of Av.) This three-week season is referred to by the Midrash Rabbah (Eicha 1:3) as the period of Bein Hametzarim. (It is noteworthy that neither the Mishna nor the Gemara make any mention of beginning the mourning period any earlier than Rosh Chodesh.)

WHAT ARE THE LAWS ABOUT GETTING HAIRCUTS AND SHAVING

DURING THE THREE WEEKS?

The Mishnah (Taanis 26b) rules that it is prohibited to cut one's hair from Motzei Shabbos preceding Tisha B'Av until Tisha B'Av. (As a general rule, the halachos of shaving and cutting one's hair are usually the same.) These days are referred to as

shavua shechal bo Tisha B'Av, the week in which Tisha B'Av falls. This year, when Tisha B'Av falls out on Sunday, there is no shavua shechal bo Tisha B'Av except for Tisha B'Av itself. Thus, according to what Chazal instituted, it is permitted to fake a haircut or shave this year for the entire period of the Three Weeks except for Tisha B'Av. However, the Rama notes that the custom among Ashkenazim is that we do not cut our hair during the entire Three Weeks (Darchei Moshe 551:5 and Hagahos 551:4).

There are different customs among Sefardim whether they get their hair cut during the Three Weeks. The Shulchan Aruch (551:3) only prohibits that which is recorded in the Gemara, cutting hair from Motzei Shabbos until Tisha B'Av, and this is the prevalent practice among Sefardim today in Eretz Yisroel (Shu't Yechaveh Daas 4:36). Thus, the practice of many Sefardim is to permit shaving or hair cutting during the entire Three Weeks this year. Others shave and get haircuts until Rosh Chodesh.

However, other Sefardic communities follow the Ashkenazic practice not to shave or take haircuts the entire period of Bein Hametzarim (Ben Ish Chai, Parshas Devorim #12). (Incidentally, the Shulchan Aruch (551:4) also permits having one's hair cut immediately after Tisha B'Av, and does not require waiting until the next day.)

SEFARDIM LIVING IN AN ASHKENAZI COMMUNITY

May a Sefardi living in an Ashkenazi community be lenient despite the prevalent custom?

This shaylah is discussed by contemporary poskim. There is a general rule in halacha that a community should follow one established minhag. This law principle is referred to by the Gemara as "lo sigodedu," do not give the appearance that different Torah communities received different versions of the Torah, G-d forbid (Yevamos 14a). This law prohibits a Jewish community from following two conflicting customs. Thus, it seems that an Ashkenazi living in a Sefardi community or vice versa must observe the prevailing custom.

However, contemporary poskim rule that Ashkenazim living in Sefardic communities are not required to observe Sefardic custom, and Sefardim living in Ashkenazi communities may continue to follow Sefardic practice. Therefore, Sefardic bochurim learning in an Ashkenazic yeshiva are permitted to shave until Rosh Chodesh or during the entire Three Weeks, depending on their minhag. Even though most of the students in the yeshiva follow the Ashkenazic practice of not shaving during the entire Three Weeks, it does not violate minhag hamakom for the Sefardic bochurim to shave (Shu't Yechaveh Daas 4:36).

WHY DOES THIS NOT VIOLATE LO SISGODEDU?

Even though there is a general rule that a community should follow one halachic practice, this is true when the community has one rav or follows the guidance of one beis din. However, when there are two different batei din in a community, each beis din is free to paskin as it sees fit and does not need to change its psak because of lo sigodadu. Thus, the prohibition of lo sigodadu applies only when there are two different practices in one beis din.

Similarly, when it is well-known that there are different communities, each may observe its own well-established

practice. Therefore, Ashkenazim and Sefardim following different minhagim is not a violation of lo sigodadu. As a result, Sefardic bachurim may shave during the Three Weeks even if they study in an Ashkenazi Yeshiva, since it is understood that they are following a different psak.

EXTENUATING CIRCUMSTANCES

There are several exceptions when Ashkenazim are permitted to shave or get a haircut during the Three Weeks. For example, it is permitted to trim one's mustache if it interferes with eating (Ran; Shulchan Aruch 551:13). Some poskim rule that a person who shaves every day is permitted to shave during the Three Weeks in honor of Shabbos (Shu"t Chasam Sofer, Yoreh Deah #348 s.v. Ve-iy golach). Others permit someone to shave whose beard stubble makes him very uncomfortable (see Shearim Hametzuyanim B'Halacha 122:5). However, since these last two psakim are not usually accepted, one should not rely on them without receiving a psak from a rav.

Someone who is in aveilos is not permitted to shave or get his hair cut until the end of the Sheloshim (30 days), and someone in aveilos for a parent, for several months. If the aveilos ended during the Three Weeks, he is permitted to have his hair cut since he could not cut it before Shiva Asar Bitamuz (Be'er Heiteiv 551:18). Most poskim permit this even during the Nine Days assuming his aveilos ended then (Bach; Taz; Mishnah Berurah 551:87; cf. however, Eliyahu Rabbah).

SHAVING BECAUSE OF FINANCIAL LOSS

Rav Moshe Feinstein paskens that one may shave during the Three Weeks if one may lose one's job or customers because one does not shave. However, if the only concern is that people will make fun of him, one is not permitted to shave. Rav Moshe Feinstein contends that since the prohibition not to shave the entire Three Weeks began as a minhag, the custom was only originally established when one will not suffer financially as a result. However, if he will only suffer embarrassment or harassment but no loss of income, he is required to remain unshaven (Shu't Igros Moshe, Choshen Mishpat 1:93; Orach Chayim 4:102). Thus, someone who makes a business trip may shave since making a bad impression on the potential customer could cost him business. Certainly, one is not required to jeopardize his employment by avoiding shaving during the Three Weeks.

SHAVING FOR A SIMCHA

If a bris falls out during the Three Weeks, the father of the baby, the mohel, and the sandek who holds the baby during the bris are permitted to shave or get a haircut in honor of the festive occasion (Shu't Chasam Sofer, Orach Chayim #158). According to some poskim, the kvatter, who brings the baby to the bris, and the sandek meumad (also called amida lebrochos), who holds the baby while he is being named, are also permitted to shave or get a haircut (Shearim Metzuyanim B'Halacha, Kuntrus Acharon 120:8, based on Eliyahu Rabbah 551:27 and Beis Meir 551). Thus the grandfather who asked whether he may shave or cut his hair in honor of his grandson's bris during the Three Weeks may do so if he receives the honor of being sandek. If he receives a different honor, he should ask a shaylah whether he may shave in honor of the occasion.

The poskim dispute whether the baalei simcha are permitted to shave even if the bris falls during the Nine Days or only if it

falls before Rosh Chodesh. (The Chasam Sofer, Shu't Noda B'Yehudah 1:28, Shaarei Tshuva, and Sdei Chemed 5:278:3 permit, whereas the Be'er Heiteiv 551:3 prohibits.)

CHOSON

Question: May someone who got married before the 17th of Tamuz shave during his Sheva Brachos week? May someone attending a Sheva Brachos shave in honor of the occasion?

The week after a couple gets married is considered a Yom Tov for them, and they should wear Yom Tov clothes and eat Yom Tov-type meals. Similarly, they are not permitted to go to work. Part of the celebration is that they should look like two celebrants. Thus, it would seem to me that the choson may shave during his Sheva Brachos week.

However, for the participant in the Sheva Brachos it is not a Yom Tov, so he would not be permitted to shave for the occasion.

Some poskim maintain that a bar mitzvah bochur who needs a haircut may get one during the Three Weeks, as long as it is not during the week of Tisha B'Av. Others contend that it is better if he gets the haircut the day before he turns bar mitzvah and rely on the opinion that a minor may get a haircut during the Three Weeks, as I will discuss (Shearim Metzuyanim B'Halacha, Kuntrus Acharon 120:8).

UPSHEREN

Although some poskim permit scheduling an upsheren (chalahah) during the Three Weeks if the child was born during the Three Weeks, the prevalent practice is to postpone the upsheren until after Tisha B'Av (Piskei Tshuvos 551:44; Chanoch Lanaar, Chapter 21, fn. 1).

Adults may not give children haircuts during the week of Tisha B'Av (Shulchan Aruch 551:14). There is a dispute whether a minor may get a haircut during the Three Weeks, some poskim contending that children were not included in the custom not to cut hair (Mishnah Berurah 551:82, quoting Chayei Odom), whereas others rule that one may not cut a child's hair just as one may not cut an adult's (Eliyohu Rabbah 551:28).

There are different opinions among poskim whether a woman may get her hair cut during the Three Weeks. The Mishnah Berurah rules that a woman may not have her hair cut during the week of Tisha B'Av, but he suggests that she may be permitted to trim the hair on her temples that stick out from the tichel (Mishnah Berurah 551:79). Many poskim rule that a woman may tweeze her eyebrows and perform similar cosmetic activities (see Shu't Igros Moshe, Yoreh Deah 2:137; Halichos Beisah, Chapter 25, footnote 70; Piskei Tshuvos 551:43).

MAY I CLIP MY FINGERNAILS DURING THE THREE WEEKS?

It is permitted to clip one's fingernails during the Three Weeks and the Nine Days according to all opinions. It is a dispute whether one can clip nails during the week of Tisha B'Av (Magen Avraham, 551:11 permits, whereas Taz 551:13 and Eliyohu Rabbah 551:7 prohibit). As I pointed out above, this year that would only include Tisha B'Av.

FOCUS OF THE THREE WEEKS

The most important aspect of the Three Weeks is to focus on the tremendous loss we suffer because of the destruction of the Beis Hamikdash. The minhag among the Sefardic kehillos in Yerushalayim is to sit on the floor each day of the Three Weeks

just after midday and to recite part of tikkun chatzos that mourns the loss of the Beis Hamikdash. To further convey this mood, Yesod V'Shoresh HaAvodah prohibits any laughing and small talk during these weeks just as a mourner does not engage in laughter or small talk (Shaar 9, Ch. 11-12).

Although we may not be holding at such a madreigah, we certainly should contemplate the tremendous loss in our spiritual lives without the Beis Hamikdash. Let us pray intently for the restoration of the Beis Hamikdash and the return of the Divine Presence to Yerushalayim, speedily in our days!

Halacha Discussion

by Rabbi Doniel Neustadt

She'ailos U'teshuvos

Question: Is it appropriate to remove one's tallis katan while playing sports or engaging in other strenuous activities?

Discussion: No, it is not. While it is true that neither Biblical nor Rabbinic law obligates one to wear a tallis katan at all times,¹ nowadays it has become the accepted custom that every male wears a tallis katan all day long.² Harav M. Feinstein rules that since it has become customary to wear a tallis katan, one may no longer deviate from this practice, and one who does so transgresses the dictum of *al titosh toras imecha*.³

How did this age-old custom come to be? Why were people meticulous about donning a tallis katan even when they weren't required to do so? The poskim mention two basic reasons: 1) Wearing tzitzis gives us the opportunity to be constantly reminded of our obligations as a Jew, as it is written⁴: "That you may see it and remember all the commandments of Hashem and perform them."⁵ 2) The Talmud⁶ tells us that wearing a tallis katan serves as a protection from "Hashem's wrath;" when He observes His children performing important mitzvos — such as tzitzis — that they are not even obligated to perform, His anger is contained and he views us more favorably.⁷

It follows, therefore, that even when one is extremely hot or engaging in activities which make wearing a tallis katan uncomfortable, he should still be particular not to remove his tallis katan: One constantly needs a reminder of his status as a servant of Hashem, and one certainly should always take advantage of the protection that the tallis katan offers to those who wear it.⁸

Question: Does one recite Aneinu in Minchah of a fast day if he knows that he will need to break his fast after Minchah?

Discussion: Although there are a number of opinions regarding this case, the custom⁹ follows the ruling of the Mishnah Berurah¹⁰ that Aneinu is recited by one who is fasting even though he is planning to break his fast after Minchah. The only exception to this rule concerns the Sheliach Tzibbur: If he is planning to break his fast after Minchah, then he should not recite Aneinu during chazoras ha-shatz at all — neither as an independent blessing [as he normally would] nor as part of Shomea Tefillah either.¹¹

But minors, or adults who, for medical reasons, must eat before Minchah, should not recite Aneinu at all.¹²

Question: If one who is fasting on a ta'anis tzibbur inadvertently swallowed some food or drink, may he still recite Aneinu during Minchah?

Discussion: If he swallowed less than an 1 fl. oz. of food or less than 1.6 fl. oz. of liquid, then he recites Aneinu like any other person who is fasting.¹³ Similarly, one who must take prescription medication, even if he needs a bit of water to help him swallow the medicine,¹⁴ recites Aneinu during Minchah. If, however, he mistakenly swallowed more than that, then he should still recite Aneinu [as part of Shomea Tefillah], but instead of saying the words *b'yom tzom ta'aniseinu*, he should say *b'yom tzom ha-ta'anis hazeh*.¹⁵

Question: Is it permitted nowadays to listen to taped, contemporary [or classic] Jewish music?

Discussion: After the Beis ha-Mikdash was destroyed, Chazal restricted the playing of music to occasions of "simchah shel mitzvah." They felt that the level of joy brought about through the playing of musical instruments is inappropriate as long as the Beis ha-Mikdash lies in ruins.

The Rishonim debate the extent of the prohibition in actual practice: Some maintain that playing music is only prohibited at certain times and places, such as when going to sleep or waking up, or in bars or party halls where wine is served. Others maintain that playing music is prohibited anywhere and everywhere, except when associated with the performance of a mitzvah. Both views are quoted in Shulchan Aruch,¹⁶ and while many poskim rule stringently and prohibit music at all times,¹⁷ and it is appropriate to be stringent,¹⁸ many people conduct themselves according to the more lenient view and play and listen to music whenever they are so inclined.¹⁹ Contemporary poskim suggest the following additional grounds for leniency:

- The Meiri²⁰ writes that the prohibition was enacted only in regard to music which "causes levity, does not praise Hashem... nor is it associated with any mitzvah... but any song which sings the praises of Hashem and does not cause levity or immorality (*peritzus*) is permitted... and this should be decided in each generation according to the rabbis of the time and place..."

- Some poskim suggest that since taped music — as opposed to live — did not exist in the days of Chazal, it was never included in the Rabbinic prohibition.²¹

- Music, in many cases, eases people's moods and frustrations, and helps them cope with their problems. Chazal only forbade music which is played for the sake of enjoyment, not music which is therapeutic and inspirational in nature.²²

Question: Based on the above, may one be lenient and play music during sefirah and the Three Weeks as well?

Discussion: None of the leniencies quoted above allow one to listen to music during the days of sefirah or the Three Weeks. All music, taped or live, inspirational or otherwise, is clearly prohibited during those periods on the Jewish calendar, which have been established by Chazal as periods of mourning.

The reason that we may be lenient during the rest of the year and not during these two periods is simple: The decree against playing music throughout the year does not render the entire year a period of mourning; it is but an attempt by Chazal to keep the calamity of churban Beis ha-Mikdash firmly entrenched in our consciousness. Thus when music is being played for the sake of a mitzvah, or it is inspirational or therapeutic, we may argue

that it should be permitted, as stated above. But the time periods of sefirah and the Three Weeks are periods of absolute mourning similar to the mourning period of Shivah and Sheloshim after a relative's passing. Thus playing or listening to all kinds of music — taped or live, for the sake of a mitzvah or not — during sefirah or the Three Weeks is clearly forbidden and none of the above arguments for leniency apply.²³

1 The Torah requirement is to place tzitzis on a four-cornered garment when one is wearing such a garment; the Torah, however, does not require that one specifically put on a four-cornered garment; O.C. 24:1.

2 Aruch ha-Shulchan 8:2; Tzitz Eliezer 8:4; Yechaveh Da'as 4:2.

3 Igros Moshe O.C. 4:4; O.C. 5:20-25.

4 Bamidbar 15:39.

5 O.C. 24:1. See Rambam, Hilchos Tzitzis 3:11.

6 Menachos 41a.

7 See Tosafos, Pesachim 113b s.v. v' ein, and Gilyon ha-Shas; Rokeiach 331: Kesef Mishneh, Hilchos Tzitzis 3:11.

8 See Tzitz Eliezer 14:49-2.

9 Among Ashkenazim; Most Sefaradim, however, follow the ruling of the Shulchan Aruch that Aneinu is only recited as part of Elokai Netzor in this case; Kaf ha-Chayim 562:8.

10 562:7.

11 Beir Halachah 562:1 s.v. aval.

12 Beir Halachah 565:1 s.v. bein. See Shevet ha-Levi 5:60 and 8:131.

13 Maharam Shick O.C. 290.

14 Harav S.Z. Auerbach, quoted in Nishmas Avraham, vol. 5, pg. 46.

15 Mishnah Berurah 568:3, as explained by Shevet ha-Levi 4:56, 5:60 and 8:128.

16 O.C. 560:3.

17 See Mishnah Berurah 560:13 quoting the Bach unlike the lenient ruling of the Rama.

18 Igros Moshe O.C. 1:166. See Igros Moshe O.C. 3:87 that we do not object to those who are lenient.

19 See Teshuvos Kapei Aharon 52 and Teshuvos Meharshag 2:125. Based on the above, listening to music when going to sleep or awakening should be even more restricted, since none of the Rishonim permit listening to music at those times. Many camps, however, wake the campers up by blaring music from the loudspeaker system; apparently, they consider this as being "associated with a mitzvah," since it is an effective method to awaken the campers in time for davening.

20 Gitin 7a.

21 Chelkas Yaakov 1:62.

22 See Shevet ha-Levi 6:69; 8:127; Lehoros Nosson 4:46 and Yechaveh Da'as 1:45.

23 Igros Moshe O.C. 1:166; 3:87; Y.D. 2:137, and agreed upon by all poskim.

The Weekly Halacha Overview, by Rabbi Josh Flug

Maintaining and Repairing an Invalid Sefer Torah

Last week's issue discussed what one does if a mistake is discovered in a sefer Torah during k'riat haTorah. This week's issue will discuss what must be done with a sefer Torah that contains mistakes. What actions must be taken to ensure that the sefer Torah is not used for k'riat haTorah? Furthermore, at what point do we suspect that the discovered mistakes are not the exception to the rule but rather the norm? What actions must be taken in such a situation to restore the sefer Torah's validity?

Sefer She'aino Mugah

The Gemara, Ketubot 19b, states that one may maintain possession of a book that was not edited properly (sefer she'aino mugah) for thirty days. After thirty days one must dispose of it. What type of book does the Gemara refer to? Rashi, ad loc. s.v. Sefer, explains that the Gemara refers to any of the books of Tanach. Rambam, Hilchos Sefer Torah 7:12, rules that a sefer Torah that was not edited properly may not be maintained for more than thirty days. The implication is that Rambam is of the

opinion that the Gemara refers only to a sefer Torah, and not to the other books of Tanach.

R. Avraham I. HaKohen Kook, Da'at Kohen no. 174, explains that the point of contention between Rashi and Rambam revolves around the nature of the concern for maintaining possession of an unedited book. Rashi is of the opinion that one may become misinformed by learning from a book that contains errors. Therefore, this concern applies to all of the books of Tanach. Rambam is of the opinion that the concern is that one may read the book publicly for the mitzvah of k'riat haTorah. Therefore, the concern only applies to a sefer Torah and not to the other books of Tanach. [R. Kook is of the opinion that Rambam does not allow an invalid sefer Torah for k'riat haTorah. See last week's issue.]

R. Kook notes that there is a practical difference between Rashi's opinion and Rambam's opinion. According to Rambam, since the only concern is that someone may use the Torah for k'riat haTorah, one does not have to dispose of the sefer Torah. It is sufficient if a symbol is placed on the sefer Torah in a way that everyone knows that it should not be used. However, according to Rashi, placing a symbol on the unedited book is insufficient. A person will not be deterred from learning from this book because he will assume that the mistake is not in the section which he is learning from. Therefore, one must dispose of the book to ensure that nobody learns from this book.

R. Kook writes that according to Rambam, one can understand the practice that when a sefer Torah is invalid, a gartel (belt) is placed on the outside, indicating that the sefer Torah is invalid. According to Rashi, one can question what the justification is to maintain possession of an invalid sefer Torah even when a gartel is placed upon it. R. Kook explains that according to Rashi only books which are normally used to learn from are included in this prohibition. However, nowadays, nobody learns from an actual sefer Torah. Therefore, one is permitted to maintain possession of a sefer Torah that contains errors.

Repairing an Error

The Gemara, Menachot 29b, states that if a sefer Torah is ridden with errors, one may not correct the errors. Rather one must bury the sefer Torah. The Gemara defines a sefer Torah ridden with errors as a sefer Torah with four errors on every page. If there is one page with less than four errors on it, and majority of the letters of the sefer Torah are free of error, one may correct the entire Sefer Torah.

Although one may correct a sefer Torah that is not ridden with error, if three mistakes are discovered, the process is more complex. Rashba, Teshuvot HaRashba 7:287, rules that if a sefer Torah is found to contain three errors, it is not sufficient to correct those errors. Rather one must check the entire sefer Torah to ensure that there are no other errors. Shulchan Aruch, Yoreh Deah 279:3, codifies Rashba's ruling.

R. Yonah Landsofer, Bnei Yonah 279:3, lists two leniencies regarding Rashba's ruling. First, one does not have to recheck the entire sefer Torah unless all three mistakes are known to exist simultaneously. If a mistake is discovered and corrected, and then two more mistakes are discovered, one is not required to recheck the entire sefer Torah. Eliah Rabbah 143:10, disagrees and contends that if three total mistakes are

discovered, even if they are not known to exist simultaneously, one must recheck the entire sefer Torah.

Second, R. Landsofer quotes an opinion that Rashba's ruling only applies where the identity of the original sofer is unknown. If however, the sefer Torah was originally checked by an established expert, one does not have to recheck the sefer Torah upon finding three mistakes. Mikdash Me'at, ad loc., claims that R. Landsofer personally disagrees with this leniency, and only quotes this opinion in order to reject it.

R. Ovadia Yosef, Yechave Da'at 5:58, rules that while each leniency may not be sufficient to allow use of the sefer Torah without rechecking it first, one may be lenient by combining both leniencies. Therefore, if the sefer Torah was originally checked by an established expert, and all three errors were not known to exist simultaneously, one is not required to recheck the sefer Torah.

It would seem that there is another ground for leniency regarding Rashba's ruling. The errors that are found must be divided into two categories. There are errors which are assumed to have occurred at the time the sefer Torah was written. There are also errors that are assumed to have occurred due to the fading or smudging of the ink. If three errors of the first category are discovered, according to Rashba, the entire sefer Torah must be checked for errors. This is because the three errors indicate that the sefer Torah was never written and checked properly. Similarly, if three errors of the second category are discovered, the entire sefer Torah must be checked. This is because the three errors indicate a strong likelihood that the ink faded or smudged in other places. However, if one error is discovered from the first category, and two from the second, or vice versa, there should be no obligation to check the entire sefer Torah. There is no clear indication that the sefer Torah was not written properly, There is also no clear indication that ink faded or smudged in other places. Therefore, there exists no indicator that the sefer Torah must be rechecked.

Checking With a Computer

Soferim have developed computer programs that can check sifrei Torah for errors. Both R. Yitzchak Weiss, Minchat Yitzchak 10:89, and R. Eliezer Waldenberg, Tzitz Eliezer, 18:57, conclude that a computer cannot replace a human in fulfilling the requirement that a sefer Torah must be checked. They both note that the computer does not have the ability to detect certain errors, and therefore cannot be relied upon.

Both R. Weiss and R. Waldenberg address using a computer to check a sefer Torah before its initiation. Perhaps one can argue that even though the computer does not provide the degree of accuracy necessary to check a sefer Torah initially, there may be instances where the computer can obviate the need to recheck the sefer Torah after discovering three errors. If the computer can show that from a statistical standpoint, the three errors are an anomaly, the three errors no longer indicate that the rest of the sefer Torah was written improperly. For example, if three errors are discovered, and after checking the sefer Torah with the computer, the computer only finds those three errors, one can assume that the rest of the sefer Torah is valid. Although the computer can neglect to discover an error, if the three errors really indicate that there are other errors, the computer should have found at least one other error. Since the indicator itself is

suspect, one should revert to the original assumption that the sefer Torah was written properly.

Daf Yomi :: TalmuDigest Shabbat 79 - 85

For the week ending 23 July 2005 / 16 Tammuz 5765

by Rabbi Mendel Weinbach

Agriculture and History

“Do not infringe on the boundary of your neighbor.” (Devarim 19:14)

Although the literal meaning of the passage is a prohibition against stealing property, it is applied by Rabbi Chiya bar Abba in the name of Rabbi Yochanan to the boundary that must be established in order to avoid the mixture of crops known as kilayim.

This application is based on the succeeding words of this passage which speak of “the boundaries set by the original occupants.” The original occupants are identified by the Sages as those nations who cultivated Eretz Yisrael before it was settled by the Israelites. They were expert agriculturists who could determine, on the basis of smelling or tasting the earth, which crops were best suited for any particular plot of land. Their expertise enabled them to also calculate how far each plant's nourishment from the earth extended.

It was that expertise, hinted at in a passage of the Torah which discusses those nations (Bereishet 36:20), which serves as a basis for the scientific knowledge of the Sages which they applied to ruling how much of a separation must be made between two different crops in order to avoid the prohibition regarding kilayim.

Shabbat 85a

What the Sages Say

“One should never withhold himself from the Beit Midrash hall of study nor should he be without Torah study even at the time of death. This is hinted at in the words of the Torah: 'This is the Torah, should a man die in a dwelling' (Bamidbar 19:14), which connects Torah study with departure from the world.” Shabbat 83b

Daf Yomi :: The Weekly Daf Shabbos 79 - 85

For the week ending 23 July 2005 / 16 Tammuz 5765

by Rabbi Mendel Weinbach

Credit Rating

Although it is forbidden on Shabbos to carry any item from the private to public domain, i.e., from the house to the street, one who does so does not become liable to the death penalty for willful violation - or a sin offering for an involuntary one - unless the item carried has some minimal value. Almost the entire eighth perek of Mesechta Shabbos is devoted to explaining what a minimal value is considered for everything from wine and oil to rope and paper.

It is in regard to paper that we find a most interesting dispute between Rabbi Yehuda and one of his colleagues. If the paper in question has a debt note written on it, then there is a consensus that it has sufficient value to be the instrument of serious Shabbos violation if carried. But what if the debt has already been paid and the note has been returned to the borrower, and the borrower carries the note out into the street?

In contrast to his colleague's opinion that there is no value in such a used document for the borrower, Rabbi Yehuda rules that he is guilty of violating the Shabbos and liable to the aforementioned penalties.

But what value can such a paper have for the borrower? Although we sometimes find that such papers could be utilized as bottle caps, it is hardly likely that a borrower would do so for fear that unless destroyed the debt document might fall into the hands of the lender who could then, out of avarice or forgetfulness, once again demand payment of the debt. What other use could there then be for the borrower to warrant holding on to it?

Rabbi Ashi comes to the rescue with a brilliant interpretation of Rabbi Yehuda's point. The paid up debt note is valuable to the borrower because he can show it to other potential lenders as evidence that he pays his debts and has a good credit rating. Shabbos 79a

Killing Yourself to Learn

"Torah knowledge," says Rabbi Shimon ben Lakish, "is not truly acquired unless one kills himself in order to learn."

A number of explanations of this statement have been offered by commentaries through the ages.

One approach is that one must invest tremendous effort in his search for an understanding of Torah. "Should a man tell you

that he discovered the meaning of Torah without investing extreme effort," say our Sages (Megillah 6b) "do not believe him."

Another approach to "killing yourself" is to deny yourself the comforts of life which may serve as distractions or which tempt you to take away valuable time and energy from Torah study in order to acquire them. "Such is the way of Torah study," say our Sages (Avos 6:4) "eat simple bread and salt and drink your water in measure."

While these two approaches focus on the dimensions of exertion and self-denial required for someone to achieve maximal success in his study of Torah, there is yet another approach which is suitable even to the Jew who can afford only an hour or two a day to study Torah. Such a Jew often finds that he is interrupted during the time period he has set aside for Torah by visitors and telephone calls. One Jew solved this problem by instructing his wife to tell all callers that he was unavailable because he was "dead." Only after she heard their astonished reaction was she to explain that during the time he finally found for Torah study he "killed himself" in order to avoid any distractions. Shabbos 83b

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