

BS"D

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

## INTERNET PARSHA SHEET ON SHAVUOS - 5762

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See laws of ERUV TAVSHILIN from Rabbi Neustadt near end of parsha sheet.

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Shavuos 5761  
RABBI ELI BARUCH SHULMAN

Every Yom Tov has two aspects: On the one hand, it is a day of tefillah and study; a day on which we spent many hours in shul engaging with Hashem. Indeed, the word Moed means a time of meeting - a time when we rendezvous with Hakadosh Baruch Hu. On the other hand, Yom Tov is also a day of celebration, when we eat festive meals with friends and family; in fact, the Meshech Chochmo suggests that the permit to cook and carry and perform other food-related *melachos* on Yom Tov is given by the Torah in order to promote such celebration.

The Gemara in Pesachim finds a source for these two aspects of Yom Tov in the verses: Atzeres Tihye Lachem and Atzeres Lashem Elokecha; Yom Tov has both an aspect of Lachem - *for you* - a day of human, physical celebration, and an aspect of Lashem - *for Hashem* - a day of spiritual activity.

The Gemara there records a dispute between R' Eliezer and R' Yehoshua regarding the relationship between these two aspects. According to R' Yehoshua Yom Tov should be divided equally between these two aspects: Chetzav Lashem Vichetzav Lachem. (The halacha follows this view.) According to R' Eliezer, however, one has a choice: O Kulo Lashem O Kulo Lachem; one can devote the day entirely to Hashem, and forgo eating altogether, and devote it entirely to Lachem.

However, continues the Gemara, even Reb Eliezer concedes that on Shavuos there must be an element of Lachem along with Lashem. Why? Because it is Yom Shenitna Bo Torah, the day on which the Torah was given.

This requires explanation - what connection is there between the fact that the Torah was given on Shavuos and the fact that the celebration of Shavuos must be divided between these two aspects, even according to R' Eliezer who does not require this division for other Yomim Tovim? The commentators, of course, offers various explanations; however, I would like to offer an explanation of my own.

The Gemara in Shabbos tells us that Yom Tov is an Os, a sign of the covenant between Hakadosh Baruch Hu and the Jewish People. (For that reason, the Gemara explains, we don't wear tefillin on Yom Tov; because tefillin are also such an Os, and it is redundant to have two Osos.) I would suggest that it is because Yom Tov is an Os that its celebration requires the elements of Lashem and Lachem, both the physical and the spiritual, the human and the divine, since Yom Tov is a sign of the Bris that connects them.

Both R' Yehoshua and R' Eliezer agree, I would suggest, that these two elements must be present in every Yom Tov. But while R' Yehoshua concludes therefore that each person must observe both Lashem and Lachem, dividing his observance of the day between

these two aspects, R' Eliezer maintains these celebration can be divided among different people, with some members of the nation focusing on the Lachem aspect, while others focus on the Lashem aspect, so that together the entire Jewish nation construct a full Yom Tov celebration.

However, this is true on the other Yomim Tovim - Pesach and Sukkos - whose theme are essentially national in character. On Pesach we celebrate our freedom as a nation, and on Sukkos the Aninei Hakavod which represent the special providence with which HKB"H guides our national history. But Shavuos is different. Because Shavuos is Yom Shenitna Bo Torah, the day on which the Torah was given. And while the Torah was offered to the entire people, it has to be acquired by each individual on his or her own. The study of Torah is essentially an individual challenge; and what we celebrate on Shavuos is not only the Torah that was given to *us*, but also the Torah that was given to *me*. The Gemara itself makes this point when it tells of R' Yosse who would punctuate his celebration of Shavuos with the comment: Ai Lav Hahu Yoma Kama Yosi Ika Bishuk; if not for this day, how many "Yossi"s there are in the marketplace.

And since Shavuos is an individual celebration, each individual must celebrate the Yom Tov in all its aspect, both Lachem and Lashem. And therefore even R' Eliezer - who usually allows these aspects to be divided among different people - concedes that on Shavuos each individual must celebrate both the aspect of Lachem and Lashem which together make up the Os, the sign of the unique covenant of Torah.

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From: Rafael Salasnik[SMTP:rafi@brijnet.org] To: daf-hashavua@shamash.org Subject: daf-hashavua Shavuot 5762/2002 Shavuot-5762 UNITED SYNAGOGUE - LONDON (O) Shabbat and Yom Tov ends in London at 9:49pm

SOME SHAVUOT CUSTOMS  
By RABBI EPHRAIM MIRVIS  
Decoration of the Synagogue

(a) According to tradition, an oasis stood at the foot of Mt Sinai. Thus, the Israelites were instructed to keep their flocks from grazing there when the Torah was about to be given. As a result, when receiving the Torah, the Israelites were surrounded by shrubbery. When we renew our acceptance of the Torah on Shavuot we similarly surround ourselves with attractive foliage to recapture the spirit of the original experience.

(b) This custom reminds us of the fact that on Shavuot the trees and their fruits are judged by the Almighty, who determines whether the following year will be one of scarcity or abundance.

(c) We are reminded that the bikkurim (first fruits) could be brought to the Temple from Shavuot onwards.

A small minority of communities do not decorate their Synagogues, in deference to the opinion of the Vilna Gaon, who abolished the practice in Vilna, as he believed it to be of pagan origin.

Dairy Foods

(a) Prior to the revelation at Mt Sinai, the Israelites kept only some of the laws of Kashrut. When the Torah was given, they realised that their utensils were treif. However, as the original day of Shavuot was a Shabbat, they were not able to kosher the utensils by scalding them. Thus they ate fresh dairy produce on that day.

(b) This custom reminds us that, just as an infant is totally dependent on milk for his nourishment and growth, so are we, as people, dependent on the Torah for our spiritual survival.

(c) According to the calculations of our Sages, Moses was discovered on the Nile by Pharaoh's daughter on 6th Sivan. A fortuitous arrangement was made for him to be nursed by his own mother on that day. Thus we have dairy foods on Shavuot.

The Book of Ruth

(a) The story of Ruth is the major Biblical episode of significance which is connected to the harvest, thus making it suitable reading material on the Festival of the Harvest.

(b) Ruth was a descendant of King David, who died on Shavuot.

(c) The Torah states: "A Moabite shall not enter into the assembly

of Hashem" (Devarim 23:4) The Talmud understands this instruction to mean that a Moabite man may not marry a Jewess. However, a Moabite woman who converts may marry a Jewish man. For this reason, Ruth was able to marry Boaz. On Shavuot, we highlight the importance of both the Written and Oral Law. The book of Ruth is read to provide an example of how Torah law can only be practised authentically if the interpretation of the Oral Law is provided.

Produced by the Rabbinical Council of the United Synagogue.

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From: RABBI RISKIN'S Shabbat Shalom  
List[SMTP:parsha@ohrtorahstone.org.il] Sent: Wednesday, May 08, 2002 4:33 AM Subject: Shabbat Shalom: Shavuot by Rabbi Shlomo Riskin

Shabbat Shalom: Parshat Bamidbar - Shavuot (Numbers: 1:1-4:20)  
By Shlomo Riskin

Efrat, Israel - The State and citizenry of Israel is going through one of the most difficult periods in its comparatively young history of difficult periods: suicide bombings, drive-by shootings, and the opprobrium of the European and United Nations communities when we finally strike back with military incursions to dismantle the enemy terrorist infrastructure. Despite the tensions, a recent Maariv poll reported that 83% of the Israelis would rather live in Israel than any other place in the world, and the heightened morale of our populace can be proven by the fact that this last call-up for reservists boasted of a 130% response! Nevertheless, while we can only applaud and marvel at the resolute courage of our nation, the nature of the "situation" we are living under compels us to query: Is it permissible for an Israeli to forsake his homeland in time of danger? And what are the obligations, if any, of diaspora Jewry towards our common Jewish homeland?

A good part of the answer to our question can be found in the Scroll of Ruth, the magnificent book which is read on Shavuot, the Festival of First Fruits. The Biblical text opens describing the aristocratic Elimelekh, his wife Naomi, and their two sons Mahlon and Kilion, who - because of a famine in Israel, - leave the poverty stricken Bethlehem (lit. the House of Bread) for the greener fields of Moab; the boys marry Moabite wives, and tragically Elimelekh, Mahlon (lit. illness) and Kilion (lit. destruction) die. The midrash explains the reason for these untimely deaths: they abandoned the Land of Israel.

The Biblical words of the Scroll of Ruth echo the tragedy which struck Abraham at least one thousand years earlier when he too left Israel in time of famine; his beloved wife Sarah is taken into Pharaoh's harem, and were it not for Divine intercession, Jewish history would have ended almost before it began (Genesis 12:10). In Abraham's case, the text records the famine twice in the same verse, specifying the second time its severity (whereas regarding Elimelekh the famine is mentioned only once), and stipulates that Abraham only intended to journey (lagur) in Egypt (whereas Elimelekh "remained" apparently to settle in Moab); nevertheless, the Rabbis attribute a "great sin, albeit an unwitting one" to Abraham and Sarah in leaving Israel (Ramban, Genesis ad loc). It goes without saying that the most negative result of Elimelekh's "yerida" or descent from his national homeland is that his sons marry Moabite women and are thereby "cut off" from Jewish posterity and continuity!

The great 11th century Sage and halakhic decisor Maimonides rules unequivocally: "It is forever forbidden for anyone to leave Israel for the diaspora unless it be a (temporary trip) for the sake of studying torah, marrying a woman, saving himself from enemy Gentiles, or doing business - but he then must return to Israel. Dwelling outside of Israel is forbidden unless there be a most severe famine... and even in such an instance, even though it may be permissible to leave it is not a pious trait to do so; after all, Mahlon and Kilion were leaders of their generation who left because of great suffering, and nevertheless they were punished with destruction before G-d..." (Laws of Kings 5,9).

What exacerbated the sin of Elimelekh and his sons was the fact that they could have alleviated the suffering of their fellow countrymen had they remained in Israel; the Midrash Yalkut Shimoni therefore

depicts their transgression as an escape from responsibility: "Elimelekh was among the leaders of the nation and the benefactors of his generation. When the famine arrived, he said: 'Now all the Israelites will surround my door.' What did he do? He fled from before them."

What clearly emerges from the Scroll of Ruth is that leaving Israel in time of danger is not only further weakening our homeland but is placing oneself at even greater risk of extinction - if not for starvation or a sniper's bullet then due to intermarriage, assimilation and eventual extermination from the annals of Jewish history. The family line of Elimelekh was saved only when one daughter-in-law, Ruth, returns with her mother-in-law Naomi to Israel - and there secures the ultimate redemption by becoming the great-grandmother of David the son of Jesse. Survival is always problematic in the Exile - and redemption is only possible in Israel.

The prohibition against leaving Israel takes on special relevance during periods of war. The Hazon Ish, Rav Avraham Yeshaya Korelitz, ruled for his community in B'nei Brak in 1948 - at the time of the Israeli War of Independence when the situation was far more precarious than it is today - that it was forbidden to leave, since to do so would be to weaken the morale and the fabric of the settlement (yishuv) in Israel. Clearly the same principle holds true today - when we are once again waging a continuation of the War of Independence for our very existence as a State.

As far as the Jews of the diaspora are concerned: I would hope that many Jews would opt to join us on the front lines of battle - for, indeed, this terrorist enemy has turned our homes and roads into battle-fields. After all, as the vulnerability of European (especially French) Jewry demonstrates, we are fighting this war not only for ourselves and our children but also for world Jewry and even for the entire free world standing up against terror. But if permanent aliyah is impossible, at least don't isolate us and lower our economy by giving up on "periodic" aliyah, your regular annual visitations. If for you Israel is kosher Disney-land, then you need only visit in times of sun and fun; but if Israel is Mother-land, you must increase your visits to your mother when she is vulnerable and under attack! And if you would ordinarily have sent a son or a daughter to study or to camp in Israel, you must continue to do so even in times of danger. To do less would be to abandon your responsibility as a Jew by weakening our settlement in Israel and by granting a morale victory to those who would destroy us!

Shabbat Shalom & Chag Sameach.

You can find Rabbi Riskin's parshiot on the web at:

<http://www.ohrtorahstone.org.il/parsha/index.htm>

Ohr Torah Stone Colleges and Graduate Programs Rabbi Shlomo Riskin, Chancellor Rabbi Chaim Brovender, Dean

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From: RABBI SHLOMO RISKIN'S Parsha  
List[SMTP:parsha@ohrtorahstone.org.il] Sent: Wednesday, May 15, 2002 6:06 PM Subject: Shabbat Shalom: Shavuot by Rabbi Shlomo Riskin

The Weeks Which Prepare For The Festival Of Weeks by Shlomo Riskin

Efrat, Israel -- When the Torah was given 3300 years ago from Mt. Sinai, the entire nation was gathered around the mountain. A tiny glimpse of what that experience may have been like can be gotten on the night of Shavuot in Jerusalem, when tens of thousands of people who have been up all night studying Torah begin to stream toward the Western Wall from all directions, shortly before dawn. The crowds, the steady movement of Jews, the anticipation of reaching the Wall for the festive prayers, is one of the most inspiring sights of the entire year.

But does this night of Torah really have anything to do with Sinai? The very fact that we ask the question only means that in our own minds the Festival of Shavuot and the giving of the Torah are synonymous. Shavuot IS Torah, Shavuot IS Sinai.

But if that's true, doesn't it seem odd that the name of Shavuot (literally 'weeks') hardly does justice to the central motif of the festival, emphasizing instead the period of time which we are enjoined to count between Passover and Shavuot? Of course, this passage of time leads up to Shavuot, but it hardly seems to be the essential part of our

experience. And if indeed it is not, why call the festival Shavuot?

After all, the Biblical names of the other Festivals certainly reflect their essence: the name 'Pesach' tells us to think of the paschal lamb, (korban pesach), sacrificed on the 14th of Nisan, as the central motif of Passover, just as the name Sukkot focuses our attention on the commandment to leave our permanent homes and to live in a temporary sukkah for seven days. Each of these holidays contain other prohibitive and ritual features, but their names express their essence. Moreover, the Bible never identifies 'Shavuot' as the day of the Sinai revelation!

And indeed, if counting is a significant aspect of Shavuot, notes the illustrious Rav Samson Raphael Hirsch, there is something about the numbers which just doesn't add up. "And you shall count for yourselves from the morrow after the day of rest, from the day that you brought the omer of the wave offering; seven complete sabbaths shall there be: to the morrow after the seventh complete sabbath shall you number fifty days and you shall offer a new meal offering to G-d." [22 Lev. 23:15-16]

These verses refer to the festival of Shavuot. After completing a seven week count, forty-nine days, we bring the meal offering to G-d on the fiftieth day, which is the festival of Shavuot.

This is simple enough until we compare actual dates, and a discrepancy seems to emerge regarding the giving of the Torah on Sinai and the count of the fiftieth day.

The Bible tells us that the Jews took the Paschal lamb on the 10th day of Nisan, and the Midrash records that it fell on the Sabbath, which is why we call the Sabbath before the festival of Pesach the Great Sabbath (Shabbat Hagadol). Since the Israelites left Egypt on the 15th of Nisan (the Biblical date of the festival itself), they had to have left that first year on a Thursday, the fifth day after the Shabbat.

Since the fifty-day count begins the day after the first day of the festival ("...count for yourselves from the morrow after the day of rest.."), it turns out that the first day of the count that first year was on a Friday, and upon counting seven complete weeks, the fiftieth day must likewise fall out on a Friday, seemingly the day of the festival that the verse in Leviticus refers to as Shavuot. But the Midrash insists that the giving of the Torah on Mt. Sinai took place on the Sabbath! Well, the Sabbath that year was obviously the fifty-first day after the start of the count. Then according to the actual chronology, the fiftieth day was the day before the Israelites received the Torah from G-d?!

One of the ironic inconsistencies of life is that the excitement of anticipation generally exceeds the ongoing joy of achievement; we anxiously await the acquisition of a material object, a degree or promotion, even a spouse -- but then when we have attained the longed-for prize, it often loses its allure.

And as it is with so many aspects of life, so it was with Torah. Once the Israelites received the Torah, they often lost sight of its significance, remaining apathetic to its content and disregarding its laws. Indeed, only forty days after the Revelation itself, the Israelites are found worshipping a golden calf!

Hence, the historical aspect of our Shavuot celebration is not the day we received the Torah, but is rather the climax of our anticipation, the moment of the dream and the longing. How often do jaded married couples look back with nostalgic yearning to the period of their courtship, when their hearts were filled with love and their only thought was how best to fulfill the needs of the other. Yes, the Torah may have been given on Shabbat, the fifty-first day, but in celebrating Shavuot on the fiftieth day we seek to recapture our initial desire for Torah with the very fiber of our entire being, the breathless anticipation for G-d's word which made us initially worthy to receive His message/gift.

Now it makes sense why we call this festival Shavuot. Our festival celebrates the counting, waiting, wanting of a people dedicated to hearing the eternal word of the Divine. G-d's bestowal of His gift is less significant, because a gift can be rejected or spurned in the final analysis; our desire to receive the Torah, our preparations to make ourselves worthy of Torah is of far greater significance - and is the emotion we must endeavor to retain if we are truly to remain a "Kingdom of priest-teachers and a holy nation". Shavuot is a celebration of our sacred preparation and anticipation rather than of the often disappointing and anti-climactic realization and achievement.

In sum, Shavuot celebrates the Israelites desire and choice to embrace Torah; therefore it is so fitting to read the story of Ruth on that Festival, the odyssey of a Moabite daughter-in-law who, as a Jew-by-choice rather than a Jew-by-birth, merited to become the mother of the Messiah. Ruth's overwhelming desire for and commitment to the faith and land of Naomi makes her one of the great heroines of our history. Only when every Jew-by-birth recaptures the excitement, anticipation and preparation of a Jew-by-choice, will the true Messiah bring redemption to Israel and the world. Shabbat Shalom and Chag Sameach.

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From: National Council of Young Israel[SMTP:YI\_Torah@lb.bcentral.com] Subject: Shavuot 6-7 Sivan 5762 May 17-18, 2002 Daf Yomi: Baba Batra 58-59  
Guest Rabbi: RABBI BINYAMIN HAMMER  
Director of Rabbinic Services, NCYI Young Israel of New Hyde Park, NY

In our tefilot during the chag of Shavuot, we are faithfully reminded that unique to this holiday is "Zman Mattan Torateinu" - the time when Torah is given. Referring to Mattan Torah in the hoveh - present tense, teaches us that Shavuot is not an event that occurred, "Once upon a time... in the year 2448 after creation, the Torah was given". Torah learning and living has neither basis in "that which my parents and grandparents did," nor in family minhag - custom, that we respectfully keep in the memory of our loved ones.

Rather, Shavuot is a continuously evolving reality which requires us to view the great revelation on Har Sinai as a perpetual occurrence, which is achievable by every Jew in any given generation. Thus, our responsibility to uphold the Torah and its commandments is equally the same as it was for our ancestors 100, 1000, and 3000 years ago. Following this reasoning, the question arises, "What is the uniqueness of Shavuot?" If Talmud Torah - the learning and transmission of Torah, is but one of 613 mitzvot, not unique to any particular generation, then why do we have a festival that celebrates that which we are obligated to perform day and night, 365 days a year? Sukkot and Pesach obligate us to live in booths and eat matzah for the limited days of the holiday as did our ancestors during that period of time - What about Shavuot?

The Telzer Rosh Yeshiva, HaRav Mordechai Gifter, zt"l, writes, "One of the 613 Mitzvot is that of Talmud Torah, the study and propagation of Torah to hand down, to commit Torah to our children from generation to generation. It is, however, not sufficient to hand down the word of Torah alone. The Ma'amad Har Sinai, the original form of its being given to Klal Yisrael, must be sensed by each generation. Only then is it Torah."

Now we can understand the uniqueness of Shavuot. On this chag, we celebrate not merely Torah learning and living, but also its very source of transmission, HaShem at Har Sinai. This is the root of our mesorah - heritage. Without a clear understanding of this fact, to dominate our whole being as we learn and teach, we are transmitting words and thoughts of mere mortals. But living Ma'amad Har Sinai, maintaining this knowledge for ourselves and transmitting it to others is the essence of who we are. In this way, our teachings transcend human limitations and reach the loftiest heights of true Torah Mi'Sinai.

A well known MaEamar Chazal states that every question that has ever been and will ever be asked in every generation, HaShem taught to Moshe Rabbeinu on Har Sinai. Let's try to fathom this concept: Since the revelation at Sinai, there have been tens of thousands of responsa for the countless millions of Jewish men and women committed to Torah throughout all of the trials and tribulations that is our history, as well as for those who have yet to be born. Indeed, when inquiries into Torah come from a sincere expression of the heart; when the intellectual pursuit of Torah scholarship is rooted in the desire to seek the truth, Torat Emet - such endeavors are worthy to be asked on Har Sinai and receive answers that are Divinely rooted.

Regarding the billions of past, present, and future discussions; from the fundamentals of learning Aleph-Beis, to the most difficult passages of the Talmud, Shavuot teaches us that they are one continuum - all

Torah Mi'Sinai. This transmission to Moshe Rabbeinu at revelation teaches us how much HaShem respects our learning of His Torah. How much more so, we must respect each others Torah learning.

Tonight we usher in Shavuot, not a holiday of memory but a memorable Holy Day. Let us enter the Beit Midrash - our houses of study, or turn our homes into one. Our learning on this night connects us in ways that defy physical dimensions of time and space. Spiritual growth from such an experience is far reaching. It can be, for all of us, as great as the moment of revelation.

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From: Ohr Somayach[SMTP:ohr@ohr.edu]  
To: os-special@ohr.edu Subject: Shavuot Special  
THE SOUND OF SILENCE  
by RABBI REUVEN LAUFFER  
Sponsored by www.sefedorahcentre.com Guaranteed Kosher  
Torah Scrolls At Wholesale Prices

Have you noticed in a car how the radio usually comes on with the engine? Or the first thing you do after starting up is to put on a CD? I never noted this until I recently read a psychologist's report saying that people need a certain amount of background noise to feel relaxed. The theme of the article was that more and more people are not comfortable being "alone". And it's not just in the car: MiniDiscs at home, Muzak in the elevator, Walkmans, Discmans everywhere. All designed to protect us from being alone with no one else and nothing else around. The report presented data without answering the question why this is so.

It seems that we are less and less at ease with ourselves. I found the article fascinating because discomfort with ourselves is the opposite of the Torah approach. The Torah teaches that in order to build a relationship with G-d we must get to know ourselves. This requires introspection without any distractions. As a Chassidic rabbi put it, "Getting to know yourself better allows you to get to know the world better." I wonder what conclusions the researcher would have drawn if he had spent time in a Synagogue. Daily we take time out from our decibel-laden lives to pray in near silence. At the most intense moment of our spiritual connection each of us is in a "cocoon of silence" - alone with G-d. Silence is the tool for drawing ourselves closer to G-d in this physical world.

Over 3,300 years ago, on the morning G-d gave the Jewish People the Torah, the entire Creation was silent. All life forms were mute. The sea was completely still. Nothing moved. Not a sound. Pure silence. And it was from this silence the Torah was given.

Imagine. Each Jew was forced to look into his heart and come to terms with himself without the aid of anything external. No palm pilots, no mobile phones, not even a beeper. Just an old-fashioned heart. Because it is from the heart that a person defines what kind of relationship he wants with his Creator. The Midrash teaches that on Shavuot, the day that G-d gave us the Torah, His voice reverberated with an intensity and a strength that had never before been revealed. That voice was so powerful that it penetrated into the heart of every single person standing at Sinai - and yet not a sound was heard. G-d spoke to each heart in the most personal way. Each person was chosen by G-d to become the recipient of the Torah, the greatest treasure in the world.

During the British Mandate, Rabbi Abraham Isaac Kook was forced to appear at a Royal Commission. The commission was convened to discuss why the Jews insisted on praying at the site of the destroyed Temple. Rabbi Kook was asked why the Jewish People make such a fuss over the Western Wall. "After all," drawled an English officer. "It is just a bunch of rocks one on top of the other." Rabbi Kook replied that "Just as there are hearts which are made of stone, so too there are stones which are made of heart."

Shavuot, the day the Torah was given, is the day when we can choose the nature of our hearts. Whether they will remain impervious and unresponsive to the silence. Dormant and rocklike. Or if our

hearts will serve as the spiritual center of our being. Shavuot is the day that we decide if our hearts are going to listen to the silence and unite together with G-d in genuine celebration.

The dictionary defines silence as being the absence of noise. Not so the Torah. The Torah defines silence as being the key to a positive and healthy relationship with G-d and oneself. Shavuot is the gateway to an existence above and beyond sound.

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From: RABBI LIPMAN PODOLSKY  
[SMTP:podolsky@hakotel.edu] Sent: Wednesday, May 15, 2002 3:06 AM  
To: Shiur List Subject: Shavuot Special 5762  
Shavuot 5762

Shavuot -- Crossing the Bridge

The most arduous adjustment for a new yeshiva student (and actually for every Jew) is what Rav Aharon Bina shlit"a likes to call "crossing the bridge." On one side of the bridge skeptically stands the uncommitted student, new to Gemara, new to Torah, and in certain respects, new to Judaism. "Sure, Torah is important," he might say, "but what does it have to do with me?" He hesitates to cross.

On the other side of the bridge flourishes the budding Talmid Chacham. He has become the living embodiment of what we all declare every evening: "Ki Hem Chayeinu -- For the words of Torah are our lives." Suddenly, there doesn't seem to be enough time in the day. "There is so much to learn Rebbe, so many sefarim in the library!" And most astoundingly, he doesn't seem to remember how difficult it was to originally cross that bridge.

The chasm that separates the two sides of the bridge can be most forbidding. The two students see each other, but they do not understand one another. They are in different worlds, different dimensions.

What does it take to cross the bridge? This is what our ancestors did at Har Sinai. And this is Kabbalas HaTorah (acceptance of Torah).

Why is crossing the bridge so frightening? Why are we hesitant? The answer is actually quite simple: Because to commit to the unknown is very, very hard. And we are afraid.

But our ancestors were afraid as well. And Hashem knew of their fear. It was not for nothing that the other nations had refused to accept upon themselves the Torah without first knowing what they were getting themselves into. Who would sign a contract without reading the fine print?

Consequently, Hashem assuaged their fears. "And now, if you listen well to My voice... (Shmos 19:5)." Why does He add the word 'now'? Explains Rashi: "If you accept [the Torah] now, it will be sweet for you from now on, for all beginnings are difficult." True, the chasm looks very frightening to cross. How can you commit to obligations you don't even know? But I promise you that it's worth your while. Torah is nothing but sweetness. "...Sweeter than honey and drippings from the combs (Tehillim 19:11)." To get to the honey, one must be willing to risk the sting of the bees.

In the end, the sweetness will eclipse any memory of our self-sacrifice. Indeed, we will be incapable of understanding why we hesitated at all. But we must make the first move.

Now is the time to cross the bridge.

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From: Yeshivat Har Etzion Office[SMTP:office@etzion.org.il] Sent: Wednesday, May 15, 2002 5:28 PM  
Subject: Special Shavuot Package  
Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash (Vbm) Yhe-holiday: Special Shavuot Package  
TWO ESSENTIAL LESSONS BEFORE RECEIVING THE TORAH  
BASED ON A SICHA BY HARAV YEHUDA AMITAL  
Summarized by Ramon Widmonte

Two incidents appear in Parashat Yitro before the account of the giving of the Torah, yet their actual chronology is nonetheless

unclear. These two events are: a) the arrival of Yitro, Moshe's father-in-law (Shemot 18:1-12); b) Yitro's critique and improvement of the judicial system (Shemot 18:12-27).

There is a classical dispute about whether these incidents occurred prior to the giving of the Torah, and are thus written in their correct place, or whether they really happened after the giving of the Torah, and are for some reason written out of place. The Ramban (Shemot 18:1) cites this dispute, which has its roots in the Mekhilta and in the Gemara (Zevachim 116a). Rabbi Yehoshua says that Yitro arrived before the giving of the Torah, and thus has no problem with how the placement of these incidents. Rabbi Elazar Ha-modai, on the other hand, claims that Yitro arrived after the giving of the Torah. The obvious question is, according to Rav Elazar, why do these two incidents appear out of their natural place?

Let us turn to Rashi first in search of an answer. He claims (Shemot 18:13) that the dispute centers around only the first incident, Yitro's arrival; however, both Rabbi Yehoshua and Rabbi Elazar agree that the second incident, Yitro's advice regarding the legal system, must have occurred after the giving of the Torah. Rashi substantiates his claim thoroughly, and most clear is his position that, prior to the giving of the Torah, Am Yisrael had no set of either religious or civil laws, so there could be no way that the court system could be established before the Torah was received. According to Rashi, then, we must ask the same question of both Rabbi Elazar and Rabbi Yehoshua: if the section dealing with the law courts really took place after the giving of the Torah, why is it written here?

We have thus arrived at two critical questions. The first we ask only of Rav Elazar: why does Yitro's arrival appear before the account of matan Torah, when it really happened afterwards? The second we ask of both Rav Elazar and Rav Yehoshua: why does the incident of the courts appear out of place?

Let us begin with the first question. One of the most famous passages in Rashi's commentary on the Torah appears in our parasha (Shemot 19:17, based on Shabbat 88a). Regarding Bnei Yisrael when they were about to receive the Torah, we read, "And they stood at the base of the mountain." In Hebrew, the word for "base" is "tachtit," which can also be taken to mean "underneath," thus rendering, "And they stood underneath the mountain."

Rav Avdimi bar Chama bar Chasa said: This teaches us that G-d cupped the mountain over them like a barrel and said to them, "If you will receive the Torah, good; if not, there will be your burial place."

According to Rav Avdimi, the framework within which Am Yisrael accepted the Torah was one of coercion. We can understand the reality underlying this aggada not as physical coercion, but rather as intense psychological coercion. Could Am Yisrael have experienced the exodus and all its associated miracles, and still have had the freedom to choose whether or not to accept the Torah? They had met G-d face to face, to the extent that the Mekhilta comments on the verse from the Song of the Sea (Shemot 15:2), "This is my G-d and I shall glorify him" - "This means that G-d appeared to them in all His glory and they were pointing at Him with their fingers; a maidservant at the [Red] Sea saw that which all the prophets themselves never saw" (cited by Rashi). In such a context, is it possible to imagine Am Yisrael refusing the Torah?

There is, however, a serious problem with this model: we cannot relate to it. If we ask ourselves, how are we to accept the Torah, we cannot answer, "We shall do and we shall hear - just like Am Yisrael did then." We simply lack the context which was the basic framework for all of their actions and decisions. We require another model. This is where Yitro comes in. There is indeed another precedent for accepting the Torah - that of Yitro. Yitro's acceptance of the Torah did not occur amidst fire and brimstone, amidst the raw power of G-d's hand exposed to human eyes; rather, "And Yitro heard ... everything that G-d had done" (Shemot 18:1). Yitro was not coerced at all: he heard from afar, he received the Torah through the mists of tradition, in an atmosphere of uncertainty - a reality exactly parallel to our own.

This, then, is the answer to our first question. Why, according

to Rav Elazar, must we learn of Yitro, of his coming, and especially of his belief, before we read of the giving of the Torah? The answer is clear. Even if this event is out of place chronologically, it is vital in providing us, the later generations, with a means to relate to accepting the Torah, a means closer to our own realities.

Let us approach the second question - why do we learn of the court system prior to the giving of the Torah?

I think that the following sources point a direction for our answer. At the end of Parashat Yitro, we find an enigmatically phrased mitzva (one of three such mitzvot in the Torah): "If you build Me an altar of stones ..." (Shemot 20:21). The problem is that, like the other two mitzvot which begin with the phrase "If," this mitzva is not optional but rather compulsory. Why, then, does the Torah phrase it so strangely?

Rashi (ibid.) cites the other two instances of this strange phraseology but doesn't supply a rationale for it. The Gur Aryeh (the Maharal's supercommentary on Rashi) here does supply a reason, and it is profound. The Maharal claims that the reason that these three mitzvot are phrased as if they were not compulsory is because the basic human impulse for performing them should be different from that of all other mitzvot. These mitzvot, he claims, must be performed not because we are COMMANDED to, but because we WANT to, because we have a basic human urge to do these things since we think they are correct, because they are the RIGHT thing to do.

The Ramban (Shemot 15:25) supplies a similar idea in explaining the meaning of the verse, "There He (G-d) laid down laws and judgements." This verse is written prior to the giving of the Torah, raising the question: what laws could G-d have given to Am Yisrael prior to the giving of the Torah? The Ramban answers that G-d did not give them specific commandments but rather general rules of ethical behaviour. In both the Ramban's and the Maharal's explanations, we can see a core idea: there is such a thing as a morality before Sinai, a human sensitivity to right and wrong which precedes the formal commandment and which exists alongside it as well. This, then, is the answer to our second question. Why do we need to hear of Am Yisrael's having a court system, a system of justice, even before the giving of the Torah? In order to impress upon us that there is a morality, a basic system of right and wrong, even before the giving of formal commandments. This is a sensitivity we must strive to cultivate and develop, especially after we have received G-d's word, when there is a danger of losing it all in the face of excessive formalism. (Delivered at seuda shelishit, Shabbat Parashat Yitro 5757 [1997].)

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From: Aish.com[SMTP:newsletterServer@aish.com] Subject: Shavuot - The ABC's of Shavuot Shavuot is the anniversary of the giving of the Torah on Mount Sinai - 3,314 years ago. The holiday begins at sundown Thursday, May 16, and continues until nightfall on Saturday, May 18, 2002 (In Israel, ends Friday evening, May 17). Learn more online at: <http://www.aish.com/holidays/shavuot/default.asp>

#### "ABC'S OF SHAVUOT"

by Rabbi Shraga Simmons

It is ironic that Shavuot is such a little-known holiday. Because in fact, Shavuot commemorates the single most important event in Jewish history -- the giving of the Torah at Mount Sinai.

Shavuot is the culmination of the seven-week-long "counting of the Omer" that occurs following Passover. The very name "Shavuot" means "weeks," in recognition of the weeks of anticipation leading up to the Sinai experience. (Since Shavuot occurs 50 days after the first day of Passover, it is sometimes known as "Pentecost," a Greek word meaning "the holiday of 50 days.")

3,300 years ago, after leaving Egypt on the night of Passover, the Jews traveled into the Sinai desert. There, the entire Jewish nation -- 3 million men, women and children -- directly experienced divine revelation:

G-d spoke to you from the midst of the fire; you were hearing the

sound of words, but you were not seeing a form, only a sound. He told you of His covenant, instructing you to keep the Ten Commandments, and He inscribed them on two stone tablets. (Deut. 4:12-13)

The giving of the Torah was an event of awesome proportions that indelibly stamped the Jewish nation with a unique character, faith and destiny. And in the 3,300 years since this event, Torah ideals monotheism, justice, responsibility -- have become the moral basis for Western civilization.

#### HOW TO CELEBRATE

Perhaps the reason for the relative obscurity of Shavuot is because this holiday has no obvious "symbols" of the day -- i.e. no Shofar, no Sukkah, no Chanukah Menorah.

On Shavuot, there are no symbols to distract us from the central focus of Jewish life: the Torah. So how do we commemorate Shavuot? It is a widespread custom to stay up the entire night learning Torah. And since Torah is the way to self-perfection, the Shavuot night learning is called Tikkun Leil Shavuot, which means "an act of self-perfection on the night of Shavuot."

At synagogue services on Shavuot morning, we read the Biblical book of Ruth. Ruth was a non-Jewish woman whose love for G-d and Torah led her to convert to Judaism. The Torah intimates that the souls of eventual converts were also present at Sinai, as it says: "I am making [the covenant] both with those here today before the Lord our G-d, and also with those not here today." (Deut. 29:13)

Ruth has a further connection to Shavuot, in that she became the ancestor of King David, who was born on Shavuot, and died on Shavuot.

On Shavuot, it is customary to decorate the synagogue with branches and flowers. This is because Mount Sinai blossomed with flowers on the day the Torah was given. The Bible also associates Shavuot with the harvest of wheat and fruits, and marks the bringing of the first fruits to the Holy Temple as an expression of thanksgiving. (see Exodus 23:16, 34:22, Numbers 28:26)

#### DAIRY FOODS

There is a universal Jewish tradition of eating dairy foods on Shavuot. The reason has been offered by many scholars, some of which are more convincing than others. We offer a selection:

The Biblical book Song of Songs (4:11) refers to the sweet nourishing value of Torah by saying: "It drips from your lips, like honey and milk under your tongue."

The verse in Exodus 23:19 juxtaposes the holiday of Shavuot with the prohibition of mixing milk and meat. On Shavuot, we therefore eat separate meals -- one of milk and one of meat.

Upon receiving the Torah at Mount Sinai, the Jews immediately became obligated in the laws of Sh'chita -- slaughter of animals. Since they did not have time to prepare kosher meat, they ate dairy instead.

#### PILGRIMAGE TO THE WESTERN WALL

In 1967, the Six Day War ended just a few days before Shavuot. Israel had reclaimed the Western Wall, and for the first time in 20 years Jews had access to their holiest site. On Shavuot itself, the Western Wall became open to visitors, and on that one memorable day, over 200,000 Jews journeyed by foot to the Western Wall. (In Jerusalem, no cars or buses run on Jewish holidays.)

In subsequent years, this "pedestrian pilgrimage" has become a recurring tradition. Early on Shavuot morning after a full night of Torah learning -- the streets of Jerusalem are filled with tens of thousands of Jews walking to the Western Wall.

This tradition has Biblical precedence. Shavuot is one of Judaism's three main pilgrimage festivals, where the entire nation would gather in Jerusalem for celebration and study.

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From: RABBI MORDECHAI KORNFIELD  
[SMTP:kornfeld@NETVISION.NET.IL] Reply To:  
kornfeld@NETVISION.NET.IL Sent: Wednesday, May 15, 2002 9:32 AM  
Subject: Re: Shavuos THE DAFYOMI DISCUSSION LIST brought  
to you by Kollel Iyun Hadaf of Yerushalayim Rosh Kollel Rabbi Mordecai  
Kornfeld ask@dafyomi.co.il

Re: Shavuos Sid Mosenkis <smosenki@siac.com> asked: If the Torah was given on 7 Sivan, according to one opinion in the Gemara, why do we say zman matan toraseinu on 6 Sivan?

S. Mosenkis, Queens N.Y. ----- The Kollel replies:

We wrote about this on Shabbos 88a, here is a copy of our Insights to the Daf there.

Best wishes, Mordecai =====

Shabbos 88 ON WHAT DAY DOES SHAVUOS FALL QUESTION: The Tur and Shulchan Aruch (OC 494:1) say that Shavuot falls on the sixth of Iyar, fifty days after the day of bringing the Omer offering (the second day of Pesach). This implies that Iyar of the year that the Torah was given was not a full (Malei) month, but was 29 days long, for if Iyar of that year was 30 days long, Matan Torah would have been on the fifty-\*first\* day after the day of the Omer offering, and not the fiftieth.

Our Sugya seems to conclude that according to the Rabanan, who maintain that the Torah was given on the \*sixth\* of Sivan, there were indeed fifty-\*one\* days between Pesach and Shavuot (since the Gemara (87b) resolves the Beraisa which conflicts with the opinion of the Rabanan by saying that Iyar of that year had 30 days). How, then, can we rule that Shavuot is on the sixth of Sivan and only \*fifty\* days after the day of the Omer offering?

Besides, no matter how we rule, according to both Rabbi Yosi and the Rabanan, the Torah was given on the fifty-first day. According to the Rabanan Iyar was 30 days, as we explained above, and according to Rabbi Yosi Iyar was 29 days but the Torah was given on the \*7th\* of Sivan, or 51 days after the day of the Omer offering.

ANSWERS: (a) The MACHTZIS HA'SHEKEL explains that this question is only a question if the Jewish people left Egypt on a Thursday (which would mean that there are fifty-one days between the second day of Pesach (Friday) and the day they received the Torah (Shabbos)). The Seder Olam, though, says that they left Egypt on a \*Friday\*, and thus the Torah, which was given on a Shabbos, was given \*fifty\* days later. (The Seder Olam also states that the Man started falling on a Monday. Even though the Gemara derived from verses that the Man started falling on a Sunday, this inference is not at all explicit in the verses, and the simple understanding of the verses does not imply that the Man started falling on a Sunday). We rule like the Seder Olam, and not like the Gemara.

It should be noted that according to the Seder Olam, the tenth of Nisan (the day that the animals for the Korban Pesach were designated) was not Shabbos but Sunday -- contrary to what the TUR in OC 430 quotes from the Seder Olam -- since the Jews left Egypt on a Friday, as the PERISHAH points out.

(b) The SEFAS EMES explains that the TUR holds that the Jewish people went out of Egypt on a \*Thursday\* (as he says in OC 430), and that the Torah was given on a \*Friday\* and not on Shabbos, as the Pirkei d'Rebbi Eliezer ch. 46 maintains.

The Sefas Emes points out, however, that the Tur himself (OC 292) states that the Torah was given on Shabbos.

(c) The RIVASH (#96) writes that the festival of Shavuot has nothing to do with the day upon which the Torah was given. Shavuot comes fifty days after the day of the Omer offering, whether or not it falls on the day that the Torah was given. The reason we call Shavuot "Z'man Matan Toraseinu" is because the way our calendar is set up, the festival falls on the sixth of Sivan, which is the day of the month on which the Torah was given (according to the Rabanan, whose opinion we follow). Unlike the day upon which the Torah was given, our 6th of Sivan falls \*fifty\* days after the Omer offering, while the original day of Matan Torah was fifty-one days after the Omer (because they left Egypt on a Thursday and received the Torah on Shabbos, as our Gemara states).

(d) The MAGEN AVRAHAM (OC 494) cites from SEFER ASARAH MA'AMAROS that by adding a day on his own, Moshe Rabeinu alluded to the second day of Yom Tov which is observed outside of Israel. Thus, the Torah was actually \*supposed\* to have been given on the fiftieth day after the Omer of that first year, which is why our holiday begins on the fiftieth day after the Omer. The Torah was actually given on the fifty-first day to symbolize that that day would be Yom Tov as well, when the Jews would go into exile. That is, just like Moshe Rabeinu made that day into the day of Kabalas ha'Torah, the Rabanan would later make that day into Yom Tov.

The BEIS HA'LEVI (Parshas Yisro) expands on this idea, explaining that even though the Jewish people received the Torah on the fifty-first day, the day that the Torah was \*given\* was the fiftieth day, as we shall explain.

The Gemara (88b) says that the angels did not want the Torah to be

given to Moshe. Why not? What were the angels going to do with the Torah? As Moshe Rabeinu argued, none of the Mitzvos are applicable to heavenly bodies; they are relevant only for humans!

The Gemara (Bava Metzia 61a) states that the verse "Lo ba'Shamayim Hi" ("the Torah is not in the heavens") means that the authority to expound and elucidate the Torah is not in the heavens, but was to the Sages. The angels argued that \*this authority\* should not be given to man, because they did not think that it was appropriate for man to have the power to legislate in Torah matters.

Moshe's decision to delay by one day the giving of the Torah was based on a Hekesh, as the Gemara explains ("just like the second day of Perishah was a day that follows a night, so, too, the first day must be a day that follows a night"). By using a Hekesh to derive a Torah law (i.e. the day that the Torah should be given), Moshe Rabeinu was asserting that the Torah was given to man to expound. The Gemara adds that indeed, Hashem agreed to Moshe's action.

Therefore, even if we rule in accordance with Rebbi Yosi that we received the Torah on the seventh day, that was the day of \*Kabalas ha'Torah\*, when the Jews \*received\* the Torah. The day before, though, was the day of \*Matan\* Torah, when Hashem \*gave\* man the ability to make decisions regarding the Torah. (The CHASAM SOFER in Toras Moshe, on Shavuot, offers a similar explanation.)

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From: Jeffrey Gross[SMTP:jgross@torah.org] To: weekly-halacha@torah.org Subject: Shevuos 2002 WEEKLY-HALACHA FOR 5762

By RABBI DONIEL NEUSTADT Rav of Young Israel in Cleveland Heights

A discussion of Halachic topics. For final rulings, consult your Rav. EIRUV TAVSHILIN: WHY and HOW?

When Shabbos falls immediately after Yom Tov, or when the second day of Yom Tov falls on Shabbos, a Rabbinic ordinance prohibits cooking or baking on Yom Tov for Shabbos unless an eiruv tavshilin was prepared on erev Yom Tov.(1) The Talmud offers two explanations for this ordinance(2): 1. To guard the honor of Shabbos. The rabbis feared that when Yom Tov falls on Friday, one may become so preoccupied [on erev Yom Tov] with his Yom Tov needs that he will neglect his Shabbos preparations. Thus they required that a token Shabbos food be prepared before the onset of Yom Tov.(3) 2. To guard the sanctity of Yom Tov. The rabbis feared that were it permitted to cook on Yom Tov for Shabbos without making a manifest sign that the cooking is being done for Shabbos, some people might assume that it is permitted to cook on Yom Tov even for the weekday, which is strictly forbidden. The purpose of the eiruv, then, is to serve as a reminder that on Yom Tov it is permitted to cook only for Shabbos and not for weekday.

**THE BASIC REQUIREMENT - L'CHATCHILAH** 1. Two types of food, one cooked and one baked,(4) are set aside. They are held in the right hand(5) and, while standing,(6) the blessing - followed by the appropriate text - is recited. 2. Since the meaning of the text must be understood in order for the eiruv to be valid, the text should be recited in a language that one understands.(7) 3. The eiruv should be held the entire time while one is reciting the blessing and the text.(8) 4. The cooked food should be at least a k'zayis. The baked food should be at least a k'beitzah. 5. The cooked food should be the type of food which is served as a main dish, e.g., meat, fish or eggs. Desserts may not be used.(9) 6. The cooked food should be refrigerated so that it does not spoil. If it rots, then it is considered as if no eiruv was made.(10) 7. Traditionally, the eiruv is prepared and the blessing and text recited on the day of erev Yom Tov. Some poskim permit the eiruv to be made on the night before erev Yom Tov,(11) while others allow this only under extenuating circumstances.(12)

**THE BASIC REQUIREMENT - B'DIAVAD** 1. B'diavad if the eiruv is made using a cooked item only, or if only a cooked food is available, the eiruv is valid - even for baking.(13) The reverse, however, does not hold true. 2. If the proper blessing is omitted but the text is recited, the eiruv is valid.(14) 3. If the proper text is omitted it is questionable whether the eiruv is valid. If one remembered before Yom Tov that he omitted the proper text, he should repeat the process, reciting the text without repeating the blessing.(15) If he remembered only after the onset of Yom Tov, he should consult a rabbi.

**HIDDUR MITZVAH** There are several ways one can perform the mitzvah of eiruv tavshilin in a more enhanced way. The following are considered hiddurim: 1. The cooked food should be specifically cooked on

erev Yom Tov for Shabbos and for eiruv tavshilin.(16) 2. The cooked food should be a sizable portion.(17) Others suggest that it should be a k'beitzah.(18) 3. The cooked food should be either meat or fish.(19) 4. The baked food should be whole, e.g., a whole challah or matzah.(20) 5. The challah or matzah should be used for lechem mishneh on Friday night and Shabbos morning, and broken and eaten at seudah shelishis.(21) 6. The cooked food should be eaten at one of the Shabbos meals.(22)

**GENERAL NOTES** L'chatchilah, all the food that is prepared on Yom Tov for Shabbos should be edible on Yom Tov.(23) This includes hot water which is boiled for Shabbos. B'diavad, or under extenuating circumstances, it is permitted to cook on Friday for Shabbos even if the food will not be edible by the time Shabbos arrives.(24) When the first day of Yom Tov falls on Thursday, the cooking for Shabbos may not take place on Thursday.(25) It may, however, begin on Thursday night, which is already the second day of Yom Tov.(26) Only one eiruv tavshilin per household is required. It includes all of the people who reside in the house, including married children and guests who are spending the Yom Tov as part of that household.(27) Eiruv tavshilin is required not just for cooking and baking but also for any food-related activities that are needed for Shabbos, e.g., grinding, choosing, insulating, carrying, washing dishes and lighting candles. One who failed to make an eiruv tavshilin cannot do any of these activities on Yom Tov for Shabbos. A person [or a household] who is not planning to cook or prepare anything on Yom Tov for Shabbos is not technically required to make an eiruv tavshilin. Nevertheless, the poskim strongly recommend that each person [or household] prepare an eiruv tavshilin in the event that something will have to be prepared for Shabbos.(28)

**IF NO EIRUV WAS MADE** One who forgot to prepare an eiruv tavshilin on erev Yom Tov before sunset may not cook on Friday for Shabbos. There are several strategies that can rectify this oversight, but they are too complex to fully describe here and should only be implemented with rabbinic guidance. Under certain circumstances one may(29):

1. Make an eiruv tavshilin after sunset during bein ha-shemashos.(30) Once Ma'ariv was recited, however, an eiruv tavshilin cannot be made.
2. Make an eiruv tavshilin while in shul even though he does not have immediate access to cooked food.(31)
3. Make an eiruv on the first day of Yom Tov [except Rosh Hashanah] which falls on a Thursday.(32)
4. Rely on the rabbi's eiruv which is intended to include all those who inadvertently forgot or were unable at the last minute to make an eiruv.(33) This cannot be relied upon for one who did not make an eiruv due to negligence.(34)
5. Cook extra food for Yom Tov so that he will have food left over for Shabbos.(35)
6. Give his raw ingredients to another person [who made an eiruv] to cook, and that person will cook for him. The cooking may take place in the house of the one who did not make an eiruv.(36)

**FOOTNOTES:** 1 Min ha-Torah there is no restriction on cooking on Yom Tov for Shabbos for either one of the following two reasons: 1) Shabbos and Yom Tov are considered as one day [as Yom Tov is also called Shabbos in the Torah]; just as it is permitted to cook for Yom Tov it is permitted to cook for Shabbos. 2) Even though one is really cooking for Shabbos, were unexpected company to show up, the food could be used for the guests. In essence, therefore, one is really cooking "for a Yom Tov need"; see Pesachim 46b for a thorough treatment of this complex issue. 2 Beitzah 16b. In practical halachah, however, the second reason is the dominant one; Sha'ar ha-Tziyun 527:67. 3 Our explanation follows the Meiri. See Rashi and Ran who give different explanations. 4 The cooked item is to permit cooking on Yom Tov and the baked item is to permit baking. One who is not planning to bake for Shabbos does not need to prepare a baked food for eiruv tavshilin (Mishnah Berurah 527:6). It is customary, however, to use a baked food for eiruv tavshilin regardless. 5 Mishnah Berurah 206:18. 6 Mishnah Berurah 8:2. 7 Sha'ar ha-Tziyun 527:55. 8 Based on Teshuvos Maharsham 2:36. 9 Based on Beir Halachah 527:5. 10 Aruch ha-Shulchan 527:13. See note 110 for possible options. 11 Harav Y.S. Elyashiv (oral ruling, Koveitz Mevakshei Torah, pg. 216). 12 Harav S. Vosner (quoted in Eiruv Tavshilin ha-Aruch 2 16:3). 13 Mishnah Berurah 527:7. 14 Mishnah Berurah 527:64. 15 Ibid. 63. 16 Beir Halachah 527:6 and 14 (s.v. l'chatchilah). The baked item, however, does not need to be especially baked for Shabbos. 17 Mishnah Berurah 527:8. 18 Eishel Avraham 527:7. 19 Harav S. Vosner (Koveitz mi-Beis Levi 1, pg. 52). 20 Ibid. 21 Mishnah Berurah 527:11;48. 22 Harav S.Z. Auerbach (Tikunim u'Miluim 2, note 35). 23 In order to satisfy the second reason quoted above in note 82. 24 Mishnah Berurah 527:3 and Beir Halachah. Other poskim are more lenient and allow this even l'chatchilah; see Aruch ha-Shulchan 527:3. 25 O.C. 527:13. 26 Harav Y. Kamenetsky (Emes l'Yaakov O.C. 527). 27 Eishel Avraham 527; Harav Y.S. Elyashiv (Koveitz Mevakshei Torah 49, pg. 218). Two or more individual families who are sharing one house, or a person who is sleeping in a hotel and eating elsewhere, should make their own eiruv tavshilin without reciting the blessing. 28 Igros Moshe O.C. 5:20-26; Moadim u'Zemanim 7:122. 29 These options apply also to one who made an eiruv tavshilin, but it either got lost, was eaten, or got spoiled before one started cooking for Shabbos. 30 O.C. 527:1. The blessing

is recited. 31 Minchas Yitzchak 7:36 based on Tiferes Yisrael, Beitzah 2:1; Harav S.Z. Auerbach (Meor ha-Shabbos, vol. 1, pg. 493 and vol. 2, pg. 633). No blessing is recited. Other poskim do not agree with this option. 32 O.C. 527:22. A special text is recited. 33 O.C. 527:7. Some poskim hold that one may rely on the rabbi's eiruv only one time (Mishnah Berurah 527:22), while others hold that it can be relied upon even more than once (Aruch ha-Shulchan 527:18). 34 Sha'ar ha-Tziyun 527:32. 35 O.C. 527:21. Thus it is permitted to cook many different foods, so long as one will partake of each of them on Yom Tov; Mishnah Berurah 71. 36 O.C. 527:20.

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what is considered Kidushin and Gerushin, since Kidushin cannot be effected by Nochrin; since Kidushin has no applicability to Nochrin, the Torah does not command them -- nor give them the right -- to establish guidelines for it. (According to this explanation, it could be that "Dina d'Malchusa Dina" does "not" apply to a Jewish king, whether in Eretz Yisrael or in any other country, since a Jewish king is not bound by the Mitzvos of B'nei No'ach, but rather by all of the Mitzvos of the Torah. This might be the intention of the NIMUKEI YOSEF in Nedarim (28a) cited above.)

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From: Kollel Iyun Hadaf[SMTP:kornfeld@netvision.net.il] Subject: Insights to the Daf: Bava Basra 54 INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim [daf@dafyomi.co.il](mailto:daf@dafyomi.co.il), <http://www.dafyomi.co.il> BAVA BASRA 54 - in memory of Harry Bernard Zuckerman, Baruch Hersh ben Yitzchak (and Miryam Toba), by his children and sons-in-law. Access all of the weekly & monthly "Yomi" schedules from our Homepage: <http://www.dafyomi.co.il/> - BE' H ALWAYS UP TO DATE!

Bava Basra 54b THE REASONS BEHIND "DINA D'MALCHUSA D'INA" OPINIONS: Shmuel teaches the well-known rule of "Dina d'Malchusa Dina" -- the law of the country in which a person lives is legally binding. What is the source for this principle?

(a) The RASHBAM here writes that the laws of the land are binding because "all of the citizens of the country accept upon themselves willingly the statutes of the governing body and its laws." The communal acceptance of those laws creates a binding obligation on every individual (similar to the way a Minhag of a place obligates everyone in that place to abide by that Minhag).

(b) The RAN in Nedarim (28a) writes in the name of TOSFOS that the principle of "Dina d'Malchusa Dina" is based on the reasoning that one must follow the laws made by the governing body of the country because that sovereign is entitled to demand any payment that he wants as compensation for allowing people to live in the land under his jurisdiction, as he has the legal right to expel from his land anyone he chooses. Accordingly, "Dina d'Malchusa Dina" applies only to laws made by non-Jewish kings in their kingdoms. "Dina d'Malchusa Dina" does not apply to laws made by a Jewish king, though, who rules over Eretz Yisrael (and follows the Torah), because no Jewish king has the right to expel a person from Eretz Yisrael, since every Jew is entitled by the Torah to live in Eretz Yisrael and the king cannot legally deny any Jew that right. Consequently, a Jewish king may not demand payment from the people for permission to live in Eretz Yisrael, because it is not the king who is granting them permission to live there. (See Insights to Nedarim 28:2.)

According to this reasoning, the rule of "Dina d'Malchusa Dina" \*would\* apply to the laws of a Jewish king ruling over a country \*outside\* of Eretz Yisrael. Indeed, this is what the RASHBA (Teshuvos 1:637) writes (see, however, NIMUKEI YOSEF, beginning of Nedarim 28a).

The CHASAM SOFER (cited by OHEL TORAH) writes that the Ran gives this reason only to explain why "Dina d'Malchusa Dina" applies to laws of taxation, which a king levies against the will of his constituents. The Ran agrees, though, with the Rashbam that the other laws (such as the case in our Gemara) of a country are binding because everyone accepts them upon themselves (and, accordingly, "Dina d'Malchusa Dina" applies to the laws of a Jewish king in Eretz Yisrael as well).

(c) The DEVAR AVRAHAM (1:1) cites the ALIYOS D'RABEINU YONAH in our Sugya who says that the principle of "Dina d'Malchusa Dina" is a form of "Hefker Beis Din Hefker." He maintains that the principle of "Hefker Beis Din Hefker" is not specifically a law that applies to Beis Din, but that it applies to Beis Din because of the authority and power that Beis Din has to issue rulings on monetary matters. Accordingly, it applies to any authority figure that has such power (as is learned from the verse, "[A proclamation was issued in Yehudah and Yerushalayim to all of the people of the exile to assemble in Yerushalayim:] And that anyone who would not come within three days, in accordance with the counsel of the officers and the elders, all his property would be destroyed..." (Ezra 10:7-8). This rule of "Hefker Beis Din Hefker" is the basis for the rule of "Dina d'Malchusa Dina." (See Insights to Gitin 36:2, where we discuss the view of Rabeinu Yonah at length.)

(d) According to our explanation of RASHI in Gitin (9b; see Insights there), Rashi proposes that the source for the law of "Dina d'Malchusa Dina" is the Torah's obligation for B'nei No'ach to set up a system of courts and law. Rashi explains that this commandment not only obligates the Nochrin to see to it that justice is administered for criminals, but it also grants them the power to set up a system of laws which establishes guidelines regarding monetary matters, such as what constitutes an acquisition. This is what the Chachamim refer to when they say "Dina d'Malchusa Dina" -- the system of the courts of Nochrin that establishes legal guidelines in monetary matters which is binding on all of the residents of that country, mid'Oraisa. (See Dibros Moshe to Gitin there.) This source for "Dina d'Malchusa Dina" gives Nochrin the right to enact any mandate or statute pertaining to anything that affects the constituents of the country in any way. They cannot set up guidelines regarding