

INTERNET PARSHA SHEET
ON NOACH - 5759

B'S'D'

To receive these Parsha sheets by e-mail, contact crshulman@aol.com and cshulman@cahill.com
To subscribe to individual lists see <http://www-torah.org-virtual.co.il-shamash.org>
shemayisrael.co.il jewishamerica.com ou.org/lists-youngisrael.org & 613.org

Drasha@torah.org Oct. 22, 1998

Drasha -- Parshas Noach -- The Rainmaker by Rabbi Mordechai Kamenetzky

Noach lived through trying times to say the least. He survived not only a generation of spiritual chaos, but physical annihilation as well. However, Hashem walked with him and guided him. He instructed him every step of the way. He warned him of the impending flood. He instructed him to build an ark. He told him to bring all the animals to the ark. Yet Noach is labeled as a man who was lacking in faith. The Torah tells us that, "Noach with his wife and sons and his son's wives with him, went into the ark because of the waters of the Flood" (Genesis 7:6). Rashi quotes a Midrash which proclaims that Noach, to a small degree, lacked faith as he only entered the ark "because of the waters of the Flood." The implication is that Noach did not enter the ark until the rain forced him to. The obvious question is how can we say that Noach lacked, even to a tiny extent, faith? He had to believe! After all, he spoke to Hashem! He built the ark! He gathered all the animals! He was the only one in his generation to worry about the impending doom! Surely, he must have believed! Why is there a complaint against Noach? What is wrong in waiting until he had no choice but to enter? To what degree is he considered lacking in faith?

Rabbi Shimshon Sherer, Rav of Congregation Kehilas Zichron Mordechai, tells the following story. In a small town there was a severe drought. The community synagogues each prayed separately for rain, but to no avail. The tears and prayers failed to unlock the sealed heavens, and for months, no rains came. Finally, the town's eldest sage held a meeting with prominent community rabbis and lay leaders. "There are two items lacking in our approach, faith and unity. Each one of you must impress upon his congregation the need to believe. If we are united and sincere, our prayers will be answered!" He declared that all the synagogues in the city would join together for a day of tefilah. Everyone, men women and children would join together for this event. "I assure you," he exclaimed, "that if we meet both criteria - faith and unity - no one will leave that prayer service without getting drenched!" There was no shul large enough to contain the entire community so the date was set to gather and daven in a field! For the next few weeks all the rabbis spoke about bitachon and achdus (faith and unity). On the designated day the entire town gathered in a large field whose crops had long withered from the severe drought. Men, women, and children all gathered and anxiously awaited the old sage to begin the service. The elderly rabbi walked up to the podium. His eyes scanned the tremendous crowd that filled the large field and then they dimmed in dismay. The rabbi began shaking his head in dissatisfaction. "This will never work," he moaned dejectedly. "The rain will not come." Slowly he left the podium. The other rabbis on the dais were shocked. "But rebbe everyone is here and they are all united! Surely they must believe that the rains will fall! Otherwise no one would have bothered to come on a working day!" The rabbi shook his head slowly and sadly. "No. They don't really believe," he stated. "I scanned the entire crowd. Nobody even brought a raincoat."

The level of faith that the Torah demanded from Noach would have had him bolt into the ark on the very morning that the Flood was meant to come. He had no inkling of the ferocity that was impending at the storm's first moments. Though it began as a light rainstorm his waiting until being forced by the torrents is equivalent to one who hears predictions of a tornado and stands outside waiting for the funnel to knock at his door. Noach should have moved himself and his family in the ark at zero hour without waiting for the

rains to force him in. The instinctive faith should have kicked in turning the bright sunny day that he may have experienced into one that is filled with fatal flood water. But he waited to see if it would really come. And for that he is chided. How often do we cancel plans or change a course of action on the say-so of the weatherman, but plan our activities so in contrast with the predictions of the Torah? Even Noach, who built the ark under intense pressure, is held accountable for the lack of instinctive faith that should have been interred in his bones. And on that level of faith, unfortunately, all of us are a little wet behind the ears.

Good Shabbos Rabbi Mordechai Kamenetzky

Drasha, Copyright (c) 1998 by Rabbi M. Kamenetzky and Project Genesis, Inc. Rabbi Mordechai Kamenetzky is the Rosh Mesivta at Mesivta Ateres Yaakov, the High School Division of Yeshiva of South Shore, <http://www.yoss.org> Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. <http://www.torah.org> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

parasha-qa@virtual.co.il

* PARSHA Q&A * In-Depth Questions on the Parsha and Rashi's commentary. Parshas Noach
<http://www.ohr.org.il/qa/5759/bereishi/noach.htm>

Parsha Questions [and] ..Answers All references are to the verses and Rashi's commentary, unless otherwise stated

1. Which particular sin sealed the fate of the flood generation? 6:13 - Robbery. 2. Why did Hashem tell Noach to build an ark, as opposed to saving him via some other method? 6:14 - So that people would see Noach building the ark and ask him what he was doing. When Noach would answer, "Hashem is bringing a flood," it might encourage some people to repent. 3. The ark had three levels. What function did each level serve? 6:16 - The top level housed the people, the middle level housed the animals, and the bottom level, the refuse. What indication do we have that Noach was familiar with the Torah? 7:2 - Hashem told him to take into the ark seven of each kosher-type animal, and two of each non-kosher type. "Kosher" and "non-kosher" are Torah concepts. 5. Why did Hashem postpone bringing the flood for seven days? 7:4 - To allow seven days to mourn the death of Mesushelach. 6. Why did the first water of the flood come down as light rain? 7:12 - To give the generation a chance to repent. 7. What did people say that threatened Noach, and what did Hashem do to protect him? 7:13,15 - People said, "If we see him going into the ark, we'll smash it!" Hashem surrounded it with bears and lions to kill any attackers. 8. What grouping of creatures escaped the punishment of the flood? 7:22 - The fish. 9. How deeply was the ark submerged in the water? 8:4 - Eleven amos. 10. What did the olive branch symbolize? 8:11 - Nothing. It was a leaf, not a branch. (The olive leaf symbolized that it's better to eat food "bitter like an olive" but which comes directly from Hashem, rather than sweet food provided by humans.) 11. How long did the punishment of the flood last? 8:14 - A full solar year. 12. A solar year is how many days longer than a lunar year? 8:14 - Eleven days. 13. When did humans receive permission to eat meat? 9:3 - After the flood. 14. What prohibition was given along with the permission to eat meat? 9:4 - The prohibition of eating a limb cut from a living animal. 15. Why does the command to "be fruitful and multiply" directly follow the prohibition of murder? 9:7 - To equate one who purposely abstains from having children to one who commits murder. Name two generations in which the rainbow never appeared. 9:12 - The generation of King Chizkiyahu and the generation of Shimon bar Yochai. Why did Noach curse Canaan specifically? Give two reasons. 9:22,24 - Because Canaan is the one who revealed Noach's disgrace to Ham. And because Ham stopped Noach from fathering a fourth son. Thus, Noach cursed Ham's fourth son, Canaan. 18. Why does the Torah call Nimrod a mighty hunter? 10:9 - He used words to ensnare the minds of people, persuading them to rebel against Hashem. 19. The sin of the generation of the dispersion was greater than the sin of the generation of the flood. Why was the punishment of the former less severe? 11:9 - They lived together peacefully.

20. Why was Sarah also called Yiscah? 11:29 - The word "Yiscah" is

related to the Hebrew word "to see." Sarah was called Yiscah because she could "see" the future via prophecy. Also, because of her beauty, everyone would gaze at her.

Sherlock Holmes and The Flood Mystery "I'm puzzled," said Watstein as he peered into the text and read: "And G-d said to Noah: ...Behold, I shall destroy them from the earth....Make yourself an ark....And I, behold, I am going to bring a flood...." (Bereishis 6:17) "What puzzles you?" asked world famous detective Sherlock Holmes. "Rashi's comment puzzles me," said Watstein. Rashi says: G-d had many ways in which to save Noah, so why trouble him to build an ark? So that the people would see Noah building the ark and ask what he was doing; when Noah would answer that G-d is bringing a flood to destroy them, perhaps they would repent." "Rashi is simply explaining why G-d saved Noah via an ark, and not via some other method," said Sherlock. "Look here, Mr. Holmes. Whatever method G-d chooses to do something, we can always ask: Why not some other method? For example, when G-d made leather garments for Adam and Chava, we could ask: Why leather? Why not some other material? This line of questioning, although interesting, is endless. And it is not Rashi's style. Rashi never comments unless something in the text impels him to do so. So why here does Rashi comment?" Answer "Look at the verses, Watstein," said Sherlock. "First, G-d tells Noah that the world will be destroyed. But G-d doesn't say how it will be destroyed. Then, G-d tells Noah to build an ark. Finally, G-d declares that there will be a flood." "Hmm. It is a bit peculiar," said Watstein. "The command to build the ark is surrounded by two statements about the destruction." "Therefore," said Sherlock, "Rashi understands that the first statement is G-d's decision to destroy the world, but only if the people don't repent. Then, Noah is commanded to build an ark, whose purpose is to get the people to repent. Then, if that fails, 'Behold, I am going to bring a flood...'" (Maskil L'David; "Sherlock" is by Reuven Subar, inspired by Dr. Avigdor Bonchek's "What's Bothering Rashi")

I Did Not Know That! In Hebrew, "ark" and "word" are synonymous. Furthermore, the ark's dimensions were 30 x 300 x 50. These numbers correspond to the Hebrew letters "lamed shin nun" which spell "lashon" -- "tongue." The true "ark" which saved Noah and family were the words of prayer they uttered with their tongues.

Recommended Reading List Ramban 6:19 Miracle of the Ark 7:1 Preserving the World 8:11 The Olive Leaf 9:12 The Rainbow 9:18 Ham and Canaan 10:9 Nimrod 10:15 The Land of Canaan 11:32 The Death of Terach Sforno 8:21 The New World 8:22 The Pre-Flood World 9:6 The Crime of Murder 9:9 The Conditions of the Covenant 9:13 Meaning of the Rainbow

Written and Compiled by Rabbi Reuven Subar General Editor: Rabbi Moshe Newman Production Design: Eli Ballon Prepared by the Jewish Learning Exchange of Ohr Somayach International 22 Shimon Hatzadik Street, POB 18103 Jerusalem 91180, Israel E-Mail: info@ohr.org.il Home Page: <http://www.ohr.org.il> (C) 1998 Ohr Somayach International -

weekly@virtual.co.il * TORAH WEEKLY * Highlights of the Weekly Torah Portion Parshas Noach <http://www.ohr.org.il/tw/5759/Bereishi/Noach.htm>

Insights A Vegetarian World "...G-d saw the earth, and behold it was corrupted, for all flesh had corrupted its way upon the earth." (6:12) If you're a vegetarian, you might be interested to know that at one time the whole world was vegetarian. Until the Great Flood in the time of Noah, no one killed an animal to eat its flesh. It was only when G-d gave a "new deal" to the sons of Noah -- the seven mitzvos of Bnei Noah -- that Man was permitted to kill animals for their meat. Why should this be? The answer to this question is intimately tied to the reasons for the flood itself: "G-d saw the earth, and behold it was corrupt, for all flesh had corrupted its way upon the earth." What started as private immorality and idolatry had degenerated into public licentiousness. The people of Noah's generation practiced bestiality. Seeing this breach in the fundamental division between Man and the other species, G-d brought the flood. When Noah emerged from the ark to reestablish civilization, G-d permitted eating meat to prevent a reoccurrence of the bestiality which occurred before the flood: By permitting the consumption of animal flesh, Man necessarily saw himself as different than, and separate from, the animals. Never again would Man see himself as just another animal.

A Vegetarian World II If you don't like meat, or if you think it's

unhealthy, you are perfectly entitled to abstain from it. Instead of chicken soup on Shabbat, you can feast on mango chutney. However, Judaism and your vegetarianism come into conflict if your misgivings about eating meat are because you believe that you and the cow have equally important roles in Creation. Everything in the universe is created to serve Mankind. All the myriad species and diversity of Nature are "scenery," elaborate stage props, so that we may play out our star role -- to recognize the Creator. This is the reason for Creation, and we are responsible to use everything in the world to assist us to perfect our character and bring us close to G-d. For by doing this, we not only elevate ourselves, but the entire Creation as well. In Nature's hierarchy, every creature and species has its role. The mineral world supports the vegetable world: By feeding from minerals, vegetation incorporates the minerals with the result that the mineral world is elevated to a higher level. Similarly, when animals eat grass they elevate the vegetable world to the animal world. And likewise, when a human eats an animal, the animal also ascends Nature's ladder. When a chicken ends up on someone's Shabbos table, it becomes the means by which Man elevates the physical to the spiritual -- which is the essence of the Shabbos experience. So order another veggie-burger, but don't write off that poor cow from someone else's Shabbos table. One day, in another world, you might meet up with a very irate heifer!

Of Men And Mice "Behold I am about to bring the flood waters upon the earth to destroy all flesh in which there is a breath of life under the heavens." (6:17) The prophet Yeshayahu (Isaiah) refers to the flood as the "waters of Noah," implying that Noah bears at least partial responsibility for the flood. For, if Noah had taught his generation to know G-d by instructing them to emulate G-d's midos (character traits), they surely would have repented. The Rambam (Maimonides) once had a dispute with a philosopher as to whether instinct or behavioral training governs the behavior of an animal. The philosopher held that an animal can be trained so completely that it can be made to do almost anything. To prove his point, he painstakingly trained a number of cats to stand upright, balance trays on their paws and serve as waiters. He dressed them for the part in white shirts with little black ties, and conducted a banquet with the cats as the waiters. As these feline waiters were serving the soup, the Rambam, who had been invited to the banquet, released a mouse. The banquet room was turned to pandemonium as the cats, forgetting all their hours of training, let their trays crash to the ground, rushing about on all fours after the mouse. Without training, a person's baser instincts and desires will drag him onto all fours. However, a human being is different from the animals because he can perfect his character so that it controls his baser instincts. One who has not yet worked on perfecting his character will, like the trained cat, be able to put on a show of discipline for a time, but only so long as no "mice" are released in his path. Only after a person has anchored good character traits in himself will the Torah reside in him. Only the Torah can bring one's character to ultimate perfection, but where there is no foundation of proper midos, the acquisition of Torah is impossible.

Sources: * Of Men And Mice - Rabbi Zev Leff in Shiurei Binah * WorldView - Rabbi Shimshon Raphael Hirsch Written and Compiled by Rabbi Yaakov Asher Sinclair General Editor: Rabbi Moshe Newman Production Design: Eli Ballon Prepared by the Jewish Learning Exchange of Ohr Somayach International info@ohr.org.il Home Page: <http://www.ohr.org.il> (C) 1998 Ohr Somayach Int'l

Shabbat-B'Shabbato - Parshat Noach SHABBAT-ZOMET is an extract from SHABBAT-B'SHABBATO, a weekly bulletin distributed free of charge in hundreds of synagogues in Israel. It is published by the Zomet Institute of Alon Shevut, Israel, under the auspices of the National Religious Party. Translated by: Moshe Goldberg <http://www.ou.org/torah/zomet/default.htm> Zomet has recently concluded development of a new model "Shabbatphone" which has undergone major improvements, both technically and functionally. As opposed to previous models, the new "Shabbatphone" operates only off the phone line and does not have to be plugged into an electrical outlet. The new phone is also \$50 cheaper than previous models, in line with our constant attempts to make techo-halachic systems available as widely as possible. The "Shabbatphone" is intended for use by health professionals and others involved in vital public health and public welfare endeavors. For further information, contact Zomet by e-mail, fax, or phone.

HOW OLD IS THE WORLD?

by Rabbi Uri Dasberg The story of the flood, as told in the Torah, can help solve the mystery of the age of the world. While scientists set the age of the world and life on the earth in millions of years, based on various findings, the Jewish calendar is based on a total of 5759 years since the time of creation. This may be the main dilemma in the issue of science and faith, and solving the puzzle may provide the answer to many difficult related problems. The Midrash which states that the Almighty continually creates new worlds and destroys them would seem to be relevant to this issue. However, taking this Midrash at face value can cause difficulty with some of the important principles of faith. For example, it seems to contradict the concept that the Torah never changes over time, including all its details, such as what is written about the earth and its contents. The Natziv hints at one resolution of the dilemma when he writes about the verse, "And He destroyed all the creation which was ON THE FACE of the earth" [Bereishit 7:23], that there were residues which did remain underneath the surface.

According to the late Rebbi of Chabad, the weak point of all the scientific conclusions is their assumption that the world started from scratch, and progressed from there. He compared this to a mound of sand made up of a sequence of layers. One who studies the mound by measuring how long it takes to build up a single layer might come to the conclusion that the age of the mound is the product of the time per layer and the number of layers. However, it may well be that the mound was created with some of its layers already in place. In addition, the fact that building a new layer takes a given number of years under present conditions does not necessarily mean that in previous times (at the time of the flood?) each layer could not have been built up much faster. This would mean that the age of such a mound might be much shorter than a "scientific estimate."

A very different approach was given by Rabbi A.Y. Kook (see Igrot Hare'iyah 134). He points out that we have no real basis to assume that the description in the Torah and the number of years according to our tradition are related to physical facts. We are assuming that the Torah not only provides a guide how mankind should act and how best to approach G-d but that it is also an accurate record of nature, giving details of the history of the world. But this is not necessarily true: If this had been the purpose of the Torah, mankind would have been given the role of a very minute element in the world, one which has had very little effect on the development of the world as a whole. If the starting point of the world is such a lowly point, it is hard to see how the world can be expected to progress to the heights of the Throne of G-d. A description which is constrained to be detailed and factual might miss the main purpose for which the world was created. This does not mean that the Torah would not have been able to satisfy both requirements at once - to give an accurate physical description and at the same time provide moral and spiritual guidance to mankind. However, it is wrong for us to succumb to outside pressures and to feel upset when we do not see such a description in the Torah.

TORAH OCCASIONS: Bar Mitzva by Rabbi Yehuda Shaviv

It is written, "At age thirteen, responsibility for mitzvot begins" [Avot 5:21]. Even though this is a rule which was handed down directly to Moshe (Responsa of the Rosh, rule 16:1), it is clearly also linked to two aspects of natural development: physically, in terms of a growing boy's body, and intellectually, in that he has enough understanding to be held responsible for his actions. However, it is not clear why a uniform age should be relevant, since it is well known that different people develop at different rates - some boys develop quickly and are mature before the age of 13, while others are physically small or immature even after reaching this age. It is not logical to insist that a uniform framework is necessary, and that the Torah limits should not be different for each and every individual, since that is exactly what happens with the Bnei Noach (non-Jews), whose obligation for each one begins at an age depending on his own rate of development (see Responsa of the Chatam Sofer, Yoreh Dei'ah, 317). Evidently the choice of age depends on a different type of development, one that is the same for everyone. The verse, "For man's inclination is evil from the time of his youth" [Bereishit 8:21], was interpreted by the sages to mean that the evil inclination [Yetzer Hara] appears in a human being from the moment he is

born (Yerushalmi, Berachot 3:5). When does the Yetzer Hatov, the good inclination, appear? According to Avot D'Rabbi Natan (chapter 16), "It is said that the evil inclination is thirteen years older than the good inclination. The Yetzer Hara arrives when man is born and grows together with him. If he begins to desecrate the Shabbat, there is nobody who objects ... If he commits sins, there is nobody who objects. The good inclination is created after thirteen years, and if he then desecrates the Shabbat, the Yetzer Hatov tells him: Fool, it is written, 'One who desecrates it [Shabbat] will be put to death' [Shemot 31:14]." This Midrash presents a novel picture of the evil inclination. It doesn't influence one to do evil, it simply does not object or prevent the evil. A young person does something bad, not out of evil intentions but in order to try every alternative, as befits the nature of youth. The nature of the evil inclination is acquiescence, and accepting the natural tendencies of youth. It is the good inclination which begins to object, acting as a moral and religious conscience, and it appears to every boy at age 13 and to every girl at age 12. It is this appearance of the Yetzer Hatov which gives us confidence that he or she can be expected to perform the mitzvot in a responsible manner.

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

Unchecked Pursuit of Pleasure Leads to Worse Things The Medrash says, "Had Iyov only come to explain the incident of the Flood, that would have been sufficient." According to our Sages there are many verses in the book of Job that refer to the sins of the generation of the Flood. For example, the verse in Iyov [24:18] says, "He is light upon the face of the water, their portion in the earth is cursed, he does not turn by way of the vineyards." The Medrash relates this verse to the sin of the generation of the flood: They were cursed that they should perish in water. Why? The Medrash tells us that they were cursed because they lived with their wives not for procreation or for their wives' sake, but only for their own pleasure. The Medrash in fact already alludes to this in last week's parsha. "The custom of that generation was to take two wives, one for having children and one for pleasure. The one taken for having children would sit ugly and neglected like a living widow; the one taken for pleasure would be sterilized and would sit by him, made up with cosmetics like a harlot." There are two things that require understanding. First, while this is certainly a terrible practice, it is also not the worst of crimes. We all know cases of domestic violence and abuse, things much worse than these. There are hosts of crimes and perversions which we would consider more vile and worthy of destruction. As we know, there are many people today who live for worldly pleasures, neglecting their spouses and families. They aren't nice people. But are they the worst criminals which society has to offer? Furthermore, what does the Medrash do with the literal interpretation of the verses? The verses themselves tell us what happened to the generation of the flood and why they were punished. "The earth was decadent before G-d, the land was filled with violence." [Bereshis 6:11]. The Torah tells us that there was so much perversion that it even affected the animals. This is a whole different story. We can understand sending a Flood to destroy the world for that reason. We can understand such an extreme punishment for decadence, perversion, theft and violence. However, the Medrash tells us that their problem was that they lived with their wives for the purpose of their own pleasure. How can one understand this discrepancy? The explanation is that the Medrash is not contradicting the verses. The Medrash is speaking of root causes. The verses are speaking of the eventual effect. How is a Generation of the Flood produced? How did they wind up so decadent and perverted that they were deserving of destruction? Our Sages tell us it comes from a philosophy of life that says, "Have a good time". If the pursuit of pleasure goes unchecked, it will eventually deteriorate into a Generation of the Flood. One thousand five hundred years earlier, when Lemech took two wives -- one for children and one for pleasure -- that was not the absolute worst of crimes. But, it was a philosophy of life. "Eat, Drink, be Merry, have a good time, and enjoy yourself; self-gratification, live-for-today." When people pursue pleasure

with a vengeance, it eventually gives way to "the land became corrupted before the L-rd". One has to go no further than to look at society today to discover what happens to a culture that is only interested in pleasure and self-gratification, in enjoying the moment -- whether it be with passions of the heart, with alcohol, with drugs, or whatever provides a 'good time' right now.

Noah's Failure to Learn the Lesson of the Flood With this idea, we can understand a teaching of the Rabbis at the end of the parsha. The verse tells us [Bereshis 9:20] "And Noah, the man of the earth, profaned himself and planted a vineyard." The Sages comment that Noah went from being a "righteous and perfect man in his generation" [6:9] to being a "man of the earth", an ordinary farmer. This is contrasted with Moshe who starts out as being called "an Egyptian man" [Shmos 2:19] and ends up by being called a "Man of G-d" [Devorim 33:1]. Noah was not able to maintain his stature. He went in the other direction -- starting out as being called a righteous man and ending up by being called a man of the earth. What was his terrible crime? Why did he fall so much in the eyes of G-d? Because he planted a vineyard. So what is his terrible crime? True, he should have planted wheat; he should have planted string beans, because they are more of a necessity of life. But for that the Torah castigates him that he "profaned himself" (va'Yachal Noah)? The answer is that Noah failed to learn the lesson of the Flood. Why did the Flood come about? How did it all start? The root cause was that people were into pleasure. What is the first thing one should NOT DO, after a Flood? Seek out pleasures. Noah chose to plant a vineyard, to plant wine, something he could have lived without. Wine can be wonderful, but it is just for pleasure. This is precisely the lesson he failed to learn and that is how Noah profaned himself. How did Noah make such a blunder? Noah was a Tzadik. Why did he plant a vineyard? The answer is because we have our Sages to point out the root causes of the evil in the Generation of the Flood. Noah's mistake was to only look at the results and to fail to see the cause. Had he realized that the root cause of the behavior of that generation was the tendency to pursue pleasure, he would never have planted a vineyard. He was smarter than that. He was a bigger Tzadik than that. His problem was -- as is so often the problem -- that he looked at symptoms and failed to see the disease. We, too, look at outcomes and don't look at causes. This is not a sin of malice or disregard, but a sin of failure to recognize underlying causes. The underlying cause of the sin of the generation of the flood was not initial decadence. It was a philosophy of "Have a Good Time". That is what Noah failed to see. He looked at the bottom line, rather than at the whole picture.

The Role of Bricks In The Rebellion Against G-d At the end of the parsha, the Torah tells us of the incident of the Generation of Dispersion (Dor haHaflaga). We all know the story -- they built a tower that reached into the sky. The Torah describes their dialog [11:3] "They said to one another, 'Come, let us make bricks and burn them in fire.' And the brick served them as stone, and the lime served them as mortar." Rash"i tells us a novel fact -- "In Babylonia there were no stones..." This is what the Torah is telling us, because there were no rocks, they made bricks. The next thing we find after they made the bricks is [11:4] "Come, let us build a city and a tower with its top in the heavens..." In other words, the flow of the verses is (a) we make bricks; (b) we build a tower and challenge G-d. What is the significance of the making of bricks in connection with the rebellion against G-d? Why does the Torah have to mention this fact? Why is this the crucial introduction to the rebellion? Rav Yosef Chaim Sonnenfeld, zt"l, once explained the matter: The Generation of Dispersion became enamored with technology. Imagine -- bricks in Babylonia -- it was a revolution that at least rivaled the FAX machine! There were no stones, how could one build? Some guy came up with a brainstorm -- one can take mud, bake it, and he has a brick! It was unbelievable. He patented it. He made a fortune. It was a revolution! Technology! "Ah -- what man can't come up with." What is the next step after one becomes enamored with technology? A person starts to think, "my strength and the power of my hand made me all this wealth" [Devorim 8:17]. A person thinks that the sky is the limit -- literally. That is the message of this parsha. They became so intoxicated with their ingenuity

and they were so overwhelmed with their own intelligence -- for inventing bricks that they said, "Who needs G-d anyway? We are in control. Let us build and make for us a name." Two weeks ago [1989] there was a horrible earthquake in San Francisco. Whether people called it nature or whether they were a little more religious and called it G-d, everyone's reaction was that such an event was a humbling experience. In spite of the FAX machines and in spite of the computers and in spite of all that we can do, a man is a man and he is here today and gone tomorrow. There is no such thing as "Let us make for ourselves a name." We live here by the Grace of G-d. Sometimes it takes an earthquake to make us realize what we are and what significance we play on this planet. It is an old mistake. It is a mistake that goes back as far as the Generation of the Dispersion. Someone told me that he once had a kidney stone. This is an excruciatingly painful experience. He could not pray, he could not talk, he could not eat, and he could not find his place. He literally could not exist. Finally he passed the stone. The Doctor showed him the stone. It was the fraction of the size of a raisin. This little spec of sand made him a non-functional person. "...For if one of them becomes opened or one of them becomes closed, it is impossible for us to stand and exist before you..." [From the Asher Yatzar prayer, said after using the bathroom]. There is a urologist here in Baltimore who has a plaque in his office. On that plaque is the Asher Yatzar prayer. This is no joke. We don't need an earthquake, we don't need a highway to collapse or the [Chesapeake] Bay Bridge to fall to pieces. One needs only a speck of sand to remember who we are and how fragile life is. In spite of 'let us build bricks' and all the other modern technologies, a man is a man and he lives by G-d's Grace.

Transcribed by David Twersky; Seattle, Washington twerskyd@aol.com Technical Assistance by Dovid Hoffman; Yerushalayim dhoffman@torah.org Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. http://www.torah.org/ Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

yated-usa@mailserver.ttec.com Peninim Ahl Hatorah Parshas Noah by Rabbi A. Leib Scheinbaum Hebrew Academy of Cleveland

And the earth had become corrupt before G-d, and the earth became filled with violence. (6:11) The text seems to imply that these people were corrupt only in the eyes of Hashem. In the eyes of society, however, they apparently did no wrong. What type of people were they that they were paragons of virtue according to the rules of society, while they were iniquitous before Hashem? Horav David Feinstein, Shlita, cites Chazal in the Talmud Sanhedrin 57A who define "chomos", corrupt, as referring to immorality and idolatry. These are sins that do not really hurt anybody. Does anyone suffer if a person chooses to bow down to idols? Who is hurt by the immoral activities of consenting adults? The people involved in these sinful acts surely did not believe that they were engaged in criminal acts. These people did not realize the extent of their invidious actions. The pasuk continues, "And the earth became filled with violence." Their "private" activities became public misdemeanors, as what seemed like innocuous private acts led to a situation out of human control. People cannot rebel against Hashem and expect to be considered fine, upstanding members of the community. Iniquity before G-d results in criminal acts towards one's fellow man. Hashem saw the signs, man's subtle lack of respect for his fellow man, which resulted in a complete breakdown of society. Hashem would never have destroyed that generation if the sins had truly remained private. Had the world continued to be a viable place for that society, it would not have catalyzed such destruction. Hashem knew that corruption / idolatry and immorality inevitably lead to injustice and= violence. Horav Feinstein cites a story related in Talmud Nedarim 91a as support for this idea. A story is told about a man who spent an afternoon in the private company of a married woman. When the woman's husband came home unexpectedly, the secret visitor immediately hid himself in order to avoid a scene. He remained in hiding until he saw the husband take a glass to drink from it. He immediately screamed, "Stop! I saw a poisonous snake drink from that= glass!" Chazal make a remarkable statement regarding this case. They concluded from this act of compassion that the visitor could not have committed a sinful act with the woman. Had this person been involved in an

immoral act with the woman, the sin would have dulled his sense of compassion to the point that he would not have been motivated to stop the husband from unwittingly poisoning himself. This is striking! How often do we hear people say, "My actions are between G-d and me. What I do does not affect anyone else." How untrue are these words! every sin transforms a person. It removes his "tzelem Elokim", Godly image. Hashem is the source of ethics and value. To disregard this fact is to remove oneself from the sphere of humanity as established by Hashem. Indeed, the Midrash elaborates upon the fact that man was created in the image of a monkey as well as in the image of a man. Thus, if man rejects his tzelem Elokim by defiling it with acts of immorality, he is left with nothing more than his altar image a monkey! Hence, those sins which we think are "private" soon become public, as our attitude changes as a result of our exposure to sin.

And the land was filled with corruption. (6:11) In the Midrash, Chazal teach that "corruption" refers to idolatry. We may wonder why idolatry stands out as the primary sin of that generation. What is there about "chamas," corruption, that infers idolatry? Horav Yaakov Kaminetzky, zl, responds by first defining the essence of idolatry. We are taught that if a certain city has decided to reject one ritual of the taryag, 613 mitzvos, regardless of the type of mitzvah, that city is declared an "Ir Hanidachas," a city that went astray and is to be totally destroyed. Accordingly, asks Rav Yaakov, why should the fate of the generation of the flood have been decided because of idolatry? In truth, any sin which the people had committed on principle would have sealed their fate. To reject even one mitzvah of the Torah on principle is tantamount to serving idols. Such actions implicitly deny the divine origin of the mitzvos. Taryag mitzvos constitute one G-d-given entity. To displace or deny a mitzvah is to cause the entire structure to come tumbling down. As a servant cannot tell his master what to do, so, too, we cannot tell Hashem how to govern the world. If He has given us 613 commandments, then we must keep all 613 commandments. To refuse to observe even one command, is tantamount to open rebellion against Hashem. Our refusal denies Hashem's supremacy. The people of that generation rejected the "bein adam lechaveiro," the laws governing man's relationship with his fellow man. They accepted cheating, stealing and other forms of corruption on principle. They denied that Hashem had established a specific code for humans. Their actions denoted avodah zarah, idolatry. We must ask ourselves whether we ever reject a mitzvah because we feel it is not practical. Do we concoct our own interpretations of mitzvos to suit our lifestyles? We must remember that the difference between an idol worshipper and an observant Jew can be a single mitzvah.

From: Jonathan Schwartz[SMTP:jschwartz@yml.yu.edu] To: Shulman Subject: Young Israel of Jamaica Estates Internet Chaburah----- Parshas Noach(fwd) Subject: Internet Chaburah----- Parshas Noach

Prologue : "VaTishaches Ha'aretz Lifnei Ha'elokim Vatimalei Ha'aretz Chamas" Chazal tell us that the destruction of the world began with the animals who were acting immorally. The state of immorality prevailed within the world and carried itself up the ladder to mankind. The ribbano shel olam found fault with man who was caught following the briaah instead of leading it. Yet, elsewhere, we are taught to look to the briaah in order to learn how to act properly. Erubin 100b discusses how one should move like a horse and show humility like a cat. Many human lessons of conduct are learned from the animals. When is man supposed to act by learning from the animals and when should he know to serve as the leading species of the world? -"Va'aretz nasan l'vnei adam?"

Rav Yitzchok Cohen (Best of Enayim l'Torah) notes that there is no contradiction within divrei chazal. Man rises above animals because he has intellect. It is a precious gift. It is man's job not to merely "follow" the animals, as the animals follow the carrot man leaves in front of them. Instead, it is up to man to LEARN from the ways of the animals, to incorporate lessons from the world he lives in so that he can properly rule it. Hence, when man follows the animals, he is no better, he is worthy of destruction for that matter alone, for he is not keeping to the conditions of existence. Much ado exists today about relations with our non-Jewish neighbors. As the Am segula, are we to always be in the lead teaching lessons of morality? Is there ever a time to allow one to apply Chochmas HaGoyim? This week's chaburah examines this issue, entitled:

Happy Birthday? The Torah discusses the birthday of Paro ah. The Yirushalmi (Rosh Hashanna 3:8) quotes Rabbi Yehoshua Ben Levi who held that the concept of a birthday was based upon the customs of Amalek who held that an individual cannot topple from the top of the world on his birthday. The Korban Haeida (ibid) notes that during the Amaleki war with the Jews, they used soldiers who were celebrating their birthdays so as to show that their powers were strong during the particular birthday, giving support to Avoda Zara. Moshe, by raising his hands in bat le, confused the constellations so that the powers of the mazalos should not fall to the Amalekites

celebrating their birthdays, rather, the powers should fall onto the Jews. Thus, we see that a birthday has special significance to the goyim of the world and seems to have significance to their respective Avodot Zarot. One celebrating his birthday has power to overpower his enemies. Is there too much of a comparison if a Jew were to celebrate his birthday? Would that be considered "chukos Ha'akum"? The Chasam Sofer was very distraught over birthday celebrations and wrote that one should not celebrate them. He held that if one wanted to mark a particular moment in time as a yearly celebration, he should mark the day he had his bris. Upon that day he entered Briso shel Avraham which should protect him. Sefer Chut Hameshulas records a story of the Ktav Sofer who asked not to be bothered on his birthday and was found in his study crying during that day. When asked why he was crying, he replied that the particular day was his birthday and he was crying for all the wasted years. Based upon these opinions, it would seem unwise to mark one's birthday. On the one side, it could be viewed as a sad day and Avoda zara in the extreme.

The Ben Ish Chai (Reah, 17) notes that it is a siman tov to mark one's birthday and that is precisely the minhag in his home. The sefer Tuv taam (vayeshev) actually notes that the Avoda Zara pattern of the Yirushalmi is unique to gentiles who believe in it. How then does one overcome the fears of the Avodah Zara while properly keeping the shitta of celebration? Notes the sefer Leket Hakemach (131) that one should make a seudas mitzva on one's birthday including a siyum of some sort to change any celebration into one of festivities of Torah. The Tiferes Yisroel (6) notes that each person should come give him a beracha on his birthday. This seems to have been a minhag in Yirushalayim too-that people would go bless Rav Shmuel Salant on their respective birthdays---harnessing the power of one's birthday but using it l'tov. (Rav Yona Metzger of Tel Aviv (Miyam Hahalacha 4:46) notes that it follows that candles and the blowing out ceremony is a problem as ner in our religion is compared to nishmas Adam often and there is no minhag to blow them out).

Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash (Vbm) Parashat Noach Sichah of Harav Yehuda Amital Shlit"A Release My Soul From Bondage Summarized by Rav Eliyahu Blumenzweig

"When Noach was in the ark, he would constantly pray to God: 'Release my soul from bondage (Psalms 142:8).'" (Midrash Tanchuma 58:11) This prayer succinctly expresses the tragedy of Noach and his generation. The Zohar tells us that when Noach disembarked from the ark and saw the terrible results of the destruction, he turned to God and asked: "You are known as a merciful and compassionate God. Is this desolation an expression of your mercy?!" God replied reproachfully: "When I told you, 'The end of all flesh is coming before Me,' 'I will destroy the land,' 'Behold I will bring the flood,' what did you do? Instead of praying for the salvation of your generation, you busied yourself with building an ark to save yourself and your dear ones. And now you show surprise at the destruction!?" The Zohar thus expresses the rebuke that Noach received for his lack of concern for his generation. A person can only pray when he feels the need to do so. One can only pray for the welfare of the community if he considers himself a member of the community, and shares in its pain and suffering. If Noach felt distanced from his community, how indeed could he pray for their welfare? Noach stood alone, separate from his neighbors. Only after he closed the doors of the ark did he begin to realize the extent of his isolation. With the closing of the doors of the ark, he suddenly became aware of the rift between himself and his generation. But his realization came too late; his isolation was complete.

At that moment Noach began to cry out to God: "Release my soul from bondage!" Not merely from the physical, external bonds of the ark, but from the spiritual shackles which bind the tzaddik (righteous person) and isolate him from his surroundings. Noach observed the depraved and violent world which surrounded him and attempted to separate himself. He feared that if he came too close to his neighbors, he might find his own soul and behavior corrupted by them. Noach escaped from the chance to redeem his neighbors, and instead built up an "ark" to protect himself, hoping that his neighbors would observe his righteous behavior and change their ways. In contrast to Noach, Avraham symbolized the involvement of the tzaddik with his surroundings. The moment Avraham heard of God's intention to destroy Sodom, he began to beg and pray for mercy. The Jewish people came into being through Avraham, and not through Noach. The children of Avraham must feel a connection to their surroundings, and attempt to improve the entire world rather than isolate themselves from their neighbors. According to the Zohar (Parashat Mishpatim), Noach's generation was worthy of receiving the Torah. They possessed tremendous energy and drive, but their potential strengths were channeled in negative directions,

towards evil and destructive behavior. Noah saw his generation's external negative traits and was quick to distance himself from them. If he had taken the time to look closer, he would have discovered the tremendous positive potential that lay dormant behind the outer wrapping, potential awaiting the tzaddik's touch to uncover the goodness and bring it to fruition. (Originally delivered on leil Shabbat, Parashat Noah 5733. Translated by Gila Weinberg.)

the-halak-return@vbm-torah.org HALAKHA -01: "Chinukh: Training Children to Fulfill Mitzvot" Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash (Vbm) Halakha: a Weekly Shiur in Halakhic Topics

Dedicated in memory of Yosef Meir Ben Yitzchak Gershon Lipstein a"h to commemorate his yahrzeit which occurs Rosh Chodesh Mar Cheshvan, October 21, 1998. - The families of Sidney (Chaya), Gary (Linda), and Ronnie (Jan) Lipstein and Zelda (Bryan) Stern

Dedicated in honor of our daughter, Adina, born on August 21, 1998, Erev Rosh Chodesh Elul, 5758 - Michal and Yerucham Rosenberg

"Chinukh: Training Children to Fulfill Mitzvot" by Rav Binyamin Tabory

Translated and adapted by Rav Eliezer Kwass In Judaism, training children is both a moral and a halakhic obligation. Though there are specific biblical mitzvot in this area (e. g. retelling the story of the Exodus, teaching the Torah, bringing one's children to the Hakhel ceremony), the general obligation to accustom a child to doing mitzvot is of rabbinic origin. In this article, we will relate to the sugyot in the Talmud that deal with the parents' obligation to train their children to observe mitzvot. [Whether chinukh is defined halakchically as a rabbinic command for the child to do mitzvot or for the parent to train the child is dealt with by a number of sources, among them Rashi and Tosafot on Berakhot 20a, and the Ran in the second chapter of Megilla.]

A. KIDDUSHIN 29a - Is There an Obligation? The Mishna (Kiddushin 29a) rules: "Concerning all obligations a father has towards his son - men are obligated and women are not; whereas all obligations a son has towards his father - both men and women are obligated." The gemara quotes the Tosefta to explain what obligations a father has towards his son: "A father is obligated to circumcise his son, to redeem him, to teach him Torah, to find him a wife and to teach him a trade. Some say that he must also teach him to swim." It is interesting that the Tosefta does not mention an obligation for a father to train his son to fulfill mitzvot. It is possible that they did not mention training for mitzvot ("chinukh le-mitzvot") separately because they understood it as part of the general framework of the obligation to teach him Torah. It is further possible that the Tosefta lists only obligations of a FATHER towards a SON, and training a child to keep mitzvot may also be incumbent upon the mother and/or towards a daughter.

B. NAZIR 28b: Father/Mother, Son/Daughter "Mishna: A man can accept the Nazirite vow for his son, but a woman cannot accept the vow for her son." The Gemara comments, "A man can, but a woman cannot. Why? Rav Yochanan said, 'This is a halakha of the laws of the nazir.'" (Nazir 28b) According to Rav Yochanan, there is a "halakha le-Moshe mi-Sinai," an oral tradition Moshe received at Sinai, that distinguishes between a man - who can make the nazirite vow on behalf of his son - and a woman, who cannot. The Gemara continues, "Rav Yosi son of Rabbi Chanina said in the name of Reish Lakish, 'This is to train him to observe mitzvot ("le-chankho be-mitzvot").'" According to Rav Yochanan's approach, the Mishna's distinction is limited to the laws of nazir; one cannot extrapolate from here to any other realm of Halakha. From Reish Lakish's explanation, however, one might infer that, as a general principle, a man is obligated to train his son to observe mitzvot, but not necessarily his daughter. One might also infer that only a man, not a woman, is obligated to train the son. The Gemara states simply that the obligation of chinukh is only rabbinic in origin. It is possible that only Reish Lakish takes such a position, but that Rav Yochanan argues on both counts: a mother is also obligated in chinukh, and there is also an obligation towards daughters. When the Meiri and the Tosafot deal with this sugya in the context of other sources on the issue, they do not raise this possibility. Apparently, they assumed that the dispute between Rav Yochanan and Reish Lakish is limited (based on the principle that one should not expand a dispute), and that the two agree that the mitzva only falls on men towards their sons.

C. MISHNA YOMA 82a: Chinukh for Girls "Young girls ("tinokot") should not fast on Yom Kippur, but a year or two before [they are obligated in mitzvot] we train them [to fast] so they should become accustomed to keeping mitzvot." The gemara discusses at which ages children should begin fasting. The Tosafot (Nazir 28b, "Beno in, bito lo...") and the Tosafot Yeshanim (Yoma ibid.) point out that this gemara seems to speak explicitly of chinukh for girls, contradicting the gemara in Nazir. The Tosafot in Nazir do not suggest an answer, merely stating that, "One must distinguish between the two." One possibility is that the Tosafot are restricting the obligation of chinukh of girls to Yom Kippur; it does not apply to other mitzvot. The Tosafot Yeshanim, though, explain that chinukh for girls does not apply to nazir, but surely applies to all other mitzvot. The Meiri explains the distinction further: chinukh for girls applies only to obligatory mitzvot, not to voluntary ones, like nazir. According to this, chinukh applies to boys and girls, but its scope is slightly wider for boys.

D. SUKKA 42a: Which Mitzvot? The gemara in Eruvin (2b) mentions a group of mitzvot in which a child is obligated, such as sukka, lulav, tzitzit, and shofar. The Tosefta (cited in Sukka 42a) reads: "The Rabbis taught: A child who knows how to shake the lulav is obligated in lulav; [when he knows] how to dress himself is obligated in tzitzit; [when he knows] how to preserve the sanctity of tefillin, his father buys him tefillin; [when he knows] how to speak, his father teaches him Torah and how to read the Shema." It is unclear from this source which focuses on the child's obligation, whether the father (or mother) is obligated to train the child. The two mitzvot where the Tosefta specifically relates to the father's actions, tefillin and learning Torah, might be exceptional cases. Tosafot (Erkhn 2b s.v. Aviv) point out the different formulation of the gemara with regard to tefillin. The Gri"z, quoted in Hilkhot Ha-Gra U-minhagav, claims that the Rambam's position is that the father's obligation is limited to buying tefillin. Rav Reuven Margolis, in Nitotzei Or, understood the gemara this way, but did not take note of the Tosafot's different reading of the gemara (Berakhot 20a, s.v. Ketanim). The Rashbam

(ad loc.) cites the text "HIS FATHER PUTS THE TEFILLIN ON HIM." The Ba'al Ha-itur, quoted by the Rema (OC 37), sees this gemara as limited to a thirteen year old who has not physically matured yet. The Tosefta's reference to teaching Torah might refer to the biblical mitzva of "Teach them to your children" (see Kiddushin 29a), teaching the Torah. However, the context seems to imply that it is referring to the mitzva of learning Torah. In other words, it refers to the mitzva to accustom the child to be involved in learning Torah, not the mitzva to teach it to him. A proof of this is that on Sukka 42a, where the gemara asks the meaning of "Torah" here, it answers, "[Starting them saying] 'Moshe commanded us the Torah' (Torah tziva lanu Moshe)." If it were referring to the mitzva of teaching children Torah, it should have included the parameters of the mitzva as it is laid out in the central passage on the topic in Kiddushin 29a. Starting with "Torah tziva lanu Moshe" seems to be guidance on how to begin chinukh towards learning Torah.

The simple reading of the Tosefta indicates that there is a mitzva on the father to train his son to say Keriat Shema. However, Rashi (Berakhot 20a s.v. Ketanim) says that there is no obligation of chinukh on the father with regard to Keriat Shema. Even though Tosafot argue with Rashi, they do not quote the Tosefta, but make a subtle inference from elsewhere to prove their point. It seems that both of them understood the reference to Keriat Shema on Sukka 42a as part of chinukh for learning Torah. This is stated explicitly in the Bi'ur Ha-gra to Shulchan Arukh OC 70. The Rambam quotes each one of the mitzvot listed in the Tosefta (along with others like matza) in its appropriate section of his Mishneh Torah, always adding, "in order to train him to do mitzvot." For instance, in Hilkhot Lulav 7:19 he writes, "A child who knows how to shake the lulav is rabbinically obligated to do so in order to train him to do mitzvot." He writes likewise in Hilkhot Keriat Shema 41, "We teach children to read it in its proper time and they make the blessing before and after in order to train them to do mitzvot." Even though he does not explicitly write that the obligation is on the father (or mother), these are certainly mitzvot that a child is obligated to perform. The Meiri writes in each case that the father is obligated to train his son "mi-torat chinukh", as part of the mitzva of chinukh.

E. NEGATIVE MITZVOT The Tosefta also does not list any obligation to train a child not to transgress prohibitions. The Tosafot in Nazir and Yoma ask: If, as we are told (Shabbat 121a), the beit din (rabbinical court, here referring to the leadership of the Jewish community) is not obligated to prevent children from eating non-kosher food, how can the father be obligated to train him? They give two answers: 1. The father is the only one obligated in chinukh; 2.

There is no mitzva of chinukh with regard to prohibitions. According to the second answer, the mitzva of chinukh is incumbent on the beit din, but both it and the father are not obligated with regard to negative commandments. Apparently, the Tosafot understood the mitzva as positive, requiring habituating children to mitzva observance. The expression "chinukh" used here is akin to that used in the context of inducting a kohen gadol (see the commentaries on the verse (Devarim 20:5), "Who is the man who built a new house and did not dedicate it [chanakho]") and involves practice. Rashi (Sukka 20b s.v. Derabanan) writes, "They obligated him to accustom a child to do mitzvot, as is fitting for him to be trained and accustomed to mitzvot." 3. There is a third answer brought in Tosafot (Shabbat 121b s.v. Shema mina). They distinguish between two different age levels: a child who has reached the age of chinukh and one who has not. Once a child reaches the age of chinukh, both the father and beit din are obligated to train the child in both positive and negative mitzvot (unlike the other two opinions in Tosafot that neither beit din nor father is obligated to train to negative mitzvot). The Rambam (Hilkhot Ma'akhalot Asurot 17:28) distinguishes between the beit din, which is not obligated to restrain the child from eating non-kosher food, and the father, who is obligated "to train him towards holiness." The Rambam quotes the verse "Educate a child according to his path" (Mishlei 22:6).

F. MOTHER'S OBLIGATION Does this mitzva obligate a mother? The gemara (Sukka 2b) relates that the sages entered Queen Helena's sukka and did not comment about whether it was constructed properly. It concludes that Queen Helena was very diligent in keeping mitzvot (even rabbinic ones) and must have certainly made sure that her young children sat in proper sukkot (because of the rabbinic comment that they should be trained in the mitzva of sukka). Rabbi Akiva Eiger (Gilyon Hashas, Sukka 2b) asks, why is the gemara so concerned about whether Queen Helena made sure her sons sat in sukkot, if she is not obligated, even rabbinically, to train her sons to do mitzvot? Rabbi Akiva Eiger assumes that a woman is not obligated to train her children to do mitzvot. His position is not so obvious, given the dispute between Rabbi Yochanan and Reish Lakish in Nazir 28b (quoted above). He must assume that they agree on this point, and furthermore, there is no distinction between voluntary mitzvot, like nazir, and obligatory ones. [The Magen Avraham (OC 343:1) also held this view. But see the Terumat Hadeshen #94 quoted there.] The Meiri, on the other hand, claims that in the absence of a father, a mother is obligated to train her children to do mitzvot. He also says that both of them are obligated to make sure their children do not eat non-kosher food. The Netziv (Meromei Sadeh) says that it is obvious that a mother has an equal obligation - apparently even if there is a father - to train her children to do whatever mitzvot they will be obligated in when they grow up. The Tosafot (quoted above) hold that a mother is not obligated at all in the mitzva of chinukh [see the wording of the Tosafot Yeshanim quoted by Rabbi Akiva Eiger]. They distinguish between nezirut and other mitzvot only with regard to the issue of training boys vs. training girls. Acharonim bring a number of proofs on the issue from inferences and isolated talmudic statements. For instance: 1. Rashi (Chagiga 2a) says that the sages obligated both the father AND the mother in chinukh. 2. The Tosafot (Eiruvim 82a) ask with regards to the law that a child can be included in his mother's eiruv: do we not only make an eiruv for a mitzva? They answer that "there is a mitzva to train a child." It seems in context that this mitzva falls also upon the mother. [3. Acharonim also quote the Tosafot in Pesachim 88a (s.v. Seh) as a proof that there is an obligation of chinukh with regard to a daughter.] The gemara in a number of places (Sukka 28b, Chagiga 4a, and elsewhere) states that the obligation of chinukh is rabbinic. (See Yitzchak Langa's article, "The Roots of the Mitzva of Chinukh," in Mikhtam Le-David, a memorial volume for Rav David Ochs z"l, about the sources of the mitzva. After quoting those Rishonim who derive it from, "Educate a child according to his path," in Mishlei, he brings a number of midrashim that imply that it might be a biblical mitzva.) The Meshekh Chokhmah's interesting comment (quoted in Langa, though we add an additional point about the first half of the quote) on the verse, "For I know that he (Avraham) will instruct his children and household after him to follow the path of

God" (Bereishit 18:19), sheds light on our topic. He writes: "There is no specific mitzva which requires parents to train children to do positive mitzvot. However, there is a positive mitzva to Teach your sons,' a mitzva to teach them Torah. The gemara (Nazir 29) tells us that a father must train his son to do mitzvot but a mother does not have a similar obligation towards her son. In other words, it (the mitzva of chinukh) is similar to the positive mitzva of teaching Torah, and women are exempt from it." It seems that, according to the Meshekh Chokhma, the rabbinic mitzva of chinukh is an expansion of the biblical mitzva of teaching Torah. It follows that this mitzva is only incumbent upon fathers and they are obligated only towards their sons. This might also explain why the mitzva of chinukh is not included among the obligations of a father towards his son listed in Kiddushin. It is subsumed under the mitzva to teach him Torah. The Meshekh Chokhma continues that the source for chinukh is the verse concerning Avraham, "For I know that he (Avraham) will instruct his children and household ..." [He sees the verse quoted by the Rambam, "Educate a child according to his path," as only a support, not a source. The Rambam only quoted the verse with regard to preventing a child from eating non-kosher food.] He infers that there is also an obligation of chinukh towards daughters. [He does not comment on a mother's obligation.]

G. SUMMARY AND CONCLUSIONS - POSITIVE/NEGATIVE MITZVOT -
 Rabbinnically, a father is certainly obligated to train his son to do mitzvot. He might be obligated only to train with regards to positive mitzvot (one opinion in Tosafot). Others hold that he is also obligated to prevent his son from transgressing negative mitzvot (another opinion in Tosafot, and the Rambam). **DAUGHTERS** - A father is obligated to train his daughter towards the mitzvot she will be obligated in when she grows up. The only talmudic reference to this is in the context of fasting on Yom Kippur. **MOTHERS** - A mother is obligated to train her son, according to the Meiri - if there is no father; but according to Rashi (Chagiga 2a) and Tosafot (Eiruvin 82a), she is obligated even if there is a father. Among the Acharonim, Akiva Eiger and the Magen Avraham held that a mother is not obligated in chinukh, whereas the Netziv held that a mother is certainly obligated to train her children to do mitzvot. (Daf Kesher #206, Cheshvan 5750, vol.2, pp. 368-371. Originally published in Alon #81, Adar-Nisan 5740.)

<http://www.vbm-torah.org> Internet & e-mail list hosting for the VBM provided courtesy of: The Yerushalayim Network (<http://www.yerushalayim.net>) a Centennial Project of the Orthodox Union (<http://www.ou.org>)

business-halacha@torah.org Business-Halacha - Using Another's Property Without Permission
 Business-Halacha - Hilchos Choshen Mishpat Volume II : Number 21 - Week of Noach 5759
 Using Another's Property Without Permission

Question: May a person use another person's property without the owner's knowledge and permission when his intention is to return it to its original place when he finishes using it?

What would be the Halacha if the person using the property is absolutely certain that if the owner would know that he is using it, he would wholeheartedly give him permission to do so?

Answer:

A. It is absolutely forbidden to use another person's property without his permission, even if no damage or wear and tear would result from its use. One who does so is a thief (Gazlan). This is true even if the item is being used at a time when the owner does not need it. (1)

B. A person should not take food or other items that will be wholly or partially consumed, if he does not have express permission from the owner to do so. This is true even if he is sure that his friend will not mind when he finds out. However, if someone desperately needs a certain food or item, and he is absolutely certain that if the owner would know that he needed it, the owner would give him permission to take it, he may rely on those who are of the opinion that in this situation he may take what he needs without permission. (2)

C. If the item in question will not be consumed or damaged in any way, and the user is sure that the owner would gladly give him permission to use it because of the wonderful relationship that they have, and he has evidence to this because the owner has in fact lent the item in question or items of similar value to him in the past, he may use it. However, if it is possible to get express permission from his friend to use it, he must do so. If it is well known that the owner allows everyone to use this item without asking permission, anyone may use it. Similarly, a person may use an item that belongs to his friend for the sake of performing a Mitzvah, such as his Tallis, his Lulav and Esrog, or his Siddur. This is only permissible if the owner does not need it at the time that others wish to use it, and the item will not be consumed or lost in any way. Additionally, after using it, he must return it to the place from which he took it.

D. If it is customary to eat something that belongs to others without asking permission, it is permissible to do so. For example, if a friend invites you to his parent's home and offers you some food, although he may not technically be the owner of the food, it is not necessary to wait for his parents to come home and give permission for you to eat the food. Since it is customary to allow family members to serve their friends, it is considered as if they have given their permission. (4)

Sources:

(1) The Gemara in Bava Metziah (43b) states that it is forbidden to use your friend's item without permission, even if you return it after use to where you took it from. One who does so is called a Gazlan. This is stated as the Halacha in the Shulchan Oruch (Choshen Mishpat 359:5). If it was taken without permission, the taker must immediately return the item to the owner, just as a thief has an obligation to return what was stolen. The particulars of how to return it (e.g. does the owner have to know that you've taken it, what to do if the owner is nowhere to be found) are discussed in the Shulchan Oruch there (355:1).

(2) Tosafos in Bava Metziah (22a D"H Mar Zutra) state that it is forbidden to take food from a friend without his permission, even if you know that the friend will be agreeable to this when he finds out. The reason for this is because the Halacha is "Yiyush Shelo MiDaas - Lo Havi Yiyush". This is a concept borrowed from a situation where something has been lost without any identifying marks, and although if the owner would know that it has been lost he would give up hope of finding it, as long as he does not yet know that it has been lost we can not say that he has given up hope, and that the finder may not keep it. Similarly, in our case, we can not say that the owner of the food has given permission, if he does not know that his permission must be given. Just because we know that he would give permission if he would know, does not mean that he has granted permission!

The Hagaos Ashri and the Mordechai (Siman 425) state that this is the Halacha also. See also the Ketzos HaChoshen (358:1). However, the Shach (Choshen Mishpat 358:1) and the Sefer Machane Ephraim (Hilchos Gezeila Siman 2) disagree. They argue that the concept of "Yiyush Shelo Midaas..." is not applicable here. The only time we say that the owner has not given up hope if he does not know about it is in a case where something has been lost. This is because hope is lost involuntarily, the owner has no desire to give up on his property. However, if we know that the owner would be willing to allow his friend to use his property, it can be considered as if permission has been granted even though the owner doesn't even know that the friend wishes to use it. Therefore they argue that even if the item will be consumed it is fine for the friend to take it if he's absolutely sure that the owner would not mind. Since this disagreement is regarding the Torah prohibition of theft, a person should be stringent not to take the item without express permission from the owner even if he's sure that the owner would not mind. It should be noted that if the amount that will be consumed by his use will be negligible, and people are not generally concerned about this amount, it should be considered an item that is not consumed by his use, as discussed in Answer C. For example, a person may borrow his friend's pen for a few minutes if he's sure his friend won't mind, since the amount of ink that will be used is negligible.

(3) The Rashba (quoted in the Shita Mekubetzes Bava Metziah 22a, and in the Ran there D"H Ameimar) states that any time that it is known that people are not customarily Makpid (restrictive), that others not take their food or items, it is permitted to take them. The Ran there concludes that this is the custom. In such cases even Tosafos agree that it would be permitted, and only where the question is whether a specific person would allow his guest or friend to eat and consume his property do they argue that it should not be allowed without express permission. Items that everyone allows others to use may be considered as if express permission has already been granted.

This week's class is based on a column by Rabbi Tzvi Shpitz, who is an Av Bet Din and Rosh Kollel in the Ramot neighborhood of Jerusalem. His column originally appears in Hebrew in Toda'ah, a weekly publication in Jerusalem. It has been translated and reprinted here with his permission and approval. His columns have recently been compiled and published in a three volume work called Mishpetei HaTorah, which should be available from your local Sefarim store. Business-Halacha, Copyright (c) 1998 by Project Genesis, Inc. This class is translated and moderated by Rabbi Aaron Tendler of Yeshivas Ner Yisroel in Baltimore. Rabbi Tendler accepts full responsibility for the accuracy of the translation and will be happy to fax originals of the articles in Hebrew to anyone interested. The purpose of this column is to make people aware of Choshen Mishpat situations that can arise at any time, and the Halachic concepts that may be used to resolve them. Each individual situation must be resolved by an objective, competent Bais Din (or Rabbinic Arbitrator) in the presence of all parties involved! Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

OU Torah Insights Project Parashat Noach Rabbi Mordekai Shapiro

The deluge that destroyed the world in the time of Noach caused a major upheaval in the physical makeup of the world. The geological and archeological evidence of these changes has baffled many a scientist so much so that even skeptical scientists argue that some fossilized discoveries may be attributed to the Flood. Not only did the Flood leave its indelible mark on the contours of the planet, but, the Torah tells us, it changed the very physics of the world. Hashem was deeply saddened by the immorality that had pervaded His world and to insure that it would not happen again, He did not simply destroy the world but changed its structure. After Noach and his family left the confines of their protective ark, they entered a new world order. Noach had a very difficult year in the ark. He had to provide for and tend to the ark's menagerie. Each animal required its own diet and each had its own schedule. "During the twelve months that Noach was in the ark, he did not taste sleep," the Midrash tells us. Noach's natural environment was suspended for that time. In fact, but for three exceptions, everyone's nature changed while in the ark. Only the dog, the raven, and Cham, Noach's son functioned normally in the ark.

What motivated them to be different? Why couldn't they suspend their personal needs during this time of universal tragedy?

The answer is found in their very nature. Dogs are arrogant, the prophet Yeshayah states. They are selfish and uncaring. They must be well trained before they can become "man's best friend." The raven is known for its cruelty. When Noach released the raven to see the conditions outside the ark, it came upon a human corpse on top of a mountain. After satisfying itself, the raven returned to Noach with no information for the inhabitants of the ark. Cham, son of Noach, also submitted to his baser instincts. He totally ignored the suffering around him and allowed himself the pleasures of his indulgences. This selfishness did not go unnoticed by Hashem. Cham and his descendants were punished forever.

What a lesson for us. Are we so uncaring that the experiences of the world around us go unnoticed? Are we oblivious? Can we continue to go about "life as normal," without seeing and learning important lessons about

compassion, morality and decency? We must emulate the good we see and eliminate the bad we see. The spiritual nature of the world was changed after the Flood's destruction. It is up to us to sustain the world by avoiding the mistakes of the past. Rabbi Mordekai Shapiro Rabbi Shapiro is rabbi of Congregation Ohr Torah in North Woodmere, New York.

Summary of Weekly Torah Reading: Parshas Noach By: Rav Aron Tendler

1st Aliya: Noach, a righteous man, is introduced in contrast to a generation that "has perverted its ways". Hashem instructs him to build, and outfit the Ark. 2nd Aliya: Noach is told to enter the Ark along with all the animals. On Cheshvan 17, 1656 - October 27, 2106 b.c.e the flood began. 3rd Aliya: For 40 days and nights the waters increased, destroying all living things. The water raged upon the surface of the earth for 150 days, and then diminished for the next 150. On Nissan 17, May 23, the Ark rested upon Mt. Ararat. Noach sends out the Raven and then the Dove, and on Cheshvan 27, October 27, exactly 1 solar year after it began, the earth was dry. 4th Aliya: Noach and his family exit the Tayvah, and offer sacrifices to Hashem. They are commanded to keep the 7 Noahide mitzvos. 5th Aliya: Hashem promises to never again destroy the world and designates the rainbow as the symbol of that covenant. 6th Aliya: The story of Noach, the vineyard, and the subsequent blessings and curses is related. The descendants of Cham, Yefes, and Canaan are listed. 7th Aliya: The story of the Tower of Babel in 1996 and Nimrod's world dominance is told. The 10 generations of Shem, culminating in the introduction of Avram and Sarai, are listed. The year is 2023. Note that Avram was 48 years old when the Tower of Babel took place and he was 56 years old when Noach died. Parsha-Summary, Copyright (c) 1998 by Rabbi Aron Tendler and Project Genesis, Inc. The author is Rabbi of Shaarey Zedek Congregation, North Hollywood, CA and Assistant Principal, YULA. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. http://www.torah.org/ Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

The Weekly Daf <http://www.ohr.org.il/yomi/>

Relying on a Miracle The slaughtering of the Pesach sacrifice in the Beis Hamikdash, says the mishna, had to be done in three shifts. After the Temple courtyard was filled with Jews bringing their sacrifices, the gates closed and the sacrificial process began. Who closed these doors and when? The Sage Abaye says that no human effort was made to close the gates; people were permitted to enter through them until they miraculously closed by themselves. The Sage Rava, on the other hand, contends that such a policy could have led to all the people entering at once, thus rendering it impossible to divide them into three shifts as the Torah insists. His understanding therefore is that when the kohanim evaluated that there would not be enough people to form a second and third shift, they took the initiative of closing the gates on the earlier shifts. The gemara explains their dispute: Abaye's opinion is that it was proper to rely on the miracle that the gates would close on their own while Rava's view is that they did not rely on such a miracle. We are aware, asks Iyun Yaakov, that in human affairs there is a hard and fast rule that we trust in Hashem but do not rely on miracles. Why should Abaye hold that in this case it was proper to rely on a miracle? Two solutions are proposed. One is that an entire community performing a mitzvah has sufficient merit to rely on a miracle. The second is that the Beis Hamikdash was the site of so many regular miracles (see Pirkei Avos 5:10 re: the ten miracles which attended our ancestors in the Beis Hamikdash) that it was reasonable to rely on the miracle of automatically closing gates as well. * Pesachim 64b

Prophets The Sage Hillel had made aliya from Babylon to Eretz Yisrael where an unusual event prepared him for leadership as the head of the Sanhedrin. His historical opportunity arrived when Erev Pesach (14 Nissan), the day on which the Pesach sacrifice was to be slaughtered and offered, was on Shabbos. The heads of the Sanhedrin were in doubt as to whether this sacrifice could be offered in violation of the Shabbos laws. Communal sacrifices, such as the regular daily ones and the additional ones on the festivals, are offered even on Shabbos, but they forgot whether the Pesach sacrifices, which are brought by individuals in a communal fashion, also have this special status.

When they turned to their colleagues for guidance it was suggested that Hillel, who had studied with the great Sages Shemaya and Avtalyon, might know the answer. Hillel was indeed equal to the challenge and cited proof from the Torah that the Pesach sacrifice must be offered "in its appointed time," even on Shabbos. The knife, on the other hand, could be prepared the day before, and there was therefore a doubt as to whether it could be brought on Shabbos. Even if a way were found to avoid violating Torah law, did the rabbinical ban on carrying in an irregular fashion prevent the carrying of the knife for the slaughter of the Pesach sacrifice? Now it was Hillel's turn to be stumped. (The gemara explains that this was Heavenly punishment for the haughty manner in which he addressed his predecessors as heads of the Sanhedrin when they forgot a law.) He admitted that he had learned the law in such a case but had forgotten it. "But," he added, "things will work out, because even if Jews are not prophets themselves, they are the sons of prophets." The next day, Shabbos Erev Pesach, these semi-prophetic Jews arrived at the Beis Hamikdash with their animals for the Pesach sacrifice. From the wool of the lamb protruded a knife, and between the horns of the goat a knife was to be found. Upon seeing this Hillel proclaimed: "Now I recall the law I learned from Shemaya and Avtalyon. This is the procedure which they taught me!" The

"sons of prophets," by placing the knives on the animals in such irregular fashion, had avoided violating Torah law by themselves carrying, or by having their animals carry for them in a regular fashion. They had properly anticipated that the rabbinical ban on such irregular carrying by their animals would not stand in the way of offering the Pesach sacrifice. * Pesachim 66a

Lost Angry Man After Hashem informed the Prophet Shmuel that Saul would not continue to be King of Israel, He directed him to secretly proceed to the Bethlehem home of Yishai where he would find a candidate for the Crown amongst Yishai's children. Upon his arrival he was greatly impressed by the oldest son, Eliav, and assumed that he was the chosen one. Hashem cautioned him, however, "to not look upon his appearance and his height, for I have rejected him." The reason for Shmuel's error is explained as "a man sees only what is visible to their eyes, while Hashem sees what is in his heart." (Shmuel I 16:7) What did Hashem see in the heart of Eliav which disqualified him? In the very next chapter we find the answer. David, already anointed by Shmuel as the future king unbeknownst to his father and brothers, was told by his father to leave his sheep tending in order to bring provisions to his brothers serving in Saul's army in a war with the Philistines. Eliav became angry with David, unjustly scolding him for abandoning the sheep in his charge and accusing him of misbehaving in order to watch the war. (ibid. 17:28) It was Eliav's characteristic of anger, says the Sage Reish Lakish, which disqualified him from being king even though he was otherwise suited for this role. The problem with this explanation is that chronologically the rejection of Eliav took place before the incident of his display of anger. Rashi points out that we find no other reason for his rejection and must therefore conclude that it was Hashem's omniscient awareness of his tendency to anger which caused the rejection which, concludes Reish Lakish, is the fate of angry men otherwise destined for greatness. Maharsha points out that this message is implied in the words "Hashem sees what is in his heart," for Hashem saw the character of the man which would later become visible with his outburst against David. * Pesachim 66b

Written and Compiled by Rabbi Mendel Weinbach General Editor: Rabbi Moshe Newman Production Design: Eli Ballon Prepared by the Jewish Learning Exchange of Ohr Somayach International 22 Shimon Hatzadik Street, POB 18103 Jerusalem 91180, Israel E-Mail: info@ohr.org.il Home Page: <http://www.ohr.org.il> (C) 1998 Ohr Somayach International - All rights reserved.

daf-insights@shemayisrael.com

INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim Rosh Kollel: Rabbi Mordecai Kornfeld daf@shemayisrael.co.il

Pesachim 63 "PIV V'LIBO SHAVIN" QUESTION: Rabah, in explaining the Beraisa of Acherim (see previous Insight), says that if a person has in mind to slaughter the Korban Pesach for Mulim and for Arelim but he only manages to say "for Arelim" before the Shechitah is completed, the Korban is Pasul, because Rabbi Meir holds that one's speech does not have to be consistent with one's thoughts ("Lo Ba'inan Piv v'Libo Shavin"). We follow one's words ("for Arelim"), even though he was thinking something else ("for Arelim *and* for Mulim"). The Gemara quotes a Mishnah from Terumos (3:8) to disprove Rabah's assertion that Rabbi Meir does not require "Piv v'Libo Shavin." The Mishnah states that if a person wants to separate fruit as Terumah and he inadvertently says that the fruit is Ma'aser, it is not going to be Terumah ("Lo Amar Klum"), because his speech and his thoughts are not consistent. We see from there that Rabbi Meir requires one's speech and thoughts to be consistent. This Gemara poses a number of problems. When a person slaughters a Korban for Arelim, the Gemara says that it is Pasul due to the Machshavah, the thoughts, of the Shochet (see 60a, *Mechashvin* m'Avodah l'Avodah, and 61b, *Machsheves* Ochlin and *Machsheves* Arelim b'Zerikah; even the Pasuk says of Pigul "Lo Yechashev," Vayikra 7:18). If so, what difference does it make if one said "for Arelim?" The status of the Korban depends only on one's thoughts, regardless of what he expressed verbally! How does his speech affect the Korban, if his thoughts were proper? Similarly, with regard to Terumah we know that Terumah can be separated by Machshavah alone (Gitin 31a, Shavuos 26b). If so, when a person intends in his mind to say "these fruits are Terumah" and he accidentally says that they are Ma'aser, we should disregard his speech and the fruits should be Terumah! Why does the Mishnah in Terumos say that he has not said anything? ANSWERS: (a) The RASHI (Terumos 3:8) and TOSFOS (Erchin 5a, DH Adam, in his second answer) explain that Machshavah only works to make something Terumah when it is not contradicted by a person's speech. If one's speech contradicts what he has in his mind, then it overrides the Machshavah and the Machshavah is ignored. This explains the case of Arelim, where his speech at the time of the Shechitah was only for Arelim. Even though his Machshavah was different (for Arelim and for Mulim), his speech during the Shechitah, which contradicted his thoughts, overrides it. This also explains the case when he thought to separate Terumah but instead said Ma'aser. His speech contradicts and overrides his thoughts. (The KEREN ORAH, Nedarim 2a, also gives this answer.) (b) The Gemara in Shavuos (26b) explains that even things that can be done through Machshavah will only work if a person intends for them to take effect through Machshavah. But if he decides that he is going to speak them out, then they do not take effect through Machshavah. The SHACH (YD 258) understands this to mean that when a person decides that he is going to verbally express what he intends, he does not want his thoughts to take effect until the time at which he says it aloud. If so, in our Sugya, since he wants to speak out "for Arelim and for Mulim," or "these fruits are Terumah," his intention is that his thoughts *not* take effect until he speaks it out. (TUREI EVEN, in Avnei Shoham to Chagigah 10a). Again, this answers both of our questions at once. (c) TOSFOS (Erchin 5a, DH Adam, in his first answer) explains that his Machshavah *does* take effect here and the fruits do become Terumah. When the Mishnah in Terumos says "Lo Amar Klum" ("he did not say anything"), it means that his *speech* (that the fruits should be Ma'aser) was worthless, but his Machshavah (that the fruits should be Terumah) still works! However, that only answers the case of Terumah. What about the case of "for Arelim and for Mulim?" If one's Machshavah works even when he has a conflicting speech, then the Korban was slaughtered for both Arelim and Mulim and therefore it should be Kosher! Why, then, is it Pasul? Tosfos in our Sugya answers this question by positing that whenever the Mishnah or Gemara says that one invalidates a Korban through Machshavah, it means through Dibur. That is, there is no such thing as pure thought being able to invalidate a Korban. Therefore, one's Machshavah here is worthless, because Machshavah never works alone to make a Korban Pasul. Since all he *said* was "for Arelim," the Korban is Pasul. (d) RASHI (Gitin 31a and many other

places in the Gemara) is consistent in explaining that when the Gemara says that Terumah can be separated through Machshavah, it means that Terumah can be separated without a *physical action*, and that speech alone is sufficient. It does not mean that *thought* alone can make fruits into Terumah (see also Rashi, Shavuos 26b, DH Terumah; Tosfos Gitin 31a, DH v'Nechshav). If so, since one must speak out that he is making fruit Terumah, and he accidentally said Ma'aser, the Terumah is certainly not valid. However the other question from our Gemara remains. Why do we not follow his Machshavah that he intends the Korban to be for Mulim as well as for Arelim? Rashi here (DH v'Hacha) explains, like Tosfos, that with regard to Kodshim a Machshavah alone cannot invalidate a Korban. Another question remains, though. The Mishnah in Terumos also says that if a person intends to say l'Olah and he says l'Shelamim, he has not said anything. That seems to be discussing Kodshim, which even Rashi (Shavuos 26b) agrees can be made Kodesh through Machshavah alone! Perhaps Rashi understood that the Mishnah there is talking about making a *Temurah* of an Olah or Shelamim, which can only be done through speech. (M. Kornfeld)

Pesachim 64 RECITING HALLEL DURING THE "SHECHITAH" OF THE KORBAN PESACH OPINIONS: The Mishnah says that when the three groups slaughtered their animals for the Korban Pesach on the day before Pesach, "they recited Hallel." Who recited Hallel? (a) TOSFOS (DH Kar'u, and in Sukah 54a, end of DH Shayar) writes that it was the Levi'im who said Hallel. He bases this on the Tosefta (Pesachim 4:9) which says, "The Levi'im stood on their platform, and they would finish the Hallel in song." This is also consistent with the Mishnah in Erchin (10a) which states that there are twelve days in the year on which the Chalil is played in the Mikdash (which consist of all the times at which Hallel is recited) and one of them is the day on which the Korban Pesach is slaughtered. This must be referring to the Levi'im, because only the Levi'im were permitted to play musical instruments in the Mikdash (and the topic of the Mishnah there is the Shiras ha'Levi'im in the Mikdash). (b) RASHI in our Suggya says that the Mishnah is referring to "all of the groups." It seems from Rashi that all of the people in the three groups recited Hallel. Rashi makes a similar statement in Sukah (54b, DH Erev Pesach). From the words of Rashi, Tosfos infers that according to Rashi all the people in the Azarah read the Hallel and not just the Levi'im. This is not entirely evident from what Rashi says here or in Sukah. All Rashi says is that the Hallel was recited during each group's entry into the Azarah; he does not say that it was the groups themselves that sang the Hallel. However, Rashi later (95b, DH Lailah) says that the reason Hallel is said during the Shechitas ha'Pesach is because the Nevi'im decreed that the Jewish people recite Hallel at every Yom Tov. That Hallel is the one which we say in the synagogue on Yom Tov, which is said by everyone. Similarly, the Gemara there proves that the Jews said Hallel when they slaughtered the animals for the Korban Pesach, because "how could it be that the Jews slaughter their Pesachim without saying Hallel?" Rashi there says that every performance of a Mitzvah needs Hallel. From this it is evident see that everyone, not just the Levi'im, recited the Hallel. (Tosfos, who holds that only the Levi'im recited the Hallel, will explain that the Gemara there is referring to the *Levi'im* saying Hallel when the *Yisraelim* slaughtered their Korbanos.) As for the Mishnah in Erchin, Rashi may explain that even though the Levi'im played the Chalil on the day that the Korban Pesach was slaughtered, that does not mean that they also recited the Hallel. The Tosefta too is not problematic, because Rashi will explain that the Tosefta means that the *Levi'im* stood on the Bimah and played the Chalil and "they" (= the Yisraelim) said Hallel. (c) However, RASHI in Erchin (10a, DH v'Lo Hayah) writes clearly that the Levi'im would sing Hallel on the days that the Chalil was played. Therefore, others conclude that Rashi understood that both the Levi'im and the Yisraelim in the Azarah said Hallel. 1. TOSFOS CHADASHIM on the Mishnah suggests that the Levi'im said Hallel, like the Tosefta says, and everyone else answered to their Hallel, for the Hallel is said respectively (Sotah 26b). 2. The BRISKER RAV (in the beginning of Hilchos Korban Pesach) cites the Yalkut in Parshas Beha'aloscha which states that the Chatzotzeros were blown during the Shechitah of the Korban Pesach. The Brisker Rav points out that the musical instruments are always connected to the Shirah which the Levi'im sing. Therefore, he concludes that there are two different obligations to sing Hallel at the time of the Shechitas ha'Pesach. One obligation is a requirement in the Shir of the Korban, which the Levi'im are required to sing when the Korban is brought. This obligation applies only to the Levi'im. A second obligation is the requirement to recite Hallel as an exclamation of rejoicing and praise to Hashem upon the occasion of performing a Mitzvah, as the Gemara later (95b) says. This applies to the Yisraelim. Therefore, both Hallels -- that of the Levi'im and that of the Yisraelim -- would be said at the same time. (He explains that the reason why the Levi'im sing the Shir of Hallel and not any other Shir when the Korban Pesach is slaughtered is because the Yerushalmi in Sukah (ch. 6) brings a source to show that whenever the Chalil is played, Hallel is recited.)

64b THE YISRAEL'S OBLIGATION TO SLAUGHTER THE KORBAN PESACH HIMSELF OPINIONS: The Mishnah says that the Yisrael (non-Kohen) would slaughter his Korban Pesach and the Kohen would be Mekabel the blood. The Gemara infers that the Mishnah is teaching that the requirement that the Kohen perform the Avodah applies only from the Kabalah of the blood and on. The parts of the Avodah prior to the Kabalas ha'Dam (such as the Shechitah) may be done by a non-Kohen. (a) The Gemara's understanding of the Mishnah implies that there is no specific Mitzvah for the Yisrael himself to do the Shechitah of his Korban. This is indeed the point that RASHI makes on the Mishnah when he says that "the Yisrael slaughters [the Korban], *if he wants*;" that is, there is no obligation for him to do it. (b) However, earlier in the Maseches, RASHI (7b, DH Pesach) writes that it is a Mitzvah for the owner to slaughter his own Korban Pesach. In fact, this is clear from the Gemara in Kidushin (41b) which teaches that the source for the principle of "Sheluch Shel Adam Kemoso" (something done by a person's Shaliach is considered as though it was done by the person himself) is from the fact that one Shaliach may slaughter the Korban Pesach on behalf of all of the members of the Chaburah. We see from there that there is an obligation on each owner to slaughter the Korban, because if not, why is a Shaliach needed? The SEFAS EMES points out that this is also evident from Rashi in Divrei ha'Yamim II (30:16) who implies that it is better for the owner to slaughter his Korban than for the Kohen to do it for him, presumably because of "Mitzvah Bo Yoser mi'b'Shelucho." If so, why does the Gemara not say that the Mishnah, when it says that the Yisrael slaughters the Korban, is teaching that the Yisrael has a *Mitzvah* to slaughter his Korban? Why does the Gemara only focus on the statement that the Kohen is Mekabel the blood? It could be that the Gemara does not want to say the Mishnah is teaching that the Yisrael is obligated to slaughter the Korban, because the owner of the Korban might also be a Kohen! Second, a Kohen could be made a Shaliach by the owner, and thus the

owner would still fulfill the Mitzvah to slaughter his Korban. Third, the MINCHAS BARUCH (Siman 14) proves that b'Dieved, if someone who is not the owner, nor is he a Sha liach of the owner, performs the Shechitah, the Shechitah is nevertheless Kosher. That could be what the Gemara is saying. The Gemara is bothered why the Mishnah says that a Yisrael does the Shechitah, when it *could* be done by someone else (at least b'Dieved)? It must be that the Mishnah is teaching specifically that *after* the Shechitah, *no one* except a Kohen may do the Avodah.

Pesachim 68 FASTING ON SHABBOS QUESTION: The Gemara relates that Mar brei d'Ravina fasted all year, except for Shavuos, Purim, and Erev Yom Kippur, since those are days on which one is required to eat, as the Gemara explains. The Gemara states that these three days were the only days on which Mar brei d'Ravina did not fast, which implies that he fasted on every other day of the year -- including Shabbos and Yom Tov. How could he fast on Shabbos and Yom Tov? It is forbidden to fast on Shabbos, as Rabah mentioned a few lines back! On Yom Tov, it should also be forbidden to fast since the Halachah normally does not follow Rabbi Eliezer (Shamuti) when he argues with Rabbi Yehoshua. Rabbi Yehoshua, earlier in our Gemara, says that one is required to eat on Yom Tov. ... HALACHAH: The SHULCHAN ARUCH (OC 288:2) cites that "some say" one may fast on Shabbos if eating causes him harm, because then the fast itself is his Shabbos pleasure. Similarly, if one fasts all year and therefore eating on Shabbos will cause him to become sick, he is permitted to fast (288:3), like the Hagahos Maimoinyos (in c) above. In addition, one may observe a Ta'anis Chalom on Shabbos -- but in such a case one must also fast on a weekday in order to atone for not having Oneg on that Shabbos (288:4). Some say, however, that nowadays we are not expert in understanding dreams, and one should not observe a Ta'anis Chalom on Shabbos (Shulchan Aruch OC 288:5). As far as Yom Tov is concerned, the Halachah follows Rabbi Yehoshua (Shulchan Aruch 529:1) and one must eat on Yom Tov. (The exceptions enumerated above for eating on Shabbos will also apply to Yom Tov.)

EATING AND DRINKING ON SHAVUOS QUESTION: The Gemara says that according to Rabbi Eliezer, who holds that one's Yom Tov activity may be totally dedicated to Hashem with no personal physical pleasure, there are three days on which one must have physical pleasure as well: Shavuos, Shabbos, and Purim. The Gemara explains the reason for each one. Shavuos is the day on which the Torah was given. Shabbos requires "Oneg Shabbos" as the verse commands. Purim is a day of "celebration and joy." Why we must eat and be happy on Shabbos and Purim is clear. But why must we eat on Shavuos because that is the day the Torah was given? On the contrary, that should be a day completely dedicated to Hashem! It would seem that the appropriate way of showing appreciation for Torah would be to learn Torah all day on the day that it was given! Furthermore, we know that the Mishnah in Avos (6:4) says that the way of Torah is for one to eat only bread with salt, and to minimize one's physical pleasures (6:6). Why, then, is Shavuos not to be completely dedicated to Hashem? ANSWER: Shavuos is not designated as the day of *learning* Torah per se, but as the day of *Kabalas ha'Torah*. In fact, all three days which Rabbi Eliezer agrees must have some element of personal pleasure are days of Kabalas ha'Torah. The Gemara (Shabbos 88a) says that on Purim, the Jewish people renewed their acceptance of the Torah. Shabbos, too, is that day of the week on which the Torah was given (ibid.), and that is why we mention Kabalas ha'Torah in the Shemoneh Esreh on Shabbos morning. The days that represent Kabalas ha'Torah are days on which we must eat and feel pleasure, because if we were to fast, and not be happy and rejoice, that would show that we feel that observing the Torah is a burden (especially since we were forced to receive the Torah, as the Gemara in Shabbos explains). Therefore, on the day of receiving the Torah, we must emphasize our joy by celebrating publicly. This is the same reason that Rav Yosef (who was blind) made a festive meal when he was told that a blind person is obligated to keep the Mitzvos (Kidushin 31a, Bava Kama 87a). He wanted to show that he was happy to be obligated in Mitzvos. This is also why a young man's Bar Mitzvah is celebrated with a festive meal -- to show the joy of accepting the Torah and Mitzvos.

(ARCHIVES: <http://www.shemayisrael.co.il/dafyomi2>) Mordecai Kornfeld [Email: kornfeld@virtual.co.il]/Tl/Fx(02)6522633 6/12 Katzenelbogen St. | kornfeld@netvision.net.il]/US:(718)520-0210 Har Nof, Jerusalem, ISRAEL | kornfeld@shemayisrael.co.il]/POB:43087, Jrslm