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ON REEH - 5760

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From: Menachem Leibtag[SMTP:ml@tanach.org] To: parsha@tanach.org Subject: PARSHAT RE'AY - SHIUR
THE TANACH STUDY CENTER [<http://www.tanach.org>] In
Memory of Rabbi Abraham Leibtag
[BY RABBI MENACHEM LEIBTAG]
PARSHAT RE'AY

Much to our surprise, Chumash never mentions the city of Jerusalem by name. Indeed, Sefer Breishit does mention the city of 'Shalem' (see 14:18) and Mount Moriah (see 22:2,14), but never the full name of 'Yerushalayim.' Even Sefer Devarim, which speaks numerous times of "ha'makom asher yivchar Hashem" [the site (for the Temple) which God will choose], never tells us WHERE to build it!

To understand why, this week's shiur traces the biblical roots of the concept of the city of Jerusalem, which originate in Parshat Re'ay.

INTRODUCTION

When we speak of Jerusalem, we usually relate to either one of its two aspects: a) its geographic location b) its function as the national center of the Jewish Nation.

Surprisingly enough, Chumash never mentions its specific name nor its precise location. However, its concept - the national center of the Jewish Nation - emerges as a central theme in Sefer Dvarim.

This week, as we study the CHUKIM & MISHPATIM section of the main speech of Sefer Dvarim, we will trace and analyze the development in this theme through the sefer.

INTRODUCTION / BACKGROUND

Recall from our introductory shiur on Sefer Devarim that the main speech of Sefer Devarim (chaps. 5-26), containing the mitzvot to be observed upon entry into the land (6:1), is divided into two distinct sections:

I - "Ha'MITZVA" (6:4 - 11:31);

II - "Ha'CHUKIM v'ha'MISHPATIM (12:1 - 26:19).

The MITZVAH section, we explained, contains primarily mitzvot and repeated reminders ("tocheichot") regarding the proper GENERAL ATTITUDE towards God ("ahavat Hashem"/ e.g. 6:5,10:12,11:22), while the CHUKIM & MISHPATIM section contains more detailed and specific laws which Bnei Yisrael must follow when establishing their nation.

These specific laws, which begin in Parshat Re'ay (12:1) and continue until Parshat Ki-tavo (26:16), follow a definite structure, and we must therefore pay close attention to their sequence and manner of presentation. We begin our discussion with the first topic of this section - "ha'makom asher yivchar Hashem," which emerges as a primary theme within this section.

HA'MAKOM ASHER YIVCHAR HASHEM

Let's read the opening psukim of the CHUKIM & MISHPATIM section, noting the progression of the commandments and the development of its main topic - "ha'makom asher yivchar Hashem":

"THESE are the 'chukim & mishpatim' which you must observe in the LAND WHICH HASHEM IS GIVING YOU... :

* You must totally destroy all the sites where the nations worshipped their idols...on the high hills and mountains...you must

B'S'DERADICATE THEIR NAMES from this place.

* DO NOT WORSHIP YOUR GOD IN THIS MANNER (in multiple places of worship/ read carefully!).

* Rather, at the SITE WHICH GOD WILL CHOOSE - HA'MAKOM ASHER YIVCHAR HASHEM - amongst all your tribes, LASUM ET SHMO SHAM - "I'shichno ti'DRSHU u'bata shama"

* THERE you must bring all of your offerings and tithes etc. Eat and rejoice there in front of your Lord...

* ... After you cross the Jordan and enter the Land and find rest from your enemies and enjoy security, then - HA'MAKOM ASHER YIVCHAR HASHEM L'SHAKEYN SHMO SHAM - bring THERE everything I command...

* Be careful not to offer your sacrifices anywhere that you want, rather at HA'MAKOM ASHER YIVCHAR HASHEM, only THERE may you bring your offerings... (12:1-14)

Note that the first commandment - to destroy all places of idol worship in order to eradicate the NAMES of other gods from your land - serves as a 'pre-requisite' for the commandments which follow - to establish a central LOCATION WHERE GOD'S NAME WILL DWELL. Thus, the primary topic of this opening parsha is Bnei Yisrael's obligation to transform Eretz Canaan into a land in which God's Name (i.e. reputation) becomes recognized. This is accomplished not only by ridding the land of the names of OTHER gods (12:2-3), but also by establishing a national religious center - HAMAKOM ASHER YIVCHAR HASHEM L'SHAKEIN SHMO SHAM - that will facilitate the dissemination of the Name of God.

In light of our understanding of the framework of the main speech, this opening commandment constitutes a most appropriate introduction to this section. Bnei Yisrael are about to enter and conquer the Promised Land IN ORDER to become God's special nation. Quite reasonably, then, the opening commandment requires the elimination of the NAMES of other gods in the land and the establishment of an institution where God's NAME will be publicized.

A RECURRING THEME

Not only is 'HAMAKOM ASHER YIVCHAR HASHEM' repeated several times in the opening parsha (chapter 12), this phrase is mentioned some TWENTY times throughout the entire CHUKIM & MISHPATIM section of the main speech (chapters 12-26)! As illustrated in the following table, this topic not only introduces the section, but develops into a major and recurring theme therein.

The table below records each mention of the phrase "ha'makom asher yivchar Hashem" within its respective context:

PEREK:pasuk	CONTEXT
12:5,11,14,18,21,26	The place to where all "korbanot" are brought
14:23,24,25	The place where "maaser sheni" is eaten
15:20	The place where "bchor b'heima" is eaten
16:2,6,7,11,15,16	The site for "aliya l'regel"
17:8,10	The seat of the Supreme Court
18:6	The service of the Leviim
26:2	The place to where one's 'first fruits' [bikkurim] are brought

A NATIONAL CENTER

A quick glance at this table immediately demonstrates that this location emerges not only as a site to offer 'korbanot,' but as a National Religious Center, as well. These mitzvot in Sefer Dvarim help 'create' this Center, as they require one to frequent this site on numerous occasions during the course of the year.

First and foremost, every individual must make a pilgrimage to the site on the three agricultural holidays ("aliyah l'regel" / chapter 16). Moreover, he must visit this site each time he brings a voluntary offering ("korban n'dava") or is obligated to bring an atonement offering ("korban chovah").

Additionally, the farmer must bring to this spot not only his first fruits ("bikurim"), but also 10% of his harvest to be eaten and shared with others ("maaser sheni"). Likewise, the shepherd must bring not only the first born animals ("bchor"), but also 10% of his entire flock ("maaser b'heima"). Furthermore, the Supreme Court, the chief legal and halachic judiciary, is located at this site.

Thus, this location - HAMAKOM ASHER YIVCHAR HASHEM - is much more than the place for the offering of "korbanot." It is to evolve as the National Center of the Jewish people.

What is the purpose of this center? How does it function?

These mitzvot pertaining to this site, when performed properly, help shape our national character as God's special nation. The establishment of this center, and the obligation of every individual to frequent this site, ensure the unity of both the people and the religion. Without such a center, within several generations we would likely break down into twelve different religions, rather than twelve tribes.

Besides facilitating korbanot, this location serves as the center of justice, Torah education and Jewish culture, as well as a place of national gathering.

Not only does this site become a national center, it also serves to enhance the spirituality of each individual, as explained in the context of "maaser sheni":

"You shall set aside every year a tenth of the yield of your field. And you should eat this tithe in the presence of your Lord "baMakom asher yivchar Hashem l'shakein shmo sham"... IN ORDER THAT YOU LEARN TO FEAR GOD forever..." (14:22).

How would simply 'eating food' at this site lead one to fear God? To understand how, we must use our imaginations to picture what this area was like.

THE SITE / THE TEMPLE / JERUSALEM

Clearly, the Mishkan (and later the Bet Ha'Mikdash) is to become the focal point of this national center. Although the unique stature of the mikdash finds no explicit mention in Sefer Dvarim, it is implicit in the requirement to bring korbanot specifically to this site. These are obviously the same korbanot described in Sefer Vayikra, which relate specifically to the Mishkan/Mikdash.

Yet, the obligation to eat in this place our "maaser sheni," which consists entirely of fruits and vegetables (not an animal offering), indicates the need for an area surrounding the Mikdash. This site is defined by halacha as the area within the walls of the CITY surrounding the Bet Ha'Mikdash (later to become the city of Jerusalem). Within the walls of this city, one can eat his "maasrot" as well as the meat of his "shlamim" offerings.

The Torah even designates 'civil servants' to officiate and administer the service of the Bet Ha'Mikdash - the "kohanim" and "leviim" - and whose entire lives are dedicated to the service of God. They, together with the judges and scholars of the judiciary, will populate this 'holy city' surrounding the Temple, infusing it with an atmosphere of "kedusha" (sanctity).

Therefore, the experience of eating "maaser sheni" in this 'holy' city, mingling there with the kohanim, leviim, and Torah scholars and sharing one's food with relatives and the needy (see 14:25-27), enhances one's "yirat shamayim" - fear of God.

This obligation to frequent HAMAKOM ASHER YIVCHAR HASHEM culminates every seven years with the "Hakhel" ceremony, where the entire nation - men, women and children - gather to hear the Torah at this very same site. Here, once again, "yirat Hashem" - the fear of God - emerges as the primary purpose:

"... every seventh year... when all Israel gathers before Hashem 'ba'Makom asher yivchar,' you shall read this Torah (Sefer Dvarim) in the presence of all Israel. Gather ("hakhel") the people, men, women and children and the strangers, that they may hear and so learn TO FEAR THE LORD and to observe... Their children too...shall hear and learn

TO FEAR GOD as long as they live on the Land" (Dvarim 31:10-13). [Note the similarities to Ma'amad Har Sinai.]

JERUSALEM / SEEK AND FIND

Sefer Dvarim never specifies the precise, geographic location of this site, i.e. the specific location for the construction of the Bet Ha'Mikdash. The site is referred to as simply, "the place that God will choose" ("HaMakom asher yivchar Hashem").

Parshat Re'ay does, however, offer us a hint - however subtle - as to how we are to identify this site: "l'shichno ti'drshu, u'bata shama" - (12:5).

God will show us the site only if and when WE look for it. This 'hide and seek' type relationship is reflective of every Divine encounter. God is found only by those who SEARCH for him. Just as this principle applies on the individual level ["karov Hashem l'chol kor'av" - God is close to all those who call to Him], it applies on the national level, as well. Only when Am Yisrael, as a nation, begins a serious search for God will God show them the appropriate means for His symbolic residence among them.

The generation of Yehoshua did not succeed in establishing the permanent Mikdash after conquering the Land. Instead, they erected the temporary structure, the Mishkan, in Shiloh. There it remained, generally neglected, throughout the period of the Judges. Shiloh itself was eventually destroyed by the Philistim during the time of Eli and Shmuel. [See Shmuel I, ch. 4.] In the meantime, the Mishkan and the "aron" wandered from one location to the next. It was only during the reigns of David and Shlomo that Bnei Yisrael actively aspired to build the Mikdash.

One of David's first initiatives upon assuming the throne was to gather the nation in order to bring the "aron" (the holy ark) to the capital city. Pay close attention to how he presents his plan to the nation:

"David said to the entire congregation of Israel: If you approve, and this is from God (the events of David's rise to power), let us go forward and invite all our brethren in the land of Israel, together with the KOHANIM and LEVIIM, and gather together IN ORDER TO BRING BACK to us God's HOLY ARK - 'ki lo DRASHNU'HU b'yemei Shaul' - for during the time of Shaul WE DID NOT SEEK IT" (Divrei Hayamim I 13:2-3). [Note the use of the shresh "d.r.sh." here and in Dvarim 12:5.]

David Ha'melech observes that the nation had neglected the "aron" during the generation of Shaul. For King David, however, bringing the "aron" to Yerushalayim is the highest national priority. After the "aron" finally settles in his capital city, David's next request is to build a permanent house for the "aron," the Bet Ha'Mikdash:

"When the King was settled in his palace and God had granted him safety from his enemies [heini'ach lo mikol oivav misaviv], the King said to Natan the prophet: Here I am dwelling in a HOUSE of cedar wood, while the 'aron' is dwelling only in a TENT!" (Shmuel II 7:1-2). [Again, note the textual parallel to Dvarim 12:10-11.]

Even though the Temple itself is only built by his son, Shlomo (a topic for a separate shiur), its precise location is designated in David's own lifetime (see Divrei Ha'yamim I 22:1 and context.) At that time, Har Ha'Moriah, the site of "Akeidat Yitzchak," was chosen to be the permanent location of the Temple for all time (see Divrei Ha'yamim II 3:1 and ibid.).

JERUSALEM TODAY

According to the guidelines of Sefer Dvarim, 'Jerusalem' is destined to become more than just the city which houses the Temple. Ideally, Jerusalem should become the National Cultural and Religious Center of the Jewish people, incorporating and embodying all the qualities required for this city by Sefer Dvarim. This aspiration is found in the prophecies of most later prophets. For example:

"For Jerusalem will be called the City of Truth ("ir ha'emet") and the mountain of the Lord of Hosts - "har ha'Kodesh" (Zecharya 8:3). "For out

of Zion will come forth Torah and the word of the Lord from Jerusalem" (Isaiah 2:3).

Today, be it for halachic, technical, or political reasons, we are not permitted to rebuild the Bet HaMikdash. Until the proper time comes, this aspiration remains our national dream and everlasting prayer. Nonetheless, the rebuilding of the city of Jerusalem as our National Center - a city of Truth, Justice, and Sanctity, the unified capital of the Jewish people - is not only permitted, but our duty. In our own generation, God has opened for us a historic opportunity. Reaching this goal has become our national responsibility.

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Parshat Re'eh The Mitzvah of Tzedaka
RAV ARYEH STERN, SHLITA

In our parsha the Torah expands at great length upon the obligation to help and to support our destitute brethren who cry out for help. It says (Devarim 15:7-11):

If there shall be a destitute person among you, any of your brethren ... you shall not harden your heart or close your hand against your destitute brother. Rather, you shall open your hand to him; you shall lend his requirement to him, whatever is lacking him ... For destitute people will not cease to exist within the Land; therefore I command you, saying, "You shall surely open your hand to your brother, to your poor, and to your destitute in your Land."

In the book of Mishlei (21:21), Shlomo Hamelech deals with the importance and the reward of the mitzvah of tzedaka, and says, "One who pursues tzedaka and kindness, will find life, tzedaka and honor." The gemara comments on this in Bava Batra (9b-10a):

R. Yehoshua b. Levi says: Anyone who does tzedaka regularly will have children who possess wisdom, wealth, and aggadic eloquence. Wisdom -- as it says, "will find life." (Rashi: And regarding wisdom it says, "For one who finds me [wisdom] finds life.") Wealth -- as it says, "tzedaka." Aggadic eloquence -- as it says, "and honor," and it says, "The wise inherit honor." (Rashi: Since they are orators and captivate the audience, everybody honors them.)

We would like to understand, though, in what way does the reward relate to the mitzvah? How does the compensation of "midah keneged midah" (quid pro quo) express itself here, that in the merit of tzedaka one will have children who have wisdom, wealth and aggadic eloquence?

We would like to offer an explanation based on the Maharal (Netivot Olam, Netiv Hatzedaka, ch. 1). There are two types of people, a person who receives and a person who gives. The first type is one whose nature is to constantly check what he can take from others and give to himself. This person puts himself in the center, and always seeks ways to benefit himself and his interests. In contrast, the second kind of person looks around him to see how he can provide for others and sacrifice of himself for them. This person puts others in the center, and always seeks ways to benefit others and their interests.

The person that is discussed in the pasuk, "One who pursues tzedaka and kindness," not only provides and gives of his money to others, but even pursues opportunities to give to others. In other words, this trait is embedded deep in his inner nature and personal character. He therefore merits that G-d should give him children who themselves are able to give to others from what G-d grants them. They are children who possess wisdom, to whom G-d grants understanding and intellect, and they teach others wisdom and knowledge. Similarly, they are children who possess wealth, to whom G-d grants money and assets, and they use this gift to

give and to help their poor brethren. Finally, they are children who possess aggadic eloquence, to whom G-d grants an inspiring and convincing oratory ability, and they use this ability to make the Torah beloved on the people. It comes out, then, that the reward of a charitable person is "midah keneged midah." Just as he gives and contributes to others, so too his children will be of the kind of people who give and contribute.

Based on this we can understand the greatness and special importance of charitable people, since when giving tzedaka a person trains and accustoms himself to be a giver and not a taker. This trait has very broad implications, because it distinguishes between a spiritual person and a material one. The nature of the physical body is to receive and to take -- to eat, drink and enjoy. In contrast, the nature of the soul is to give, to provide and to help. When a person gives tzedaka to the poor, he accustoms himself to contribute and not to receive. Through this, he strengthens the soul over the body, and he becomes more and more spiritual.

This is the meaning of the pasuk in Mishlei (16:7), "Through kindness (chesed) and truth iniquity will be forgiven." At first glance, this pasuk requires explanation. What is the connection between kindness and atoning sin? How does kindness rectify the negative impact of sin? However, based on the above, we can explain as follows: When a person sins he strengthens his material aspects over his spiritual aspects. Sin is atoned for and rectified through purifying the material and strengthening the spirit. A person who is involved in kindness, which means providing and giving to others, counteracts the bodily desires to receive and enjoy. Through this, the negative influences of sins are removed, and they are atoned for. (Based on Maharal Netivot Olam, Netiv Gemilut Chasadim, ch. 1)

We can explain this issue on a deeper level. The greatest Provider and Giver is G-d, the Creator and Director of the World, who sustains and provides to all, and satisfies to every being its needs. In His great goodness we lack nothing and, with G-d's help, we will never lack anything. In truth, this is the reason that the nature of the soul is to give and to provide, since the soul is a part of G-d above, and just as G-d gives and does not receive, so too the soul.

Accordingly, a person who provides and gives imitates his Creator, as the Torah commands, "Go in his ways." (Devarim 28:9) Therefore, Chazal taught (Yalkut Shimoni Ruth #602):

"May Hashem reward your deed ... under whose wings you have come to seek refuge." (Ruth 2:12) Great is the power of those who do deeds of kindness, that they do not seek refuge under the wings of the earth, nor under the wings of the morning light, nor under the wings of the sun ... but rather in the shelter of G-d, as it says, "How precious is Your kindness, O G-d! Mankind takes shelter in the refuge of your wings." (Tehillim 36:8)

As a result of this, it is understandable that one who gives tzedaka, and provides and gives of his own to others, merits to rise and to reach very lofty levels, as the gemara says (Bava Batra 10a):

Shlomo son of David was asked, "Until where does the power of tzedaka reach?" He said to them: Go and see what David, my father, stated, "He distributed widely to the destitute, his tzedaka endures forever; his pride will be exalted with honor." (Tehillim 112:9) Rava said, from here, "He shall dwell in heights; in rocky fortresses is his stronghold; his bread will be granted, his water assured." (Yeshayah 33:16)

The intention of the gemara is to teach us that a person who contributes achieves very high levels, since one who worries only about himself is a small-minded person who cannot rise to a place beyond that in which he is found. But one who contributes and is concerned about others is found constantly above his personal level. This is what it says, "He shall dwell in HEIGHTS," and it says, "His pride will be EXALTED with honor."

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Re'eh 25 Menachem Av 5760 August 26, 2000

Sponsored by Rikki and Nat Lewin in memory of his father, Harav Yitzchak ben Harav Aharon z"l

Today's Learning: Daf Yomi (Bavli): Nedarim 38

Our parashah opens, "See, I put before you today a blessing and a curse. That blessing: when you hearken to the commandments of Hashem, your G-d, that I command you today. And the curse: if you do not hearken to the commandments of Hashem, your G-d . . ." We read similarly in Parashat Nitzavim (30:15), "See, I have placed before you today the life and the good, and the death and the evil." The midrash Yalkut Shimoni comments: "Lest a Jew say, 'Since Hashem has placed two paths before me, a way of life and a way of death, I may choose whichever I wish,' therefore the Torah says (30:19), 'You shall choose life.'"

R' Yitzchak Eliyahu Landau z"l (1781-1876; Vilna) explains: In man's mundane affairs, if one person (call him "Reuven") instructs another person ("Shimon") to do something for Shimon's own benefit, Reuven will not punish Shimon for failing to do that thing. The only loss that Shimon will suffer because of his failure is that he will not obtain the promised benefit. One might think, therefore, that when Hashem gives us a choice between good and bad and between life and death, He does not care which we choose. If we perform the mitzvot we will be rewarded, and if we don't perform the mitzvot, we will not be punished. (So one might think.)

Says the Torah: "You shall choose life." The reason Hashem created the world was to share His Goodness, and if we do not choose life, we frustrate His very goal in creating us. Therefore, we are commanded to choose life, and we will be held accountable if we do not. (Patsheggen Ha'ketav: Divrei Chachamim)

"You are children to Hashem your G-d." (14:1)

The story is told of a "paritz"/gentile landowner who was ill. Hearing that the Ba'al Shem Tov z"l (died 1760) could cure all sorts of illnesses, he visited the Ba'al Shem Tov and begged the Ba'al Shem Tov to cure him of his ills. The Ba'al Shem Tov told him that the root of his troubles was his excessive pursuit of physical gratification, so the "paritz" asked:

"What do you do to defeat the type of urges that are troubling me?"

The Ba'al Shem Tov answered, "I am an old man and I do not suffer from such urges."

Later, the Ba'al Shem Tov's grandson, R' Baruch of Medzibozh z"l, asked the Ba'al Shem Tov why he did not answer that he does not succumb to excessive urges because he is Jewish and the Torah prohibits such behavior. The Ba'al Shem Tov answered, "It is impossible to explain to a gentile what it means to be Jewish."

When retelling this story in later years, R' Baruch would add, "My grandfather said that it is impossible to explain to a gentile what it means to be Jewish. I say that it is also impossible to put into words for a fellow Jew what it means to be Jewish."

What does this mean?

R' Shalom Noach Brazovsky shlita (the "Slonimer Rebbe") explains R' Baruch's statement in light of our verse. We are called "children to Hashem." Rabbi Meir says in the gemara that even when we sin, we are Hashem's children. This is a very lofty level, one that we ourselves cannot really appreciate or understand.

If a Jew had any inkling of his own holiness, he could never sin. R' Avraham z"l, the first "Slonimer Rebbe", said about this: Mishlei says (3:11), "The mussar / reproof of Hashem, My son, 'al timas/do not despise." This may be interpreted as follows: "What is Hashem's mussar? It is the knowledge that 'You are My son!' Therefore, do not make yourself despicable by acting in a way that is not befitting a son of the king." The most searing mussar that a thinking Jew can hear is that he is a child of Hashem and must act in a way befitting his status. (Netivot Shalom: Kuntreis "Bechochmah Yivneh Bayit," p. 7)

A related thought:

We read in Shir Hashirim (5:9-10): "With what does your beloved excel . . . ? My beloved is pure and red." The midrash explains that the gentile nations ask the Jews, "What is so special about your G-d?"

The Jews answer: "My G-d is pure. He is mine alone, and He redeemed me from Egypt and from other exiles."

R' Avraham Yoffen z"l (Novardok Rosh Yeshiva; died 1970) asks: Presumably every nation, even an idolatrous one, considers its own god to be as special and unique as we consider Hashem to be. If so, what is the import of the answer that we give the gentile nations?

The emphasis in our answer, says R' Yoffen, is on the fact that Hashem is "mine alone." We have a relationship with Him which cannot be explained in words. (Quoted in Haggadah Shel Pesach Arzei Halevanon II p. 393)

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From: Midei Shabbos[SMTP:rachrysl@netmedia.net.il] To: midei@jen.co.il Subject: Midei Shabbos by RABBI ELIEZER CHRYSLER

This issue is co-sponsored l'iluy Nishmas Aharon ben Ya'akov z"l whose Yohrzeit is on 24th of Av, by his son and l'iluy Nishmas Zipporah bas R' Moshe z"l whose Yohrzeit is on Erev Rosh Chodesh Elul, by her son

Parshas Re'ei

The Mitzvah of Tzedokoh (adapted from the Yalkut Yitzchak) (Part I)

It is difficult to overlook the obvious connection between 'tzedokoh' and 'tzadik'. There is little, if anything at all, that gives Hashem greater pleasure than one Jew helping another Jew in need. It is one of the three pillars on which the world stands. In addition, the entire world was created on the basis of kindness, as Dovid wrote in Tehilim (89:3). Besides fulfilling the mitzvah of going in the ways of Hashem however, someone who gives tzedokoh is acting as His emissary, and will be rewarded accordingly.

Every mitzvah is beyond our scope of comprehension, and its reward in the World to Come, beyond human description. But over and above that, Shlomoh wrote in Mishlei (10:2) that charity saves from death, and the Gemoro at the end of Shabbos illustrates this with a number of stories from real life. In addition, Chazal have taught that, together with teshuvah and tefilah, tzedokoh has the power to revoke the evil decree. And what's more, it brings about the final redemption, for so the Novi Yeshayah wrote (1:27) "Tzi'on will be redeemed through justice and its returnees through tzedokoh". It goes without saying that the main reward in the World to Come remains intact.

The unique character of tzedokoh can be attributed to two factors: 1.

To the nachas that any father gets when he sees his children kindly disposed one towards the other - and our Father in Heaven is no exception, (because it is in this very parshah that the Torah refers to us as "children of Hashem" (14:1); 2. To the obvious satisfaction that He must gain when He sees a Jew going against the grain (of constantly taking) by constantly giving and giving and giving, displaying a nobility of character that renders man superior to animals, who are incapable of parting with what is theirs.

There are two reasons why Hashem dispenses poverty, the Seifer ha'Chinuch explains (notwithstanding the possibility that it comes as a trial or to deprive him of his reward in the World to Come, as the Chovas ha'Levovos writes): 1. to atone for one's sins; 2. to grant the rich man an opportunity to gain entry to the World to Come.

Let us explain the rich man's role in both cases. Needless to say, the poor man suffers from his poverty per se. But he also suffers from the humiliation of having to approach the rich man and ask him for help. By helping him out, not only does the rich man alleviate his suffering (sometimes in conjunction with many other people), but by giving him with concern and sensitivity, he also minimises his humiliation. But more than that, he prevents the poor man from falling into despair, saving him from the temptation of turning to dishonest means to feed his hungry family - and perhaps from even more extreme reactions to his dire situation. And when Chazal say that Hashem renders a man poor, so that the rich man should gain entry to the World to Come, it implies that the poor man does not need that. This is because he has earned his place there by virtue of his suffering. It is the rich man who has already been rewarded in this world, who needs the merits to gain entry there too. It is a sobering thought that when the rich man contemplates giving the poor man tzedokoh, he is dealing with someone who has more merits than he does, and that, pending his current decision, he stands a chance of pulling level with him.

If, in exchange for the tzedokoh that he gives, the rich man earns himself a place in the World to Come, it means that he gets a better bargain than the poor man, who receives only a few p'rutos. That explains why Chazal, based on a posuk in Megilas Rus, declare that the poor man gives the rich man more than the rich man gives him. They might also however, be referring to the d'roshoh that they make with reference to the posuk in this parshah "Aser te'aser" (14:22) 'Give ma'aser (incorporating ma'aser kesefim - tzedokoh) in order to become rich'. In other words 'Give a little and receive a lot!' These are all fine reasons to give tzedokoh, and would serve as a marvelous incentive, even if it were not for the endless reward that awaits the ba'al tzedokoh in the World to Come.

The mitzvah of tzedokoh of course, is by no means confined to the rich. Indeed, Chazal have said that even a person who receives tzedokoh is obligated to give tzedokoh. However, the obligation of a rich man differs vastly from that of the poor man, who fulfils the mitzvah by giving only a few p'rutos. See what the Gemoro in Kesubos (66b) says about Nakdimon ben Gurion, one of the three wealthiest men in Yerusholayim at the time of the Churban Bayis Sheini. Chazal relate that in fact, he was a tremendous philanthropist, who did not hesitate to donate vast sums of money to tzedokoh, yet in the course of time he lost all his wealth. And as his daughter explained to Raban Yochanon ben Zakai, that was because he did not give in accordance with his means. For example, take a man who has earned a hundred million dollars profit. He must give at least ten million of that in order to fulfill obligation. Should he give eight million, he will have fallen short of his duty.

Alternatively, Nakdimon ben Gurion's daughter told Raban Yochanon ben Zakai that her father did indeed give tzedokoh according to his means, but that he gave it for his own glorification, rather than for the sake of the mitzvah - another test with which the poor man is not faced.

Nobody can be certain that the wealth he owns today will be his tomorrow. Indeed Chazal, commenting on the posuk "ki bi'glal ha'dovor ha'zeh" (also in this parshah - 15:10), explain that wealth is like a galgal (a wheel) inasmuch as it rolls from one person to another. Nevertheless, it is safe to assume that as long as a person gives tzedokoh generously and sincerely, he is unlikely to lose his wealth, as this very posuk implies, and as we quoted earlier 'Give ma'aser in order to become rich!'

From: Rabbi Mordechai Kamenetzky[SMTP:rmk@torah.org]
Subject: Drasha - Parshas Reeh

In this week's portion, the Torah tells us to decimate any remnant of idolatry: "You shall utterly destroy all the places where the nations that you are driving away worshiped their gods - on the high mountains and on the hills, and under every leafy tree. You shall break apart their altars, you shall smash their pillars, and their sacred trees shall you burn in the fire. Their carved images shall you cut down, and you shall obliterate their names from that place." (Deuteronomy 12:2-3)

But then, the Torah adds a verse that seems to be so unnecessary, if not wounding. The Torah tells us "You shall not do the same to Hashem, your G-d" (ibid. v.4)

The Talmud explains that from this verse we derive a prohibition against destroying synagogue property and erasing the name of Hashem. Rashi, however, quotes the Sifri, which offers an amazing interpretation: R Ishmael asks, "Can even a thought enter in your mind that the Jewish nation would break the altars of Hashem?"

Thus Rabbi Yishmael gives an homiletic interpretation of the verse. He says that the verse is not necessarily an admonition against physically breaking the walls of the Sanctuary, but rather it is a warning to the nation not to sin, thereby causing the Sanctuary of (built by) your fathers to be destroyed.

Rav Moshe Feinstein points out an amazing anomaly. Rabbi Yishmael is bothered at the simple connotation of the verse that he does not interpret it at face value. He can hardly fathom that there are Jews who need to be told not to break stones in the Altar, or the Temple. Therefore, he expounds that this refers to Jews who sin, and cause the destruction of the Temple. Yet when the Torah warns about idolatry, adultery, or murder, Rabbi Yishmael is mute. He does not ask, "Is it possible that a Jew would murder or commit idolatry? He is not shocked at the need to warn against adultery. He does not reinterpret those verses homiletically and explain them in a poetic fashion. He is quite content with the admonition in its purest and most simple form. Though he can accept Jews committing murder, but he cannot accept them smashing synagogues. What is the difference?

(Recently I heard this amazing story. However, I have changed the names of the parties involved and the location.)

Velvel was infamous in his native Tarnograd. A notorious gangster, he not only transgressed the mitzvot, but mocked those who observed them. He really did not have much to do with the members of the community, if not to lure someone into a promising business deal, only to rob him of his ill-invested monies.

Velvel rarely visited the inside of the shul, save every few years on the yearzeit of his pious father when the cobwebs of time were dusted off by the winds of guilt. Yes, Velvel was different than most of the villagers.

Except for early 1940, when he was no different than anyone else. The Nazis had overrun the town. They herded the community into the shul, and unfurled the Torah scrolls on the floor. Then they lined the people up and told them to march on the Torah, forcing them to spit on it as they past. And Velvel was right there amongst them. Velvel was a Jew and no different from anyone else.

Everyone lined up to obey and Velvel pushed to be first on line. And then he showed how special, how different he was. As he

approached the Torah he stopped short, not even letting the tips of his soles touch the sacred parchment. Then he turned to the SS officer. "I don't tread on my Torah and I will never spit on it." They shot him on the spot, and like the rest of the villagers who followed suit, Velvel became a holy martyr.

Rav Feinstein explains that there are icons of Judaism that are virtually impregnable. And so, Rabbi Yishmael can understand that one can be completely detached from Judaism, to the extent that he disregards all the mitzvos, and transgresses the most awful of its prohibitions. However, that Jew, no matter how low he has sunk, will never destroy even one brick of a synagogue! That is why Rabbi Yishmael must explain the verse not through its simple meaning, but through a pastoral interpretation.

The love of Judaism transcends performance of any single command. And no Jew who heeds some Torah warning, needs admonition against destroying all that his soul embodies. In this era of shattered icons and crumbling values, it is important to build on the embers of Yiddishkeit that are still glowing in the heart of every Jew.

Dedicated by Gisele & Ira Beer in memory of Morris & Gisa Mayers
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ShabbatShalomWeekly@aish.com To: Rabbi Packouz's ShabbatShalom List

AISH HATORAH'S Shabbat Shalom Weekly
DVAR TORAH: based on Growth Through Torah by RABBI ZELIG PLISKIN

The Torah states, "After the Almighty, your G-d, shall you walk, and Him shall you fear, and His commandments you shall observe and to His voice shall you hearken, and Him shall you serve and to Him shall you cleave."

The Chofetz Chaim, Rabbi Yisroel Meir Kagan, notes that the Hebrew word for "after" is "acharai" which denotes a far distance. He asks, "Since this verse tells us to follow the Almighty, why didn't the Torah use a term denoting closeness since we should be as close as possible to the Almighty?"

Rabbi Kagan explains that the Torah uses a term denoting distance to tell us that regardless of how far a person feels he is from the Almighty, he should never give up hope. With all of his power he should strive to come closer to the Almighty and he will find Him. Never despair and keep your focus.

From:
yitorah@lists.virtualjerusalem.com[SMTP:yitorah@lists.virtualjerusalem.com] Subject: [yitorah] NCYI Weekly Divrei Torah - Parshat Re'eh Parshat Re'eh

RABBI HERSCHEL BERGER
Young Israel of Northbrook, IL

25 Menachem Av 5760 Daf Yomi: Nedarim 38

"You are children of HaShem, your G-d, you shall not cut yourselves nor make any baldness between your eyes for the dead. For you are a holy people to HaShem, your G-d..."(Devarim 14)

Apparently, there was a custom among pagans of old that as a sign of grief they would inflict painful gashes in their flesh and tear out their hair in mourning. The Torah here prohibits this masochistic form of disfigurement. We are given two reasons for this prohibition, "you are children of HaShem," and following that, "For you are a holy people..."

These two reasons were explained by R' Yosef Bechor Shor in the following way. It is not appropriate for a member of a holy people

which possesses such a sacred history, to allow disfigurement of their bodies; furthermore, we must be aware that we are children of HaShem. Despite a grievous loss, we must realize that we are not alone, for we are children of our Father in heaven who lives forever. As a dignified Jew we must appear dignified and not disfigured; we must remember that we are never alone, despite the loss of a loved one.

The Ibn Ezra offers a slightly different view of these mitzvot. "Once we know that we are children of HaShem, Who loves us more than a father loves a child, we must not gash ourselves in reaction to what occurs to us. For anything that happens is for the good - whether we understand it as such or not. Just as a child may not understand what a father does, but relies on him nonetheless, so also shall you rely on HaShem your Father."

The Kelm school of mussar, led by its founder R' Simcha Zissel, known as the Alter of Kelm, brought great insight to this explanation of the mitzvah as provided by the Ibn Ezra.

Let us first examine the comments of his student, the venerable R' Elya Lopian. Just as a man feels with absolute sincerity and clarity that his father is indeed his father and he is the son, so HaShem has endowed every Jew to feel in his heart that he has a Father in heaven and he is the child of that Father.

R' Elya relates a historical incident during the Spanish Inquisition regarding a Jewish infant raised by the church. The child became a priest and was so highly regarded that he was made a Bishop. As Bishop he presided over many trials of the Inquisition and sentenced numerous Jews to death.

One day a man came before him in trial, and the Bishop was about to pronounce the death sentence, but when he tried to speak, no words came out of his mouth. He retired to his chambers, strengthened his resolve and tried again. He couldn't talk!! The Bishop tried a third time to no avail. Frustrated and confused, he called the Jew to his chambers. The Bishop asked the Jew if he had a son. The Jew said, "yes, but he was taken from me as an infant." The Bishop then asked if his son had any distinguishing marks. The Jew responded that his son had a mole on his left shoulder. The Bishop uncovered his shoulder and asked, "like this?" Father and son left together and fled Spain to live elsewhere as Jews.

R' Elya continued: if a son is capable of instinctively feeling who his father is, if the body has this sense, we must believe that HaShem also endowed the neshama (soul) with the spiritual sensitivity to know who its spiritual Father is. Just as a son requires no proof to reassure him of his father's identity, so our neshama knows instinctively, without proof, that it has a Father in heaven.

This is the meaning of, "You are children of HaShem, your G-d."

The Alter of Kelm, talmid muvhak (close student) of R' Yisroel Salanter, accented a different aspect of this pasuk.

A person can suffer two types of illnesses, sickness of the body and sickness of the neshama (soul). If a person suffers physical sickness, he is generally upset for being ill. If the illness is severe, he will travel anywhere, take any medication, as long as there is hope for a cure.

Sickness of the neshama, spiritual illness, however, generally receives little attention. If a person is lacking in emunah (faith), if he is not observing mitzvot with the proper amount of kavanah (intent), if he has a middah (character trait) that needs correction, if he is not careful with interpersonal relationships, does he then go to the ends of the earth for a cure? Does he bother with the illness at all?

The Alter explains that a person should not be upset over the discomfort or pain from physical illness at all. Seek a cure, take medication, but don't be upset about the pain and discomfort, because "You are children of HaShem... a member of a great people." Whatever a father does for a child is meant for the good of the child, not for the child to suffer. HaShem has some plan, some goal, which we likely do not understand, but is ultimately for our good. Therefore don't gash

yourselves, don't feel lonely over the loss of a loved one. This is the plan of HaShem, and whatever the Father does is for the good.

Illness of the neshama (soul), says the Alter, is a different matter. We should be willing to go to the ends of the earth and try the most bitter of "medications" for a cure. Seek the advice of a talmid chacham (scholar), try to understand yourself, your motives and correct your behavior. For unlike physical illness, spiritual illness does not come from HaShem, but emanates from our own failings. We should therefore be upset about spiritual flaws and we must be willing to go to all lengths to correct them.

From the pasuk, "You are children of HaShem..." we learn that we know instinctively that we are spiritual children of a Father who loves us. Any physical pain or grief that befall us is the action of a loving Father meant for the good and therefore we must not become excessively distraught over the physical misfortune. Equal in importance to physical illnesses are spiritual failings. These come from man himself, not G-d and in contrast, these do indeed deserve anguish and pain. Furthermore, we should be willing to go to great lengths to cure these ailments.

For the goal of knowing that we are children of HaShem is that we are also members of a holy people, striving to be worthy of our Father.

A Project of the National Council of Young Israel
<http://www.youngisrael.org> Kenneth Block (kenblock@att.net)

From: Rabbi Yisroel Ciner[SMTP:ciner@torah.org]
Parsha-Insights - Parshas Reeh

This week's parsha, R'ay, gives us a very clear glimpse of the attitude the Torah enjoins us to have towards death. "Bunim a'tem laHashem Elokaichem, lo tishgu'd'du... I'mais {You are sons of Hashem your G-d, do not gouge yourselves over a death} [14:1]." The custom of the Gentiles was to scratch and cut themselves in order to show and vent their agony over the death of a dear one. We are prohibited from acting in such a fashion. Why? Because we are sons of Hashem.

What is the connection between our being the sons of Hashem and the prohibition of gouging ourselves over the death of someone we loved?

Of the different explanations of the many commentators, I find the Ohr HaChaim and the Chizkuni to be the most poignant.

The Ohr Hachaim explains that the Torah is teaching us that death is a loss to those that remain alive--not to the one that died. It can be compared to a person who sent his son to a faraway land in order to start a business there. The son settled in that place and over time became very close to many fine people there. After many years, the father summoned the son to return home and the son acceded to his wishes.

The son is not lost. Those who had grown to know and love him are no longer able to see him and to build the relationship further, but the son is not lost. On the contrary, the son is returning home to his father. The thought of those friends going ahead and gouging themselves over the agony of the son's departure is preposterous. Sadness and a melancholy feeling of detachment are in order. Gouging is definitely out!

"Bunim a'tem laHashem Elokaichem, {You are sons of Hashem your G-d}." At 'death,' the person is simply returning to the Father. The duration of that person's visit to this transient world has come to a close. The time has come for the return trip--to return home. Therefore, "Lo tishgu'd'du... I'mais {do not gouge yourselves over a death}." Reacting in such a way really contradicts our beliefs.

The Chizkuni explains that the basis for the command not to gouge ourselves is that we are the sons of Hashem--we are mere children. Do we have an understanding of why we live and why we die? Can we fathom the Divine decisions which determine these occurrences? A child does not comprehend the decisions that a mature father makes--we too are children. "Lo tishgu'd'du {do not gouge yourselves}."

These concepts are illustrated by R' Yom Tov Ehrlich's powerful

story, based on the writings of Rav Chaim Vital, the primary student of the great Kabbalist, the Ariza"l.

Yosef, who had recently married, walked back from shul {synagogue} with his youngest brother, Dovid, to wish their mother a good Shabbos. In the house all was ready for Shabbos--the table was set and the candles glowed brightly. However, the empty seat at the head of the table upset the tranquillity. Their father had died two years earlier and their mother had not found peace since then.

The smile she tried to force as she wished her sons a Good Shabbos couldn't hide her tears. "Mommy, it's Shabbos, we're not supposed to be sad," Yosef said gently.

"But it was exactly two years ago today that your father died, how can't I cry?" she replied.

"That explains this Shabbos but not last week and two weeks ago. Father is now in Gan Eden {The Garden of Eden} and your tears must be upsetting him. They also show Hashem that you're not willing to accept His judgment. Mommy, please forgive me for speaking this way," Yosef apologized.

"You are right, I know that everyone wants me to be happy again--I will try my best," she promised.

Yosef left to go to his house and Dovid made the Kiddush on the wine. A calm serenity seemed to envelope the seuda {festive meal} and the entire house. As she went to sleep, the mother felt an internal peacefulness that she hadn't felt since her husband's death. She began to think that she's not alone. Others have gone through it and made it and so could she.

As she drifted off to sleep she dreamt that people were running and she began to run with them. They ran through a dark forest until, with a burst of light, the forest ended. The bright sun glimmered off a sparkling blue stream, running through a garden filled with beautiful flowers. Suddenly, a white-bearded Jew wearing a long white garment appeared and gently asked her if she'd like to see her husband. With her heart pounding she followed him to a tree full of beautiful ripe fruit, overlooking a spacious clearing surrounded by a golden fence. There were colorfully dressed Jews sitting in rows learning Torah from a young man.

The class finished and she saw the teacher approaching them. When she saw that it was her husband, she nearly fainted and leaned against the tree. When she regained her composure she cried out, "Why did you leave me at such a young age?"

"Please understand that the world in which you live is a world of exile," he explained serenely. "People are sent there to complete specific tasks or to rectify earlier transgressions. This is the true world. Before you ever knew me I was a Torah scholar and perfectly righteous. My only fault was I was unwilling to marry and bring children to the world because it would have disturbed my studies.

"When I left the world I began to ascend to ever higher levels but at a certain point I couldn't ascend any higher because I had never married and had never had children. I was sent back to the lower world to marry and have children. I married you and when our seventh child was born, I was called to return to Gan Eden. Great is your merit that I was your husband. When the right time will come, we will again live together in this world in delight."

"Why doesn't our Yosef prosper in his business affairs?" she continued to question.

"I'm sure you remember the litigation that Yosef had with another Jew," her husband responded. "He was legally correct but was guilty of causing the other person great pain. He faced a harsh sentence but I prayed on his behalf that he be given only four hard years. In just one more year, that period will end and he will prosper."

"And what about our Dovid? Not a single shidduch {prospective spouse} has been offered and I have no money to make a wedding."

He smiled and explained: "Dovid's wife was late in coming--she's

now only thirteen years old. In five years they will move to your city, she'll get engaged to Dovid and they will finance the entire wedding."

In a pained voice she asked, "And why was our three year old son killed by a drunk?"

"Follow me," her husband answered with a smile.

They began to walk to a light-filled garden. Brilliant beams of multi-colored light shone from above while beautiful songbirds flew from tree to tree singing the praises of Hashem. Suddenly she saw leaping circles of fire positioning themselves near her in column-like formation followed by small angels who also settled near her. She felt her soul slipping away and her husband quickly placed a flower near her nose to revive her. A canopy made of sparkling stones appeared before her and under the canopy stood a small angelic form that she recognized as her son.

"Why did you leave me when you were so young?" she asked.

"Everything is done according to Hashem's plan," he answered. "I had been in the world once before and during one of the wild attacks against my town, gentiles had murdered my entire family. I, at the age of six months was the only survivor. A kindly gentile woman took me into her home and raised me until I was redeemed by Jews. They taught me Torah until I became a great scholar. When I left that world I was received here with great joy. I reached a point where I couldn't rise higher because I was nursed by a non-Jewish woman. It was decreed that I be born again to a Jewish mother and live those early years in purity. After three years there was no reason for me to remain in that lowly world so I was returned to here. You have a great merit that you helped me to reach this next level." The child laughed softly and disappeared from view.

Her husband continued: "You now see that there is an answer to all of your questions. Hashem does no evil." He escorted her back to the tree where he had met her. "It is very good here but I can't bear to see your suffering. You will do me a great favor by living happily. A shidduch has been proposed for you. Please accept it."

With that he vanished and the old man led her back through the forest.

She awoke a different person, soon remarried and lived a life of contentment.

"Bunim a'tem laHashem Elokaichem"--we are His children.

Good Shabbos, Yisroel Ciner

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From: jschwartz@yml.yu.edu Subject: Internet Chaburah -- Parshas Reeh

[BY RABBI JONATHAN SCHWARTZ]

Prologue: Nuschasos Hatefilla, different tunes, different seating abilities, different Minhagim, have led to the proliferation of many different shuls in our Jewish communities. Someone once approached the Chofetz Chaim and asked him if it would not be better to have the entire Kahal Daven in one Nusach. The Chofetz Chaim responded by noting that the same question could be asked of any government official. Why is it that the military that protects the country has so many components to it? After all, do we need artillery brigades, infantry, tanks, a navy and an Air force? Why couldn't one type of soldier suffice? If there was one type of soldier then outfitting the military would be easier and there would be only one commander in chief over all the armies?

The Chofetz Chaim (Mishlei Chofetz Chaim) explained that such military preparedness would lead to disaster. Different soldiers have

different strengths. Some are better foot soldiers, others can parachute. Still others can fly planes while some are natural seamen. The ability to choose the right man for the right task in the army, allows the army to present a whole host of strong positions in defending its honor. Having the strongest people at their strongest points, allows an army to fight a war on the different facets and be prepared for the different facets the opposing armies are likely to present.

Similarly, the Jewish nation arms itself to fight the Yetzer Hara many different ways. The truth is, the Yetzer Hara meets us on many different grounds as well. He doesn't have to launch his offensive the same way every time which makes recognizing the Atas HaYetzer more and more difficult to battle with. It takes different Derachim to fight the Yetzer and the different strengths for different people working for the common cause will help the Am remain strong and defeat the inborn enemy.

Banim Atem L'Hashem Elokeichem, Rav Moshe Leiber (Schmoozin, 5750) Shlita, noted that the status of Banim is that which is basic yet common to all Bnei Yisroel. The Chofetz Chaim notes that the idea of "Lo Taasu Eschem Agudos Agudos" is only Assur if they are in opposition. Different Batei Din operating in the same town (Or even different types of shuls when not in opposition) are welcomed by Hashem. They are different strengths for different sons.

WHAT TO EXPECT: REAL RESPECT?: ALIYOS PT. 1

With Elul around the corner and Yimei Selicha, Mechila and Din upon us, Shuls around the country have begun to prepare for the Yamim Noraim (See Internet Chaburah Parshas VaEschanan, 5760). Along with issues concerning the seating and Tefillos, as well as the TRUE soul searching that leads one to ask for Mechila of this time period, comes the question of Kibbudim for the Yamim Noraim. People become very particular about their Aliyos during this time of the year and the Aliyos are generally designated to Chashuvei HaKahal. Who is included in this designation? And is there an actual preference for a particular Aliya?

The issue appears to be a Machlokes between the Bavli and the Zohar. The Gemara in Gittin (59b) notes that following Kohein and Levi, the entitlement to an Aliya is to the Talmidei Chachamim who support the Tzibbur. Rashi notes that this order was set up to preserve Darchei Shalom. The Shulchan Aruch (Orach Chaim 136:1) actually sets up a list of the order of Aliya entitlements.

The Mogen Avraham (Orach Chaim 428:8) explains that the Minhag is to call the Rov for an Aliya every Shabbos for Shlishi. The Mishna Berurah (17) changes the wording of the Mogen Avraham when quoting him to note that it is dependent upon Minhag. If the Minhag is to call the Rov for Shlishi, then he gets it every Shabbos. This little addition of the Mishna Berurah apparently covers for a potential Stirah of the Mogen Avraham. For elsewhere (136:20), the Mogen Avraham Paskins that the Gadol HaTzibbur receives Acharon. Still, the Mogen Avraham is clear. He feels that it is the Kavod HaRav to receive Shlishi every Shabbos based on the Gemara in Gittin.

Based upon this understanding, it seems that the Bavli presents Shlishi as the greatest Aliya. Hence when the question of the Tochacha is raised, the Mogen Avraham (428) recommends that the Rav be Mochel on his Aliya and take Revii. NEVER does he suggest anything about receiving Shishi. Many (See Kuntres MeeBeis LeviXII: p. 152) note that the closer to Shilishi you are, the better the Aliya.

The Zohar (Shelach p. 164) quotes Rav Kruspeyayii who only got Shishi every time he received an Aliya. The Be'Er Heiteiv (Orach Chaim 282:13) quotes the Ari who felt that Shishi was the most Chashuv. Even the Mogen Avraham notes the greatness of Shishi as an Aliya (182:9) thus encouraging its sale as its own Aliya (See also Mishna Berurah 182:18; Kaf Hachaim 136:4). The Kaf HaChaim notes that this is due to the Aliya's connection to the Kabbalistic power of Yesod. Shevii on the other hand, is the weakest of all Aliyos according to the Kabbalistic

approach. He adds that if one's Rebbe receives Shlishi, he must ask the Rebbe permission before accepting Shishi. (See Shut Chasam Sofer Orach Chaim 61 for a different basis for the breakdown based upon the Ushpizin.)

The Machlokes ages on until today. In Chassidic circles, Shlishi remains the Aliya Chashuva. They have gone so far as to add Aliyos during Parshas VaEschanan so that Shishi will be the Aseres HaDibbros preserving the dignity of Shishi. Even the Gra (Maasei Rav, Hanhagos Siman 133) seems to have accepted Shishi except during the Arba Parshiyos when he took Maftir (See also Aruch HaShulchan Orach Chaim, 282:8).

Battala News

Mazal Tov to Rabbi Donny Besser upon his Aufruf and forthcoming marriage to Rochel Genack. Special Mazal Tov to Moreinu Harav Menachem Genack Shlita.

Mazal Tov to Mr. and Mrs. David Markowitz upon the birth of a baby girl.

From: Mordecai Kornfeld[SMTP:kornfeld@netvision.net.il] Subject: Insights to the Daf: Nedarim

INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il>
[RABBI MORDECHAI KORNFIELD]

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Nedarim 37 HALACHAH: GETTING PAID FOR TEACHING TORAH OPINIONS: The Gemara says that one may not receive a wage for teaching Torah. There are several types of circumstances in which it is permitted to receive a wage.

(a) Rabbi Yochanan rules that it is permitted to receive a wage for teaching the "Pisuk Ta'amim" (the cantillation notes on the words in the Chumash), since those notes are not mid'Oraisa. We see from here that one is permitted to take wages for teaching Halachos or Mitzvos that are mid'Rabanan. The HAGAHOS MAIMONI (Hilchos Talmud Torah 1, cited by the REMA in YD 246:5) writes that it is therefore permitted to take wages for teaching rabbinical enactments.

(b) The Gemara says that one who teaches small children who need to be watched may receive a wage for teaching them, since the salary is not being paid for the teaching, but for the supervision. The Gemara assumes that adults, and even young girls (who tend to be more mature and independent than young boys) do not need to be watched. (See ROSH, who says that little children have to be kept off the streets so that they will not cause damage and become accustomed to doing bad things.) Obviously, in a place where young girls and older children need to be supervised, their teacher may take a wage.

(c) The RAN and other Rishonim quote a Yerushalmi that says that one who opts to teach Torah at the expense of working in a profession may receive wages for the loss of work that he endures as a result of teaching. In such a case, he is not taking money for the teaching, but for not working.

(d) TOSFOS in Bechoros (29a) and the ROSH say that one who has no other source of income may receive a wage for teaching.

HALACHAH: The SHULCHAN ARUCH (YD 246:5) rules that nowadays, teachers may receive salaries for teaching Torah for the abovementioned reasons.

Nedarim 39b THE STATUS OF THE MITZVAH OF "BIKUR CHOLIM" OPINIONS: Reish Lakish says that there is hint to the Mitzvah of Bikur Cholim in the Torah in the verse, "If these die like the death of all man, and the fate of all man is visited upon them..." (Bamidbar 16:29). The Gemara in Bava Metzia (30b) and Sotah (14a) cites two other verses that allude to the Mitzvah of Bikur Cholim (see previous Insight). Does this mean that the Mitzvah of Bikur Cholim is a Mitzvah mid'Oraisa?

(a) The BEHAG and YERA'IM count Bikur Cholim as one of the 613 Mitzvos.

(b) The RAMBAM and RAMBAN in Sefer ha'Mitzvos (Shoresh Rishon and Sheni) are of the opinion that Bikur Cholim is not independent Mitzvah, but is included in another, more general Mitzvah.

Regarding whether Bikur Cholim is considered a Mitzvah d'Oraisa or not, the RAMBAM (Hilchos Evel 14:5) writes that Bikur Cholim is a Mitzvah "mi'Divreiheim," which seems to mean that it is a Mitzvah d'Rabanan. However, he continues to list other Mitzvos (such as Nichum Aveilim) and concludes that although these Mitzvos are "mi'Divreiheim," they are part of the Mitzvah d'Oraisa of "v'Ahavta l'Rei'acha Kamocho," loving one's fellow man like oneself.

The Rambam seems to contradict himself. If Bikur Cholim is part of the Mitzvah d'Oraisa of loving one's fellow man, then how could it be a Mitzvah d'Rabanan?

The KIRYAS SEFER answers that the Rambam understands that there is a general Mitzvah to love one's fellow man, but the specific ways of carrying it out were enacted by the Rabanan. An example of this concept is the Halachah that one who visits the sick but does not

pray for the recovery of the sick person does not fulfill the Mitzvah. While one fulfills the Mitzvah d'Oraisa of loving his friend with any act that he does for his friend's well-being, the Chachamim required us to visit the sick in a certain manner. If we do not pray for the sick, then we have not fulfilled this requirement. (The fact that the specific forms of the Mitzvah are only mid'Rabanan may be relevant to the law of "ha'Osek b'Mitzvah Patur Min ha'Mitzvah" -- see BIUR HALACHAH, end of OC 72.)

Nedarim 40 HALACHAH: HOW TO FULFILL THE MITZVAH OF BIKUR CHOLIM Earlier (end of 39b), the Gemara quotes Rabbi Acha bar Chanina who states that one who visits a sick person removes one-sixtieth of his pain (or, according to an alternate Girs, his sickness). The Gemara says that this applies only if the visitor is "Ben Gilo" with the sick person, which the RAN explains to mean that they were born in the same Mazal (the same cosmic influences) and the MEFARESH explains to mean that they are the same age.

The Gemara here records that Rabbi Akiva once visited a sick Talmid who was mortally ill whom no one else visited. Rabbi Akiva had the Talmid's room cleaned and washed, and as a result, the Talmid recovered from his illness. Rabbi Akiva proclaimed that anyone who does not visit a sick person is guilty of spilling innocent blood.

The Gemara then quotes Rav Dimi who says that whoever visits a sick person causes the sick person to recover. The Gemara explains that this is because when one visits the sick person, he prays for the sick person's well-being, and through his Tefilah he "causes" the sick person to recover.

>From these three statements, we learn three important practical aspects about performing the Mitzvah of Bikur Cholim:

(a) The RAMBAM (Hilchos Avel 14:4) rules like Rabbi Acha bar Chanina and writes that one who visits a sick person is considered to have taken away part of his illness and helped him to recover. It is clear, though, that this benefit of visiting the sick can only be accomplished by personally visiting the sick.

(b) The RAMBAN (in SEFER TORAS HA'ADAM, p. 17 of the Chavel edition) writes that from the Gemara here (40a) we learn that there are two basic purposes behind visiting the sick. First, one must take care of the physical and emotional needs of the sick person (which we learn from Rabbi Akiva).

(c) Second, the Ramban writes, part of the Mitzvah of Bikur Cholim involves praying for the sick person's full recovery (which we learn from Rav Dimi). The Ramban writes that if one visits the sick and does not pray for him or her, then he does not fulfill the Mitzvah.

The Ramban brings further support that one is required to pray for the sick person from the statement of Rav Shisha. Rav Shisha says that one should not visit a sick person during the first three hours of the day nor during the last three hours of the day, since he will not pray properly for the sick person during those hours (during the first three hours of the day, the sick person appears strong and healthy, while during the last three hours, he looks so ill that one despairs of praying for him). We see that one should time his visit so that he will be able to pray properly for the sick person.

The RAMBAM (Hilchos Avel 14:6) also stresses that the visitor should pray for the recovery of the sick person before he leaves. This is also the Halachah as recorded by the SHULCHAN ARUCH (YD 335:4-6), who also suggests a short prayer to say in the presence of the sick person (see Insight 4 below).

It is clear from the Gemara and the Rishonim that there is a Mitzvah to visit a sick person even if he is not conscious, or even if he is in quarantine, since one is still able to pray for him and to make sure that his needs are being taken care of.

HALACHAH: PRAYING FOR THE SICK The Gemara quotes Rav Dimi who says that whoever visits a sick person causes the sick person to recover. The Gemara explains that this is because when one visits the sick person, he prays for the sick person's well-being, and through his Tefilah he "causes" the sick person to recover. Moreover, the Gemara says that the Shechinah is above the head of the sick person, and therefore one's prayer for the sick is more readily accepted there. From here the Rishonim and Acharonim learn that one of the purposes of personally visiting the sick is in order to pray to Hashem for his recovery in his presence (see previous Insights).

The Poskim write a number of important Halachos with regard to praying for the sick:

(a) The SHULCHAN ARUCH (YD 335:5) writes that one who visits a sick person may pray for him in any language. This is because -- like the Gemara says -- the Shechinah is present with the sick person, and thus there is no need for the Malachei ha'Shema to have to understand the prayer in order to bring it to the Shechinah (see Shabbos 12b and Insights to Shabbos 12:3). (If one says merely, "May Hashem grant you a complete recovery," he has fulfilled the Mitzvah of praying for the sick person.)

(b) The RAN (DH Ein Mevakesh) writes that we can learn from the conduct of the maidservant maid of Rabbi, as recorded in Kesuvos (104a), that there are times when one is permitted to pray for a sick person to die. However, several conditions must first be met:

1. There is no hope for the sick person's survival. RAV MOSHE FEINSTEIN (IGROS MOSHE CM II:74:4) writes that one may pray for the demise of a sick person only in a case similar to that of Rabbi, in which all of the great Tzadikim of the generation were praying for his recovery but the situation remained unchanged.

2. The sick person must be in extreme pain, similar to the case of Rabbi.

3. Rav Moshe points out further that when the previous two conditions are met, it is only permitted to pray for the demise of the sick person. It is absolutely forbidden to shorten his life actively in any way, but rather we are required to do whatever is necessary to prolong his life, as the SHULCHAN ARUCH (OC 329:4) rules that one is obligated to desecrate Shabbos by doing Melachos in order to prolong the life even of one whose skull has been crushed and will certainly die within a short period of time. When a person is imminently going to die ("Goses"), it is prohibited even to touch him in a manner that might hasten his death (Shulchan Aruch YD 339).

4. One should never give up hope in Hashem's ability to heal the sick, even if there is only a

minute chance of survival. The Gemara in Berachos (10a) says that even if a sharp sword is placed upon one's neck, he should not refrain from praying to Hashem for mercy.

Nedarim 40b HALACHAH: "TEVILAH" IN A RIVER OPINIONS: The Gemara discusses how to define a river that expanded (swelled) as a result of the rains. Rav says that the increased size of the river is treated like rainwater, and Shmuel says that it swells from its source and is therefore still considered natural river water. According to Rav, one may not use such a river as a Mikvah, since the water therein has the status of rainwater and the only time rainwater may be used for a Mikvah is when it is gathered in one place and not flowing. According to Shmuel, on the other hand, the river may still be used for Tevilah, because it is treated like a natural stream, and a natural stream is valid for Tevilah when it is flowing.

The Gemara says that Shmuel himself did not rely on his own opinion in practice, and he said that one should not immerse in the Euphrates River except during the season of Tishrei, since there is no concern for rainwater at that time of year. The Gemara also relates that Shmuel's father also made special Mikva'os for his daughters in the month of Nisan (when the rivers expanded from the rainwater) in order for them to have a place to immerse.

In practice, may one use a river as a Mikvah for Tevilah?

(a) RABEINU TAM rules that one may rely on Shmuel's initial statement, since it is supported by a Gemara in Bechoros (55a) that says that the Euphrates River is called "Pras" because its waters are fruitful (Parin) and multiply.

(b) The RACH and RIF disagree with Rabeinu Tam. The RAMBAN writes that we may not rely on the Gemara in Bechoros to resolve the Halachic dispute here, because a Gemara of Agadah cannot override a Sugya that discusses the practical Halachah (see next Insight).

HALACHAH: The REMA (YD 201:2) writes that if there is no Mikvah in the area, there is an accepted custom to rely on Rabeinu Tam's ruling that one may immerse in a river throughout the year, provided that it is known that the river flows even during the summer months when there is no rain.

In practice, though, one must bring each question to a competent rabbinical authority, since the situation is different in each time and place. Moreover, there are additional problems involved with using the water at a beach as a Mikvah (e.g. see the RAN who writes that Shmuel's father had to make mats in order to prevent problems of Chatzitzos. He also cites those who say that there is a need for a partition for purposes of modesty; see also Nidah 66b).

LEARNING HALACHAH FROM "AGADAH" OPINIONS: The RAN quotes the RAMBAN who says that we cannot overrule a Halachic practice based on opposing evidence from Agadah.

When can we use Agadah to determine Halachic practice? There is a disagreement among the Acharonim regarding this issue.

(a) The NODA B'YEHUDAH (Yoreh Deah II:161) writes that we cannot learn any Halachos from Agadah, even when there is no contradiction to them from any Halachic Sugya in the Gemara. He explains that the Agados were written in order to teach us principles of Musar and fundamental concepts of Torah, but not to teach practical Halachah.

RAV HAI GAON (in Otzar ha'Geonim, Chagigah Siman 67) seems to be of this opinion.

(b) REBBI AKIVA EIGER (on the Mishnayos in Berachos, Perek 5) quotes the PRI CHADASH who disagrees and says that although it is true that we do not rely on Agadah in order to resolve Halachic disputes that were not resolved in the Gemara, we *may* rely on Agadah to resolve a question of Halachic practice that was *not* discussed in the Gemara.

NEDARIM 42 (29 Av) - "Mechabdo b'Chayav, Mechabdo b'Moso" (Kidushin 31b). This Daf has been dedicated by Yair Trebitsch l'Iluy Nishmas his father, Eliezer Shmuel Binyomin ben Mayer Trebitsch, in honor of his Yahrzeit. T'NTZ'B'H.

Nedarim 41b HALACHAH: A PREFERRED DOCTOR The Gemara concludes that if one made a Neder not to give pleasure to his friend, he nevertheless is permitted to perform medical procedures for his friend. He is not permitted, though, to perform medical procedures for his friend's animal. The RAN (DH Ela) explains that the Gemara is referring to a case where there are other doctors available to treat his friend. The Gemara is teaching that even though there are other doctors available, he is permitted to treat his friend because "not from all doctors does a person merit to be healed." Since the person who made the Neder might be the doctor who can heal his friend, he is permitted to treat his friend. The Ran cites the Yerushalmi as the source for this ruling.

The words of the Ran are the basis for the ruling of the SHULCHAN ARUCH regarding the obligation of a doctor to treat patients that come to him. The Shulchan Aruch (YD 336:1) rules that a doctor who refrains from doing a medical procedure to heal someone is considered as though he is spilling innocent blood. Even if there are other doctors who can perform the procedure, this doctor must treat the patient if he was called on to do so.

RAV MOSHE FEINSTEIN zt"l (in IGROS MOSHE OC I:131) writes that we also learn from this Yerushalmi quoted by the Ran that if a doctor is requested on Shabbos to treat a patient whose life is in danger, he may desecrate Shabbos in order to come, even though there are other doctors available. This only applies, however, when the patient requested him to be called, or he was already asked to come. If he was not specifically asked to come, then it is prohibited for him to be Mechalel Shabbos to treat patients if there are other doctors available.

Nedarim 43b THE NATURE OF HEFKER OPINIONS: The Mishnah states that if one makes a Neder prohibiting his friend from receiving pleasure from him, and his friend does not have any food to eat and there is no one else available to feed his friend, he may declare his food to be Hefker for all, and then his friend may come and take it. Rabbi Yosi disagrees and prohibits this.

In the Gemara, Rabbi Yochanan says that the disagreement is based on each one's understanding of the nature of Hefker. The Chachamim (the Tana Kama) understand that as soon as one makes his property Hefker, it no longer belongs to him anymore. Since it does not belong to the Noder, the Mudar is permitted to benefit from it. Rabbi Yosi, on the other hand,

understands that even after a person makes his property Hefker, it is still considered to be in his possession until someone else actually acquires it. Hence, the Mudar may not take the food that the Noder made Hefker since it is still the Madir's food which is prohibited to him.

Rava proves that Rabbi Yosi agrees that Hefker does not belong to its original owner. He says that the reason Rabbi Yosi disagrees with the Tana Kama is only because of a Gezeirah d'Rabanan.

What is the nature of Hefker? Does making an item Hefker remove it from the possession of the original owner completely, or does it remain in his possession until someone else acquires it?

(a) The RAMBAM (Hilchos Nedarim 2:14) writes that although the declaration of an item as Hefker is not a Neder, it is similar to a Neder in that one who declares his item to be Hefker is *prohibited* to retract his word and to take back the item into his possession. The Rambam's wording implies that the person has the power to retract the Hefker but is prohibited to do so. The KETZOS HA'CHOSHEN (273:11) understands that the Rambam means to say that even after the person made the item Hefker, it is still in his possession. He is prohibited to retract the Hefker only because Hefker is a type of Neder and by retracting it he will transgress the prohibition of "Bal Yachel."

(b) Many of the Acharonim (see CHIDUSHEI CHASAM SOFER ad loc., and SHA'AREI YOSHER 5:23) disagree with this interpretation of the Ketzos, because we find that the Chachamim in our Mishnah are of the opinion that Hefker does not belong to the original owner who made it Hefker (and, according to Rava, even Rabbi Yosi agrees).

The VILNA GA'ON (Choshen Mishpat 273) amends the Girsas of the Rambam so that it reads that one who makes something Hefker is *not* able to retract it. According to this Girsa, the Rambam is compatible with the Chachamim, who say that when one makes an item Hefker it is no longer in his possession.

QUESTION: If the Rambam agrees that Hefker is not only a Neder but actually is a monetary transaction which changes the ownership of the item (from the original owner's to nobody's), then why does the Rambam write the laws of Hefker among the laws of Nedarim (Hilchos Nedarim), and what need is there to say that it is similar to a Neder?

ANSWER: The CHASAM SOFER (Teshuvos, YD 316) writes that the Rambam maintains that Hefker is a type of Neder, whereby one binds himself to make a certain object ownerless. However, the very declaration of the item as Hefker is a fulfillment of the Neder, and therefore the item no longer belongs to him.

The SHA'AREI YOSHER (loc. cit.) says that the Rambam does not mean to say that Hefker is a Neder. His correlation between Hefker and Nedarim is that just like a Neder can create a new Halachic status (making an item Hekdesh, Asur, or Tzedakah), so, too, Hefker creates a new Halachic status for the item (taking it out of the possession of the original owner).

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