

B'S'D'

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INTERNET PARSHA SHEET  
ON VAESCHANAN - 5761

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[Note from C.S. - The reason I print TorahWeb from last year and not other divrei torah from last year, is because TorahWeb typically arrives on Friday, so they were likely not in last year's collection.]

RABBI ZVI SOBOLOFSKY

THE SANCTITY OF LIFE - THE MESSAGE OF THE BEIT  
HAMIKDOSH

In Parshas V = etchanan the three arei miklat, the cities of refuge for the unintentional murderer, are designated on the east side of the Yarden (Jordan River). Upon the Jewish people = s entering Eretz Yisroel proper, another three cities were to be set up on the west side of the Jordan. Chazal note that it is strange that the cities were divided evenly between both sides of the Yarden even though there were 9.5 shevatim (tribes) on one side and only 2.5 on the other. Chazal, in explaining this phenomenon, note that there were more murders that occurred on the east side of the Yarden, thereby necessitating a higher ration of arei miklat to people. What caused this phenomenon? What was it about this half of Eretz Yisrael that led to a laxity of concern for human life which lead to unintentional murders being more rampant?

The halacha is that a rotzeach beshogeg must remain in the ir miklat until the death of the kohen gadol. The Torah is telling us that there is some connection between the chet of retzicha beshogeg and the kohen gadol.

We find in other areas of halacha that the Beit Hamikdash embodies the antithesis of disregard for human life. For example, the Torah prohibits using stones touched by iron for the mizbeach because iron, which is used to form weapons, is responsible for loss of human life. If even an unintentional murder takes place it indicates that the Beit Hamikdash is not fulfilling its role. The kohen gadol, the guardian of the Beit Hamikdash is also at fault to a certain degree, and he too shares in the punishment of rotzeach beshogeg.

It is this role of the Beit Hamikdash - the preserving of human life  $\phi$  that may account for the laxity of attitude towards human life that existed on the east side of the Yarden, in that the Beit Hamikdash was on the far side of the river. The 2.5 shevatim that lived on the east side always felt a lack of closeness to the Beit Hamikdash because of the geographical separation that existed. In Sefer Yehoshua, residents of the east side of the Yarden constructed a mizbeach to remind their children of the mishkan and later the Beit Hamikdash that would built on the western side. This sense of distance led to deterioration in the value of human life, and carelessness that ultimately resulted in a higher rate of unintentional murder.

Furthermore, the Beit Hamikdash teaches us about the sanctity of life. The Ramban understands the aspect of korbanot as kaparah being the greatest affirmation of life. Based on strict justice, a person who sins should die. Hashem gives us a second chance at life upon entering the

Beit Hamikdash. For this reason the kohen must be synonymous with life and distance himself from all contact with death. One who understands the inner message of the Beit Hamikdash has a greater appreciation of life, and learns to value it and treat it with greater care.

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From: Shlomo Katz[SMTP:skatz@torah.org] Subject: HaMaayan / The Torah Spring - Parashat Vaetchanan  
Hamaayan / The Torah Spring Edited by Shlomo Katz  
Va'etchanan: Humble, Yet Proud  
Today's Learning: Kiddushin 1:6-7 Orach Chaim 490:5-7 Daf Yomi (Bavli): Bava Kamma 8

This Shabbat is commonly known as "Shabbat Nachamu" after the opening word of the haftarah: "Nachamu, nachamu ami / Comfort, comfort My people - says your G-d. Speak to the heart of Yerushalayim and proclaim to her that her time [of exile] has been fulfilled, that her iniquity has been conciliated, for she has received from the hand of Hashem double for all her sins." (Yishayah 40:1-2)

Chazal note a parallel between the beginning and end of this passage, and they comment: "She sinned doubly, she was punished doubly, and she will be comforted doubly." What does this mean? R' Shmuel M. Fine z"l (rabbi in Lithuania, Moscow and Detroit, Michigan; died 1938) offers the following explanation:

The Torah makes seemingly conflicting demands on us. On the one hand, the Torah teaches us to be humble, merciful and low - key. On the other hand, one must serve Hashem with pride, one must feel uplifted, and one must recognize his own spiritual stature. [Ed. note: See Divrei Hayamim II 17:6.] How can these demands be reconciled?

The answer is that when we deal with our fellow Jew, for example, when we give charity or perform acts of chessed, the proper attitude is humility. One should not make the pauper feel like the recipient of a favor; indeed, the Sages teach: "More than the benefactor does for the pauper, the pauper does for his benefactor." [The pauper receives a material benefit which will soon be gone, while the benefactor receives an eternal spiritual reward.] On the other hand, when one is threatened from the outside, one must stand his ground and stand up with pride for his Judaism.

The gemara states that the second Bet Hamikdash was destroyed because of sinat chinam / baseless hatred. Clearly, then, Jews were not relating to each other with humility and mercy. Likewise, the Jews did not stand up to the Roman intruders; worse, many Jews willingly assimilated into Roman culture. Thus they sinned doubly - they related improperly both to their fellow Jews and to those who attacked their way of life. Likewise, we have been punished doubly - we lost control of Eretz Yisrael and we have been abused at the hands of our hosts in exile. May we soon be comforted doubly! (Eitan Shmuel p. 110)

"Honor your father and your mother . . ." (5:16)

R' Eliyahu Capsali z"l (16th century rabbi in Candia, Crete) writes: R' Yehuda Hachassid z"l (Germany; author of Sefer Hachassidim; died 1217) quotes an otherwise unknown midrash, as follows:

When G-d said, "Honor your father and your mother," the guardian angels of each and every nation stood up and said (Shmot 15:18), "Hashem will reign for all eternity."

Therefore, continues R' Yehuda Hachasid, one should take great care not to transgress the will of his parents. Merely for walking alone at night in a place where his parents will worry that he could be killed, one will not escape the judgment of Gehinnom, unless, of course, he repents and honors his parents doubly over how he honored them before.

R' Capsali adds: I do not know the source of the midrash which R' Yehuda Hachassid quotes, so I cannot be certain of its meaning. However, it appears to refer to the fact that honoring one's parents is a

logical mitzvah. Accordingly, when Hashem gave the Torah, this mitzvah alone was accepted by all of the nations. Each angel accepted this mitzvah on behalf of the nation that he represented.

Alternatively, writes R' Capsali, the angels' exclamation reflects the fact that one who honors his parents is likely to honor Hashem as well. Therefore, when the angels heard Hashem command that parents be honored, they said, "If people honor their parents, Hashem will reign for all eternity." (Meah Shearim, Ch. 51)

"You said, 'Behold! Hashem, our G-d, has shown us His glory and His greatness, and we have heard His voice from the midst of the fire; this day we saw that Hashem will speak to a person and he can live.

But now, why should we die when this great fire consumes us? If we continue to hear the voice of Hashem any longer, we will die.'" (5:21-22)

R' Aharon Berechiah z"l (Modena, Italy; died 1639) explains these verses as follows: The Sages teach that if people had no physical desires, all human reproduction and all creative endeavors would cease. But that is not Hashem's Will! "He did not create [the world] for emptiness; He fashioned it to be inhabited" (Yishayah 45:18).

Therefore, said Bnei Yisrael, if Hashem continues to speak to us directly, we will become as lofty as the angels; our physical desires will be eradicated. It is not Hashem's Will that we "die" and become like the angels, yet how can man continue to hear the voice of Hashem and remain unaffected?

R' Aharon Berechiah writes further: Hashem's intention, too, was only to speak directly to Bnei Yisrael on that one occasion, at the giving of the Torah, in order to show them the level that a person is capable of attaining. Then, when they returned to the level of normal men, a trace of their previous level would remain with them. The purpose of this, in turn, was to test them, to see whether the memory of the level that they had once attained and were capable of attaining would save them from sin.

Chazal (Niddah 30b) say that a fetus in the womb studies Torah with an angel. Then, before the child is born, the angel slaps him across the cheek and he forgets everything he had learned. If so, what was the purpose of learning? Here, too, it is because the distant memory of the Torah that one learned helps him to stay on a proper path and to regain what was lost. (Derashot Ma'avar Yabok, p. 117)

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From: office@etzion.org.il To: yhe-parsha@vbm-torah.org Subject: PARSHA61 - 40: Parshat Vaetchanan  
Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash (Vbm) Parshat Hashavua

This parasha series is dedicated in memory of Michael Jotkowitz z"l.  
THE ORAL LAW AND THE TWO VERSIONS OF TEN COMMANDMENTS  
By RAV YITZCHAK BLAU

The discrepancies between the Asseret Ha-dibberot (Ten Commandments) as presented in parshat Yitro and in parshat Va-etchanan raise two related questions: A) What message did God give Moshe on that momentous day at Sinai, a few months after the exodus from Egypt? Did He teach the first version, the second version, or some type of combination? B) Which version actually was inscribed on the tablets?

Chazal's famous statement that "Zachor and Shamor were spoken together" (referring to the different formulations of the fourth commandment) addresses the first question but not the second. Relating to both questions may enable us to

gain insight into the entire episode. Before proceeding, let us review the most salient differences between the two accounts: 1) In the earlier version, we are commanded to "Remember the Shabbat," while in the later version we are commanded to "Guard the Shabbat." 2) In the first dibrot, the rationale for Shabbat is to remember the Divine creation; in the second, to commemorate the exodus from Egypt. 3) In the second account, the mitzvot of Shabbat and honoring parents include the phrase, "as the Lord your God has commanded you," which is absent from the first account. 4) The designation of a person who offers improper testimony changes from "eid sheker" to "eid shav." 5) The prohibition against coveting a friend's possessions employs the phrase "lo tachmod" twice in Yitro but shifts once to "lo titaveh" in Va-etchanan. 6) In the earlier version, not coveting your fellow's house comes first, while in the latter version, not coveting your fellow's wife appears first. There are some other, more minor discrepancies, but this list should suffice for our purpose.

I believe that of all the differences, it is the third that holds the key to correct interpretation of the entire episode. The phrase "ka'asher tzivkha Hashem Elokekha" ("as the Lord your God has commanded you") implies that God is teaching mitzvot that were taught previously. If one assumes that the account in Va-etchanan represents the very message given on Sinai, then the mitzvot of Shabbat and honoring parents must have been commanded before that point in time. On the other hand, the phrase may reveal that the version from Va-etchanan reflects an event occurring later than the first teaching of the dibberot. Indeed, Rashi and Ibn Ezra disagree about this very point.

Rashi (Devarim 5:15) explains that both Shabbat and honoring parents were taught at Mara before the revelation at Sinai. The Torah there refers to God establishing "chok u-mishpat" (statute and ordinance, Shemot 15:25), which can plausibly be understood to include the mitzvot of Shabbat and honoring parents. If so, Rashi clearly understands that the account of the dibberot in Devarim refers to the initial event and not something that occurred later. This follows Chazal's tradition that Zachor and Shamor were said together. This explanation still leaves open the question of what was written on the tablets; we shall return to this question.

Ibn Ezra (Shemot 20:1) understands that the version in Yitro is the exclusive message given on Har Sinai. The account in Va-etchanan is Moshe's explanation and interpretation of the dibberot, which takes place some forty years later. The fact that the phrase "as the Lord your God has commanded you" appears only in Va-etchanan supports Ibn Ezra's explanation. According to Rashi's view that both versions occurred simultaneously, there seems to be no logical reason why that phrase should appear in the second version and not the first.

According to Ibn Ezra, Moshe was not freely innovating new material, but rather teasing out the implications of the Divine message. As an example of this phenomenon, he cites the episode of Yitzchak blessing Yaakov. Yitzchak tells Eisav that he would like to bless his elder son before he dies. When Rivka repeats this to Yaakov, she adds the phrase, "before God." Ibn Ezra explains that Rivka understood that Yitzchak was a prophet and that the blessings would be performed under prophetic inspiration. If so, "before God" was truly implicit in Yitzchak's initial statement. Similarly, with regard to the dibberot, Moshe's additions uncover the implicit message of an earlier Divine command.

Zachor (remember) implies that there is another component to the mitzva of Shabbat, because one remembers in order to do something. Thus, Moshe was able to explain that guarding was included in the original mandate of remembering. The change in the rationale for Shabbat can be explained in a similar fashion. God had taught that even slaves must rest on Shabbat. Since God had not offered an explanation for this law, Moshe explained that slaves rest because one aspect of Shabbat is remembering our freedom from the slavery in Egypt. In both of these examples, the first version of the dibberot left some aspects unclear, and Moshe clarified the matter when he retold the dibberot with added clarifications.

Ibn Ezra has an interesting explanation for the change in order of the items we are not to covet. God wanted to teach us the proper sequence in life: a man should acquire a house before he gets married. Moshe, however, focused on a youth's growing temptation to covet. Therefore, he placed the wife first, because young men are jealous of another's wife before they are jealous of another's house. In this last example, Moshe was not working out the implications of the earlier Divine message. Rather, he was making a different educational point.

Thus far, we have seen two basic approaches. Ibn Ezra holds that the message given to Moshe at Sinai and written on the tablets was the version in Yitro. The account in Va-etchanan is Moshe's later version, which adds his

interpretations and elaborations. In contrast, Rashi views both versions as stemming from the same historical event. We shall now explore Rashi's position in greater depth. According to his view, what was written on the tablets?

Ibn Ezra cites Rav Saadia Gaon's opinion that each tablet contained one version of the dibberot. We usually assume that five dibberot appeared on each tablet, but Rav Saadia maintains that the version in Yitro appeared on one tablet and the version in Va-etchanan appeared on the other. His view removes all distinctions between the status of the two versions. Both versions were spoken and written at the same point in Jewish history.

Ramban suggests a different possibility. Although the commandments as spoken may have contained both accounts, the written tablets incorporated only the version in Yitro, and Moshe explained to the people that an oral tradition (the version in Va-etchanan) accompanied the written message. If so, the two versions do in fact differ in status: the first is written Torah, while the latter constitutes a kind of oral Torah. Of course, the latter oral tradition became written Torah when it was incorporated into sefer Devarim. Yet its initial status was oral Torah in relation to the written word on the tablets.

Employing a different model, R. Yaakov Kaminetsky (Emet Le-Yaakov, Va-etchanan) views the relationship between the two versions as "keri u-ktiv:" one version presents what was written in the tablets, and the other presents the way it was pronounced. Although he makes a suggestion as to which was written and which pronounced, R. Yaakov does not think that one can conclusively determine this issue. His position lies somewhere between that of Rav Saadia and that of Ramban. He differs from Ramban in opining that both accounts are in some way part of the written text, and he differs from Rav Saadia in maintaining that only one version actually appeared on the tablets.

The Netziv (Devarim 5:19) offers one last explanation. He agrees with Ramban that Moshe heard both versions and that only the Yitro version appeared on the tablets when first given. However, he argues that the after Moshe broke the first tablets, the second set of tablets contained the version appearing in Va-etchanan. He proves his thesis from a gemara in Bava Kama (55a). The gemara explains that the word "tov" appears in the dibberot in Va-etchanan and not in the dibberot in Yitro because the first tablets were destined to break. This gemara clearly identifies the account in Va-etchanan with the second set of tablets.

We have now seen a number of approaches to our initial questions. According to Rav Saadia, both versions appeared on the tablets. According to R. Yaakov Kaminetsky, one version was written and the other was how the words were read. Ramban thinks that the account in sefer Devarim was an oral tradition that went along with the written words in parashat Yitro. The Netziv thinks that this oral account was written on the second set of tablets. Finally, Ibn Ezra holds that the later account was not even taught orally, but rather represented Moshe's understanding of the original message.

A common theme emerges from the approaches of Ramban, Netziv and Ibn Ezra: Torah she-be'al peh, the Oral Law. Although one can subdivide the Oral Law in many ways, we can say in general that the Oral Law includes two broad categories. First, the Written Torah was given together with a distinct and specific body of additional Torah. Secondly, the Oral Law includes principles which enable human beings to explain, expand, elaborate and elucidate the Written Law. With regard to the first category, the Sages transmit what they learned. With regard to the second category, the Sages employ traditional methodology to create new material.

Ramban and Ibn Ezra divide neatly into these two categories. According to Ramban, the written tablets were accompanied by oral additions, and it is these additions that appear in Va-etchanan. Ibn Ezra utilizes the other kind of Torah she-be'al peh, as he sees the later dibberot as Moshe's interpretation of the written tablets. Thus, both commentaries agree that the first giving of the tablets already initiated the process of the Oral Law.

Netziv's interpretation fits in with this theme, since he views the second tablets as symbolizing the human component in Torah (see his commentary to Shemot 34:1). This is highlighted by the fact that God makes the former set of tablets, while Moshe personally carves out the latter. If so, the choice to write the original oral message on the second tablets is perfect: one of the original components of oral law is inscribed on the tablets that represent the oral law.

Finally, the placement of the second version in sefer Devarim also coheres beautifully. Indeed, all of Devarim is Moshe's explanations and elaborations of earlier parts of Torah. To be sure, it was God who decided to incorporate this material into the Torah. Yet it remains true that Devarim includes a greater human element than the other sections of Chumash. Rav Tzadok ha-Kohen of Lublin (Pri Tzaddik, Bereishit, page 41) refers to Devarim as the "shoresh" (root) of Torah she-be'al peh. It emerges that the second version of

the dibberot is placed exactly where it belongs: in the section of Chumash which most reflects the human component of the oral law.

The above highlights the centrality of the Oral Law in Judaism. Even before God had finished teaching the Torah, the Oral Law was a necessary part of the Halakha. The Asseret Ha-dibberot came with their own oral tradition, and also generated the human search for comprehension and understanding.

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From: RABBI YISROEL CINER ciner@torah.org To: parsha-insights@torah.org

Parsha-Insights--Parshas V'eschanan

This Shabbos, upon which we read Parshas V'eschanan, is the Shabbos after Tisha B'Av - Shabbos Nachamu. Coming after the mourning of the Temple's destruction, we read (in the Haftarah) the comforting words of the Prophet Yishayahu:  $\perp$ =Nachamu, nachamu, {Be comforted, be comforted,} my nation, = says your Elokim {G-d}. [40:1]

After having completed the three-week mourning period, culminating with last Shabbos's reading of Parshas Chazone and then Tisha B'Av itself, we now switch gears into the geulah {redemption} mode with the reading of Nachamu.

Readings are easy to change - feelings are much, much harder. The length of the exile has caused Moshiach {Messiah} to seem almost surrealistic.

This feeling of somewhat despair actually expresses itself in a tangible, halachic {Jewish Law} way. The kohanim {priests} that served in the Beis HaMikdash {Temple} were divided into twenty-four mishmaros {shifts}, each serving for one week in this twenty-four week rotation. Each shift was then subdivided with each Beis Av {family} serving one day of the week. Since a kohen who had partaken of intoxicating beverages could not perform the service, kohanim were forbidden to drink wine during their shifts.

The Talmud [Taanis 17A] shows how these laws apply to our present times.

The Chachamim {Sages} taught: a Kohen who knows that his forefathers were of those kohanim who served in the Temple, but doesn't know which week or day they served, will be forbidden to drink wine during the entire year. The reasoning being that the Temple will be speedily rebuilt and it might be his week to perform the service! He must be ready at all times and therefore cannot drink wine the entire year.

Rabi Yehuda HaNasi disagrees both in reasoning and in halachic outcome. Who is to say that the rotation will be the same once the Temple is rebuilt? Furthermore, when it will be rebuilt, perhaps all the kohanim will be needed for the re-consecration of the Temple? Therefore, all kohanim, regardless of their history of serving in the Temple should be forbidden to drink wine the entire year.

But, Rabi Yehuda HaNasi explains, the very fact that it has lied in ruins for so many years will allow the kohanim to drink wine in the present times - we do not halachically take into account the possibility of the Temple being suddenly rebuilt.

According to who, the Gemara concludes, do kohanim drink wine in the present times? According to the opinion of Rabi Yehuda HaNasi.

If that was the prevalent feeling during the time of Rabi Yehuda HaNasi, how are we, about two thousand years later, supposed to keep our hopes up? How can we optimistically feel that this will be the year of wonders and miracles, the likes of which haven't been seen since the churban {destruction}?

The Darchei Mussar brings from Rav Moshe Rosenstein, zt"l, the

Mashgiach of the Lomze Yeshiva, the following explanation:

If a person is waiting for a package to arrive and it doesn't, then with each passing day his confidence that it will come keeps diminishing. It was supposed to have been here a week ago! If it didn't come when it was supposed to, then chances are it won't come now that we're moving past that point.

However, in a different type of situation, our feelings would be the opposite. Let's say a person has a penny collection - over the years he has accumulated tens of thousands of pennies. He has meticulously kept records of which pennies he has from each year with each different type of design that was issued. He carefully follows the news to hear which ones are in demand and are worth the most. One day he hears the most incredible thing. Another collector is willing to pay hundreds of thousands of dollars for a certain type of penny and he knows he has that exact type. He is exuberant but has quite a job ahead of him. He must now go through his entire collection to find that one, single penny. He rolls up his sleeves and starts to go through them, one at a time.

His attitude is very different. He doesn't look at the pile that he's gone through already and think that he'll never find it. He knows that it's there! Rather, he looks at the diminishing pile of what still hasn't been checked with his confidence growing every minute, thinking I'm almost there, I'm almost there.

We have been waiting for Moshiach for thousands of years. We hoped he would come each day, but when that day passed it became painfully clear that that was not the day that Hashem had pinpointed, back at the time of creation, to be the day of the ultimate redemption. We're not moving further from the day, we keep getting closer. The pile of remaining days keeps diminishing.

We are now nearing the end of year 5761 and he must come well before the year six thousand. We ourselves have witnessed the chaotic speeding up of history that precedes Moshiach. The last minute, frenzied details are being completed to set the final stage for the purpose of humanity to be realized.

As we hear the words *uNachamu, nachamu* we must hear and feel in our hearts his ever-approaching footsteps.

Good Shabbos, Yisroel Ciner

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Shabbat-B'Shabbato - Parshat Va'etchanan  
"MAZAL TOV" FOR BREAKING A GLASS AT A WEDDING  
by Rabbi Michael Dushinsky, Petach Tikvah

Breaking a glass under the "chuppa" at a wedding is an old and accepted custom. The Ashkenazi custom is to do this right after the "kidushin," when the groom has given the ring and declared, "You are hereby dedicated to me." The Sephardi custom is to break the glass after the Sheva Berachot, at the end of the ceremony. In recent years, many Ashkenazi people have also transferred the breaking of the glass to the end of the ceremony, adding the words from Tehillim, "If I forget you, Jerusalem" [137:5]. This is sung with closed eyes, with devotion, and in a slow, sad tune, as is proper for remembering Jerusalem even at a time of great joy.

Another recent occurrence has been an attempt to silence the cries of "mazal tov" that spontaneously burst forth when the glass is broken, since the shattering of the glass reminds us of the destruction of the Temple. It does not seem proper to mingle signs of mourning and joy together. It almost seems as if the crowd shouts "mazal tov" in memory of the destruction of Jerusalem!

However, it has not been easy to stamp out the custom of declaring "mazal tov," which seems to be ingrained in the people. In addition, in many if not all of the different sectors of Bnei Yisrael, it is common practice to declare "mazal tov"

whenever a glass or a plate breaks, even if it happens at home and not at a wedding. There is a well known principle, "Go and see what the people say" [Berachot 45a]. Shattered glass is perceived by the common people as a sign of an approaching blessing for the family, a good omen. Is this custom of greeting shattered glass with a cry of "mazal tov" a proper one or not?

I checked and have found that the word "kos," cup, is mentioned 31 times in the Tanach, and only 4 of these involve a "favorable" cup. These are "a cup of salvation" [Tehillim 116:13], "my cup overflows" [23:5], "a cup of consolation" [Yirmiyahu 16:7], and "my portion and my cup" [Tehillim 16:5]. There are also 9 "neutral" references, such as "Pharaoh's cup was in my hand" [Bereishit 40:11], "one who sets his eye on the cup will go on a straight path" [Mishlei 23:31], and "it would eat from his bread and drink from his cup" [II Shmuel 12:3]. The remaining 18 references to a cup are related to evil, mostly the destruction of the Temple. Examples are "the cup of anger" [Yeshayahu 51:17], "the cup of my anger" [51:22], "a cup of bewilderment and desolation" [Yechezkel 23:33], and "the portion in their cup will be a raging wind" [Tehillim 11:6]. There are far too many cups of torment, and they are filled to overflowing.

In spite of the above, it may well be that the glass broken at a wedding is not in memory of the destruction of the Temple, as this is commemorated by marking the forehead of the groom with ashes. Perhaps instead of this the shattering of the glass can be viewed as breaking the "cup of fury and anger." The act of building a new family in Bnei Yisrael holds a promise of continuing the nation and rebuilding a stone in the destroyed wall of Jerusalem, and this is certainly a way to shatter the "cup of disaster." It is a symbol of blessing and not destruction.

Thus, the custom of shouting "mazal tov" as the glass is shattered may be justified and should not necessarily be stopped.

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From: RABBI YITZ ETSHALOM [rebyitz@torah.org](mailto:rebyitz@torah.org)

To: P'shuto Shel Mikra

Subject: Mikra - The Celebration of "Tu b'Av" Parashat Va'Et'hanan  
"THERE NEVER WERE GREATER DAYS OF JOY IN ISRAEL..." THE  
CELEBRATION OF AV 15

By Yitzchak Etshalom

I THE CELEBRATION OF "TU B'AV"

The Mishnah in Ta'anit (4:8) records: R. Shim'on ben Gamliel said: There never were greater days of joy in Yisra'el than the fifteenth of Av and Yom haKippurim. On these days the maidens of Yerushalayim used to go out in white garments which they borrowed in order not to put to shame any one who had none...The maidens of Yerushalayim came out and circle-danced in the vineyards...likewise it says: "Go forth, daughters of Tziyyon, and gaze upon King Sh'lomo, even upon the crown with which his mother crowned him on the day of his wedding and on the day of the gladness of his heart." "The day of his wedding", this refers to the day of the giving of the Law. "And on the day of the gladness of his heart", this refers to the building of the Beit haMikdash, may it be built speedily in our days.

The opening statement here is truly astounding; comparing the obscure festival of the fifteenth of Av with the "singular day of the year" - Yom haKippurim - challenges our perception and understanding of the significance of the calendar. In analyzing this statement, the Gemara (ibid. 30b-31a, see also BT Bava Batra 121a-b and JT Ta'anit 4:7) raises the following question:

I can understand the Yom haKippurim, because it is a day of forgiveness and pardon and on it the second Tables of the Law were given, but what happened on the fifteenth of Av?

The Gemara provides six reasons for the celebration of Hamishah Asar b'Av (15 Av), five of which are commemorative and the sixth seasonal: (The same list appears, albeit with minor variations, in BT Bava Batra; the presentation used in this essay is from BT Ta'anit. The Yerushalmi's presentation overlaps this one but is significantly different - an analysis of these differences is beyond the scope of this shiur. The full text of each of the explanations appears below).

- 1) The tribes were allowed to inter-marry.
- 2) The tribe of Binyamin was allowed to rejoin the nation
- 3) The generation of the desert ceased dying
- 4) The border guards, preventing people from the north to come to Yerushalayim, were removed
- 5) The dead of Beitar were allowed to be buried
- 6) The end of the season of cutting wood for the altar

## II ANALYZING THE LIST

There are several incongruities in this explanation. First of all, if this holiday is on a par with Yom haKippurim regarding its festive nature, why are its origins so murky? The presentation of six independent explanations indicates a lack of confidence about any of them. Wouldn't the Hakhmei haMesorah (masters of the tradition) have a firmer grasp on the genesis of this gala day?

Secondly, none of these explanations seems very convincing - why would, for instance, the cessation of dying in the desert be cause for a celebration the likes of which can only be sensed on Yom haKippurim? What is the great rejoicing associated with the end of the season of cutting wood that gives this day such a lofty place in our calendar?

Finally, if the fifteenth of Menachem Av was such a storied celebration, why does it go by nearly unnoticed by us? The omission of Tachanun isn't even a faint shadow of the day of which it can be said "There never were greater days of joy in Yisra'el".

In order to respond to these questions, we'll need to take a closer look at the six explanations presented in the Bavli, attempt to identify common features between them and reassess our understanding of this holiday.

## III THE LIST - EXPLICATED

### A: THE TRIBES MAY INTERMARRY

Background: In Bamidbar 27, as Mosheh is presenting the future inheritance of the people, the daughters of Tz'lof'had come before him. They are concerned that since, as per Mosheh's presentation thus far, only sons will inherit land. Since they are five daughters - with no brothers - and their father has already died, they are concerned that their father's name (see our shiurim on Megillat Ruth for an analysis of the connection between land and legacy) will be lost among his tribe. Mosheh brings their "suit" before G-d, Who responds by affirming their claim. Indeed, if a man dies with no sons, his estate goes to his daughter(s). All is fine until, in the final chapter of Bamidbar, the chieftains of Tz'lof'had's tribe (Menasheh) come to Mosheh with a similar complaint, on a more global scale. If Tz'lof'had's daughters inherit his land - which is part of the allotment of Menasheh - and they marry a member of another tribe, that land will eventually revert to that tribe (either through the inheritance of the husband if the wife predeceases him, or via the inheritance of her own children who are considered members of that other tribe. See the discussion at BT Bava Batra 112-113). Mosheh responds by noting that this is what the original command to B'not Tz'lof'had included - along with inheriting their father's land, they were restricted to marrying within their own tribe: This is the thing which the Lord does command concerning the daughters of Tz'lof'had, saying, Let them marry whom they think best; only to the family of the tribe of their father shall they marry...And every daughter, who possesses an inheritance in any tribe of the people of Yisra'el, shall be the wife to one of the family of the tribe of her father, that the people of Yisra'el may enjoy every man the inheritance of his fathers. (36:6,8). From that point on, intermarriage between tribes was somewhat restricted - one could only marry a woman from another tribe if she had at least one brother. The Gemara maintains that the celebration of 15 b'Av is related to the suspension of this restriction, as a result of the conquest of the Land and the completion of settlement:

Rav Yehudah said in the name of Sh'mu'el: It is the day on which permission was granted to the tribes to inter-marry. Whence may this be adduced? Scripture says, This is the thing which Hashem commanded concerning the daughters of Tz'lof'had etc., [meaning] 'this thing' shall hold good for this generation only.

### B: THE TRIBE OF BINYAMIN MAY REJOIN THE NATION

Background: The entire book of Shof'tim (Judges) is a spiraling series of narratives in which the fortunes and ethical/spiritual status of the people continues to degenerate to unprecedented depths. The book concludes with two horrific stories, the final one (Ch. 19-21) of which is known simply as Pilegsh b'Giv'ah (the concubine at Giv'ah). It involves a S'dom-like attack on a visitor to one of the towns of Binyamin, after which the members of Binyamin refuse to hand over the perpetrators for judgment. Civil war is declared and almost all of the Binyaminites are killed - only six hundred men (and no women or children) remain. At the conclusion of the war, we learn that even before the war: The men of Yisra'el had sworn in Mitzpah, saying, None of us shall give his daughter to Binyamin for a wife. Now that the war was over, the people were anxious to find a solution for the Binyaminite remnant of six-hundred that would allow them to rebuild the tribe. First they located four hundred women in Yavesh Gil'ad, whose members had not been present for the oath. Subsequently, they advised the remaining Binyaminites to lay in ambush during the yearly festival at Shiloh:

And they said, Behold, there is a feast of Hashem in Shiloh yearly in a place which is on the north side of Beit-El, on the east side of the highway that ascends from Beit-El to Sh'khem, and on the south of Levonah. Therefore they commanded the sons of Binyamin, saying, Go and lie in wait in the vineyards; And see, and

behold, if the daughters of Shiloh come out to dance in the dances, then come out of the vineyards, and catch every man his wife of the daughters of Shiloh, and go to the land of Binyamin. (21:19-21)

We will yet return to this text, as it may hold the key to understanding the festival of Tu b'Av. Regardless, the two solutions offered so far were only "band-aids" (we can surmise that in future years, the women dancing in Shiloh were "on guard") and the tribe of Binyamin was still in danger of decimation, along with its official disassociation from the rest of the nation. Therefore, the Gemara's second explanation for the festive nature of Tu b'Av is that it commemorates the relaxing of the ban:

R. Yoseph said in the name of R. Nahman: It is the day on which the tribe of Binyamin was permitted to re-enter the congregation [of Yisra'el], as it is said, Now the men of Yisra'el had sworn in Mitzpah, saying: There shall not any of us give his daughter unto Binyamin to wife. From what was their exposition? - Rav said: From the phrase 'any of us' which was interpreted to mean, 'but not from any of our children'.

### C: THE GENERATION OF THE DESERT CEASES DYING

Background: In Bamidbar 13-14, the tragic story of the scouts, sent by Mosheh, is retold. In the aftermath of their cowardly report regarding the upcoming conquest of the Land, the people wept and wailed, as a result of which they were punished with wandering through the desert for the remainder of forty years, during which they would die out. Their children, about whom they had fretted, would inherit the Land, while they would perish in the wasteland. "According to the number of the days in which you spied the land, forty days, each day for a year, shall you bear your iniquities, forty years, and you shall know my displeasure." (Bamidbar 14:34). S'forno, ad loc., following Eikhah Rabbah and JT Ta'anit (see below), notes that the peculiar phrase "a day for a year" indicates that there would be one day each year during which the people would perish. The Midrash (Petich'ta of Eikhah Rabbah par. 33, paralleled in JT Ta'anit 4:7) explains in detail. Since the sin of the scouts (and the sin of the people's reaction) took place on Tish'ah b'Av, that was the day marked for those whose "time had come" to die. Every year on the day before Tish'ah b'Av, Mosheh would announce that everyone should dig a grave, in which each person would sleep that night. Whoever woke the next morning knew that he had another year, at least, to live. Every year, they found 15,000 dead. The final year, everyone woke up. Thinking that they had made an error in calculating the date, they went back into their graves for another night. This continued until they saw a full moon (on the fifteenth), at which time they knew that the decree had been completed. [Rabbenu Tam challenges this explanation - see Tosafot s.v. Yom sheKalu Bo M'tei Midbar, Bava Batra 121a. See another explanation at Tosafot s.v. Yom shebo Kalu M'tei Midbar, Ta'anit 30b. There are Rishonim who, in light of Rabbenu Tam's challenge, explain that the "Shiv'ah" for the final group of deaths on Tish'ah b'Av concluded on the fifteenth.]

One additional feature of this long period of perishing was the cessation of prophecy - which was restored after the decree was complete. Thus, in the third (and most famous) explanation for the rejoicing on Tu b'Av, the Gemara records:

Rabbah b. Bar Hanah said in the name of R. Yohanan: It is the day on which the generation of the wilderness ceased to die out. For a Master said: So long as the generation of the wilderness continued to die out there was no divine communication to Mosheh, as it is said, So it came to pass, when all the men of war were consumed and dead . . . that Hashem spoke unto me. [Only then] came the Divine communication 'unto me'.

### D: THE BORDER GUARDS WERE REMOVED

Background:

After the death of Sh'lomo, the kingdom was split into a northern monarchy, ruled by Yerov'am ben N'vat, and the southern Judea, under the rule of Rehov'am, Sh'lomo's son. Yerov'am was aware that so long as the central worship-site was Yerushalayim, the capital of Judea, his kingdom would not last. As part of his attempt to establish a separate identity, Yerov'am built two sanctuaries - one in the extreme north (Dan), the other near the border with Judea, in Beit-El. (I Melachim 12:25-33). He also established a new festival on the fifteenth of the eighth month, to parallel (but be distinct from) the festival of Sukkot, on the fifteenth of the seventh month.

According to Rabbinic tradition, Yerov'am also established "Prus'da'ot" (border guards) to prevent people from ascending to Yerushalayim, forcing them to worship at Dan or Beit-El. These lasted for nearly two centuries, until they were removed just before the conquest of the northern kingdom by the Assyrians. The Gemara records that the removal of this obstacle took place on the 15th of Av.

Ulla said: It is the day on which Hoshea the son of Elah removed the guards which Yerovoam the son of N'vat had placed on the roads to prevent Yisra'el from going [up to Yerushalayim] on pilgrimage, and he proclaimed, Let them go up to whichever shrine they desire.

## E: THE DEAD OF BEITAR WERE ALLOWED TO BE BURIED

### Background:

During the years 133-136 CE, Shim'on bar Kosba led a rebellion of Jewish freedom fighters against the Roman occupation of Judea. When their forces were finally crushed, the enemy soldiers engaged in a bloodbath the likes of which have rarely (if ever) been seen. Rabbinic tradition maintains that the massacre at Beitar took place at Tish'ah b'Av (M. Ta'anit 4:6). One of the miracles recorded in Rabbinic tradition (see below) within this tragic episode is that although the Romans did not allow the Jews to come in to Beitar to bury the fallen heroes right away, they finally relented (evidently a week later) - and the bodies were found to be in "fresh" condition, no decomposition having set in. This permission took place on Tu b'Av:

R. Mattenah said: It is the day when permission was granted for those killed at Beitar to be buried. R. Mattenah further said: On the day when permission was granted for those killed at Beitar to be buried [the Rabbis] at Yavneh instituted [the recitation of] the benediction, HaTov veHameitiv (Who is kind and deals kindly etc) HaTov: Because their dead bodies did not become putrid; veHameitiv: Because permission was granted for their burial.

## F: THE END OF THE SEASON OF CUTTING WOOD FOR THE ALTAR

### Background:

The Mishnah (Midot 2:5) rules that any wood which has worms in it is unfit for the altar (see also MT Issurei Mizbe'ach 6:2). In order to make sure that the finest, driest wood is brought to the altar, no wood would be cut once the "sun's strength ebbed", i.e. by late summer. The Gemara adds a footnote - that since the days become shorter, everyone must use this opportunity to increase his study of Torah at night. Rabbenu Gershom (commentary to Bava Batra 121) understands the connection a bit differently: Since the people are not engaged in the hewing of wood, they are now more "at leisure" and can devote more time to the study of Torah. Here is the sixth - and only seasonal - explanation for the celebration of Tu b'Av:

Rabbah and R. Yoseph both said: It is the day on which [every year] they discontinued to fell trees for the altar. It has been taught: R. Eliezer the elder says: From the fifteenth of Av onwards the strength of the sun grows less and they no longer felled trees for the altar, because they would not dry [sufficiently]. R. Menashya said: And they called it the Day of the Breaking of the Axe. From this day onwards, he who increases [his knowledge through study] will have his life prolonged, but he who does not increase [his knowledge] will have his life taken away. What is meant by "taken away"? R. Yoseph learnt: Him his mother will bury.

## IV THE TIES THAT BIND

A sensitive reading of these passages leads us to an interesting conclusion: There isn't necessarily a dispute among the Amora'im as to the origins of the holiday. R. Yoseph, for example, is the co-author of the last explanation, while he also reports the second one, relating to the reinclusion of Binyamin. (This is not found in the version in Bava Batra, as the first statement is attributed to R. Yohanan). We need not read this list of six events as six disparate options, rather as a range of approaches - which are mutually harmonious - to explaining an enigmatic festival.

In other words, if we can identify a common theme between the items listed, we will understand the underlying theme of the day and appreciate the different perspectives of that theme suggested here.

The first observation about these events is that none of them is, *prima facie*, cause for celebration. Each is a restoration of the natural or proper order of things. There is nothing extraordinary about the member of the nation being able to marry across tribal divisions (A & B). Certainly, we do not normally expect people to dig their own graves every Tish'ah b'Av - so it is not unusual for everyone to wake up the next morning (C). Having a people divided such that members of one district cannot freely worship in their Sanctuary, which is housed in another area, is unnatural - the removal of the border guards is simply a return to the way things should be (D). Even ruthless tyrants allow their executed prisoners or vanquished enemy soldiers to be buried and returned to native soil. The brutality of the Romans is beyond the pale - allowing the martyred fighters to be properly interred is what should be expected (E). Although the final item - not an event, but a season - does not seem to fit this pattern, the argument could be made for inclusion as follows: The reason that the trees are free of worms until now is due to the searing heat which does not allow for dampness (and the consequent infestation of life) in the wood. A day when the heat loses its intensity such that life may resume is, again, a return to normalcy.

Once we have identified the first common theme among these six events associated with the 15th of Av, we need to relate this theme to the celebration.

Keep in mind that the Mishnah equated the joy of Tu b'Av to that of Yom

haKippurim. What is the source of the festive feeling on Yom haKippurim? It is, undoubtedly, due to the restoration of a perfect, unsullied and untainted relationship between haKadosh Barukh Hu and Am Yisra'el, on the one hand - and between haKadosh Barukh Hu and each individual Ben or Bat Yisra'el on the other.

Just as Yom haKippurim celebrates a return to "the way things ought to be" between Man and G-d, Tu b'Av is a commemoration of restoration of the way things ought to be among the members of Am Yisra'el.

This explains why the Mishnah ends by equating the celebration of the giving of the Torah - which is part and parcel of the joy of Yom haKippurim (see our Gemara) and the building of the Beit haMikdash, which is the unifying point around which Am Yisra'el rallies (see below).

This also explains some of the details of the celebration, as reported in the Mishnah: The Mahol - circle-dance - which not only includes all but keeps everyone in the circle facing each other and the borrowed clothes, designed to avoid embarrassing the poor.

This notion is presented from six different perspectives, as follows:

a) Although each tribe (and each family) has its own identity, its own flag and its own camp (see Bamidbar 2), the goal of the events which brought us to Eretz Yisra'el (the Exodus, the Stand at Sinai and the travails of the desert) was to unify us as one holy nation. The most intense expression of this unity is in the ability to weave lives together via marriage, which enhances and expands the fabric of each family and, ultimately, of the nation. In order to preserve tribal identity, it was necessary to restrict this intermarriage in some cases until the people were settled in the Land - but as soon as that restriction could be lifted and the potential for national unity restored, it was. b) Following that thinking, sometimes it becomes necessary to distance a member of the nation - or even an entire family or tribe - due to the harmful influences they exert on the national enterprise of holiness. This is, again, a necessary - and temporary - evil which disrupts the national ideal. Once it has been determined that the family - or, in this case, the tribe - can be reinstated within the national body politic, that step is taken. Just as the generation of Binayminites that refused to hand over the villains of Giv'ah demonstrated a defiance towards the national interest and (those that remained) were thus distanced by the other tribes, once a new generation was born, the restriction was relaxed and the tribe was reintegrated. c) The relationship between the people and their Land had been ruptured by the reaction on the part of the generation of the Exodus to the report of the scouts. Once the new generation, born (or raised) outside of Egypt took their place, that relationship could be restored. Once the annual plague on Tish'ah b'Av ceased, the new generation understood that they would soon be entering the Land. d) The Beit haMikdash represents the focal point of unity of the people in their national-spiritual endeavors. All hearts, all mouths and all souls aim their loftiest thoughts, prayers and hopes towards that central House (see I Melakhim 8). When the kingdom was ripped into two, that tear was felt not only in political and military terms, but also in the loss of a united focus. As soon as a king (much too late in the game, unfortunately), allowed the possibility for everyone to ascend to that one cherished mountain, this unity was, at least in potential, restored. e) The heroes of Beitar represented much more than freedom fighters. They were the last hope of a crushed population, looking to restore the former glory and to rebuild the monarchy and Mikdash. When they were massacred, it was a cruel quashing of national hope. Yet, there was one last act which the people could do to preserve the dignity of the nation - to bury its heroes. Part of the tragedy of Tish'ah b'Av was the imposition of a Roman restriction against this final act of kindness and honor. When they were finally allowed to be brought to rest, they were restored to their people. Even restoration in death is a form of unity and return. f) As the Gemara comments in regards the "breaking of the axe", from this point on, the measure of one's Torah study is the measure of his life. As opposed to the interpersonal focus expressed in the first five items, this one is intrapersonal - each member of Am Yisra'el returns to the appropriate balance in life - the heat (or work, as per R. Gershom) distract less and allow for more study, which is the source of our life.

## V POSTSCRIPTS

One of the implications of this Mishnah is that the happiest day of the year is not a commemoration of extraordinary miracles or of a supernatural event; rather, our greatest celebration is a return to the proper relationship between the tribes, the people and their Land and the individual and his own spiritual growth.

There are those who suggest that the festival of Tu b'Av was an ancient holiday whose origins may be found in the harvest dance in Shiloh mentioned in the Pilegsh b'Giv'ah episode. In Otzar haGe'onim (Volume 5, page 50), the similarities between the description of this dance in Shoftim 21:19 and that noted in the Mishnah lead to the following comment: All of this was a commemoration to the story of Giv'at Binyamin with that ordinance that they made for Yisra'el with

marriage.

We may, indeed, find an allusion to the six events mentioned in the detailed description of this festival:

And they said, Behold, there is a feast of Hashem in Shiloh yearly in a place which is on the north side of Beit-El, on the east side of the highway that ascends from Beit-El to Sh'khem, and on the south of Levonah

The mention of Shiloh here points to the unity of the nation (see Yehoshua 17:1) - as expressed in the ability of all tribes to marry together.

The context is, of course, that of the inclusion of Binyamin.

The mention of miYamim Yamimah ("yearly") alludes to the phrase Yom laShanah, Yom laShanah as part of the decree against the generation of the desert.

The inclusion of Beit-El in the directions to the festival hint at the southern Temple of Yerov'am, placed at Beit-El.

What is our association with Sh'khem? It is, as Haza'l say, a bloody city. Our first encounter with Sh'khem was the rape of Dinah, followed by the massacre of the city led by Shim'on and Levi. Yoseph was sold near Sh'khem - and the interested reader is directed to Shof'tim Chapter 9 for further episodes in the bloody history of that city. The bloodbath in Beitar could be hinted to by the mention of Sh'khem.

Note that the direction given here for east is not "Mizrach" or "Kedmah", but the fuller "Mizrach haShemesh" - literally "shining of the sun" - an allusion to the ebbing of the sun's heat on Tu b'Av.

The interested reader is also directed to the Keren Orah's comments at the end of Massechet Ta'anit.

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From: Jeffrey Gross[SMTP:jgross@torah.org] Reply To: neustadt@torah.org;jgross@torah.org;genesis@torah.org Sent: Wednesday, August 01, 2001 10:59 AM To: weekly-halacha@torah.org Subject: Weekly Halacha - Parshas Vaeschanan

Weekly-halacha for 5761 Selected Halachos Relating to Parshas Vaeschanan BY RABBI DONIEL NEUSTADT Rav of Young Israel of Cleveland Heights A discussion of Halachic topics. For final rulings, consult your Rav.

SHELLED EGG, PEELED ONION, or PEELED GARLIC CLOVE LEFT OVERNIGHT

Several Biblical injunctions are derived from the warning in this week's parashah to "beware for your souls", including the Biblical prohibition of placing oneself in any type of life-threatening situation(1), e.g., walking dangerously near the edge of a roof, exposing oneself to a disease, etc. In addition to such obviously dangerous acts, our Sages warned against other dangers which are not understood today, such as the well-known injunction against eating meat and fish together. Although we cannot define the resultant danger in terms of medical science, we accept and adhere faithfully to our Sages' warning that eating fish and meat together is a danger(2).

Another practice involving food which our Sages considered dangerous is eating a shelled egg, peeled onion, or peeled garlic clove(3) that was left overnight. Although this practice is less widespread than the universally accepted restriction against eating meat and fish together, the Talmud(4) maintains that a ruach ra'ah, literally a bad spirit or a "spirit of impurity", rests upon these three foods when peeled and left overnight, similar to the "spirit of impurity" that rests on one's hands during nighttime sleep. One who eats these foods after they were left overnight, states the Talmud, endangers his life. Moreover, he will be judged by the Heavenly Court as a person who took his own life(5). In view of the severity of both the offense and the punishment, it is difficult to understand why certain communities do not comply with this restriction. How can they ignore such frightening consequences?

There is a basic difference, however, between the two prohibitions mentioned above. The prohibition against eating meat and fish together is quoted by the Shulchan Aruch as practical Halachah(6). All Jews ??without exception?? are obligated to follow the rulings of the Shulchan Aruch, whether scientifically understood or not. The prohibition against eating the three peeled foods, however, is omitted by many of the Rishonim(7) and the Shulchan Aruch, probably because they held that the particular "spirit of impurity" in question was no longer prevalent in their times(8). Thus, in many communities this practice is not followed, and,

indeed, many people have never heard of it.

But in many other communities, the practice is in force, to one degree or another. While omitted by the Shulchan Aruch, the warning against eating these three peeled foods is cited by some Rishonim(9), and recorded as practical Halachah by several of the later authorities, among them the Pri Chadash, Shulchan Aruch Harav(10), Aruch ha-Shulchan(11) and Ben Ish Chai. The following discussion, therefore, applies only to those whose custom is to observe this practice, or to those who would like to adopt it.

**MUST EVERYONE OBSERVE THIS PROHIBITION**

Whoever comes from a family that adheres strictly to this custom, should definitely continue to do so, since it has a Talmudic source and is surely not less valid than any other well-founded custom.

The poskim differ as to whether or not one who never followed this practice is required to adopt it. Some rule that the practice is mandatory(12), others recommend adopting it(13), while others do not require following it at all(14).

The prohibition applies even when the peeled food items were wrapped, sealed, and stored in a closed pot or container, or were placed in a refrigerator(15).

**THE PROHIBITION APPLIES ONLY WHEN...**

The entire egg, onion, or garlic clove was peeled. If even a minuscule part of it was left unpeeled, or even if the root hairs on top of the onion or garlic remain, the food is not considered to be "peeled" and the prohibition does not apply(16); The egg, onion, or garlic was kept separate from any other food. If, however, it was mixed together with other ingredients, e.g., with vegetables, tuna fish, or mayonnaise, it is permitted(17). The egg, onion, or garlic clove was peeled with the intent of using it immediately and it was then left overnight, or if it was peeled in order to be used the next day. If, however, it was shelled or peeled with the express intent of being frozen and used at a later date (as many large companies or bakeries do), it is permitted(18). Dried egg powder does not fall into the category of "shelled eggs" and is permitted(19). The egg, onion, or garlic clove is uncooked. When it is cooked, roasted, or fried, several poskim hold that it may be left overnight(20). The egg, onion or garlic is left the entire night. If it is left for only part of the night, it is permitted(21).

**B'DIEVED, IF THESE ITEMS WERE SHELLED OR PEELED AND LEFT OVERNIGHT, WHAT CAN BE DONE?** Some poskim hold that b'dieved, one does not have to be stringent and the peeled foods should not be thrown away(22). Most other poskim, however, hold that even b'dieved these items should not be eaten(23). Some poskim hold that cooking or soaking the peeled items in vinegar removes the "spirit of impurity" from them and they may then be eaten(24). Other poskim do not mention this leniency. Washing the peeled foods does not alter their status ??they still may not be eaten(25).

FOOTNOTES: 1 Berachos 32b; Rambam, Hilchos Rotzei'ach, 11:4; C.M. 427:5. 2 Pesachim 76b. 3 Some people are stringent with radishes also, but this stringency has no apparent source. 4 Niddah 17a. 5 Rashi, ibid., as explained by Aruch l'Ner. 6 O.C. 173 and Y.D. 116:2. 7 Such as the Rif, Rambam, and Tur. 8 Explanation offered by Teshuvos Pri ha-Sadeh 3:61-2 and others, based on Yam Shel Shelomo (Chulin, Kal ha-Basar 31) and Tosfos Yoma 77b, who state that ruach ra'ah is no longer prevalent in our midst. 9 See Tosfos Shabbos 141a, Tosfos Beitzah 14a, Rosh Beitzah 1:21, Smak 171, Leket Yosher Y.D. pg. 6, who all record this prohibition as being applicable. See also Mordechai (Shabbos s, ha-Motzi Yayin) who quotes the Maharam of Rottenburg as doubting if this prohibition is presently applicable. 10 Hilchos Shemiras ha-Guf 7. 11 Y.D. 116:22. 12 Teshuvos Beis Shelomo Y.D. 189, quoted in Darkei Teshuvah 116:74; Teshuvos M'harsham 4:148 (see also Da'as Torah O.C. 513:6), Klausenberger Rebbe (quoted in Shemiras ha-Guf v'ha-Nefesh chapter 3) in addition to all the authorities mentioned above who quote this warning as practical Halachah. See also the episode with Harav Y. L. Diskin, quoted in M isgeres Zahav 99:1. 13 Chafetz Chayim (Likutei Halachos, Niddah 17a, Ein Mishpat 7); Igros Moshe Y.D. 3:20; Harav Y.Y. Kanievsky (quoted by Harav C. Kanievsky in Shemiras ha-Guf v'ha-Nefesh 3:1); Yabia Omer Y.D. 2:7. 14 Teshuvos Yad Meir 19, quoted in Darkei Teshuvah 116:74, based on the previously mentioned argument that nowadays, this ruach ra'ah is no longer prevalent. In addition, all the other poskim who do not mention this warning, including later authorities such as the Chochmas Adam, Pischei Teshuvah and Kitzur Shulchan Aruch, must be included in this category. 15 Niddah 17a; Shulchan Aruch Harav, ibid. 16 Niddah 17a (see Yaavetz and Aruch l'Ner); Shulchan Aruch Harav, ibid. 17 Smak 171; Zivchei Tzedek 61, quoted in Kaf ha-Chayim O.C. 504:1 and Y.D. 116:92; Ben Ish Chai (Pinchas 2:14); Chazon Ish (quoted by Harav C. Kanievsky in Shemiras Haguf v'ha-Nefesh 3:5 and in Orchos Rabbeinu 1:209); Yabia Omer Y.D. 2:7; mi-Beis Levi 3:46. [Some mention that even if the item was salted, it is also sufficient (Ta'amei ha-Minhagim, Likutim 16). One may rely on this when a large amount of salt [or sugar] is involved; Minchas Yitzchak 6:75.] 18 Igros Moshe Y.D. 3:20. 19 Darkei Teshuvah 116:74 quoting Degel Efrayim 28; Yabia Omer Y.D. 2:7; Shevet ha-Levi 6:111. According to the previously mentioned Igros Moshe, this would also be permitted. See, however, Har Tzvi Y.D. 74 who does not cite this leniency. Harav S.Y. Elyashiv is quoted (Yashiv Moshe, pg. 159) as permitting onion powder when mixed with other ingredients. 20 Darkei Teshuvah 116:74 quoting Beis Shelomo Y.D. 189; Aderes (Kuntres Over Orach 4); Shevet ha-Levi 3:169. There are others (see Darkei Teshuvah and Minchas Yitzchak 4:108), however, who hold exactly the opposite ??the prohibition applies to cooked items only while raw items may be peeled and left overnight. 21 Klausenberger Rebbe, ibid. is unsure of this

halachah, but he states that it is not customary to be stringent when these items were peeled and left for only part of the night. 22 Chazon Ish (quoted in Orchos Rabbeinu 1:210). Yaskil Avdi 8:14-4 allows these items to be used for a Shabbos meal. See also Sdei Chemed (Lamed 41:31) and Minchas Yitzchak 2:68 and 9:28. 23 Birkei Yosef Y.D. 116:10; Shem Aryeh Y.D. 56; Chelkas Yaakov 4:12; Klausenberger Rebbe, ibid. (who opines that various severe stomach ailments are a result of being negligent about this prohibition) and all the poskim mentioned above who quote this practice and do not differentiate between l'chatchilah and b'dieved. 24 Kaf ha-Chayim 116:93. 25 Artzos ha-Chayim O.C. 4:32; Klausenberger Rebbe, ibid.

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SHABBAT SHALOM: To reach out in love to all

By RABBI SHLOMO RISKIN

(August 2) PARASHAT VA'ETHANAN (Deuteronomy 3:23-7:11)

"Then Moses separated three cities beyond the Jordan toward the sun-rising, so that the manslayer might flee there, the one who slew without premeditation an individual whom he had not hated in time past." (Deuteronomy 4:41-42)

One of the final commandments in the Book of Numbers is the requirement to establish six cities of refuge for those who have murdered in an unpremeditated fashion and are therefore not considered to have committed a capital crime. As long as they do not leave these cities, they are to be protected from the victim's family, the so-called "avengers of blood," goel hadam.

Now in our portion Va'ethanan, we discover that three of the six cities were established on the east bank of the Jordan by Moses himself, as described above.

I'd like to ask several questions: first of all, why does Moses take it upon himself to act on this particular commandment shortly before his death? After all, it can only be fully met once the Israelites inhabit the Promised Land, after Joshua takes over the leadership role.

Secondly, the people for whom these cities provided refuge included a bunch of unsavory characters: unpremeditated murder includes the intent to shoot one individual, with the bullet ending up in the gut of another, or the intent to paralyze the victim with a blow which turns out to be lethal.

Why is Moses so interested in providing protection for such riffraff?

Thirdly, these 48 "Cities of Refuge" (these six plus another 42) were home not only to these characters, but to the nation's priests and Levites - Torah scholars and guardians of the Holy Temple.

We all know how neighborhoods react when drug-rehabilitation centers move in next door: everyone fears that physical proximity will prove dangerous and corrupting, especially for the children of "good" families. The proximity of the Levites and priests to these felons is not something to be taken for granted. Moses, himself a Levite, initiates the process - a symbolic testimony to the importance of such a living arrangement.

How can we understand the situation - especially since we are used to "lily-white" religious neighborhoods and Israeli Torah communities which bar any family with a TV, to say nothing of someone with blood on his hands!

Fascinatingly enough, the Sages of the Talmud praise Moses for establishing these cities:

"Rabbi Simlai gave the following exposition: What is the meaning of the verse: 'Then Moses separated three cities beyond the Jordan, toward the sun-rising?' It means that the Holy One, blessed be He, said to Moses: 'Make the sun rise (tizrah) for the (rotzeah) manslayers! Some say, The Holy One Blessed be He, said to Moses, 'You made the sun rise

(hitzrah) for the manslayers!' (B.T. Makot 10a)

In this swan-song commandment, Moses is bestowing his final legacy upon the Israelites, conveying a lesson of consummate importance.

The central teaching of ethical monotheism was conveyed to Moses when he asked the Almighty, "Reveal to me Your glory," and received the Divine response: "The Lord, the Lord," is a God of compassion and beneficence, long-suffering, replete with lovingkindness and truth. (Exodus 33:18, 34:6). The central biblical command, "You should walk in His [Divine] ways," teaches that just as God is compassionate, so must we be compassionate, and just as God is long-suffering, so must we be long-suffering.

This is Moses' final message.

In establishing these three cities of refuge, Moses is in effect putting into practice the guiding principles of his life: There is always hope that the wicked will change; and the Priests and Levites must be willing to live with these sinners and attempt to influence them with love and understanding to return to their Parent-in-Heaven.

And Moses is certainly being consistent with this command. After all, when the Israelites sinned by worshipping the golden calf, God declared his readiness to destroy the entire nation and begin anew with Moses' seed.

But Moses refuses. "Yet now, please forgive their sin. And if not, I pray that you blot me out of the book that you have written." (Exodus 32:32). The Hebrew word for "blot me out" is meheini (mem, het, nun, yud) and, as explained by the Holy Zohar, these four letters also spell mei noah, the waters of Noah.

The Zohar explains that Moses' soul was a repair, a fixing, (a tikkun) of Noah's soul. When God informed Noah that the whole world faced destruction as a result of rampant crime, Noah was content to see the world destroyed and to save only his own family. This was a flaw that had to be fixed. Noah was not "long-suffering" enough.

Hence Moses' declaration to God to "blot me out from your book" is the exact moment of repair. Moses is faced with a similar challenge, he can see the Israelite nation destroyed and his own family aggrandized. But Moses refuses.

Noah was never granted the status of being an Israelite. To be a Jew means to be willing to place oneself at risk for the good of the many, to reach out in love to all of God's errant children. The cities of refuge reflect Moses' majesty and God's long-suffering kindness, as well as the necessity of Israeli priest/Levite leaders to risk, to reach out and restore even the dregs of society to the God who gave them life.

Shabbat Shalom

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From: Rafael Salasnik[SMTP:rafi@brijnet.org] To: daf-hashavua@shamash.org Subject: daf-hashavua Va'etchanan 5761/2001

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TO CHANGE OR NOT TO CHANGE

RABBI YAAKOV GRUNWALD - Pinner United Synagogue

In today's Sidrah, Moshe Rabbenu continues his farewell speech to the new generation of the Israelites. In this magnificent speech, which was delivered over a period of thirty seven days, Moses gave an account of some of the most momentous events during the forty year wandering the wilderness. As he turns his attention to the Giving of the Torah at Mount Sinai, he begins with this important warning: 'Do not add to the commandment which I am commanding you and do not take away from it.'



In this Mitzvah, Moses affirms a concept which later became one of the thirteen fundamental principles of the Jewish faith. It states that the Torah will not be changed under any circumstances. It comes to emphasise the idea that, because the Torah is Divine, it is perfect and all the Mitzvot which it contains are tailored precisely to our needs. Rabbi Yonatan Eibeshutz (1695-1764) used to explain that the Mitzvot are to be compared to medicines. He explained that the Holy One Blessed be He, wanted to purify us. Therefore, He gave us many teachings and Mitzvot which are designed to achieve this goal. But just as medicines are effective only when they are administered according to medical advice and measured very exactly, so the Mitzvot are only effective when they are observed exactly in the way they are written in the Torah and interpreted by our rabbis.

The Torah says: 'Do not add to the commandments and do not diminish any of them, lishmor to keep.' Why does the Torah say 'to keep'? What is the significance of this word? The story is told that once Rabbi Azriel Hildesheimer, who was the leader of German Jewry at the beginning of the last century, had a conversation with a Reform minister. The latter argued that it was very important to change the laws in order to make them easier and more attractive to the masses. Rabbi Hildesheimer pointed to this word 'lishmor'. He explained that it signifies that even when we are motivated by our desire to keep the Torah, we must not whittle away any of its principles or water down its practices. In all our relationships, we must learn to make compromises and give in on some of our long-held and cherished desires and convictions. However, in religious matters, we must remain firm and stick to our principles.

In his commentary 'The Call of the Torah', Rabbi Elie Munk says that 'this apparent rigidity is precisely what gives Judaism its distinctiveness and originality - to achieve the goals of its teachings through a meticulously established set of practices, from which any basic change would take away both effectiveness and value.'

Our commentators discuss extensively the question as to when this mitzvah applies. After all, it is self-evident that Judaism has changed and that today we observe many laws that are not stated in the Torah. The Rabbis in ancient times added many restrictions and enactments. There are also some mitzvot which our Rabbis abolished or, at the very least, set aside. There are two festivals, Chanukah and Purim, which were added after the period of the Torah and others, such as Yom Ha'atzma'ut and Yom Yerushalayim, which are of very modern origin.

There are two basic explanations which complement each other. Maimonides and Yehudah HaLevi explain that the rabbis of the Sanhedrin, the court of seventy one members which governed the Jewish people in the days of the Second Temple, had the power to legislate new laws or abolish some. But they had to make it clear that whatever measures they introduced, these were Rabbinic laws which did not enjoy equal status with Torah laws. For example, when the rabbis forbade eating chicken with milk, they had the duty to explain that this was only a protective measure, a 'fence round the Torah law' which forbids only animal meat and not that of birds.

Rashi, basing himself on earlier Rabbinic interpretations, explains that the Torah forbids adding to or removing basic characteristics from any mitzvah. Thus, we must not add a fifth portion inside the tefillin, or reduce their number to three.

The beauty of our Torah lies in its integrity and totality. We have a sacred duty to observe and interpret it meticulously so that we can pass it on to the countless generations yet unborn, in the same condition as we received it. This is what they will expect.

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From: dafyomi@hadaf-hayomi.com

Meoros Hadaf Hayomi

Kollel DiChasidei Sochochov

You shall not steal: Rabbeinu Yonah (Avos 1:1) teaches that harming others is prohibited by the mitzvah, 'You shall not steal' (Vayikra 19:13), and the Oral Law reveals that all nezikin are included in this mitzvah.

Concern for another person's possessions: Many Achronim (Chelkas Yo'av, C.M. 1 20; Rashash Kesubos 18; Kehilos Yaakov, ibid.) explain that the prohibition is derived from the Torah's commandment to rescue other people's animals or possessions. Someone who avoids doing so transgresses the mitzvah lo sa'aseh (Devarim 22:3) 'You must not ignore [a lost article]' (Bava Metzia 31a; Sha'arei Teshuvah by Rabbeinu Yonah 3:70). If preventing someone else from incurring a loss is a mitzvah, they argue, surely not causing someone else a loss is included in the mitzvah as well. HaRav Chaim Solovetchick zt"l of Brisk (cited in Birkas Shmuel 1 62) adds that based on all of the above opinions we can only infer that the Torah forbids a person to harm people or damage property, but there is still no indication that one is commanded to prevent his possessions from causing harm. However, this can be inferred from the words, 'But its owner did not guard it [a goring ox]' (Shemos 21:36). This verse reveals that the Torah does require us to prevent our possessions from harming others. Now if we are commanded to ensure that our possessions do not harm people or damage property, actually causing harm ourselves would certainly be prohibited.

2b A person has mazal Mazal is Not Blind Luck Our daf teaches us that negicha refers to an ox goring a person, while negifa refers to an ox goring another animal. It is easier for an ox to gore another animal than a person, since animals, unlike people, have no mazal to protect them.

What is mazal? Rashi (Shabbos 53b; Megillah 3a) writes that everyone has a malach [angel] called mazal who protects him from injury. The Ramban (Vayikra 18:25) explains that although mazalos are stars, every star has a malach in charge of it.

Origins of the word mazal: The Zohar (Vayeira 115:1) explains that the word mazal is derived from mazil [outpouring], meaning that abundance from Hashem flows to His creations and is transmitted through the mazalos. According to the Tosefos (Chulin 42b, s.v. ve'amar), the fact that people have a mazal to protect them, while animals do not, has an interesting halachic implication: an animal is called a treifa [expected to die within twelve months] when the cerebral membrane is punctured, but a person in the same condition is not considered a treifa since his mazal prevents him from dying as easily as an animal.

Grass also has mazal: R. Tzadok HaCohen zt"l of Lublin (Sichos Malachei HaShares Ch. 4) raises a difficult question regarding our Gemara based on Medrash Rabba (Bereishis, parshah 10), which says every blade of grass has a mazal [another version reads 'malach'] that orders him to grow. Apparently there is no difference between a person and any of Hashem's other creations in this respect; all of them have a mazal watching over them. R. Tzadok HaCohen zt"l reconciles this apparent contradiction, explaining that there are two levels of mazal: Vegetation and animals were blessed with a mazal whose only task is to ensure that they grow naturally, but, people have a mazal that can save them from misfortune as well.

Mazal is not blind luck: HaRav Elyahu Eliezer Dessler zt"l (Michtav MeElyahu IV, Bechirah VeMazal, Ch. 1) explains that it is not by chance that some people have good mazal and others do not. Everyone's mazal stems from his particular task in life. Each individual has the task of revealing Hashem's honor in a unique manner. Thus Hashem decrees that he must live under certain conditions through which he can realize his task in this world. While one person's task is to sanctify Hashem's name in poverty, another person might be expected to sanctify Hashem's name through wealth.

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