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Urgency of Prayer

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Rabbi Michael Rosensweig **The Art and Urgency of Prayer**

"U-Paroh hikriv, va-yisui Benei Yisrael et eineihem ve-hinei Mitzrayim noseia ahareihem, va-vireu meod, va-yitzaaku Benei Yisrael el Hashem."

The Torah reports (Shemot 14:10) that when Klal Yisrael confronted the pursuit of Paroh and his troops they responded to the impending danger by crying out to Hashem. While Unkelos renders "vayitzaaku" as a complaint (probably based on the ensuing criticism in the next pasuk, as the Ramban notes), most mefarshim conclude that the nation reflexively turned to Hashem in prayer in their time of crisis. Indeed, Rashi cites the Mechilta's comment ("tafsu umanut avotam") that Klal Yisrael invoked the example of the avot who perfected prayer as an indispensable vehicle for avodat Hashem. The Ramban (Sefer ha-Mitzvot) asserts that prayer as a response to crisis constitutes a Biblical obligation. This paradigmatic episode apparently affirms that ruling.

However, several pesukim later(14:14,15), the Torah appears to reject Benei Yisrael's prayer solution in this particular context. Moshe informs the nation that Hashem will engage the enemy even as they are to maintain silence- "Hashem yilachem lachem; ve-atem tacharishun". This remarkable statement is followed by Hashem's apparent questioning of the very propriety of prayer in this context - "Va-yomer Hashem el Moshe mah tizaak eilai; daber el Benei Yisrael ve-yisau." Is it possible that prayer, a central pillar in halachic life, a primary vehicle for man's interaction with Hashem, designated by Chazal as "avodah she-be-leiv", could ever be either superfluous, or even inappropriate?

A significant group of mefarshim and mefarshim seem to reject this conclusion. Some actually interpret these pesukim as further underscoring the remarkable efficacy of prayer. Targum Yonatan ben Uziel suggests that the charge for silence was a call to even greater focus on prayers of praise and thanksgiving that would contribute to the Divine salvation. Unkelos argues that the silence conveyed that the prayers had already achieved their desired effect. Ohr Hachaim posits that Moshe intended to instill even greater confidence in the nation by indicating that they would have been deserving of salvation even without having embarked on the more ideal path of prayer. According to Targum Yonatan, Moshe's prayer policy was not rejected; he was simply being informed that the nation's effective supplications had made additional prayer superfluous. The Netziv, too, rejects the notion that "mah tizaak eilai" constitutes a critique. Hashem was merely informing Moshe that prayer was not a necessary component in this particular supernatural struggle.

Another group of mefarshim suggest that while these pesukim do not question the role or propriety of tefillah, they do provide an important halachic perspective. While prayer is always appropriate and even necessary, it is not always sufficient. As Chazal often note, it is important that prayer be joined by concrete action and effort (hishtadlut). During the yomim noraim period, we proclaim that the combined triad of teshuvah, tefillah and tzedakah overturn a negative decree. The Orchot Chaim and others argue that these pesukim emphasize the inadequacy of prayer as a solitary solution, particularly in these circumstances. Klal Yisrael was vulnerable to the charge of being spiritually impoverished and unworthy of salvation ("halalu ovdei avodah zarah ve-halalu ovdei avodah zarah"). It was necessary for the nation to establish the sincerity of their dedication to Hashem and earn spiritual merit by a

dramatic act of faith like plunging into the Yam Suf in order that their prayers might be effective.

Moreover, it is possible that an exaggerated reliance upon prayer that comes at the expense of other halachic obligations undermines prayer itself. [Just as lilmod shelo al menat laasot constitutes a flawed lilmod...] Tefillah constitutes an important component of the larger framework of avodat Hashem. Its profound themes and comprehensive range reflect this. Its integration and interaction with other mitzvot - moadim, tefilin, talmud Torah etc. - further underscores this reality. Thus, the exclusive pursuit of tefillah in a context that also demands attention to other values is counterproductive. The stature and efficacy of prayer is diminished by its isolation from or competition with an integrated avodat Hashem.

According to the gemara (Sotah 37a) and Mechilta (also cited by Rashi 14:15) Moshe was not criticized for engaging in prayer at this critical moment but for lingering in prayer while the nation panicked, and sought concrete direction. This miscalculation reflects the need for tefillah to be augmented and integrated with other halachic values and considerations. The gemara (Berachot 34a; see also Berachot 32a and Tosafot) notes that we encounter the models of both lengthy and abbreviated prayer, and that both can be traced to different experiences of a single author, Moshe Rabbeinu. When his sister Miriam was suffering, Moshe instinctively recognized the propriety of succinct, direct prayer. When the nation's needs demanded a more complex and persistent approach, Moshe was attuned to that challenge as well.

The perspective of the gemara and Mechilta also establish that the form and method of tefillah is neither uniform nor interchangeable. Timing and context are significant factors in avodah she-be-leiv. Elaborate prayer may be inappropriate when succinct prayer is called for. Prayer focused on Divine praise and thanksgiving may not substitute for prayers of petition or expiation. Daily prayer and festival prayer demand different structures and emphases. Indeed, Chazal indicate that Hashem rejected celestial praise while the Egyptians were drowning. The gemara precludes the reciting of hallel on Rosh Hashanah and Yom Kippur, deeming it incompatible with the climate of Divine judgment.

Some authorities explain that these pesukim also convey the need to be rigorous and discriminating in the content and implications of prayer. The Ramban concludes that Hashem was critical of Moshe's prayers for salvation because He had already committed to a positive outcome. It is possible that this insight establishes more than the superfluous character of this tefillah. The Shelah asserts that the nation's tefillah was seriously flawed because it implicitly questioned Hashem's previous commitment. The Chasam Sofer posits that it is inappropriate to pray that there should be a messianic era, as the prayer implicitly challenges an existing tenet of our faith. On the other hand, it is entirely proper to pray that the arrival of the messianic era be hastened. He argues that Moshe Rabbeinu was being told to focus on the method of victory - "daber el Benei Yisrael ve-yisau" - rather than on the outcome itself - "lamah tizaak eilai". [The Seforno suggests that the content of Moshe's tefillah was flawed from a different perspective, as it implied that the nation was not prepared to respond to the spiritual challenge.]

Furthermore, it is possible that the nation's prayer at this juncture was flawed precisely because it did not sufficiently qualify as an act of unconditional worship. The pasuk that records the initial response of prayer is immediately followed by a litany of complaints questioning the exodus from Egypt. The Ramban suggests that this juxtaposition motivated Unkelos to conclude that "va-yitzaaku" does not refer to prayer. The Ramban himself notes the view that prayer and complaint represent the diverse responses of different groups. However, he concludes that when the nation's prayers did not achieve immediate success, halting Paroh's advance, the disappointment produced a complete rejection of Moshe's leadership. While prayer as an unconditional act of faith and worship (avodah she-be-leiv) is always a positive phenomenon, prayer as an expedient panacea of instant gratification is deeply flawed, even counterproductive. At times, silence may be preferable to superficial and conditional worship.

The halachic principles that govern tefillah clearly establish the need for thorough preparation and thought. The mishna (Berachot 33a) records the extraordinary efforts of the early chassidim. Appropriate and efficacious tefillah is rarely haphazard. While prayer should flow from the heart, the halachah assigns great significance to the structure, order, and content of prayers. Prayer as an act of worship requires the elimination of any presumptuousness or over-familiarity by invoking the paradigms of "Elokei Avraham, Elokei Yitzhak, Elokei Yaakov", as Rashi in Beshalach notes. It even demands that we be circumspect in our lavishing of Divine praise (Berachot 33b, and see Penei Yehoshua). Different occasions and festivals call for different prayers and the accenting of different themes and motifs. While prayer is a core principle of halachic life, it is an act of faith and worship that requires intensive study and that needs to be integrated into our comprehensive program of avodat Hashem. Prayer is both indispensable and an art.

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Weekly Insights from MOREINU

HORAV YAAKOV KAMENETZKY zt"l

[Translated by Ephraim Weiss <Easvgh@aol.com>]

“And Moshe took the bones of Yosef with him”

While Bnei Yisroel were busy borrowing valuables from the Mitzriim in anticipation of their imminent departure from Mitzrayim, Moshe remembered Yosef's request that Bnei Yisroel take his bones with them, and bring them to Eretz Yisroel. Instead of joining Bnei Yisroel in clearing out Mitzrayim, Moshe sought out Yosef's coffin, in order to fulfill Yosef's last request. The Midrash relates that when Shlomo HaMelech wrote in sefer Mishlei (X ÂY) that a wise person will grab mitzvos, he was referring to Moshe, who instead of pursuing material wealth, went to involve himself in a mitzvah. The Midrash concludes that it was in this zchus that Moshe merited that Hashem himself saw to his burial.

Hashem himself saw to his burial. HaRav Yaakov Kamenetzky, zt"l asks a question on this Midrash. What chidush is this Midrash teaching us? Moshe had the choice between involving himself in the pursuit of monetary gain or involving himself in a great mitzvah. Of course the wise choice was to do the mitzvah. Why do we need a Midrash to teach me this?

Rav Yaakov answers that in reality, the plundering of Mitzrayim was also a mitzvah. Bnei Yisroel did not want to waste the time asking the Mitzriim for money, but rather they wanted to leave immediately. The only reason that they bothered to collect any riches was in order to fulfill the instruction of Hashem. As such, the chachmah of Moshe was not that he chose to perform a mitzvah, but rather that he was able to figure out which of the two mitzvos he should run to do. Moshe realized that under the circumstances, the mitzvah of collecting Yosef's body took precedence. But why? What made the mitzvah of livoyas ha'mes more important than fulfilling Hashem's command to borrow riches from the Mitzriim?

Rav Yaakov offers two answers as to why this is so. The plundering of Mitzrayim was a mitzvah which offered monetary gain, as well as sechar mitzvah, whereas livoyas ha'mes is the ultimate chesed shel emes, a mitzvah done with no hope of worldly compensation. While both were great mitzvos, Moshe, when forced to choose between the two, sought out the mitzvah that did not offer any financial advantage, and as such could be done with a greater level of lishmah.

The second answer is based on a Midrash in sefer Bereishis. The Midrash relates that when Bnei Yisroel approached the Yam Suf, it did not want to split. However, when the Yam Suf saw that Bnei Yisroel were carrying Yosef's coffin, it agreed to split. The sea rationalized that in the zchus that Yosef tore his coat in half, rather than sinning with Potifar's wife, it too would split itself in half. Rav Yaakov explains that Yosef understood full well that in tearing his coat and leaving it with Potifar's wife, he was setting himself up to be framed. Nevertheless, he was willing to conceivably spend his whole life in jail to avoid committing an aveirah. When Bnei Yisroel approached the Yam Suf, the Malachim complained that Bnei Yisroel did not deserve a miracle, as they served avodah zarah just like the Mitzriim. Hashem was able to point to Yosef's mesirus nefesh as the factor that separated Bnei Yisroel from all the other nations. Yosef was still a young man at the time of the incident, and as such, could not have been expected to stand up to such a test. The fact that he did succeed in passing the trial revealed that there is some innate midah of mesiras nefesh present only amongst Bnei Yisroel. As such, Hashem could show the Malachim that even if Bnei Yisroel were currently worshipping avodah zarah, they still had the potential to become Hashem's holy nation. Moshe knew that the level that Bnei Yisroel were on left much to be desired, and he understood that the zchus of Yosef would be essential if Bnei Yisroel were to successfully evade the Mitzriim. He realized that the mitzvah of taking Yosef's bones would be what would enable Bnei Yisroel to escape, and keep the wealth that they had taken. Moshe appreciated that if he did not fulfill the mitzvah of livoyas ha'mes, the mitzvah of collecting wealth from the Mitzriim would have been for naught, as Bnei Yisroel would never have escaped from the Mitzriim. Moshe understood all this, and as such, he is praised for his chachmah and foresight.

<http://www.chiefrabbi.org/>

Covenant & Conversation

Thoughts on the Weekly Parsha from

Sir Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

[From 2 years ago 5764]

<http://www.chiefrabbi.org/tt-index.html>

Beshallach

THE SEDRA OF BESHALLACH is beautifully constructed. It begins with a battle; it ends with a battle; and in the middle is the great miracle, the turning point - the crossing of the Red Sea. As so often in the Mosaic books, we are presented with a chiasmus, a literary structure of the form ABCBA, in which the end is a mirror image of the beginning, and the climax is at the centre.

Occupying the central role in Beshallach is the episode of the Red Sea, which turns out to be a division in more than one sense. Literally, the waters are divided. But metaphorically the fate of the Israelites is also divided: into a before and after. Before, they are still in Egyptian territory, still - that is to say - under the sway of Pharaoh. It is no accident that Pharaoh and his chariots pursue the Israelites to the very edge of their territory. Anywhere within Egypt Pharaoh rules; or at least, he believes he does.

Once across the sea, however, the Israelites have traversed a boundary. They are now in no-man's-land, the desert. Again it is no accident that here, where no king rules, they can experience with pristine clarity the sovereignty of G-d. Israel become the first - historically, the only - people to be ruled directly by G-d. The Red Sea is what anthropologist Victor Turner called "liminal space," a boundary between two domains that must be traversed if one is to enter into a new mode of being - in this case the boundary between human and divine rule. Once crossed, there is no going back.

The symbolism of the Sea does not end there however. It reminds us of the ancient ceremony of covenant-making. The key verb of covenant is "to cut." An animal, or animals, were divided and the parties to the covenant stood or sat between them. The division of things normally united or whole, stood as symbol of the unification of entities (persons, tribes, nations) previously divided. In this context a key passage is the covenant "cut" between G-d and Abraham in Bereishith 15:

So the LORD said to him, "Bring me a heifer, a goat and a ram, each three years old, along with a dove and a young pigeon." Abram brought all these to him, cut them in two and arranged the halves opposite each other; the birds, however, he did not cut in half . . . As the sun was setting, Abram fell into a deep sleep, and a thick and dreadful darkness came over him. Then the LORD said to him, "Know for certain that your descendants will be strangers in a country not their own, and they will be enslaved and mistreated four hundred years. But I will punish the nation they serve as slaves, and afterward they will come out with great possessions. You, however, will go to your fathers in peace and be buried at a good old age. In the fourth generation your descendants will come back here, for the sin of the Amorites has not yet reached its full measure." When the sun had set and darkness had fallen, a smoking firepot with a blazing torch appeared and passed between the pieces. On that day the LORD made (literally "cut") a covenant with Abram . . . So at the Red Sea the Israelites passed "between the pieces" (the waters, rather than the halves of animals) in a ratification of the covenant with Abraham. They passed from one domain to another, from being slaves - avadim - to Pharaoh to becoming servants -- avadim - to G-d. This surely is the meaning of the phrase, in the Song at the Sea:

. . . until your people pass by, O LORD , until the people you have acquired pass by. The crossing of the sea is both an act of covenant-making and a transfer of possession. The Israelites are now G-d's possession rather than Pharaoh's. They have entered new territory, not just geographically but also existentially. What does this mean? What difference does it make? The answer is surprising, counter-intuitive. To understand it, we must compare the two battles, one before, the other after, the Sea.

The first is marked by extreme passivity. Having let the Israelites go, the Egyptians change their mind. Pharaoh decides to pursue them and assembles a force of six hundred chariots. We have to think ourselves back to an age in which the horse-drawn chariot was the ultimate weapon of war. In biblical times, Egypt was famous for its horses. No other nation could rival them. This meant that they could outmanoeuvre any rival military force. Horses gave them speed, and chariots gave them protection. They were impregnable, and the sight of six hundred of them approaching would have been terrifying to a well-drilled army, let alone an unruly, disorganised group of slaves. Predictably, the Israelites lose heart and blame Moses for bringing them out of Egypt to die in the wilderness.

Moses' reply is short and sharp:

Moses answered the people, "Do not be afraid. Stand firm and you will see the deliverance the LORD will bring you today. The Egyptians you see today you will never see again. The LORD will fight for you, but you must remain silent." He says, in effect, do nothing. G-d will do it all. The sages, their ear ever attuned to nuance, detected four responses in Moses' words:

Our ancestors were divided into four groups at the Sea. One group said, "Let us throw ourselves into the sea." Another said, "Let us go back to Egypt." A third said, "Let us wage war against them." A fourth said, "Let us cry out against them." To the first, who said, "Let us throw ourselves into the sea," Moses said, "Stand firm and you will see the deliverance the LORD will bring." To the second, who said, "Let us go back to Egypt," he said, "The Egyptians you see today you will never see again." To the third, who said, "Let us wage war against them," he said, "The LORD will fight for you." To the fourth, who said, "Let us cry out against them," he said, "you

must remain silent." The battle against the Egyptians was a divine act, not a human one.

Not so the Amalekites. Here the battle is fought by the Israelites themselves:

The Amalekites came and attacked the Israelites at Rephidim. Moses said to Joshua, "Choose some of our men and go out to fight the Amalekites. Tomorrow I will stand on top of the hill with the staff of G-d in my hands." So Joshua fought the Amalekites as Moses had ordered, and Moses, Aaron and Hur went to the top of the hill. As long as Moses held up his hands, the Israelites were winning, but whenever he lowered his hands, the Amalekites were winning. When Moses' hands grew tired, they took a stone and put it under him and he sat on it. Aaron and Hur held his hands up-one on one side, one on the other-so that his hands remained steady till sunset. So Joshua overcame the Amalekite army with the sword. There is no hint here of a miracle. The Israelites fought; the Israelites won. The only hint of a supernatural presence is the reference to Moses' hands. Somehow, they held the key to victory. When Moses lifted them, the Israelites prevailed. When he lowered them, the tide turned against them.

Strangely, but significantly, the Mishnah makes a comment on this passage. The Mishnah is a law code. It is not a book of biblical interpretation. It is therefore very rare for a biblical exegesis to appear in the Mishnah - all the more so given its content. The sages, far from emphasising the supernatural factor in the battle against Amalek, went out of their way to minimise it:

It is written, "As long as Moses held up his hands, the Israelites were winning." Now did the hands of Moses wage war or crush the enemy? Not so. The text signifies that so long as Israel turned their thoughts above and subjected their hearts to their Father in heaven they prevailed, but otherwise they fell. G-d, implies the Mishnah, makes a difference not "out there" but "in here." Moses' hands did not perform a miracle. They merely pointed upward. They directed the eyes, and thus the minds, of the Israelites to heaven. That gave them the courage, the inner strength, the hope and faith to prevail.

This transition - as we will see, it forms the underlying argument of the book of Shemot - is signaled in an extraordinarily subtle verse immediately prior to the battle against Amalek.

G-d had performed a miracle for the Israelites of the most majestic kind. For them, he had divided the waters of the sea - and for once, the Israelites believed. "The Israelites saw the great power that G-d had unleashed against Egypt, and the people were in awe of G-d. They believed in G-d and in his servant Moses." But the change of heart did not last. Three days later they were complaining about the water. Then they complained about the lack of food. Miracle follows miracle. The water is made drinkable. G-d sends manna from heaven. They move on to Rephidim, and again there is no water. Again the people complain. This time Moses comes close to despair. "What am I to do with these people?" he says to G-d, "They are almost ready to stone me." G-d then sends water from a rock. But the memory of the Israelites' ingratitude remains. Moses incorporates it into a place name:

And he called the place Massah ("testing") and Meribah ("quarreling") because the Israelites quarreled and because they tested the LORD saying, "Is the LORD among us [bekirbenu] or not?" Immediately thereafter we read that "The Amalekites came and attacked the Israelites at Rephidim." There is an obvious connection. The Israelites' doubt is punished. Having protected them throughout, G-d gives them a glimpse of what life is like without his protection. They will be exposed to great dangers. This is on the surface of the narrative.

However, beneath the surface is a surpassing irony. The Hebrew word *bekirbenu* can mean two things. It can mean "among us" (a spatial sense) but it can also mean "within us" (a psychological sense). The real meaning of the battle against Amalek, as understood by the Mishnah, is that it showed the inner, psychological, spiritual and emotional dimension of the Divine presence. The Israelites won not because G-d fought the battle for them, but because G-d gave them the strength to fight the battle for themselves. G-d was not "among" them but "within" them. That was the crucial change between before and after the crossing of the Red Sea.

One of the most remarkable features of Judaism - in this respect it is supreme among religious faiths - is its call to human responsibility. G-d wants us to fight our own battles. This is not abandonment. It does not mean - G-d forbid - that we are alone. G-d is with us whenever and wherever we are with him. "Yea, though I walk through the Valley of the shadow of death, I will fear no evil, for you are with me." What it means is that G-d calls on us to exercise those qualities - confidence, courage, choice, imagination, determination and will - which allow us to reach our full stature as beings in the image of G-d.

The book of Shemot teaches this lesson in the form of three narratives, of which the division of the Red Sea is the first. The others are the epiphany of G-d at Mount Sinai and later in the Tabernacle, and the first and second tablets Moses brings down from the mountain. In all three cases we have a double narrative, a before and after. In each, the first is an act performed entirely by G-d (the drowning of the Egyptians, the revelation at Sinai, and the first tablets). The second involves a partnership between G-d and human beings (the battle against the Amalekites, the construction of the Tabernacle, and the second tablets, carved by Moses and inscribed by G-d). The

difference is immense. In the first of each pair of events, what is evident is the power of G-d and the passivity of man. In the second, what counts is the will of G-d internalised by man. G-d is transformed from doer to teacher. In the process, human beings are transformed from dependency to interdependency.

This is the astonishing message contained within a single Hebrew word, *eved*, which can mean either "servant" or "slave." In Egypt, the Israelites were Pharaoh's *avadim*. Leaving Egypt they became G-d's *avadim*. The difference, however, is no mere change of masters. The slave of a human being is one who lacks freedom. The servant of G-d is one who is called to freedom - a specific kind of freedom, namely one that respects the freedom of others and the integrity of the created world (the difference, as seventeenth and eighteenth century writers used to put it, between liberty and licence, freedom with and without responsibility).

At the heart of the Hebrew Bible is a specific view of humanity, set out in the first chapters of Bereishith. Human beings are not incurably evil, tainted by original sin. Nor are we inescapably good. Instead we are defined by the ability to choose. If we choose well we are "little lower than the angels." If we choose badly, we are worse than the beasts. We are not condemned to a perpetual condition of arrested development in which we are utterly dependent on a parent figure, human or divine. Such a view fails to accord with the concept of parenthood as articulated in the Hebrew Bible and the rabbinic literature.

Bereishith, which is about families, is a series of variations on the theme of human parents and children. Shemot, about the birth of a nation, is about a divine parent and his human children (G-d's first command to Moses is, "Then say to Pharaoh, 'This is what the LORD says: Israel is my firstborn son, and I told you, 'Let my son go, so he may worship me'").

Neither parenthood nor childhood are - the Torah teaches - static conditions. They are developmental. In its early years, a child really is dependent. Without the attentiveness of a parent, it would not survive. But over the course of time, it develops those capacities that allow it to mature. During that period, a parent learns progressively to make space for the child to act on its own. This can be doubly heartbreaking. Not only does it involve letting go, which is always a form of bereavement. It also demands that a parent be strong and self-restrained enough to allow the child to walk, knowing that it will fall; to choose, knowing that it will make mistakes; to travel, knowing that it will take wrong paths and false turns.

The "anger" of G-d, so often expressed in the Hebrew Bible, is actually not anger but anguish: the anguish of a parent who sees a child do wrong but knows that he or she may not intervene if the child is ever to grow, to learn, to mature, to change, to become responsible.

That is the turning point marked by the battles before and after the division of the Sea. The opening and closing verses of Beshalach both contain as their key-word, *milchamah*, "war". The opening verse states:

When Pharaoh let the people go, G-d did not lead them on the road through the Philistine country, though that was shorter. For G-d said, "If they face war, they might change their minds and return to Egypt." The closing verse says:

The LORD will be at war against the Amalekites from generation to generation. The difference between them is between the war G-d fights for us, and the war we fight for G-d. The first is miraculous, the second only metaphorically so. The war G-d fights changes nature, even to the point of dividing a sea. But the war we fight changes us - and that is something G-d cannot do for us. We can only do it for ourselves. As long as the Israelites were totally dependent on G-d, they remained querulous and quarrelsome, in a state of arrested development. Only when they fought their own battles did they eventually - and painfully slowly - begin to acknowledge G-d. (In Jewish law, the command to honour our parents does not apply to a child under the age of thirteen for a boy, twelve for a girl. Only responsible adults can truly honour parents). A true parent is not one who fights battles on our behalf, but one who gives us the inner strength to fight for ourselves. That is the difference between the war before and the war after the crossing of the Red Sea.

http://www.aecomshul.org/shalosh_seudos.htm

Shalosh Seudos

By: Yosef Zelefsky

Shalosh Seudos #1 Many of us are familiar with the concept of Shalosh Seudos (or, as it is colloquially referred to around here, "shalishudis"). Literally, this phrase means "3 meals." In a nutshell, this mitzvah is the obligation that we have to eat three meals over the course of shabbos. Eating dinner on Friday night and lunch on shabbos afternoon qualifies as two of the three meals. The third meal, eaten after lunch, and before the conclusion of shabbos is known as *seudas shlishis*, "the third meal". The next series of emails will focus on the salient and practical halachos of shalosh seudos, as well as some issues and questions that come up with regards to shalosh seudos. We will begin by discussing the source of the mitzvah of Shalosh Seudos. The gemara derives the obligation to eat three meals over shabbos from the

pasuk in bishalach (16:25) "Moshe said Eat it [the mun (manna)] today for today is a Sabbath for Hashem. Today you shall not find it in the field." From the fact that the word "Today" is mentioned 3 times, the gemara derives that we are required to eat 3 meals on shabbos. Since the Torah does not explicitly say to eat 3 meals on shabbos, shalosh seudos is not a mitzvah dioraisa. Rather, it is an asmachta – a Rabbinic mitzvah which is based on a pasuk in the Torah.

Shalosh Seudos #2 Yesterday we began our discussion of shalosh seudos with an overview as well as a discussion of the makor (source) of the mitzvah. Today we will focus on the importance of the mitzvah. Chazal bring down that those who are diligent in fulfilling the mitzvah of shalosh seudos will be saved from the trials and tribulations that will affect the Jews immediately before the coming of Moshiach, and will be saved from Gehinnom as well. Many observant Jews have come to the realization that shalosh seudos can be a difficult mitzvah to keep, especially as we are now in the midst of the short winter shabbosim. In fact, the Shulchan Aruch OC 291:1 notes that if you are full and absolutely unable to eat another bite (a common occurrence as we religiously pack in as much cholent, challah, kugel and cakes as we do on a shabbos lunch), you are not required to force down another meal. He does advise, however, that we "save some room" for seudas shlishis, and not over-do it at lunch. Given the rewards in store for those who keep this mitzvah, this seems like a good idea for all of us to follow. Tomorrow we will discuss some of the details of the meal per se.

Shalosh Seudos #3 The earliest time in which one may eat the third meal is from zman mincha (6 and ½ hours into the day) and on. There is a machlokes rishonim as far as how late one may eat the third meal. Clearly, once tzais hakochavim approaches, it is too late. The question arises as to the practice of eating shalishudis in between mincha and maariv on shabbos. The Tosfos Harosh and the Mordechai are both of the opinion that the third meal should be eaten before one davens mincha. The Rambam, Tur and others hold that in fact it is preferable to eat shalosh seudos in between mincha and maariv. One should follow his or her minhag or consult a local posek as far as how to paskin.

Shalosh Seudos #4 Yesterday we discussed the timeframe for shalosh seudos. To recap, the timeframe is from zman mincha to tzais hakochavim. Today we will elaborate on this further. Zman mincha begins 6 and 1/2 hours into the day, and tzais hakochavim is when the first three stars become visible at night. There is a fundamental machlokes haposkim (difference of opinion amongst the Rabbis) as to the practical definition of tzais hakochavim, as it is unclear how to quantify when the first three stars are visible. Not to oversimplify a complicated issue, but it is generally accepted that tzais hakochavim is 72 minutes after sunset. Thus, to round things up and put things into perspective, the timeframe for shalosh seudos last shabbos was from 12:37 PM to 6:59 PM.

Shalosh Seudos #5 Today we will discuss the level of obligation that women have in shalosh seudos. Simply put, women are fully obligated in shalosh seudos, the same level as men are obligated. There are two reasons given for this. The first is that when the Torah discusses shabbos in the Aseres Hadibros (10 commandments) in Parshas Yisro, it says "Zachor es yom hashabbos likadsho" (Remember the Sabbath for its holiness). When Moshe repeats the 10 commandments in Parshas Va'eschanan, the phrase is changed to "Shamor es yom hashabbos likadsho" (Observe the Sabbath for its holiness). Chazal tell us that Moshe was not changing the words around. Rather, explain the Rabbis, "Shamor vizachor bidibur echad" - when G-d gave us the aseres hadibros, he used the words shamor and zachor at the same time. Our Rabbis further infer that the phrase "zachor" refers to positive commandments (like making kiddush), and shamor to negative commandments (like not doing work). Women are clearly prohibited from doing work on shabbos. Normally, one could argue that women be exempt from positive commandments (especially those that are time-bound), however the fact that we have this principle of "shamor vizachor bidibur echad", teaches us that women are required to keep "zachor" just as they must keep "shamor". Thus, they are chayav (obligated) to keep all positive mitzvos of shabbos, shalosh seudos included.

Shalosh Seudos #6 When we last left off, we mentioned that women have the same obligation as men with respect to shalosh seudos and we gave the reason of "shamor vizachor bidibur echad". Today, we will discuss another reason why women are obligated in shalosh seudos, and that is the famous concept of "af hain hayu bioso hanes", which literally means "they also took part in the miracle." This concept appears throughout halacha as a source for women being obligated in many mitzvos. For example, women are obligated in the mitzvah on Chanukah candles and the mitzvos of Purim (quick plug for the AECOM shul mishloach manot sale, the deadline for which is today), because women played a major role in the original miracles of Chanukah and Purim. Shalosh seudos commemorates the miracle of the

mun (a.k.a. manna) - While we were wandering for 40 years in the Sinai Desert, Hashem rained down mun from the sky which supplied all the nourishment that we needed. Since the mun was given to men and women alike, women are required to fulfill the mitzvah of shalosh seudos.

Shalosh Seudos #7 Last week we discussed many of the laws pertaining to the timeframe of shalosh seudos, as well as the obligation of women in shalosh seudos. Today we begin a series of emails which will round out the topic of shalosh seudos, dealing with the actual meal itself. The minimum shiur (amount of food) that one is required to eat in order to fulfill the obligation is a beitzta (the size of an egg). There is a difference of opinion as to exactly how big this is. Most agree that this is approximately 30 grams or slightly more than 1 ounce. Anything less than this would not qualify as a meal, and even would not qualify as an "achilas arai" (a temporary meal). We hold that one does not make kiddush for seudas shlishis. Ideally, one should make hamotzi on two whole loaves of bread or challa (lechem mishneh). If this is not possible, hamotzi over one loaf will suffice. Clearly, bread is ideal, however the michaber (OC 291:5) permits eating meat or fish without bread. He even quotes a view that fruits alone will suffice. Nonetheless, it is clear that the most preferable way to fulfill the mitzvah of seudas shlishis is with bread.

Shalosh Seudos #8 Yesterday we began discussing halachos that apply to the meal itself. In short, we said that one should ideally wash and make a hamotzi on bread, but one does technically fulfill the mitzva over mezonos foods or fruits. There is an opinion quoted in the Zohar that if one attends a shiur in divrei torah between mincha and maariv on shabbos afternoon, that this can actually suffice as fulfilling the mitzvah of shalosh seudos - kind of like a "food for thought" type of concept. Nearly all poskim are clear, however, that the ideal way to fulfill shalosh seudos is by eating food. There is a well-known story involving the Brisker Rav that illustrates this point. The Brisker Rav was once traveling and he spent shabbos in an inn. That Shabbos afternoon, the innkeeper (evidently looking to save a few dollars, or shall I say kopecks) announced to all the guests that seudas shlishis would not be served; rather everyone would rely on the opinion of the Zohar that a shiur/dvar torah would suffice, and the Brisker Rav would supply the divrei torah. The Brisker Rav objected to this plan, saying "by tomorrow, it's possible that you can "schlug-up" (disprove) my dvar torah, leaving you with no shalosh seudos. A piece of fish, on the other hand, can not be schlugged-up." (Actually he said it in Yiddish, but the point is well taken).

Shalosh Seudos #9 This being the 9th and final halacha yomis on the topic of shalosh seudos for now, I thought it might be fun to discuss the most controversial topic of shalosh seudos! We have spent the last few days discussing the meal, and we mentioned that the ideal way to fulfill shalosh seudos is with eating bread. This brings up the famous issue of what to do on erev pesach shechla lihiyos bashabos (when Passover eve falls out on shabbos). The issue is as follows: There exists a prohibition of eating matza on erev pesach; this was enacted to make us appreciate the taste of matza all the more when on pesach itself. At the same time, it is forbidden to eat chametz beginning at late morning on erev pesach. As such, how does one properly fulfill the mitzvah of shalosh seudos on erev pesach that falls out on shabbos? By the afternoon, it is forbidden to eat both bread and matza! There are at least 6 different suggestions that the poskim bring down as to how to deal with this problem. (In general, when so many different possible solutions are raised, it underscores the fact that none of these solutions are perfect.) One possibility is to eat fruit or a mezonos (grains, like cake and cookies). Obviously, this is not ideal, since we know that making a hamotzi (on bread or matza) is preferred. Some poskim suggest that you should daven shacharis very early shabbos morning, wash, eat a quick meal very early in the morning (say, 7 AM), and then have challah for seudas shlishis at around 9:00 AM, before the prohibition of eating chametz set in. Others have the opinion of eating egg matza, as they hold that egg matza is neither chametz, nor does it fall under the prohibition of eating matza on erev pesach. The Zohar states that one could learn Torah ("food for thought") and can fulfill the mitzvah that way. No solution is perfect, as each one seems to have some aspect of it that is faulty. What is clear is the following: the fact that many Rabbis go to such great lengths to figure out a way that we can wash for shalosh seudos on erev pesach underscores the fact that we should wash for shalosh seudos every week. There are many people (myself included) who can get all worked up trying to find the best way to fulfill shalosh seudos on erev pesach when we in fact we don't wash for seudas shlishis on every other shabbos of the year. This should be a source of chizuk (internal strength) to all of us, and hopefully will inspire us all to be extra diligent in observing all the halachos of shalosh seudos.

From: **Rabbi Yissocher Frand** [ryfrand@torah.org] Sent: Thursday, January 20, 2005 9:24 PM To: rayfrand@torah.org Subject: Rabbi Frand on Parshas B'Shalach

[From last year]

"RavFrاند" List - Rabbi Frاند on Parshas B'Shalach

The Reason the Jews were not led through the Land of the Plishtim
The parsha begins with the pasuk [verse], "It happened when Pharaoh sent the people that G-d did not lead them by way of the land of the Plishtim, because it was near (ki karov hu), for G-d said, 'Perhaps the people will reconsider when they see a war and will return to Egypt.'" [Shmos 13:17]. I have translated the 'ki karov hu' in line with Rashi's interpretation, that the word 'hu' references the land of the Plishtim and the word 'karov' is referring to geographical distance.

The Daas Zekeinin m'Baalei haTosfos provide a totally different interpretation. Their translation of 'ki karov hu' is 'for the nation of Israel is like a relation of the Almighty'. The word 'hu' refers to the nation and the word 'karov' means relative ['family member'] as in the pasuk "...to the children of Israel, His intimate people (am krovo)" [Tehillim 148:14]. The Daas Zekeinin m'Baalei haTosfos interpret that as a result of the intimate relationship between G-d and the Jewish people, G-d did not lead them by way of the normal travel routes of other people (the Coastal route by way of the Land of the Plishtim).

Sometimes G-d treats His children in a fashion that to them seems inexplicable. The reason for this is 'ki karov hu' - because He has a special relationship with them. It stems from the fact that He has a different plan for His close people.

Rav Simcha Ziesel Broide, head of the Chevron Yeshiva comments that many times in life we are taken on circuitous paths. We encounter bumps in the road and we begin to wonder "why is the Almighty doing this to us?" Sometimes we have to remind ourselves 'ki karov hu'. Despite the fact that this path does not seem to make any sense to us and it would be so much easier and so much nicer if 'x', 'y', and 'z' would happen, but 'ki karov hu'. G-d has a different relationship with those with whom He is close.

No Coasting: Both Marriage and Business Require Constant Effort

There are two phenomena in the teachings of Chazal that are equated with Krias Yam Suf [the splitting of the Reed Sea]. Rav Shizbi teaches in the name of Rav Elazar Ben Azaria that one's livelihood (mezonosav) is as difficult to achieve as the splitting of the Reed Sea [Pesachim 118a]. Rabbah bar bar Channah teaches in the name of Rabbi Yochanan that appropriate marital match-making (zivugim) is as difficult to achieve as the splitting of the Reed Sea [Sotah 2a; Sanhedrin 22a].

Rav Yaakov Kamenetzky taught that the term 'zivugim' doesn't only mean making marital matches (shidduch), it refers to marriage in general.

Everyone knows that just because a person made a living yesterday, there is no guarantee that he will make a living today. Making a living is something that a person must engage in constantly. He always needs to come up with new creative ways to keep and earn his livelihood -- new avenues of business, new markets, etc., etc. Even if a person has a salaried position, he always needs to maintain his status and remain current with new trends and developments in his field or profession. There can be no stagnation or "coasting along" when it comes to making a living. It has to be worked on, on a constant basis, day in and day out.

This, says Rav Yaakov, is the connection between a livelihood (mezonosav) and a marriage (zivugim). There can be no coasting in a marriage, just as there can be no coasting in a business. A business can go bankrupt after 30 years, and so can a marriage. A business must be constantly nurtured and expanded and taken care of and maintained. The same is true of a marriage. Marriages and livelihood are both as difficult as Krias Yam Suf. They both require perpetual maintenance.

Life Is Better For Those Who Are Not Bitter

We learn in the parsha "They came to Marah, but they could not drink the waters of Marah because they were bitter (ki marim hem); therefore they named it Marah." [Shmos 15:23]

In a classic Chassidic insight as well as Kotzker interpretation, Rabbi Menachem Mendel of Kotzk [1797-1859] translates the words 'ki marim hem' (because they were bitter) as referring not to the water, but to the people. Bitter people will find complaints about everything. No matter how good the water tasted, a negative and bitter person will always find some reason why he can't drink it.

Attitude is a great determinant in life. To bitter people, everything is bitter and to people who aren't bitter everything is possible. One of the great truths of life is that there are only two types of people in this world: Those who see the glass as half full and those who see the glass as half empty.

The proof of this axiom is the man [manna]. There was nothing better to eat in the history of mankind than man. There was no waste. It never caused stomach problems. It was tasty. According to the Medrash, it tasted however the person who ate it wanted it to taste. If he wanted dairy it was dairy; if he wanted meat it was meat. It was spiritually elevating. How could anyone complain about man? And yet the people said, "We can't take it any longer - man for breakfast, man for lunch, man for supper - it is too much! We have mon coming out of our ears already!"

The complaints are fully spelled out in Parshas Behaloscha: "The rabble that was among them cultivated a craving, and the Children of Israel also turned, and they

wept, and said, 'Who will feed us meat? We remember the fish that we would eat in Egypt free of charge, the cucumbers, and the melons, the leek, the onions, and the garlic. But now, our life is parched, there is nothing; we have nothing before our eyes but the man!'" [Bamidbar 11:4-6]. The Torah then continues in the next pasuk: "Now the man was like coriander seed and its color was like the color of the b'dolach."

Rashi there [Bamidbar 11:7] says "He who said this did not say that. Israel said 'We have nothing before our eyes but the man' and the Holy One Blessed is He had it written in the Torah, 'Now the man was like coriander seed, etc.' as if to say, 'See, you who come into the world, what My children complain about. Yet the man is so valued.'"

G-d, as it were, says: "Let the record state the facts. Let the record show what My children are complaining about. Let mankind know for all time, that people who can complain about the man -- the greatest substance ever given to man -- will complain about anything!"

What is the reason for the complaints? Because THEY were bitter. It was not the problem of the water or the problem of the man. It was the problem of the people. For bitter people, everything is no good. For positive people, everything is wonderful.

Transcribed by David Twersky; Seattle, WA DavidATwersky@aol.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org

This write-up was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tape series on the weekly Torah portion. The complete list of halachic topics covered in this series for Parshas B'Shalach are provided below: These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 447 - Hidir Mitzvah. Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. RavFrاند, Copyright © 2004 by Rabbi Yissocher Frand and Torah.org. Torah.org: The Judaism Site <http://www.torah.org/> Project Genesis, Inc. 122 Slade Avenue, Suite 250 (410) 602-1350 Baltimore, MD 21208

From: National Council of Young Israel [YI_Torah@lb.bcentral.com] Sent: Thursday, February 09, 2006 12:00 AM Subject: NCYI Dvar Torah: Parshat Beshalach

Parshat Beshalach 13 Shevat 5766 February 11, 2006 Daf Yomi: Pesachim 25

Guest Rabbi:

Rabbi Chananya Moshe Berzon

Yeshivat Mevasseret Tziyon

A Bat Mitzvah message to Avigayil our granddaughter Every Yeshiva Bachur is aware when Tosafot (or any other Rishon) proposes two answers to a question posed; there must be a germane point that begs for the second answer. This point of departure is the springboard for the second answer, i.e. there was something fundamentally questionable, or a premise that can be argued, in the first answer that necessitated an alternative answer.

The cute story is related about the Chasidische Rebbe giving a D'var Torah Friday night of Parshat B'reshit. Everyone is sitting around intently awaiting for the Rebbe to say his Vort. The Rebbe starts swaying back and forth with his deep blue eyes looking heavenward. He begins to speak by asking a profound question: "Far vus fankt der Torah on mit an Aleph?" Why does the Torah begin with the letter Aleph? Sitting in the group is a Misnaged -- a non-Chassid. He interrupts the Rebbe and calls out: "But Rebbe the Torah does not start off with an aleph. In fact, it begins with a Bays - B'reshis!"

The Rebbe immediately responds to this attack, by saying: "Dos is ayn Teretz. Ich hob a besserer Teretz. "You are offering only one answer. I have a much better answer." However, in commentaries related to Torah, it is not necessarily the same. If Rashi (and numerous other commentaries) presents two explanations or two translations, they might concur, supplement and compliment one another. This is certainly the acceptable approach in the realm of Drush.

This brings me to this week's Torah reading, Parshat Mishpatim., specifically the verse: "And Bnei Yisrael went up Chamushim from Mitzrayim". Rashi offers two translations to the word CHAMUSHIM alu bnei Yisrael m'mitzrayim. One is Mezuyanim, they were armed to fight in battle against their enemies who will be ambushing them throughout their forty year journey on their way to The Promised Land. The second explanation is one fifth (alluding to the Midrash that four-fifths of the Jewish population died out during the plague of darkness, for they were not destined to leave Mitzrayim).

What, if any, connection do these two explanations have in common? They appear to be utterly different. To elucidate, it is imperative for us to state why 80% of the Jewish population in Mitzrayim died during the plague of darkness. Evidently these Jews after all the suffering and miracles, still and all, did not want to leave Mitzrayim. Of crucial concern and consideration was not the commitment to Am

Yisrael, HaShem, and the destiny of the Jews. Certainly Eretz Yisrael was of no consideration to them. They assessed the state of affairs and concluded they would prefer to remain in Mitzrayim. They were confident post-plague Egypt would herald a new tomorrow of positive treatment they would be receiving from Pharaoh and his citizens. There were too many Jews, especially outspoken and aggressive Jews like the ilk of Moshe and Aharon, who were a threat to Pharaoh. Once they would leave, undoubtedly Pharaoh would rethink his relationship with Jews and their behaviour. He would look upon the remaining Jews as loyal, cooperative, and peace-loving citizens. Therefore, they decided to remain in the fatherland – Mitzrayim. HaShem labeled these people as the darkness of the Jews. They will always blur the clarity of vision that HaShem has given to Am Yisrael. As a result, they died in the plague of darkness, not to be a fifth column, a destructive jaundice in the approaching years and travels of the Jews. At this point Am Yisrael is now truly prepared (Mizyuanim) to protect themselves against the onslaught of any nation of enemies.

So P'shat in the Pasuk weaving together the two comments of Rashi can be explained in the following fashion: B'nai Yisrael departed from Mitzrayim Chamushim – one fifth of the population (Echad M'chamisha), and thereby they were armed to protect themselves from all enemies (Mezuyanim).

Avigayil, our dear Bat Mitzvah, this message applies to every boy and girl reaching the age of Mitzvoth. You are now going out to the world, becoming more independent of your home. There are potential enemies who wait in ambush. To be protected, you necessitate persisting to be surrounded with the Echad M'chamisha, those few who are true partners to your wonderful character traits of Ahavat Chesed V'yirat Shamayim – Chochma, Chen, V'rachamim. With proper selection of friends and environment, you will readily be able to be Mezuyan armed to march forward on Derech HaShem. The level of Kedusha you attained and hopefully B'ezrat HaShem Yitbarach will continue to grow with, has manifested itself in Artzaynu Hakedosha. It is a special privilege to celebrate this great simcha in Israel- in Yerushalayim – Ir Hashalom.

Your wonderful and devoted parents have invested much kochot in you and your siblings. B'H we have been zocheh to see you grow to this new level in your life. May you continue to mature M'Chayil L'chayil – Chamushim! Amen.

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From: Peninim-bounces@shemayisrael.com on behalf of Shema Yisrael Torah Network [shemalist@shemayisrael.com] Sent: Thursday, February 09, 2006 6:39 AM To: Peninim Parsha

Peninim on the Torah
by Rabbi A. Leib Scheinbaum
- Parshas Beshalach

It happened when Pharaoh sent out the People that G-d did not lead them by way of the land of the Philistines. (13:17)

Once, the king's son, the crown prince, heir to the royal throne, was taken captive by a band of ruthless pirates. The young prince was starved and beaten. He had no day; he had no night. Suffering and persecution were his pastimes. After discovering where his son was being held captive, the king gathered together his bravest and strongest soldiers and set out on a mission to rescue him. A vicious battle ensued, and the pirate band suffered overwhelming casualties. The king was not taking any captives. Relentless in his punishment of the pirates for their brutal treatment of his son, the king did not stop until his son was safely ensconced in his protective custody. The prince put his arms around his father's neck and cried bitterly, reliving to him the terrible terror and pain that he had sustained in captivity. The king soothed his son as they prepared for the return trip to the capital, where the entire city waited anxiously for their return. After traveling a few miles, the king suddenly ordered an about-face. They were returning towards the pirates' hideout. Upon seeing this, the prince began to tremble with fear. His nerves were already taut from his captivity and affliction, and he started screaming, "No! No!"

The prince saw that they were rapidly approaching the pirates' camp, and he felt faint. The mere thought of another confrontation with his captives was too much for him. As soon as they saw pirates coming out, they quickly turned around and ran. It seemed as if the king was teasing the pirates. As soon as the pirates came close to the king's soldiers, the bridge that they were about to traverse to safety - snapped. The prince could no longer take the pressure; he fainted. To anyone witnessing this ordeal, the question was obvious: Why did the king return to the pirate's camp? He was safe, and he had no reason to go back, but he did. Why?

This question applies to our parsha as well. Klal Yisrael had been in Egypt for 210 years. They sustained cruel persecution, pain and suffering. Hashem finally liberated them from bondage, but, on the way to freedom, He had them return. Why? Chazal ask this question in the Midrash. They respond with a mashal, parable. A young king went out with a small group of followers to hunt. While they were in the forest

tracking their intended prey, they heard a cry for help. The king immediately ran towards the sound and discovered a young woman being attacked by robbers. The king raised his sword into the air, and the robbers ran away. The young woman was saved by the king, and he brought her back home. When the king discovered that this woman was herself a princess, he sought her hand in matrimony. The young woman's parents were overwhelmed with joy. It was beyond their greatest dreams. Their daughter's safe return, accompanied by her marriage to the young king, was beyond their wildest imagination.

The princess, however, did not have the same positive reaction as her parents did. She was certainly happy to be safely back home, but she was not yet ready to commit herself for life to her rescuer. So, she remained silent. She conformed with whatever her husband requested, but she continued to remain silent. The king was happy to be married to the princess, but he had imagined a wife who spoke, who did more than nod her head in obedience. The king decided that perhaps a change of scenery might be beneficial. He announced to his father-in-law that he was returning home with his bride.

When the king notified his young wife of his plans, her response was as usual: silence. If she was going to remain silent, the king figured that he would let her travel in her own coach. There was no reason for him to travel with a wife who refused to talk. The king's party left for the royal palace, the king in one coach and his queen in another coach. Suddenly, a band of highwaymen attacked the queen's coach. "Help me! Help me!" the queen screamed. "Please save me! Please."

Like an arrow bursting forth from the bow, the king came to her rescue. He chased away the robbers, who were actually men that he had hired to frighten the queen. He turned to his wife and said, "I have waited for this moment for some time. I just wanted to hear the sound of your voice once again. When you were attacked in the forest, you screamed for help. I saved you. Then silence. I have never heard from you again. I now know that when you are in pain, you cry out. This is what I was waiting for."

The lesson is obvious. When Klal Yisrael was in Egypt, beaten daily, persecuted and miserable - they cried out to Hashem. He responded and liberated them. The reaction: silence. Hashem had to break their silence to take them out of their reverie. He returned them towards Egypt. They reacted. They broke their silence.

The lesson for us is also obvious. We cry out to Hashem when we hurt. Otherwise, we are silent. That is not the way to treat our Protector. He wants to hear our voices on a regular basis, not only when it hurts.

Moshe took the bones of Yosef with him. (13:19)

In the Talmud Sotah 13a, Chazal note that Moshe Rabbeinu was the only one who took the time and trouble to gather Yosef's remains, to fulfill the oath that Yosef had extracted from the original tribes that had come down to Egypt. The rest of the people were busy carrying out another mitzvah: requesting the valuables of Egypt. While Moshe understood this was also a mitzvah, his sights were set on a different goal. This is what Shlomo HaMelech meant when he said in Mishlei 10:8, Chacham lev yikach mitzvos, "The wise of heart takes (the performance of) mitzvos." It does not refer to Moshe as a righteous man, but as a wise man. Why? How was Moshe's greater acuity demonstrated by his actions? If anything, he displayed greater piety, a higher level of devotion, but not necessarily wisdom.

Horav Mordechai Ilan, zl, explains that the key word to understanding the depth of Moshe's actions is imo, with him. Both Klal Yisrael and Moshe "took." Klal Yisrael took the valuables which they had collected. This was definitely a considerable deed. In addition to acquiring great wealth, they also fulfilled a mitzvah. What they "took," however, was a temporary appropriation. They could use it right here and now, as long as they walked the earth. They could not take it "with them." No one takes his material wealth with him when he leaves this world. Moshe, on the other hand, took the remains of Yosef "with him." This was a mitzvah that he was taking "with him" to his eternal resting place. It would never leave him. It was a mitzvah, and mitzvos are eternal acquisitions.

... In loving memory of Mrs. Glika Scheinbaum Bogen by her family

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By Rabbi Paysach Krohn
Wheels of Fortune

Throughout history, Jews who endured hatred and persecution only because they were Jews, were tormented regardless of whether or not they were religious. Anti-Semitism did not recognize particular religious stripes. Those who shed their exterior Jewishness usually realized that it made no difference. The bitter malice was spewed at their identity -- which for the most part they could not conceal.

Thus, in 1966, Sam Zeitlin of Brooklyn, a member of the American National Cycling Team, was grieved but not surprised when he became the target of a constant

barrage of anti-Semitic jibes. He was sure that his teammates' comments were tinged with jealousy, for he was one of the fastest and most capable cyclists in America. After all, he had won the New York State Sprint Championship in 1965 and "The Jewish Boy" was heralded everywhere in the cycling world.

Cycling had been a passion for Sam since his early childhood, and he had won race after race, both locally and nationally. One afternoon as Sam was cycling in Kissena Park in Queens, in training for a national race, slanderous remarks were aimed at him by some beer-drinking hoodlums sitting in the stands that rimmed the track. He tried to put them out of his mind, for clearly they were trying to intimidate him. That night, however, as he was cycling home on his road bike, a car behind him swerved from its lane and lurched towards him. With the swift reflexes of a gifted athlete, Sam turned sharply onto the sidewalk. He looked back at the car and saw that it was his chief rival on the cycling team driving with one of the hoodlums from the stands. "You'll never stay on top, you dirty Jew," the driver roared as he sped by.

Sam had to admit that he was unnerved by the bigotry and the resentment.

A few months later in 1967, in the Grand Prix of The Americas, in Northbrook, Illinois, Sam finished first -- only to be disqualified. Citing a rule that had never been enforced either before or since, the officials claimed that Sam had raised his hands in victory prior to crossing the finish line, and by taking his hands off the handlebars had endangered the safety of nearby spectators. Sam was convinced that the decision was tainted with anti-Semitism, and he decided to leave the United States and pursue his goals in another country.

He rejected Canada because the winters were too cold and he rejected Mexico because, with its high altitude, the air was too thin. If he was going to travel overseas, then Israel, where sports were popular, seemed a logical choice. And even though he was a secular Jew, Israel was the country of his people.

He came to Israel later that year and immediately contacted the authorities of the cycling division of the Hapoel Tel-Aviv Sports Club. His reputation had preceded him, since he had won the 1965 Maccabiah Games Cycling Sprint competition. Nati, the team's general manager, realized that if Sam became the team's trainer, as well as a member, he could bring the Israeli cycling team to world-class standards. Nati took a liking to him as Sam confidently proclaimed that he could enable Israeli cycling to compete for medals in the upcoming World Olympics.

One night, after strenuous training, Sam went to the Kosel HaMaaravi. He had never been there, but he knew that it was a place where people prayed. As he made his way across the plaza, he recalled the Shema Yisrael prayer he had learned in a Hebrew school in Brooklyn. He walked up to the huge sacred stones of the golden Wall, gently kissed them and recited the Shema. He said a few prayers in English and then began scanning the crowd for a familiar face. He was curious at how others at the Kosel seemed to be praying endlessly. What were they saying, what do they know that I don't know, he wondered.

He walked over to two religious-looking young men and began asking questions of a religious nature. The two brothers, R' Chaim and R' Dovid Goldberg of Chicago, were former talmidim of the Telshe Yeshiva in Cleveland. At the time, Chaim was a student of Rav Dovid Soloveitchik, and Dovid was a student of Rav Berel Soloveitchik.

After a lengthy conversation, the brothers recognized that Sam was sincerely searching for guidance and inspiration. They directed him to their native Chicago friend, Rabbi Gershon Weinberger, who was known for his warm personality and incredible hospitality. An architect who lived with his wife and family in the Kiryat Sanz section of Jerusalem, R' Gershon had a home that was a "home away from home" for dozens of young men and young women who had come to study in Israel. Their apartment was always accessible. Meals and Torah discussions were always available.

Rabbi Weinberger and Sam became very close friends, as the rabbi took an active interest in Sam's road back to Torah Judaism. They studied together during the week and every Shabbos. Sam, now known as Shimon, was regularly at the Weinberger home, participating with family and guests in the lively zemiros (Shabbos melodies), and stimulating divrei Torah.

After a few months, Rabbi Weinberger suggested that Shimon enroll in a yeshiva. "I have a very close friend, Rabbi Noach Weinberg, who is opening a yeshiva in Bnei Brak," said Rabbi Weinberger. "You will get individualized attention. You should consider it."

Shimon Pesach Zeitlin thus became the fifth talmid in Yeshiva Magen Avrohom, which was the forerunner for the world-renowned Yeshiva Aish Hatorah, of which Rabbi Weinberg is the founder and Dean.

For Shimon, moving from the hills of Jerusalem to the flatter terrain of Bnei Brak was a tremendous asset for his cycling practice. Shimon would attend morning seder (session) and then, with the encouragement of Rabbi Weinberg, he would cycle for three hours in the afternoon with his custom-made English Holdsworth bicycle along the coast roads towards Caesarea or on the Tel-Aviv Haifa highway, tucking behind huge Israeli army trucks hauling tanks, so that he could pedal in the highest gear with no wind resistance. Shimon would practice his aerodynamically correct racing

tactics, using his innovative techniques to gain power and speed, all the while singing to himself the quickly paced niggun, Shabbos Hayom LaShem, that he learned from his mentor, Rabbi Gershon Weinberger. His swift pedal cadence would parallel the tempo of the song.

As Shimon progressed in his observance of Torah and mitzvos, he tried to influence some of his cycling teammates to become Shabbos observant. His pleas fell on deaf ears. The cyclists and their coaches were fueled by their goal of an Olympic medal and international fame.

As the Olympics drew near, trials were to be held to determine which cyclists would represent Israel's team. The Israeli Sports Federation announced that the trials were to be held on Shabbos! Shimon was appalled. As much as he appealed to them, they were totally unsympathetic. Shimon knew the level of cycling talent of other countries. "You don't have world-class cyclists that can compete at Olympic levels unless I represent you," Shimon said.

"We don't change policies for anyone," he was told firmly, "even for you."

An internal conflict raged within Shimon. He had struggled for thousands of lonely hours, training, lifting weights, doing calisthenics, jumping rope, riding hills and valleys through rain, cold, sleet, and heat, all so that he could participate in the Olympics. If he could win an Olympic gold medal he would carve his name in sports history. His name would become a household word in millions of homes throughout the globe. Yet, Shabbos had taken on new meaning in his life. Shabbos defined his being -- a subservience to a Higher Power that governed his life -- and the chant of Shabbos Hayom LaShem had become the anthem of his identity. In the end, Shimon's decision was clear. Life as a religious Jew meant more than that one blazing moment of possible glory.

In the summer of 1972, Israel did not send a cycling team to the 20th Summer Olympic Games in Munich, Germany. The Israelis realized that their cycling team was not up to par. But they did send officials and athletes to compete in weight lifting, wrestling, fencing, and rifle shooting. During the games, Palestinian guerrillas attacked the Olympic Village and killed two Israeli athletes and took another nine hostage by helicopter to a nearby airfield in Munich. As the world looked on in shock, a shootout took place between German police and the Palestinians. The helicopters were blown up and the Israeli athletes were shot to death.

Back in Bnei Brak, Shimon heard the tragic news on the radio. It was all anyone in Israel talked about. There was shock and outrage, sadness and mourning.

As he reflected on the tragedy, Shimon shuddered when he thought of a phrase of another Shabbos song, "Ki eshmerah Shabbos, Keil yishmereini," If I safeguard the Sabbath, Hashem will safeguard me.

Today, more than a quarter of a century later, when Shimon and his family sing around their Shabbos table, "Ki eshmerah Shabbos," he often utters a silent prayer of thanks to Hashem for his being led to become a shomer Shabbos and Torah-observant Jew.

From: Kol Torah [koltorah@koltorah.org] Sent: December 16, 2005 To: koltorah@koltorah.org

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The Prohibition to Smoke – Part One by Rabbi Chaim Jachter

Anecdotal evidence strongly indicates that within the Modern Orthodox community it has become accepted not to smoke. Indeed, the Poskim whom the Modern Orthodox community regards as authoritative have unequivocally stated that it is prohibited to smoke. These authorities include Rav Aharon Lichtenstein, Rav Hershel Schachter, Rav Gedalia Schwartz, and Rav Aharon Soloveitchik. Moreover, one of Rav Moshe Feinstein's leading Talimudim, Rav Efraim Greenblatt, rules (Teshuvot Rivevet Efraim 8:586) that smoking is prohibited. Indeed, three major Israeli Halachic authorities- Rav Chaim David Halevi (Teshuvot Asei Lecha Rav 2:1,3:18, and 9:28-29), Rav Avigdor Nevenzahl (Asyah 5:261) and Rav Eliezer Waldenburg (Teshuvot Tzitz Eliezer 15:39) - have written that smoking is prohibited. Additionally, Rav Ovadia Yosef has concluded that it is prohibited to smoke (Halichot Olam 1:265-266, published in 1998). This contrasts with Rav Ovada's earlier writings (such as Teshuvot Yechave Daat 5:39, published in 1983) in which he states that it is preferable to refrain from smoking due to the health hazards involved. Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 2:58:6) writes, "I have never joined those who believe that it remains permissible to smoke [on any day] in our times." Finally, Rav Moshe Feinstein (Teshuvot Igrot Moshe Choshen Mishpat 2:76) writes (in 1981) that it is forbidden to begin the habit of smoking. Thus, according to Rav Feinstein, it is forbidden for one to smoke if he did not begin to do so before this Psak was given. We shall argue that, given current medical data, smoking is prohibited even according to Rav Moshe's standards. In

this series I seek to explain why smoking is unquestionably forbidden for those Jews who study science and take its findings seriously. I am motivated to a great extent by the premature death of my father due to lung cancer (my father smoked cigarettes). I wish to insure that Bar and Bat Mitzva celebrants should have the pleasure and honor of their grandparents participating in their Simcha. I do not wish that others should share my experience of having gone to the Chuppah without my parents. I thank Rav Asher Bush whose writings on this topic helped me formulate this series.

Smoking on Yom Tov It seems that Jews began to smoke in the seventeenth and eighteenth centuries, as this is when the Poskim begin to discuss its Halachic permissibility. Poskim did not discuss health concerns as it was not known at the time that smoking posed health concerns. Poskim did, however, debate the permissibility of smoking on Yom Tov. The Torah (Shemot 12:16) permits Havara (kindling a fire) on Yom Tov, although Chazal (see Biur Halacha 502:1 s.v. Ein) forbid creating fire on Yom Tov. Thus, when we light something on Yom Tov, we light it from a preexisting flame. The Halacha forbids, however, burning incense on Yom Tov (Beitza 22b and Shulchan Aruch Orach Chaim 511:4). The reason is that the Halacha does not permit burning that is not “Shaveh LeChol Nefesh”, something that is customarily enjoyed by all. Burning incense is regarded as exotic and not included in the Halacha’s permission to engage in Havara on Yom Tov.

Poskim, in the seventeenth and eighteenth centuries began to debate whether smoking is considered Shaveh LeChol Nefesh. The Korban Netanel (Beitza 2:10) forcefully argues that smoking is not Shaveh LeChol Nefesh. He notes that if one who is not accustomed to smoke were to begin smoking on Yom Tov, he would become ill and disoriented. This, he believes, demonstrates that smoking is not Shaveh LeChol Nefesh. The Chayei Adam (95:13) also prohibits smoking on Yom Tov. The Biur Halacha (511:4 s.v. Ein Osin), on the other hand, notes that many Acharonim (including the Chacham Tzvi, cited in the Shaarei Teshuva 511:5 and the Pnei Yehoshua, Shabbat 39b s.v. Omnam) permit smoking on Yom Tov. The Biur Halacha notes that those who rule leniently point to the fact that “now that many people are accustomed to this, it has become Shaveh LeChol Nefesh”. Interestingly, the Biur Halacha cites the Shaarei Teshuva (511:5) who observes that some have the practice to refrain from smoking on the first day of Yom Tov but to smoke on the second day of Yom Tov (in Chutz LaAretz). This practice emerges from the Talmudic rule that one should be strict regarding a Torah matter and lenient regarding a rabbinic matter. Thus, since the observance of the second day of Yom Tov in Chutz LaAretz is currently only a rabbinic obligation, one may be lenient regarding an activity disputed by the Poskim. The Aruch Hashulchan (O.C. 511:11) criticizes this approach, arguing that this diminishes the dignity of the second day of Yom Tov. Indeed, Chazal strove to insure that we not take the observance of the second day of Yom Tov lightly (see, for example, Rambam Hilchot Chanukah 3:5).

Smoking on Yom Tov Nowadays Prior generations, as is well known, adopted the lenient opinion in practice. However, Poskim today have noted the need to reexamine this matter in light of the fact that the percentage of people who smoke has dramatically reduced due to the great health risks involved with smoking. Rav Simcha Bunim Cohen (The Laws of Yom Tov p. 106 footnote 1) observes, “In the United States it should certainly be forbidden to smoke according to all opinions, as the overwhelming majority refrain from smoking.” Furthermore, he cites (page 108 footnote 3) Rav Shlomo Zalman Auerbach (Teshuvot Minchat Shlomo 2:58:6) and Rav Shalom Yosef Elyashiv (cited in Sefer Hazikaron Mevakshei Torah 1:264) as ruling that today it is forbidden to smoke on Yom Tov. Indeed, Rav Zalman Nechemia Goldberg writes that it is prohibited to smoke on Yom Tov in our times (in a responsum printed in Pe’er Tachat Eifer p. 52). Additionally, Rav Moshe Shternbach (Teshuvot VeHanagot 1:316) argues that since we rely on doctors’ opinions regarding many serious areas of Halacha (such as the need for a sick individual to eat on Yom Kippur), we should follow their opinions to refrain from engaging in smoking, which is merely a recreational activity. Rav Shternbach believes that the Acharonim who permitted smoking on Yom Tov would not have issued permissible rulings in the current climate where it is accepted that smoking poses a grave health hazard. See, however, the posthumously published volume of Teshuvot Igrot Moshe (O.C. 5:34) where Rav Moshe is presented as stating (in 1984) that it is difficult to proclaim cigarette smoking as prohibited on Yom Tov since millions of people throughout the world smoke.

Avoiding Danger Year-Round – VeNishmartem Meod LeNafshoteichem The question, though, is whether smoking is forbidden at all times and not merely on Yom Tov. In general, the Halacha requires that we refrain from dangerous and unhealthy activities. The source for this requirement is Devarim 4:15 where we are instructed VeNishmartem Meod LeNafshoteichem, that one should carefully guard his soul. For a full discussion of this matter see the essay written by Dr. Shalom Buchbinder and my dear Talmid Dr. James Dipoco (Journal of Halacha and Contemporary Society Fall 2001).

The Halacha, however, seems to divide this requirement into two different categories. The Rambam (Hilchot Rotzeiach Ushemirat Nefesh 11:5) writes that Chazal prohibited engaging in

numerous activities because they are dangerous. The Rambam also writes (Hilchot Deiot 4:1) that one should (Tzarich) avoid eating certain foods or engaging in certain activities that weaken the body. The activities listed in Hilchot Rotzeiach Ushemirat Nefesh appear to be strictly forbidden, while the activities that the Rambam discusses in Hilchot Deiot seem to be discouraged but not technically forbidden. Rav Waldenberg seems to understand that the activities mentioned in Hilchot Rotzeiach Ushemirat Nefesh are far more dangerous than those mentioned in Hilchot Dei’ot. Thus, while it is technically forbidden to drink from water that a snake may have placed his venom, it is not technically forbidden to overindulge in pizza even though it is not the healthiest of foods. The question is in which of these two categories we place smoking. A possible manner to distinguish between the two categories is the litmus test suggested by the Gemara in a number of places (Shabbat 129b, Yevamot 12b, and Niddah 31b). The Gemara permits certain activities that involve some risk, “Since the multitudes have tread upon this matter, then [the Pasuk, Tehillim 116:6, that states that] ‘Hashem protects the foolish [applies].’” Rav Moshe Tendler (Beit Yitzchak 15:71) explains this Gemara as teaching that the Halacha has allowed reasonable members of society to define the parameters of the prohibition to engage in risky activities; Halacha permits an activity that reasonable members of society deem to involve a tolerable risk. Based on this standard, Teshuvot Chelkat Yaakov (Choshen Mishpat 31 in the new edition) writes that it is permissible to travel in an airplane or car even though there is some risk involved. For further explanation of this concept of Hashem protecting the foolish, see Rav J. David Bleich’s discussion of hazardous medical procedures (Tradition Fall 2003 pp. 76-100) and Rav Shlomo Cohen-Duras’s discussion of hazardous sporting activities (Techumin 22:120-126). Accordingly, if smoking is included within the “Hashem protects the fools” principle, it should be avoided, but nevertheless cannot technically be categorized as prohibited. On the other hand, if it is not included within this principle, then it is unequivocally forbidden.

Conclusion Next week we shall discuss the parameters of the “Hashem protects the fools” principle and see how the Poskim of the twentieth century applied it to smoking. We will conclude that it is undoubtedly prohibited for Jews who study and apply modern science seriously, to smoke.

From: Kol Torah [koltorah@koltorah.org] Sent: Friday, January 06, 2006

The Prohibition to Smoke – Part Two by Rabbi Chaim Jachter

Last week we introduced the issue of smoking and Halacha. We noted that many great Halachic authorities prohibit smoking, including Rav Efraim Greenblatt, Rav Chaim David Halevi, Rav Aharon Lichtenstein, Rav Avigdor Neventzhal, Rav Hershel Schachter, Rav Gedalia Schwartz, and Rav Aharon Soloveitchik. This week, we will continue to work towards our conclusion that smoking is undoubtedly prohibited to all Jews who study and apply modern science seriously.

Hashem Preserves the Fools – When Does it Apply? Last week we noted that some unhealthy and risky behaviors are technically prohibited and that other such behaviors are discouraged but not technically prohibited. A possible way to distinguish between the two categories is to see whether society regards the risk involved in the particular behavior as minimal and/or tolerable. The Gemara comments that such behavior is not forbidden, “Since the multitudes have trodden upon (this risk), Hashem preserves the fools.” We shall see how Poskim define the parameters of this principle and how they apply it to the question of the Halachic propriety of smoking. Two great later Acharonim offer definitions of the parameters of the “Hashem protects the fools” principle. Rav Chaim Ozer Grodzinsky (Teshuvot Achiezer 1:23) seems to believe that it applies only when the danger is minimal and disaster occurs only in a small minority of cases. Airplane travel is acceptable according to this standard, as I heard from Rav Aharon Soloveitchik (in a Shiur he delivered at Yeshiva University in 1986). On the other hand, Rav Aharon Soloveitchik stated, cigarette smoking is forbidden according to the Halacha, since much more than minimal danger is involved. It seems, however, that in case of great need the Halacha tolerates greater risk-taking. For example, the Gemara (Bava Metzia 112b) notes without criticism the fact that people risk their lives and work high up in trees in order to earn a living. Apparently, Chazal believe that one may risk his life in order to earn a living. Such risks would not be tolerated if done merely for recreation. Accordingly, Rav Yechezkel Landau (Teshuvot Nodah B’Yehudah 2: Yoreh De’ah 10) permits one to hunt animals to earn a living but forbids recreational hunting. Similarly, since smoking is a recreational activity, the Halacha is less tolerant regarding the risks involved in this activity. Rav Yaakov Ettlinger (Teshuvot Binyan Tzion 1:137) discusses (in the nineteenth century) the permissibility of embarking on a sea voyage or a trip across the desert. He offers what appears to be a different definition of “tolerable risk” from that of Rav Chaim Ozer. The Binyan Tzion distinguishes between an immediate danger and a long-term danger. Immediate danger is prohibited in all situations. Future danger, however, may be assumed if, in the majority of cases, it can reasonably be expected

that no harm will occur. It is possible, however, that the Binyan Tzion tolerates such risk only for the purpose of earning a living or other great need and not for recreational purposes.

Application to Smoking Rav Moshe Feinstein (Teshuvot Igrot Moshe Choshen Mishpat 2:76) writes (in 1981) that smoking should be discouraged, as should all other unhealthy habits, as the Rambam states in the fourth chapter of Hilchot Deiot (as we discussed last week). However, Rav Moshe writes, smoking cannot technically be declared as forbidden since only a minority of smokers is afflicted with health problems as a result of the habit. In such circumstances, Rav Moshe argues, the “Hashem protects the fools” principle applies. Rav Moshe’s argument appears to be in harmony with the Binyan Tzion’s criterion for forbidden dangerous activities. Rav Moshe’s lenient ruling seems no longer to apply, as we know that current research indicates that a majority of smokers will suffer ill effects from their unhealthy habit. For example, Rav J. David Bleich writes (Tradition Fall 2003 p.97) that according to “presently available evidence, it appears that the cumulative risks of lung cancer, cardiovascular disease and respiratory illnesses will, in the aggregate, foreshorten the lives of a majority of smokers.” Indeed, Dr. Jeffrey Berman, an Orthodox physician who is an expert on recovery from addiction (including smoking) at the Robert Wood Johnson Medical Center in New Jersey, reports that a staggering eighty-five percent of smokers will suffer health problems as a result of their habit. Moreover, Rav Bleich notes (ad. loc. p.96) that the “Hashem protects the fools” principle applies only when the behavior is “trodden by the multitudes.” Rav Bleich observes that although smoking was a path well-trodden by the multitudes when Rav Moshe wrote his original lenient responsum on smoking in 1964 (Teshuvot Igrot Moshe Yoreh De’ah 2:49), “It is more than likely that, at present, that condition no longer obtains.” I have been informed that only an approximate twenty-five percent of Americans currently smoke, thus supporting Rav Bleich’s argument that smoking is no longer a path well-trodden by the multitudes.

It should be noted that this contrasts sharply with what Rav Bleich wrote in the summer 1977 issue of Tradition: “Since even in light of presently available evidence it appears that the majority of smokers do not compromise their health and do not face premature death as a result of cigarette smoking there is, according to Binyan Zion’s thesis, no halakic reason to ban this activity.” In addition, he wrote, “There is little doubt that although the road is fraught with danger it is – at least for the present – indeed a path well-trodden by the multitude.” We see by contrasting Rav Bleich’s writings from 1977 and 2003 that the reality and available information have dramatically changed between these years, and thus Rav Moshe’s Teshuva from 1981 probably does not reflect the scientific evidence presently available.

Furthermore, Rav Moshe’s student Rav Efraim Greenblatt (Teshuvot Rivevot Efraim 8:586, printed in 1998) observes that society no longer regards smoking as a tolerable risk. He notes that society even outlaws smoking in bars, even though imbibing considerable quantities of alcohol is tolerated. Accordingly, Rav Bleich’s and Rav Greenblatt’s writings clearly demonstrate that Rav Moshe’s somewhat lenient ruling regarding smoking is no longer in effect, as medical information and society have changed. Indeed, Rav Greenblatt argues, “Who would lie down in the middle of the street and claim ‘Hashem protects the fools?!’” Rather, he concludes, smoking is a suicidal act and is prohibited. Rav Chaim David Halevi (Teshuvot Asei Lecha Rav 3:18) similarly writes that smoking is “slow suicide.” Rav Greenblatt writes, “Smoking is definitely forbidden and there is no justifying it and I have spoken to Gedolim and Poskim who agree with my conclusion.” Rav Avigdor Neventzhal writes (Asyah 5:261) that we cannot apply the “Hashem protects the fools” principle in a situation where we clearly witness that it is not Hashem’s will to protect [smokers]. Rav Eliezer Waldenberg (Teshuvot Tzitz Eliezer 15:39) cites the Chafetz Chaim who writes (Likutei Amarim chapter 13 and Zeicher LeMiriam chapter 23) that it is forbidden for “weak individuals” to smoke, since doctors in his time conclude that smoking further weakens and endangers those who already “weak.” Rav Waldenberg argues that the logical conclusion from the Chafetz Chaim’s assertion is that since doctors currently believe that smoking endangers everyone – including those who have a strong constitution – the Chafetz Chaim would rule that all should adhere to the doctors’ warnings and refrain from smoking. The Halacha regards taking forbidden risks very seriously. The Shulchan Aruch (C.M. 427:10) writes that whoever endangers himself and argues, “Why should others care about my endangering myself if I do not care about it?” should have disciplinary lashes (Makkat Mardut) administered to him. On the other hand, the Shulchan Aruch writes that whoever refrains from dangerous activities will have good blessings bestowed upon him. The Torah does not believe that one can claim, “It is my body and I can do whatever I want with it.” We state in Selichot that “HaNeshama Lach VeHaguf Pa’olach,” our souls and bodies belong to Hashem. We often quote Tehillim chapter 24 which begins with the declaration that the entire world belongs to Hashem, because He created it. Indeed, the Chafetz Chaim writes that if doctors tell someone that he must stop smoking, he must obey the order, because “How may a slave choose to do as he pleases, if he belongs to his Master?” The Bei’er HaGoloh, commenting to the aforementioned citation from

the Shulchan Aruch, offers an explanation for why Halacha forbids us to engage in dangerous activities. He writes that Hashem in His kindness created the world to benefit His creations – for them to recognize His greatness, to worship Him by observing Torah and Mitzvot, and to be rewarded for their positive efforts. One who endangers himself spurns the will of his Creator by implying that he does not want to serve Him and to be rewarded by Him. The Bei’er HaGoloh asserts that there is no greater denigration of and disregard for our Maker than this.

Why Do Some Pious Jews Smoke? When I inform people who smoke that so many great rabbis rule that smoking is forbidden, I am inevitably posed with the question of why some pious Jews smoke. I believe that the answer might be that these pious Jews belong to a community that strives to recreate life as it was in the Shtetl in Eastern Europe. For example, many members of these communities do not even speak English. In these communities, science is not studied in school in a serious manner. Accordingly, some in these communities smoke since this was the norm in the Eastern European Shtetl. Perhaps the rabbis of these communities do not object to their members smoking since they perceive that a majority of the smokers in their communities are not afflicted with health problems as a result. In other words, the principle regarding a behavior that the multitudes have trodden upon might vary from community to community. While in Jewish communities that study science seriously, smoking is not a well-trodden path and is therefore forbidden, perhaps smoking is a well trodden path in those communities, and so is not forbidden for them. Accordingly, we may not extrapolate to our communities from the behavior of those pious Jews do not study science seriously. Finally, we should note that the reality in these communities might be changing, as many Chareidi Poskim (for example, the Debrecziner Rav, Teshuvot Bei’er Moshe 6:160:9) have either declared smoking to be prohibited or have stated in a public letter that one is obligated to make all efforts to stop smoking. The Gedolim who have signed this letter include Rav Yosef Shalom Eliashiv (note the dramatic change from what Rav Eliashiv wrote in 1981 in a Teshuva that is printed in Kovetz Teshuvot 1:219), Rav Aharon Yehudah Leib Shteinman, Rav Nissim Karelitz, and Rav Shmuel Auerbach. Indeed, Rav Shlomo Wolbe (in a letter dated 1987) makes an impassioned plea to cease smoking. He stresses the point that each cigarette that one smokes reduces one’s life expectancy by five minutes. Next week we shall conclude our discussion of smoking and further explain and support our contention that cigarette smoking is forbidden.

From: Kol Torah [kol Torah@kol Torah.org] Sent: Friday, January 13, 2006 1:48 PM Parshat Vayechi 14 Tevet 5766 January 14, 2006 ...

The Prohibition to Smoke – Part Three by Rabbi Chaim Jachter

Previously, we have outlined why it is prohibited to smoke. We noted that Rav Efraim Greenblatt, Rav Zalman Nechemia Goldberg, Rav Chaim David Halevi, Rav Aharon Lichtenstein, Rav Avigdor Neventzhal, Rav Hershel Schachter, Rav Gedalia Schwartz, Rav Aharon Soloveichik, and Rav Eliezer Waldenburg all rule that smoking is strictly forbidden. This week we shall conclude our discussion by clarifying a number of issues regarding this topic.

Rav Moshe Feinstein’s Prohibition to Begin Smoking After 1981 Last week we cited Rav Moshe Feinstein’s ruling (Teshuvot Igrot Moshe Choshen Mishpat 2:76) in which he did not rule that it is strictly forbidden to smoke. We noted from Rav J. David Bleich and Rav Efraim Greenblatt that Rav Moshe’s ruling seems not to apply anymore since medical data and societal behavior has changed since the time Rav Moshe wrote his responsum in 1981. This week I wish to focus on an important facet of this responsum, namely Rav Moshe’s assertion that it is forbidden to begin smoking. Thus, even according to Rav Moshe it is forbidden to smoke if one has not begun to smoke before 1981. He explains that it is forbidden to habituate oneself and develop a desire for frivolous worldly pleasures. Rav Moshe discusses this idea in another responsum (Teshuvot Igrot Moshe Yoreh Deah 3:35), in which he rules that it is forbidden to smoke marijuana or use any other illegal drug. Rav Moshe cites the Halachot regarding a Ben Sorer UMoreh (see Devarim 21:18-21), a rebellious son who is punished for developing frivolous worldly desires (see Sanhedrin 68b), as a source for his assertion. It is important to note that Rav Shmuel Wosner (in a letter written in 2000) also writes that it is completely forbidden to begin to smoke and that cigar smoking is included in this prohibition. It seems that he includes pipe smoking as well, as he writes about smoking “cigars, cigarettes, etc.” Rav Wosner also writes that one who already began to smoke should make every effort to wean himself from this bad habit. Indeed, the Sefer Yereim (in the context of his discussion of Ben Sorer UMoreh) supports Rav Moshe’s assertion. I was told that Rav Aharon Lichtenstein, in the context of strongly criticizing some young men who had spent an evening in a bar drinking alcohol, cited this Sefer Yereim to prove that it is forbidden to develop a taste for overindulging in alcohol.

Is Oness (Duress) an Excuse? Many smokers seek to excuse their behavior by stating that they are Anusim, in effect coerced to smoke, since it is so difficult to free

oneself from this addictive habit. In general, the Halacha excuses one from sins committed under duress (see Devarim 22:26 and Keubot 3a). However, smokers were not forced to begin smoking. The Chafetz Chaim (cited in last week's discussion) chides the smokers who sought to excuse their behavior on the grounds that it is difficult to stop smoking by arguing that they had no right to begin smoking.

As proof to his assertion, the Chafetz Chaim cites the Gemara (Bava Kama 92) that states that one is not permitted to harm himself.

One might add that the Halacha forbids one to voluntarily put himself into a situation where it is likely that he will later be forced to violate Halacha. The Baal Hamaor (Shabbat 7a in the pages of the Rif) writes that one is forbidden to deliberately put himself into a situation where he will be forced to desecrate Shabbat for the purpose of saving a life.

Based on this assertion of the Baal Hamaor, Rav Moshe Feinstein forbids one from choosing to have elective surgery (as I discuss in the soon to be published Gray Matter volume 2).

The Rambam (Hilchot Yesodei HaTorah 5:4) strongly condemns those who choose to remain in positions in which they will be coerced to violate the Torah. In fact, the Siddur HaGra explains the section in the Yom Kippur Vidui (confessional) in which we confess the sins that we committed BeOness as referring to cases where a person initially put himself into a situation willingly and then is coerced to sin. For further discussion of the prohibition to willingly enter a situation where one will be coerced to sin, see Rav Yosef Dov Soloveitchik's responsa regarding the propriety of rabbis volunteering to serve as chaplains in the United States armed forces (Community, Covenant, and Commitment pp. 23-67).

In the context of the Halachot regarding Gittin (Shulchan Aruch Even HaEzer 134:4, and see Pitchei Teshuva E.H. 50:8) the Rama rules that a husband is not regarded as being coerced to give his wife a Get if he does so based on an earlier commitment. Even though the husband currently does not consent to give his wife the Get and is giving the Get only because of the earlier agreement that he entered into voluntarily, the Halacha regards his giving the Get as voluntary. The Taz (134:6) explains, "There is no coercion, since he voluntarily entered into this agreement." The Biur HaGra (134:14) cites Bava Batra 47b as the Talmudic source for the Rama's ruling. Accordingly, we see that one cannot claim that he is coerced to smoke, since one initially chose to smoke. This is especially true in light of the fact that there are many medicines and therapies that have helped numerous smokers quit their deadly habit. Finally, even Rav Moshe Feinstein ruled in 1981 that it is forbidden to begin smoking. It seems obvious that Rav Moshe would require one who began smoking after 1981 to quit smoking.

A Father's Request to Purchase Cigarettes Rav Chaim David Halevi (Teshuvot Asei Lecha Rav 6:58 and 7:65) was asked whether one must honor his father's request to purchase cigarettes for him. Normally, the Halacha requires one to fulfill a parent's request for service (Kiddushin 31b). On the other hand, one is not required to follow a parent's order to violate Halacha (Bava Metzia 32a).

The Beit Lechem Yehuda (commenting on Shulchan Aruch Yoreh Deah 240:15) addresses a situation where doctors ordered someone not to drink water or eat a certain food. The individual subsequently asked his son to bring him water and the specified food and told the son that he would not forgive him neither in this world nor in the next if he failed to do so. The Beit Lechem Yehuda rules, based on Bava Metzia 32a, that the son is not obligated to obey his father's command. Rav Chaim David Halevi explains that the Halacha forbids assisting another to sin ("Lifnei Iveir Lo Titein Michshol" [Vayikra 19:14]). Accordingly, bringing very unhealthy food to someone to eat would violate the prohibition of Lifnei Iveir. Rav Halevi argues that it follows from the Beit Lechem Yehuda's ruling that one should not give his father cigarettes if he requests them. Rather, one should politely and gently explain to one's father (in accordance with Shulchan Aruch Y.D. 240:11) that smoking is very dangerous and the Torah obligates us to preserve our bodies.

Criticizing the Practices of Earlier Generations In general, the Halacha frowns upon calling into question the Halachic practices of earlier generations (Motzi Laaz, see Gittin 5b). Indeed, Rav Moshe Feinstein (Teshuvot Igrat Moshe Y.D. 2:49) writes (in 1964) that we cannot pronounce that smoking is technically forbidden since great Torah scholars of previous generations smoked.

There are a number of potential responses to this argument. First, the Pitchei Teshuva (E.H. 125:12) cites opinions that limit the cases when one should not be Motzi Laaz on the practice of earlier generations. One is that this rule applies only to when we seek to introduce a mere stringency (Chumrah BeAlma) and not when we regard the behavior as essentially forbidden. Another opinion believes that this principle applies only to matters of family law (Ishut) that are particularly sensitive, such as calling into question the validity of Gittin executed by prior generations. According to these two approaches, if a Poseik believes that smoking is forbidden, considerations of Hotzaat Laaz on the practices of the past do not impede issuing a stringent ruling.

Furthermore, previous generations did not have the access to medical data that we have today. Thus, they did not violate the prohibition of endangering themselves, since they did not perceive smoking as dangerous. It is also possible that in earlier generations the health of the majority of smokers was not impaired, because in those years most people did not live past sixty-

five in any case. For example, my father (who smoked) died at age sixty-nine of lung cancer. In pre-modern times most people would have died before the age of sixty-nine. Today, when (Baruch Hashem) the average life span is much longer, the majority of smokers will have their lives shortened specifically because of smoking. Thus, smoking may have indeed been permitted for earlier generations and but is forbidden beginning in modern times. Finally, we are not being Motzi Laaz on Rav Moshe's rulings, since he was basing himself on data that were relevant when he wrote his responsa but are not longer up to date.

Finally, the Debrecziner Rav (Teshuvot Be'er Moshe 6:160:9) explains that cigarette smoking is more dangerous nowadays than it was in previous generations because of the polluted air that we breathe. He also writes that previous generations were stronger than people today (see Megillah 21a) and therefore smoking is more dangerous for us and prohibited.

The Chillul Hashem Argument Rav Chaim David Halevi (Teshuvot Asei Lecha Rav 3:18) advances another argument to forbid smoking. He writes, "In enlightened countries, smoking is banned in public places, commercial advertisements of smoking are banned, and manufacturers of cigarettes are compelled to print health warnings on every pack of cigarettes. Should we, whose holy Torah is a 'Torat Chaim' (a life giving Torah) lag behind?" In a number of places, the Torah presents us with the mission of serving as a role model for other nations (see Shemot 19:6, Seforno's comments ad. loc., and Devarim 4:6). Indeed, part of every Jew's role is to emulate the Kiddush Hashem created by Avraham Avinu who is referred to by his Hittite neighbors as "a prince of G-d amongst us (Bereishit 23:6)." It seems that Chazal regard a Chillul Hashem as such a major infraction (see, for example, Rambam Hilchot Teshuva 1:4) because setting a positive example for others is at the core of the mission of the Jewish People.

Accordingly, the sight of an observant Jew smoking in our time appears to constitute a Chillul Hashem. It seems to me that in this country, smoking (for the most part) is common only among lesser-educated and cultured individuals. The sight of an observant Jew smoking does not create the impression of "knowledge and wisdom in the eyes of the nations."

Conclusion The Rama (Shulchan Aruch Y.D. 116:5) should dispel any doubts that smoking his prohibited. The Rama writes, "One must avoid dangerous activities because we treat danger even more seriously than Issurim (forbidden behaviors, see Chullin 9b). We must be more concerned about even possible danger than about possible violations of Issurim." The fact that so many prominent Poskim have issued rulings forbidding smoking raises the issue at the very least to the level of being possibly forbidden. Thus, smoking is forbidden even if one is uncertain as to whether it should be technically forbidden or not.

Indeed, we can discern three stages in the development of the attitude of contemporary Poskim towards smoking. Rav Chaim David Halevi was the first major Poseik to state publicly that smoking is forbidden (in 1976). Rav Eliezer Waldenberg and Rav Hershel Schachter followed suit in the early 1980's. The third stage was in the late 1990's and early 2000's, when Poskim such as Rav Ovadia Yosef, Rav Yosef Shalom Eliashiv, and Rav J. David Bleich, who previously stated that it is technically not forbidden to smoke, have concluded that it is forbidden to smoke based on changing societal behavior and medical data. Accordingly, at this point one may safely affirm that the age in which smoking was permissible has passed and that at this point it is indisputably forbidden.

Parents and educators must present to their children and students in an unequivocal manner that smoking is forbidden according to the Halacha. There are sufficient major rabbinic figures who have issued stringent rulings to remove any doubt of the fact that Halacha forbids smoking.

Hashem has privileged us to live in an age where it is common for Chatanim and Kallot to enjoy the presence of grandparents and even great grandparents at their weddings. What a shame for one to engage in smoking and very likely miss the opportunity to bestow the great joy of his or her presence at the weddings of his or her children, grandchildren, and great-grandchildren.

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From: Rabbi Kalman Packouz [newsletterserver@aish.com] Sent: Monday, February 06, 2006 10:16 AM Subject: Shabbat Shalom - Beshalach
Beshalach by Rabbi Kalman Packouz
Dvar Torah based on Growth Through Torah
by Rabbi Zelig Pliskin

The Torah states, "And on that day the Almighty saved the Israelites from the hand of Egypt" (Exodus 14:30). Which day does the Torah refer to when it writes "on that day" and what lesson can we learn from the reference to that day?

The Ohr Hachayim comments that the Torah states that "on that day" that the Israelites were saved was the self-same day that the Egyptians who pursued them perished in the sea. However, the Israelites were liberated from Egypt and left Egypt before this. Why only now that the Egyptians drowned in the sea did they feel saved? The answer: the Israelites only felt saved once they felt secure that the Egyptians would no longer pursue them. We see from this that even though in actuality a person is free, he is not really considered free unless he personally feels free. A person who worries and feels insecure is a person who is imprisoned even though he is not behind bars and no one will harm him.

To be truly free you must feel free and this is up to you. You have a great deal of control over your thoughts if you work on it. If you worry about the future, even though future events might work out exactly as you would have wished, you still suffer in the present. This suffering will be the same as if you actually experienced some misfortune. However, all the suffering will be unnecessary. The greater your mastery over your thoughts, the greater freedom you will experience in life!

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With thanks to Maria Finkle for her support and friendship This article can also be read at: http://www.aish.com/torahportion/shalomweekly/Beshalach_5766.asp

Author Biography: Rabbi Kalman Packouz is the author and publisher of Shabbat Shalom Internet Weekly. To subscribe, go to www.shabbatshalom.org and enter your email address.

From: weekly-halacha-owner@torah.org on behalf of Jeffrey Gross [jgross@torah.org] Sent: Tuesday, February 07, 2006 7:07 PM To: weekly-halacha@torah.org Subject: Weekly Halacha - Parshas Beshalach WEEKLY-HALACHA FOR 5766

By Rabbi Doniel Neustadt

Rav of Young Israel in Cleveland Heights

A discussion of Halachic topics. For final rulings, consult your Rav

HILCHOS YICHUD: RULINGS OF HARAV MOSHE FEINSTEIN

The laws of yichud are complex and detailed and the opinions of the poskim are diverse and contradictory. This discussion will focus exclusively on the rulings of Harav Moshe Feinstein, one of the greatest halachic authorities of our generation. Dissenting opinions appear in the footnotes. A final ruling will depend on the specific circumstances of each situation and the individual rav's decision according to the facts presented to him.

WITH WHOM IS YICHUD FORBIDDEN? Unless they are married, a man may not be alone with any woman, and a woman may not be alone with any man, with the following exceptions:

* His mother and grandmother; her father and grandfather.

* His daughter and granddaughter; her son and grandson.

* His sister; her brother. Brother and sister may not live together in the same house for a period of time which exceeds the normal stay of a house guest. They should also not be left together unchaperoned when their parents are away for an extended period of time.(1)

* His father's sister and his mother's sister.(2) They may not live together in the same house for a period of time which exceeds the normal stay of a house guest.

* His adopted daughter; her adopted son. This is permitted only as long as both adoptive parents are alive and married to each other.(3) (Example: An adoptive father may not be secluded with his adopted daughter after his wife passes away, or if he divorces his wife.)

Yichud with a daughter-in-law or a mother-in law is strictly forbidden.(4)

AT WHAT AGE DOES THE PROHIBITION OF YICHUD BEGIN AND END?

A male over thirteen is prohibited from being alone with a female over the age of three. Under extenuating circumstances, it is permitted to be alone with a female who is under the age of seven.(5) A female over twelve may not be alone with a male over nine. In certain circumstances it is permitted for a woman to be alone with an old man who is bedridden.(6) A rav must be consulted.

LENIENCIES OF YICHUD Under certain conditions, the prohibition of yichud may be circumvented. These conditions include: If one's husband [or wife] is in town; if the door is open; if more than one man is present; if more than two women are present; if a child or another chaperone is present. Each one of these conditions has its own sets of rules, so they must be explained individually. An important note: The halachos described below apply to yichud with a G-d fearing, observant

Jew. When the man with whom the yichud will occur is a non-Jew or a secular Jew [referred to in halachah by the Hebrew term parutz], some of the halachos change. A rav should be consulted.

IF THE HUSBAND IS IN TOWN:

"In town" means that he is able to come home at any time he chooses.(7) Even if he works on the other side of town, as long as he sets his own work hours [like a salesman does], it is considered as if he is "in town." If, however, he works fixed hours and cannot leave his workplace whenever he wants, it is considered as if he is "out of town."(8) When the husband is "in town", the fear of his appearing suddenly is a deterrent to his wife's engaging in illicit behavior. But the wife fears her husband's sudden appearance only in a place where he is likely to find her (e.g., her home; her office). If, however, she secludes herself in a place where her husband will not easily find her, yichud is forbidden even if her husband is "in town."(9) Her husband's presence

"in town" does not override the prohibition of yichud if a close, long-standing friendship exists between the man and the woman.(10) Although a husband's presence "in town" alleviates the prohibition of yichud for his wife, the reverse is not true. The presence of a wife "in town" [but not in the house or in the immediate vicinity] does not mitigate her husband's yichud prohibition.(11)

IF THE DOOR IS OPEN:

The door does not need to be actually open to permit yichud. Even if the door is closed but not locked, or even if it is locked but there is a reasonable possibility that people may knock on the door [or ring the bell] and expect to be answered, yichud is permitted.(12) Even if the door is locked, if the window shades or drapes are open and there is a clear view into the room, yichud is permitted.(13)

When driving on an open highway, one should not be alone with a woman in a car. Under extenuating circumstances, one may be lenient, even at night and even with a non-Jewish driver.(14) It is proper to be stringent and not rely on the "open door" leniency if a close, long-standing friendship exists between the man and the woman.(15)

IF MORE THAN ONE MAN IS PRESENT: Yichud is permitted with two or more men during the day-time and evening hours, and with three or more men during nighttime sleeping hours. (16)

IF MORE THAN TWO WOMEN ARE PRESENT: The rishonim argue whether(17) yichud is permitted when more than two women are present. Rashi, quoted by Rama, holds that when three(18) women are present, yichud is permitted(19). Rambam, quoted by the Shulchan Aruch, holds that the presence of a greater number of women does not alleviate the prohibition of yichud. The basic halachah follows the view of the Rambam.(20) Consequently, a man may not be alone even with a hundred women.(21)

IF A CHILD CHAPERONE IS PRESENT: During daytime and evening hours, yichud is permitted if a child is also present. During nighttime sleeping hours, two children are required. There are conflicting opinions(22) as to the minimum and maximum ages for the child as regards this halachah. Harav Feinstein is quoted(23) as ruling that either a boy or a girl chaperone must be at least seven years old. Once they become bar/bas mitzvah, they are no longer considered children.(24)

GENERAL RULES A man is permitted(25) to be secluded with a woman in the presence of his grandmother, mother, daughter, granddaughter, or sister(26) [of any age over seven]. During nighttime sleeping hours, an additional chaperone is required. Two sisters cannot serve as chaperones for each other.(27) Thus yichud with two sisters is forbidden. A man and a woman may remain alone in a home where the parents of one of them are sleeping.(28) During regular office hours, a woman may be alone with her doctor. After regular office hours, her husband or a child must accompany her.(29) Yichud is prohibited even for a very short time, as long as the possibility exists that it may last for a longer time.(30)

Being together in an elevator, though, is not forbidden because of yichud.(31) Yichud is prohibited even if the man and the woman are in two separate rooms in the same house and each one can lock his/her door from the inside.(32)

FOOTNOTES: 1 Igras Moshe E.H. 4:64-3. While all poskim agree that one may not "live" with his sister, there are different opinions as to what "live" means. Some (Imrei Yosher 2:43) hold that less than thirty days is permitted, while others (Shevet ha-Levi 5:201-2) hold that no more than three days is permitted. According to Harav Feinstein's ruling quoted above, it all depends on the length of stay of a typical house guest. Thus a sister who is visiting from a distant city may stay longer than a sister visiting from a nearby area, just as a guest from afar stays longer than a guest from nearby. 2 Igras Moshe E.H. 4:64-1. Other poskim do not mention this leniency. 3 Igras Moshe E.H. 4:64-2. Almost all other poskim disagree and hold that yichud is not permitted with adopted children. 4 Igras Moshe E.H. 4:63: 64-1. This is the basic halachah. A minority view (R'ashash, Kiddushin 81b; Salmas Yosef 34) allows yichud with these relatives. Generally, one should not rely on this leniency. 5 Oral ruling by Harav M. Feinstein (quoted in Children in Halachah, pg. 40) based on the rationale presented in Igras Moshe E.H. 4:65-12, where, in the final analysis, Harav Feinstein is hesitant to permit this. He writes, however, that he would not object to those who are lenient. 6 Igras Moshe E.H. 4:65-10. See also Tzitz Eliezer 6:40-22. 7 A husband who is jailed is not considered "in town" - Igras Moshe E.H. 4:65-7. 8 Igras Moshe E.H. 4:65-7. Other poskim rule that as long as he is literally in the same town, even if he is presently unable to come, he is still considered to be "in town." 9 Igras Moshe E.H. 4:65-21. In addition, some poskim hold that a husband "in town" only serves as a deterrent when the wife is meeting the man without the husband's knowledge. If, however, they are meeting with his permission

[either in her home or in his] then the wife will not be as deterred by her husband's being in town (see Binas Adam 126:27 for an elaborate explanation). Other poskim (Chida, Chazon Ish) do not agree with this stringency. Igros Moshe rules that while it is appropriate to be stringent, under extenuating circumstances one can be lenient. 10 E.H. 22:8. See Igros Moshe Y.D. 2:35, 11 Igros Moshe E.H. 4:65-6. Other poskim are more lenient. 12 Igros Moshe E.H. 4:65-4. Harav Feinstein's ruling here is extremely lenient and it goes against the view of all other poskim. While many poskim are of the opinion that an unlocked door is considered an "open door", or even that a locked door is considered an "open door" when someone with a key may come in at any time, no other poskim allow yichud behind locked doors just because someone who may knock on the door and expects to be acknowledged, may come. Ohalei Yeshurun, pg. 14 quotes Harav Feinstein as ruling orally that this leniency can be relied upon only under extenuating circumstances. 13 Igros Moshe E.H. 4:65-2. 14 Igros Moshe Y.D. 2:82; E.H. 4:65-3. Many other poskim are lenient about yichud in a car at all times, and especially if the highway is heavily traveled; see Devar Halachah 15:1 quoting Harav S.Z. Auerbach; Shevet ha- Levi 5:202-1. See Otzar ha-Poskim E.H. 22:35-8 for more opinions. 15 Igros Moshe E.H. 4:60; 4:65-9, based on Beis Shmuel and Chelkas Mechokek E.H. 22:13, unlike the Taz 22:5 who is lenient. 16 Igros Moshe E.H. 4:65-15, based on Rama E.H. 22:5. Most poskim agree with this. [At night, yichud is not permitted even if two men and two women are present, *ibid*. If two men and three women are present, Chochmas Adam 126:3 is lenient.] 17 Rashi, Kiddushin 81b, quoted in Rama E.H. 22:5. 18 During nighttime sleeping hours, some poskim hold that Rashi permits yichud with a minimum of four women. Under extenuating circumstances, three women are sufficient [even according to Rashi's view], Igros Moshe E.H. 4:65-20. 19 An exception to this leniency is when the man and woman involved are business associates or the man's job is such that he must deal directly with these women, e.g., a salesman of women's clothing. 20 Igros Moshe E.H. 4:65-14. M'harsham 3:152 also rules like the Rambam. Divrei Malkiel 4:102 rules in accordance with Rashi's view. Shevet ha-Levi 3:183 is lenient only under extenuating circumstances. 21 Ramban and Ran, Niddah 5a. 22 See Devar Halachah, pg. 50-52 for all of the views. Some allow yichud in the presence of a girl over age three and a boy over age five or six. 23 Children in Halachah, pg. 46-47; Ohalei Yeshurun, pg. 17. 24 Other poskim maintain that once they reach the age of nine they are no longer considered children. See also Igros Moshe O.C. 1:26 where he quotes, without dissent, the view of the Bach that nine is the maximum age for being a chaperone. It seems correct, therefore, that the maximum age of bar/bas mitzvah should be relied upon only under extenuating circumstances. 25 Some poskim do not agree with this leniency, but many others do. 26 Igros Moshe E.H. 2:15; 4:65-8. Possibly, his father's or mother's sister are also considered chaperones. [Igros Moshe E.H. 4:64-3 seems, without explanation, to permit yichud with a woman and her daughter or granddaughter. If this is truly Harav Feinstein's view (it may very well be that this is a printing error), it is contrary to the view of all other poskim and is against the basic principals of hilchos yichud. This ruling should not be relied upon without further investigation.] 27 Igros Moshe E.H. 4:64-3. 28 Oral ruling by Harav Feinstein quoted in Ohalei Yeshurun, pg. 7. 29 Igros Moshe E.H. 4:65-1. Many poskim agree with this, while others are more stringent. 30 Igros Moshe E.H. 4:65-16. See also Minchas Shelomo 91. 31 Igros Moshe E.H. 4:65-22. Most poskim agree with this leniency. 32 Igros Moshe E.H. 4:65:19. Other poskim are lenient in this case; see Chazon Ish 34:2 and Salmas Chayim 151. See also Sha'ar ha-Tziyun 239:17.

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