

[From Efraim Goldstein efraimg@aol.com]
Weekly Internet Parsha Sheet
Beshalach 5769

Mazal Tov to Alyson and Moshe Butler on the birth of a son and a daughter. A special Mazal Tov to the proud grandparents Rabbi Raphael and Pessy Butler & the entire extended Butler family.

Mazal Tov to Sheera & Keith Landsman on the occasion of Gila's Bat Mitzvah.

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JEWISH WEDDINGS :: Rabbi Berel Wein

I have recently returned from a trip to the United States where I was fortunate enough to participate in a wedding celebration of my beautiful, talented and beloved granddaughter. This is an experience that I wish for all of my readers to have many times in one's lifetime. After the wedding ceremony during the interminable wait for photographic evidence that I was in fact present at the wedding, I had a few moments to myself in which to contemplate the simplicity, beauty and majesty of the Jewish wedding ceremony.

The ceremony consists of a number of different parts. The veiling of the bride by her groom is an ancient custom having its roots in the Torah's description of the veiling of our mother Rivkah before her marriage to Yitzchak. This is usually a very emotional moment for all concerned. There is the entry of the bride to the chupah – the traditional idea of entering the home of Israel where she and her groom will build their lives together for their mutual happiness and for the glory of God and Israel.

There are customs that have evolved over time around this such as the bride circling the groom and special poems that are sung that mark at one and the same time the joy and solemnity of the occasion. The poems and customs vary among the different ethnic components of the Jewish people but they all have the same purpose to fuse human joy and hope with a God-given mission and a holy commandment of the Torah.

There are varying customs also as to whether the rabbi officiating at the ceremony says a few (hopefully) meaningful words to the couple before the actual ceremony of marriage begins. As a grandfather I never miss the opportunity to do so if the opportunity is granted to me. I am certain that this meant much more to me than it did to the young couple but so what? After all I am the grandfather.

The wedding ceremony is divided into the kiddushin betrothal aspect and then the actual nissuim or marriage aspect. The kiddushin binds the couple together to the exclusion of all other relationships while the nissuim permits their actual living together as husband and wife. The placing of the ring on the bride's finger by the groom and his declaration that he now marries her according to the law of Moshe and Israel is the culmination of the kiddushin section of the ceremony.

The nissuim part of the ceremony is marked by seven blessings that are recited by the rabbi officiating or by honored guests or relatives. The order and text of the blessings recited to mark the kiddushin and nissuim aspects of the wedding ceremony are recorded for us in the Talmud in tractate Ketubot. These words are of ancient origin and express all of the feelings, hopes, challenges, spirituality and mutual love that are the basis for a meaningful and satisfying marriage.

The rabbis of the Talmud had an unerring ability to fathom the depths of human aspirations and hopes and to be able to place them in relatively few but memorable words. It is these words that particularly make the Jewish wedding ceremony so soaringly majestic.

In these words are included the hope for Jewish redemption and the rebuilding of Jerusalem as combined with the blessings for the couple's attempt to build their own lives and home on a foundation of love, friendship, mutual respect, harmony and peace. To the Jewish view of things the individual home of a Jewish couple is inextricably joined to the project of national Jewish redemption and responsibility to society as a whole.

At the wedding ceremony the ketubah – the written contract of monetary and other physical obligations between the husband and wife are spelled out. The wife retains her ketubah in her possession at all times. According to many customs the ketubah is read aloud as part of the wedding ceremony itself. It lends a legal certainty to the marriage arrangement between the bride and groom.

Over the many centuries, the Jewish wedding ceremony has retained its beauty, solemnity and freshness. It remains meaningful and dignified with an aura of tradition and eternity that surrounds and is infused within it. Many have tried to improve upon it, to make it more up to date, to meet the needs of changing times and mores. All of the fads, however, have always faded and have been unable to meet the test of time and generations. The beauty of the Jewish wedding ceremony accompanies the eternity of Israel through all times and places.

Shabat shalom.

Weekly Parsha :: B'SHALACH :: Rabbi Berel Wein

The story of the exile and enslavement of the people of Israel comes to a violent end in this week's parsha. The question that is raised and is discussed by the major Torah commentators is why does the story end this way with the drowning of thousands of Pharaoh's Egyptians?

Especially in the current "humanitarian" climate of war without casualties and equivalent moral worth between both sides of any struggle – the master and the slave, the victim and the criminal perpetrator, the terrorist and the civilian society – the end of this story seems to be oddly disconcerting. Was there no more humane or non-violent method for the Lord to end this story of the enslavement and deliverance of the Israelites from oppression?

It appears from the simple reading of the parsha that the Lord has a point to prove. There are times in human history when only the complete destruction of the evil ones makes the desired impression on humankind. This lesson is never a permanent one and hence such events recur with regularity throughout human history. Germany and Japan were completely destroyed - violently and brutally so - in World War II.

For a while this lesson was assimilated into the behavior of humans and countries. In our time it has almost been completely forgotten in the jumble of hatred masked as 'do-goodness' that currently prevails in our world. If evil is not exposed, confronted, punished and at least temporarily destroyed then the necessary forces of good and progress so necessary for the advancement of the cause of civilization in the world will suffer a mortal blow.

The people of Israel celebrate their deliverance from bondage and from Egyptian persecution by singing a song of triumph and deliverance. In fact this Shabat derives its title – Shabat Shira – the Shabat of song, from this great song of Moshe and Israel.

This song is recited daily by Jews the world over and is part of the daily morning prayer services. It is granted such great importance in order to remind us that the destruction of evil is not a thing of the past, an historical event alone. The power of freedom of choice which God implanted in the world and the human race presupposes the possibility of the existence of evil in world society.

The forces of good must always rally their strengths and abilities to counter evil and attempt to destroy it. And we should never delude ourselves that this is a peaceful matter of discussion, compromise, and non-violence. Ghandi's non-violent approach in India ended in a civil war that killed millions. Evil is never overcome by making nice to the tiger.

So the Lord impresses us with this truth so that we should not delude ourselves regarding the true nature of the struggle. The messianic era promises us a world of peace and the end of violent struggles in this world's society. But until that time arrives, may it be shortly, the struggle exists with its all of its violent overtones and details.

TORAH WEEKLY :: Parshat Beshalach

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from Ohr Somayach | www.ohr.edu

by Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com

OVERVIEW

Pharaoh finally sends Bnei Yisrael out of Egypt. With pillars of cloud and fire, G-d leads them toward Eretz Yisrael on a circuitous route, avoiding the Pelishtim (Philistines). Pharaoh regrets the loss of so many slaves and chases the Jews with his army. The Jews are very afraid as the Egyptians draw close, but G-d protects them. Moshe raises his staff and G-d splits the sea, enabling the Jews to cross safely. Pharaoh, his heart hardened by G-d, commands his army to pursue, whereupon the waters crash down upon the Egyptian army. Moshe and Miriam lead the men and women, respectively, in a song of thanks. After three days' travel only to find bitter waters at Marah, the people complain. Moshe miraculously produces potable water. In Marah they receive certain mitzvot. The people complain that they ate better food in Egypt. G-d sends quail for meat and provides manna, a miraculous bread that falls from the sky every day except Shabbat. On Friday a double portion descends to supply the Shabbat needs. No one is able to obtain more than his daily portion, but manna collected on Friday suffices for two days so the Jews can rest on Shabbat. Some manna is set aside as a memorial for future generations. When the Jews again complain about a lack of water, Moshe miraculously produces water from a rock. Then Amalek attacks. Joshua leads the Jews in battle while Moshe prays for their welfare.

INSIGHTS

Going with the flow

"...and G-d churned Egypt in the midst of the sea" (14:28)

Society has no truer mirror than its advertising.

What motivates people to put their hands in their pockets and pull out their hard-earned cash must appeal to their innermost desires. And what someone wants, what he truly desires - is who he is.

Think for a moment of all those car ads filmed in the desert. There's no one for fifty miles in any direction. Climb behind the wheel and you can go wherever you want, whenever you want. You can be whatever you want. Think of all those ads for get-away-from-it-all vacations (whatever the dreaded "it" might be). They all express the same ideal: the commitment to being uncommitted, the freedom to do what I want when I want, and to change what I want from one moment to the next.

Society pays lip service to the ideals of commitment, stability and fidelity. Advertising, however, gives the lie to that sanctimony, and reveals that society's real aspiration is to be free to "go with the flow".

Unfortunately, modern man finds his flow severely restricted. At every turn he is encumbered by commitments: a home, a wife, children, a mortgage, a second mortgage, a second wife. What he would really like to do is take off and travel the world with a credit card and unlimited credit - to follow any, or all, of a myriad of possibilities. The fact that he tolerates responsibility doesn't mean that he has accepted a specific form and purpose to his life. He'd really like to be somewhere else, anywhere else, everywhere else. From where does this ideology of irresponsibility come? Is this desire for constant change a new phenomenon, or does it have its roots in something much more ancient?

Everything in this world is a combination of matter and form. By definition, matter has no form. It is capable of assuming an infinite number of forms, of shapes. In a world that is all matter, everything is possible. Nothing is fixed. The epitome of matter is water. Water always takes the form of its container. Itself, it has no shape, no form. For that reason the Hebrew word for "water," mayim, is a plural noun. There is nothing singular about the shape of water. Water, in the "shape" of the Nile, was both the idolatry of the Egyptians, and in this week's Torah portion, its ultimate demise - for if ever there was a culture that was dedicated to "going with the flow," it was Egypt. Egypt was an entire society dedicated to the pursuit of infinite variety and potential. By definition, such a society is incapable of, and scorns, marital fidelity.

At the Friday night meal, welcoming the Shabbat Queen, a Jewish husband sings to his wife, his 'queen', the closing verses of King Solomon's Proverbs, eishet chayil. "a woman of valor." In direct contrast, Egypt represented the "eishet zenunim" - the unfaithful wife, the antithesis of King Solomon's eishet chayil. Egypt was the faithless spouse who seeks constantly a new partner, a new form. Inconstant as water, she wants to "go with the flow".

The Jewish home aspires to the ultimate triumph of matter that is forever faithful. It aspires to be like the eishet chayil, the woman of valor, who is able to concretize incessant potential and give it unchanging stability.

Written and compiled by Rabbi Yaakov Asher Sinclair

Peninim on the Torah by Rabbi A. Leib Scheinbaum

PARSHAS BESHALACH

Bnei Yisrael were armed when they went up from Egypt. (13:18)

Rashi cites the Midrash that interprets the word chamushim, translated above as "armed," as a derivative of the word chomesh, which means "a fifth." This implies that actually four-fifths were unprepared and unwilling to accept a new life as Hashem's people and, thus, did not want to leave Egypt. They would rather have remained slaves to Pharaoh. These malcontents perished during the plague of darkness so that the Egyptians would not see that Jews, as well as Egyptians, were dying in the plague. This brings us to a noteworthy question. Dasan and Aviram were Moshe Rabbeinu's nemeses, who went out of their way to challenge and destroy every one of Moshe's positive efforts. As archenemies of anything sacred, they stand out as reshaim gemurim, consummate wicked individuals. If so, why did they leave Egypt? Why did they not die together with the other iniquitous people during the plague of darkness?

The Chasam Sofer gives a noteworthy answer. Dasan and Aviram began their relationships with Moshe when he was young and chronologically far from becoming the quintessential leader of the Jewish People. They slandered him to Pharaoh, forcing Moshe to escape for his life. Sixty years later, Moshe returned to Egypt as Hashem's emissary, as the go'alan shel Yisrael, the Jewish redeemer. Hashem, however, was not yet ready to take these two miscreants from the world. He wanted them to witness the Exodus, the liberation of the Jews from slavery - just as Moshe said it would happen. It was only later, during the revolt that Korach initiated, that they received their due. First, they had to witness Klal Yisrael becoming a free people.

It happens all of the time. Good people, virtuous people, wonderful people, leave this world all too soon, while some of the generation's most evil people continue to thrive and inflict damage on the lives of others. We wonder why. Let them receive their punishment already! It is not up to us to decide when a person should be called to pay for his evil, or, whether he should pay. This is Hashem's decision. Likewise, He decides when it is most appropriate. The punishment of Dasan and Aviram included having to witness the error of their ways, having to see the young man whom they wanted to destroy become the great leader of Klal Israeli this manner, when they were called to task for their infamy, they would be leaving the nation in its glory. They were being told: You attempted to subvert this nation's spiritual and physical triumph. Now, when you want to be a part of the celebration, you will meet your well-deserved punishment. We must be patient. Everyone has his day in court.

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

The Midrash cites the pasuk in Mishlei 10:8, Chacham lev yikach mitzvos, "The wise-hearted (person) acquires mitzvos." Hashem praised the efforts of Moshe Rabbeinu in locating and retrieving the coffin which contained the earthly remains of Yosef Hatzadik. While the rest of Klal Yisrael was occupied with searching for Egyptian treasure, which was also a mitzvah, Moshe was busy with Yosef's coffin. Moshe was greatly rewarded for his tireless efforts, such that when he died, Hashem Himself arranged his burial. The Midrash emphasizes that effort and toil engendered his reward. Furthermore, the fact that Moshe possessed Yosef's bones played a critical role in the Egyptian exodus, since the redemption was contingent upon it. Moshe had before him two mitzvos, both of which presented great spiritual opportunity, one which did not involve much toil and was accompanied

with the fringe benefit of great wealth. The other would subject him to backbreaking toil. Moshe was a wise man. He knew that the mitzvah which presented the greatest hardship would be his ticket to Gan Eden and the Jewish People's opportunity for redemption. The wise counsel of his heart sustained him.

A mitzvah that does not come easily is well worth the trouble. Horav Chaim Pinchas Scheinberg, Shlita, suggests that this is the meaning of Chacham lev yikach mitzvos. He cites Avos D'Rebbe Nosson 3:6 who say, "It is good for a person one thing accomplished with difficulty more than a hundred done easily." Moshe understood that the distress or personal discomfort which he might undergo would only serve to reinforce the mitzvah.

Performing a mitzvah involves more than the action needed to execute it." The wise-hearted (person) acquires mitzvos." The mitzvos we perform should become a part of us. They are our acquisition, thus providing us with an enduring influence and inspiration. The reward for a mitzvah has no parameters. It is limitless and everlasting. The more effort we put into its performance, the greater our acquisition of the mitzvah, the more it becomes a part of us. The kinyan, act of acquisition, for mitzvah attainment is toil and hardship.

A mitzvah must be more than a physical endeavor. Its awesome significance and extraordinary reward compensates whatever hardship one may encounter in its performance. A wise person understands this and acts accordingly. His mitzvos are not performed by rote, nor are they dry, mechanical acts. They are the essence of his life. He truly "lives" when he carries out mitzvos.

When we perform a mitzvah, we recite the blessing, asher kideshanu b'mitzvosav, "Who sanctified us with His mitzvos." One becomes consecrated through mitzvah performance only when he makes the mitzvah intrinsic to himself. Thus, his performance is indicative of his attitude.

Yisrael saw the great hand that Hashem had inflicted upon Egypt...and they had faith in Hashem and in Moshe, His servant. Then Moshe and Bnei Yisrael chose to sing this song to Hashem. (14:31, 15:1)

The Egyptian exodus, followed by the splitting of the Red Sea, was a seminal event in the formative history of our nation. The Shirah, song of praise that Klal Yisrael sang after witnessing their miraculous salvation at the Red Sea, gives expression to the mixture of feelings that took hold of them at the time. There were feelings of fear—even horror—at what might happen if the Egyptians were to catch up with them. There was also the risk of drowning in the Red Sea, which appeared to be the only option outside of falling into the hands of the Egyptians. They watched as the powerful armies of their oppressors went to their graves at the bottom of the sea. Clearly, Shirah was the appropriate expression of joy and gratitude, but why did they wait until now to sing Shirah? The splitting of the Red Sea was not the first miracle that they had experienced. What about their departure from a country that had enslaved and oppressed them for hundreds of years, a country that was infamous for never having a breach in security? There never had been an escape from the walls of Egypt. Yet, the entire Jewish people left with pride and dignity. Should they not have sung Shirah at that time? What was unique about the splitting of the Red Sea?

Furthermore, concerning the pasuk, Zeh keili v'anveihu, Elokai avi, va'aromemenhu, "This is my G-d, and I will beautify Him, the G-d of my father and I will exalt Him," (ibid.15:2) Rashi writes that Hashem appeared to the Jewish People in His full glory, such that the people could point to the sky and say, "There is G-d." They actually beheld Divinity. This is the meaning of the pasuk, "Yisrael saw the great hand of G-d...and the nation feared G-d and believed in G-d." If the people actually "saw" G-d, what was the need for their belief? One believes in what one does not see. If it is right in front of his eyes, the concept of belief does not apply. In addition, the pasuk implies that only now - after they beheld Divinity - did they believe in Hashem. What about all of the plagues that occurred in Egypt? Were those and the other miracles something to ignore?

In order to answer these questions and explain the entire concept of belief followed by Shirah, Horav Aharon Soloveitchik, zl, first distinguishes

between the miracles that the Jews experienced in Egypt and those that took place at the Red Sea. The difference between these two miracles coincides with two terms which denote salvation: yeshuah and hatzalah. Hatzalah is a reference to an act of salvation during which the party being saved remains passive throughout the process. Yeshuah, however, implies a salvation during which the party being saved actively participates in his own deliverance.

In Egypt, the people were completely passive, while Hashem did all of the work. Therefore, their salvation is considered to be of a hatzalah nature. At the Red Sea, they participated by entering the water up to their nostrils. Only when they actively participated in the miracle were they able to sing Shirah. This expression of gratitude is appropriate only when one achieves a victory. To be a victor one must be an active participant in the struggle which leads to triumph. When Klal Yisrael participated in their yeshuah at the Red Sea, it involved more than precursory action alone. The process also engaged them in a resulting commitment to the One who performed the miracles for them. They pledged their allegiance to the Divine Revelation which they beheld. This did not occur in Egypt, as a result of their passive participation. At the splitting of the Red Sea, the Jewish People became totally involved, active participants. Belief in that which one sees implies and demands action. One must immediately accept the belief, act upon it, and become devoted to its implications and consequences. The zenith of emunah is active participation.

Rav Aharon adds that the word vayaaminu, "and they believed," is actually the causative of the word uman, to rear, to train and educate. The Hebrew word for craftsman, which is also uman, referring to one who has been trained and has achieved proficiency in a specific trade or field, is also derived from this root. Therefore, Klal Yisrael did not just merely believe. They took this belief to the next level by disciplining themselves, thereby catalyzing one another to become craftsmen in a spiritual sense. They became umanim in emunah.

Taking belief to the next level, acting upon one's faith, indicates a loftier level of belief, a higher, more devoted sense of commitment. The story is told of two chasidim who would annually travel to visit with their Rebbe on Succos. On the way, they would stop at a certain inn run by an observant Jewish couple. One year, the innkeeper approached them humbly and asked, "You know that I am not a chasid, but I nevertheless have a favor to ask of you: My wife and I have been married for ten years with no child. Can you ask the Rebbe to intercede on our behalf?"

The chasidim agreed to speak to the Rebbe, and the next morning the innkeeper's wife began parading around town with an expensive baby carriage, heralding the future birth of their child. When her friends gathered to wish her mazel tov, she explained that, while she was not yet with child, she soon would be. After all, the chasidim were going to speak to their Rebbe. Seeing this, the two chasidim were slightly embarrassed because they knew that the prayers did not always engender the results for which they hoped. Hashem decides what is best, and it does not always correspond precisely with our aspirations.

The following year, the chasidim returned to the inn as the innkeeper's son's circumcision was in progress. The joy was palpable, as everybody shared in the celebration - everybody but one of the Chasidim. He said nothing until he arrived at the Rebbe's home, and then he began to pour out his heart to him." For thirty years I have been your trusted disciple. Every year I ask for your blessing that my wife and I be blessed with a child. We have yet to be blessed. Yet, the innkeeper, who is not a chasid, was answered on the first request. Why?"

The Rebbe took his disciple's hands in his, looked deeply into his tear-stained eyes and asked, "Tell me something, during these thirty years did you ever buy a baby carriage? How great was your faith compared to that of the innkeeper's wife?"

This story tells it all. Emunah has to be taken to the next level. We must demonstrate our belief by participating actively in our faith. Perhaps we should not go as far as buying a baby carriage, but we must realize that emunah is not a spectator event.

And Miriam...took her drum in her hand and all the women went forth with drums and with dances. (15:20)

It seems that the women's expression of joy and gratitude was more pronounced than that of the men. They did not merely sing Shirah; they took their drums and danced in appreciation of the great miracles and wonders that Hashem wrought for them. The mere fact that the women had drums with them indicates their incredible belief from the start that Hashem would perform miracles for Klal Yisrael. The Mechilta says that this is why the women's song was accompanied by drums, so confident were they of Hashem's salvation.

Horav Chaim Zaitchik, zl, suggests that the women felt an even greater sense of joy in the salvation than the men. The women were in greater spiritual peril in Egypt. This was a decadent country infamous for its moral pollution, its licentious behavior, and its odious treatment of women. Pharaoh did everything to disrupt family life, something that women felt much more strongly. Having experienced greater spiritual pain, they similarly felt a more heightened sense of joy. They could not express their exhilaration merely with song. They banged their drums, sang and danced with sheer joy and gratitude to the Almighty, because they deeply understood the meaning of liberation from Egypt.

What a powerful lesson for all of us. Hakoras hatov means to recognize, acknowledge, appreciate and offer gratitude for the benefit one has received. The level of acknowledgement, appreciation and gratitude are commensurate with the recognition. If one does not properly value what he has benefited, how is he able to pay gratitude? The women expressed greater gratitude, because they experienced greater benefit. They recognized what Hashem had done for them.

I recently came across a wonderful story that moved me. I relate it in the hope that the diverse reading public will similarly appreciate it and act accordingly. The executive director of one of Eretz Yisrael's premier Jewish outreach organizations was scheduled to give a tour of the city and area of his organization's efforts on behalf of Jewish youth to a wealthy American supporter. Their first stop was the Kosel for some serious prayer. As they approached the Kosel, they noticed a "sixty something" Jew praying with great emotional fervor. He was sobbing loudly, entreating the Almighty with great emotion. What could be bothering this Jew to the extent that he was pouring forth such emotion? Perhaps, someone was sick; maybe it was a serious financial predicament; or it could be a problem with a child. Whatever it was, the philanthropist was so visibly shaken that he asked the rabbi to inquire concerning his problem. He would like to help. Perhaps a check could alleviate his misery.

The rabbi waited until the person "calmed down" and approached him." I am sorry to bother you, but we could not help but notice your travail. Could you share with me the reason for your misery? My friend from America would like to help."

"No, no there is nothing wrong," was the supplicant's reply.

"Please, I understand your misgivings about sharing your difficulty with a stranger, but we would like to help," the rabbi said.

"No, there is nothing wrong," was again the reply.

"Perhaps someone is ill?" the rabbi said.

"No, nobody is ill. My family is baruch Hashem, thank G-d, healthy and well," the man replied.

"Could it be that you are in a financial bind?"

"No, I am quite blessed with material assets."

"Come on, something must be wrong. It was obvious from the way you prayed, that something was seriously wrong in your life," the rabbi more or less demanded.

"My friend, there is nothing wrong. I am well; my family is well; and we lack nothing. May Hashem continue to sustain us as He has until now. You wonder why I davened with such emotion. Last night, I married off my youngest child - my twelfth child. I came here today so overwhelmed with gratitude to the Almighty for all of His goodness that I simply could not contain myself. I am so happy. I am overjoyed. My heart goes out with gratitude to Hashem. This is why I cried. It was tears of joy, tears of gratitude to Hashem for having given me so much!"

Now, dear reader, is this our attitude? Perhaps now you understand why I was so moved.

Behold! I shall rain down for you food from Heaven; let the people go out and pick each day's portion on its day so that I can test them, whether they will follow My teaching or not.(16:4)

The Talmud in Yoma 76 relates that the students of Rabbi Shimon Bar Yochai asked him why Hashem had sent manna each day. Why did He not arrange to have it "arrive" once a year? It did not spoil, and this would save them much time. The great sage replied with a mashal, parable. A great king had an only son whom he provided for once a year. The son would come and his father would have his servants stock up the wagons with provisions for one year. There was one problem with this arrangement: the king saw his beloved son only once each year. The king then decided to provide for his son on a daily basis. This way, his son came every day to pick up his food and, in the interval, spent time with his father. Likewise, since Hashem sent the manna on a daily basis, the Jew would have to turn to Hashem in prayer on a daily basis, entreating Him for his sustenance.

The lesson was a lesson in emunah, faith, and bitachon, trust in Hashemite Jew realized that it all came from Above and, therefore, he became acutely aware of the address to which he must turn if he wanted sustenance. He prayed; he believed; he trusted; and Hashem sustained him.

There was another unique aspect to the manna. It served as a reminder to the Jew that he had better deserve the manna, or its delivery system would be an early warning to him and to everyone else that he was deficient in mitzvah performance. Apparently, the manna was dropped right outside of each person's tent - commensurate with his virtue. If, for instance, one day the individual had not davened properly, had eaten something whose kashrus was questionable, or had kept Shabbos in an imperfect manner, his manna would not be dropped outside his door. He would have to walk quite some distance to retrieve his portion. Understandably, this could prove to be embarrassing. No one felt like declaring throughout the camp that his mitzvah observance was lacking. Rather than call attention to the error of his ways, the person would starve himself all day. He would act as if the manna had arrived as usual and he had just picked it up early. His wife would probably commiserate with him, and they would both fast and stay in the tent all day. How embarrassing! This was the result of the manna's unique ability to discern a person's veracity: Was he a servant of Hashem, or was he a sinner? It was confirmed by the manna via its unique delivery mechanism.

Horav Yaakov Galinsky, Shlita, feels this is the underlying message of the pasuk in Devarim 8:3, "He afflicted you and let you hunger, then He fed you the manna which you did not know." Simply, this means that even when they had the manna, they went hungry, because at first they did not know if humans could subsist on such food. This original lack of trust did not permit them to become satisfied on the manna. Based upon the above, however, we understand why some would rather go hungry than reveal their shortcomings. They were not prepared to walk throughout the entire camp, making a big production about the fact that today Hashem had not delivered the manna in front of their tent. They had in some manner failed, and they were now paying for it - either by accepting the circumstances and owning up to their inadequacy or by going hungry. Is it any wonder that some of these malcontents complained, "Our soul is disgusted with the insubstantial food" (Bamidbar 21:5)? No one is interested in publicizing his indiscretions throughout the entire camp - or even in his home - where his children will wonder why he is fasting today. This comes with the territory. When we eat manna, certain responsibilities accompany it. Regrettably, many of us do not realize that everything we eat is manna from Hashem which also carries responsibilities. If we open our eyes, we might begin to see that the manna does not always fall in front of our doorstep, and, when it does not, we should do something to amend the situation.

Va'ani Tefillah

Retzon yireiav yaaseh, v'es shavasam yishma v'yoshieim.

He will do the will of those who fear Him; He will hear their cries and save them.

The Talmud in Kesubos 62b relates that Rabbi Yanai inadvertently uttered a curse against his son-in-law, because he mistakenly thought he had acted inappropriately. The consequences were disastrous, as Rabbi Yanai's son-

in-law died as a result of this ill-fated remark. The Talmud compares the expression of such a distinguished scholar to “the decree that is asserted by a ruler: There is no going back. Even though Rabbi Yanai certainly did not want to hurt him, it was too late. Horav Elchanan Wasserman, zl, questions this statement. We find that Hashem carries out the will of the righteous either for a blessing or curse, because “He will do the will of those who fear Him.” Here, there had clearly been no desire to hurt his son-in-law. Rabbi Yanai had no intention of seeing his son-in-law die. Indeed, he made the actual remark in error.

Rav Elchanan explains that the words expressed by a holy mouth, from a tongue that is pure and untainted, are like an ax that falls unintentionally - it still cuts through whatever it lands on. This is the nature of an ax. It is sharp; it cuts. So, too, are man’s words. One who has tainted his mouth with unholy words has weakened his power of speech. The tzadik, righteous person, however, whose mouth has been devoted only to saying what is proper and correct, has sanctified his mouth, so that its nature is powerful. Whatever he says becomes a decree - whether it is his will or not. It is like the ax which cuts, regardless of one’s intentions. That is its nature.

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By Perl & Harry M. Brown & Family Marcia & Hymie Keller & Family

Rabbi Yissocher Frand on Parshas B’Shalach Hashem Is My Doctor

The pasuk in this week’s parsha says: “If you will listen diligently to the voice of Hashem your G-d, and you will do what is just in His eyes, and you will give ear to His commandments and observe all His statutes, then any of the diseases that I placed upon Egypt, I will not bring upon you, for I am Hashem, your Healer.” [Shmos 15:26] The expression “for I am Hashem your Healer” is quite likely the source of the text we recite thrice daily in the Amidah blessing: “Rofeh cholei amo Yisrael” [Who heals the sick of His nation Israel].

The Sefer Tiferes Torah asks why this blessing is expressed in such parochial terms. In fact, we know that G-d is “Rofeh CHOL BASAR u’maffee l’assos” [He heals ALL FLESH and acts wondrously]. G-d provides healing to all of humanity, not just to the Jewish people.

We do indeed say blessings that pertain particularly to Klal Yisrael, for example – Oter Yisrael b’Sifara [who crowns Israel with glory] or Ozer Yisrael b’Gevurah [who girds Israel with strength]. However, regarding dispensing healing, the appropriate praise of G-d does not seem to be that He heals the sick of Israel. On the contrary, that seems to understate His role in serving as the healer of humanity in general.

The Tiferes Torah answers as follows: There are two approaches to healing. When a person gets a cold, he can take medicine to control the symptoms, but as we all know there is no cure for the common cold. How then do we ever recover from the common cold? The body has a natural immune system that fights illnesses. For a good part of the history of the world, that is in fact how people recovered. Similarly, the body has a capacity to fight off infection. The first approach in healing, then, is to do nothing and “let nature take its course”.

The second approach is to intervene medically. According to Jewish Law, the Torah gave doctors permission to practice medicine. Going to a doctor, taking medicine, or having surgery, are all legitimate forms of seeking a cure.

The concept of “I am Hashem who cures you” is that the Almighty is saying “I am your doctor.” We are His patients and He is our doctor. This is the unique relationship that Klal Yisrael has with the Master of the Universe. Yes, there are natural cures and yes, G-d gives wisdom to medical practitioners to cure illnesses, but regarding the Jewish people, the Almighty says: “I am Hashem who cures you,” meaning, “I am your doctor.” The meaning of the blessing “Rofeh cholei AMO YISRAEL” is “He is our doctor.”

Rav Matisyahu Solomon went to visit a sick person who was suffering pain. The person turned to Rav Solomon and said, “Nu, G-d will help.” Rav Solomon looked at him and said: “No, He won’t!” The patient was

taken aback and asked for an explanation. Rav Solomon told him: “You think that the doctor will cure you and Hashem will help, as if the main cure comes from the medical professional and G-d merely puts in a good word. This is the wrong attitude. You will get well because G-d will cure you. The doctor will help!”

Our attitude must be putting our faith in “Ani Hashem Rofecha” and not in our doctors or surgeons. G-d is the one who will bring us a cure. The doctors and surgeons will merely help as His agents.

This very concept is evident in another pasuk in our parsha: “Israel saw the great hand that Hashem inflicted upon Egypt; and the people revered Hashem, and they had faith in Hashem and in Moshe, His servant.” [Shmos 14:31]. Klal Yisrael had just seen open miracles. They saw that the sea split on their behalf. They saw the sea returned and destroyed the Egyptians. At that moment, there was such clear belief, that according to Chazal, the simplest handmaiden saw Heavenly visions that were greater than those seen by Yechezkel who saw the Divine Throne. Prior to the splitting of the sea, their belief had been such that even though they had been witnessing Moshe Rabbeinu perform miracle after miracle after miracle these many months, they could have believed that it was Moshe Rabbeinu performing the miracles. After all, we as human beings, relate to other human beings. Nevertheless, the experience at Yam Suf resulted in true correct belief. They believed in Hashem and viewed Moshe as merely His servant.

Rabbi Yisrael Salanter once gave a lecture about Emunah [belief] and said that if one has perfect Emunah in G-d, G-d will take care of every one of the person’s physical needs. One who has perfect faith does not need to rely on anything else. A student approached Rav Salanter after the lecture and asked: “Does that mean that if I have perfect faith, I do not need to worry about earning a living and that I can devote all my time to learning?” Rav Yisrael responded, “Yes, if you have perfect Emunah all your needs will be taken care of.”

The student said, “Fine. That’s it. I’ll quit my job and just learn. I need 20,000 rubles a year. G-d will provide them. I have faith.” He quit his job and just learned. He did this for a week. He had no income that week. There was no way he could buy the necessities of life. The student came to Rav Salanter and said: “I fully believe, but a week has gone by, I do not have a penny and my house is bare.”

Rav Yisrael said: “Okay. I’ll make you a deal. I’ll give you 8,000 rubles now, and when you get the 20000 rubles from the Almighty, you give them to me. Trade me the 8000 rubles now for the 20000 you will get from Hashem in the future.” The student agreed to the deal, whereupon his teacher chastised him for not being a true believer. “If you truly believed Hashem was going to provide you with 20000 rubles, you would never trade away the 20000 for 8000!”

At Yam Suf it was not like that. There, their Emunah was in fact so great that they believed primarily in G-d, and viewed Moshe as only his servant. This must be our approach to the concept of “I am Hashem your healer.” My doctor is really the Ribono shel Olam. The MD who sees me is merely His agent. Someone who truly achieves that level of Emunah is truly experiencing the idea of “Rofeh Cholei AMO YISR AEL” [who cures the sick of HIS NATION ISRAEL].

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD

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h a a r e t z

Portion of the Week / Less realism, more faith

By Benjamin Lau

After three days of wandering through the desert, following the Exodus from Egypt, the Israelites understand the economic security afforded by slavery. They complain to Moses about the shortage of food: “And the children of Israel said unto them [Moses and Aaron], Would to God we had died by the hand of the Lord in the land of Egypt, when we sat by the flesh pots, and when we did eat bread to the full; for ye have brought us forth into this wilderness, to kill this whole assembly with hunger” (Exodus 16:3). In responding to their complaint, God promises to supply

their needs through the miraculous manna: "Then said the Lord unto Moses, Behold, I will rain bread from heaven for you; and the people shall go out and gather a certain rate every day, that I may prove them, whether they will walk in my law, or no" (Exod. 16:4).

In one midrash, we learn of a disagreement between Rabbi Joshua and Rabbi Elazar Hamodai about the manna: "It is written: 'and the people shall go out and gather a certain rate every day.' Rabbi Joshua argued: God wanted to give the people the opportunity to collect bread for an entire week, so that what they gathered on a Friday (Sabbath eve) would last them until the next Friday. Rabbi Elazar Hamodai argued: God did not want to give the people the opportunity to collect bread for an entire week, so that what they gathered on a Friday (Sabbath eve) would last them until the next Friday. For it is written: 'And the people shall go out and gather a certain rate every day.' The word 'day' alludes to the creation of the universe: God, who created day and night, also created our source of livelihood.

"Following this debate, Rabbi Elazar responded with the following statement: Anyone who has enough to eat today, but who asks, 'What will I eat tomorrow?' does not have enough faith in God, as it is written: 'that I may prove them, whether they will walk in my law, or no.'"

Rabbi Joshua sees the regular provision of manna from heaven as a routine part of the miraculous reality of the Jews' wandering through the desert for 40 years, culminating with entry into the Promised Land. In contrast, Rabbi Elazar Hamodai views manna as the means for driving home the concept that we are dependent on miracles every day and that we must rely solely on God. In the Babylonian Talmud (Tractate Yoma), we read: "Rabbi Tarfon, Rabbi Ishmael and several elders were discussing the miracle of the manna. Rabbi Elazar Hamodai, who was also present at this debate, said, 'The manna that descended from heaven to the Israelites was 60 cubits [or about 40 meters] high.' Rabbi Tarfon retorted, 'Modai! Please desist from such exaggerations!'"

What we have here are two schools of thought. The first, represented by Rabbi Elazar Hamodai (whose approach is also advocated by Rabbi Akiva), seeks to augment the manna's miraculous nature. The second, embodied by Rabbi Joshua (whose approach is also advocated by Rabbi Ishmael), seeks to diminish the dimensions of the miracle and bring it closer to the real world.

For Rabbi Akiva, manna was the "bread of knights" (lechem abirim) or the "bread of the ministering angels." But Rabbi Ishmael disagreed (Babylonian Talmud, Tractate Yoma): "When Rabbi Ishmael heard these statements, he said to them, Go and tell Rabbi Akiva: 'Akiva, you are mistaken! After all, do ministering angels eat bread? Is it not written [in connection with Moses]: When I was gone up into the mount to receive the tables of stone, even the tables of the covenant which the Lord made with you, then I abode in the mount 40 days and 40 nights, I neither did eat bread nor drink water [Deuteronomy 9:9]?' No, the word abirim should be read as evarim (organs of the body); thus, the phrase lechem abirim should be explained as "bread that is absorbed by the body's 248 organs."

As someone who seeks to reinforce belief in God, Rabbi Elazar Hamodai tries to heighten awareness of miracles in our daily lives. In contrast, Rabbi Joshua and Rabbi Ishmael seek to diminish such awareness, and rather teach us to act responsibly in an environment in which we must work for a living instead of depending exclusively on miracles.

It is interesting to note here that Rabbi Elazar Hamodai was the uncle of Bar Kochba, who, together with Rabbi Akiva, led Israel in its controversial revolt against the Roman empire. Generally speaking, Rabbi Elazar Hamodai's approach is considered dangerous and irresponsible because it essentially exempts us from bearing economic responsibility toward our family. He would define those who save for a rainy day as people with insufficient faith in God. While many of us routinely follow Rabbi Joshua's more realistic approach, however, there are days when we must also rely on miracles.

In another passage in the Babylonian Talmud (Tractate Sota), Rabbi Elazar Hamodai refers to the prophecy of Zechariah. In Chapter 4 of the Book of Zechariah, the prophet speaks of the early days of the return to Zion following the Cyrus Declaration (500 B.C.E.) and mentions those who had little faith in this enterprise and in God, calling them people "who hath

despised the day of small things" (4:10). What is needed, says Zechariah, is a belief in the vision of a renewal of Zion - i.e., less "realism" and more faith.

On Tuesday, we will be casting our ballots to choose those who will lead this country in the next few years. In the early days of statehood, election day was widely regarded as a holiday celebrating the principles of democracy, and as a source of optimism. Over the years, the hope and optimism have turned into frustration; indeed, we frequently hear pessimistic statements about Israeli democracy.

Let us try to overcome the pessimism of an excessively "realistic" Weltanschauung and transcend our doubts so as to aspire to a better reality, which is slowly but surely crystallizing.

Rabbi Zvi Sobolofsky

The TorahWeb Foundation

Loving Hashem in Many Ways

The mitzvos of Ahavas Hashem and Yiras Hashem - to love Hashem and to fear Hashem - appear to be fundamentally different from one another. Yet, the Rambam teaches us that we attain both of these feelings in the same way. In the Rambam Hilchos Deos we are taught that to achieve the proper fear and awe for Hashem we must look at the greatness of His works. By contemplating His awe inspiring creation, we fulfill the mitzva of Yiras Hashem. Similarly, in the Rambam Hilchos Tshuva we are instructed to focus our thoughts on the grandeur of Hashem's world thereby enabling us to feel the proper love toward our Creator who performs such acts of kindness for us.

If observing the natural world must instill in us these lofty feelings of awe and love for its Creator, how much more so should the witnessing of miraculous events enable us to attain Ahavas and Yiras Hashem. Not surprisingly, following the greatest miraculous event ever - Krias Yam Suf - the Torah testifies that the Jewish People reached new heights in Yiras Hashem. "The nation feared Hashem" (Shemos 14, 31) was the fitting response to witnessing the hand of Hashem. However, no explicit mention is made of Ahavas Hashem. Did the Jewish People attain this other lofty goal after experiencing the miraculous act of kindness bestowed upon them?

The answer can be found in the opening pesukim of the song of Az Yashir recited immediately after Krias Yam Suf. "Zeh Keli V'anvehu - This is my G-d and I will glorify Him" (Shemos 15, 2) - the word "V'anvehu" is subject to many interpretations. Rashi suggests that it is rooted in the word "noi" meaning praise and beauty. Moshe and Bnei Yisroel will sing to the world the praises of Hashem. Rashi refers to Shir Hashirim in which the pesukim elaborate the Jewish People's rendition of Hashem's praises to the nations of the world. Rashi then quotes the Targum which interprets "v'anvehu" as related to the word "naveh" a place of dwelling. According to the Targum, Moshe and Bnei Yisrael are promising to construct a sanctuary in Hashem's honor. Chazal in Maseches Shabbos offer two additional interpretations of the word "v'anvehu." The first is similar to Rashi in identifying the word with beauty, but rather than referring to praises of glory it alludes to beautifying Hashem's mitzvos. This phrase is the source for the halachic principle of hiddur mitzva. The second interpretation of Chazal views the word "v'anvehu" as a combination of two words, "ani v'hu - I and He". This refers to the obligation to emulate Hashem. Just as He is merciful and kind so too are we expected to deal with others with gentility and kindness.

These four interpretations of "v'anvehu" compliment one another. The Rambam in Hilchos Tshuva describes Shir Hashirim as an expression of the mitzvah of Ahavas Hashem. "V'anvehu" according to Rashi, as the song of praise of Hashem is the response of love to the events of Krias Yam Suf. The interpretation of the Targum that "v'anvehu" refers to the construction of a home for the Divine Presence is similarly a response of love. After experiencing the miraculous event of kindness bestowed upon them, Moshe and Bnei Yisroel yearn to remain close to Hashem. A Mikdash is the vehicle to maintain closeness.

The two interpretations of Chazal also reflect the intense love for Hashem that was kindled at the moment of Krais Yam Suf. Hiddur mitzvah reflects

a desire to not merely fulfill mitzvos as an obligation, but rather as an expression of love. One does not suffice with the minimum requirement necessary, but rather one beautifies each mitzvah as a voluntary show of love. The second understanding of Chazal that "v'anvehu" refers to emulating Hashem also highlights our feelings of love. We desire to be close to those we admire. By acting with kindness to others as Hashem does to the whole world we indicate our love and admiration for Him and His ways.

Krias Yam Suf, as the ultimate realization of the hand of Hashem, brought about intense feelings of Yiras Hashem and Ahavas Hashem. By singing Hashem's praises, building a Mishkan, performing mitzvos in a beautiful manner and emulating Hashem's ways, we continue to express this love that began on the shore of the Yam Suf.

YatedUSA Parshas Beshalach 12 Shevat 5769

Halacha Discussion

by Rabbi Doniel Neustadt

Bal Talin – Timely Payment of Wages

Bal talin, lit., it shall not remain overnight, refers to the Biblical command to pay wages to a Jewish employee or laborer "on the day" that he completes his job. It makes no difference whether or not the worker is rich or poor or if he is owed a substantial or an insignificant amount of money; once a worker has finished a job to the employer's satisfaction, he must be paid before the day is over. It is, therefore, advisable that before hiring any worker one should make sure to have cash at hand in order to pay his worker on time.¹

"On that day" means that a worker who finishes his job during the daytime must be paid by sunset of that day. If the worker has not been paid in full by sunset, his employer has transgressed one or more Biblical prohibitions.² Similarly, a worker who completes his job during the night must be paid in full before dawn. If the worker is hired for a full day [or night] or for a full week or month, he must be paid by the morning [or evening] after his term of employment is over.

Question: Does bal talin include monies owed to service contractors as well?

Discussion: Payment for work contracted by the job is also included in this commandment. Thus, when an item is taken in for repair or cleaning, etc., or if a plumber or an electrician comes into one's home for a specific job, payment must be made "on the day" that the item is picked up³ or the job completed.⁴ However, when contracting for a job in which the raw materials belong to the worker [as in the case of a builder], these laws do not apply. In this case, we view the relationship between them as one of a buyer and a seller, not as one of an employee and his employer.⁵

These laws apply also to rental fees. When the rental period is over, payment must be made by the end of that day [or night].⁶ There is a dispute among the Rishonim over whether these laws apply to property rentals as well.⁷ The Chofetz Chaim rules that one who is late with his house rent transgresses this prohibition.⁸ But bal talin applies only to rent charged at the end of the rental period, not to rent charged in advance of the rental. Nowadays, most residential leases require one to pay the monthly rental fee in advance. While one is still obligated to pay as per the terms of the contract, the Biblical prohibition of bal talin does not apply.⁹

Question: Are all forms of payment considered "payment" vis-à-vis the halachos of bal talin?

Discussion: An employer cannot force his worker to accept compensation other than cash.¹⁰ If a worker refuses payment by credit card, the employer must honor his demand and pay him in cash,¹¹ or with a check that can be easily and quickly cashed before "the day" is over.¹²

Payment must be made on time to a minor as well.¹³ Thus, when a baby-sitter is hired, she must be paid before the day [or night] is over.

An employer who finds himself with no money¹⁴ to pay his employee does not transgress this prohibition.¹⁵ If he has no money but is able to

borrow without incurring substantial fees, he should do so. Not having exact change on hand is no excuse to delay payment.¹⁶

If the amount of payment is in dispute and will be settled in a din torah, the employer may withhold from the worker the amount which is in dispute, but must pay whatever amount is not in dispute on time in order to avoid bal talin.¹⁷ Needless to say, it is always advisable for an employer and a worker to agree on the price before starting a job so as to avoid such disputes.¹⁸

Question: Does bal talin apply if the worker is not particular whether or not he receives his payment "on that day?"

Discussion: The halachos of bal talin apply only if the worker asks — either himself or through a messenger¹⁹— to be paid. Even if the worker is too shy to ask outright, he still must be paid on time.²⁰ If, however, the worker does not mind being paid at a later date and consents to wait for his money, it is permissible to defer payment.²¹ Even if he really wants to get paid on time but only agreed to defer payment because he is embarrassed to express his true wishes, the halachos of bal talin do not apply, as long as he explicitly gave his consent.²²

If the common practice in a given locality is to pay a laborer's wages at the end of the month or at a time when accounts are calculated, then the payment does not have to be made until then.²³ At that time, however, the payment must be made even if the worker does not demand it outright, since it is understood that he is supposed to be paid on that day.²⁴

It follows, therefore, that if a baby-sitter is hired for one session, she must be paid "on that day." This is because she expects to be paid immediately upon completion of her job. If, however, the baby-sitter is hired on a steady basis, then there is no deadline for the time of payment since many people do not pay their regular baby-sitter after each session.²⁵

It is permitted to make a pre-condition with a worker that he will not be paid on time.²⁶ This condition must be made before the worker agrees to do the job. Thus, even a one-time baby-sitter may be paid at a later date if she was told of this condition before she agreed to take the job.

A worker who takes a position with an employer (or an institution) who has a reputation for not paying on time, is considered as having agreed in advance to accept late payments. Bal talin does not apply.²⁷

Footnotes

1 Sefer ha-Chinuch, 585. See Nesiv ha-Chesed 10:24.

2 Depending on the circumstances, there could be up to six different commandments (five negative and one positive) that are transgressed when payment is not made on time; see C.M. 339:2 and Sma 4.

3 If the item is not being picked up, even though the repairman notified the owner that it is ready, the owner does not have to pick up the item and bal talin does not apply; Beir Halachah O.C. 242, s.v. lechabed. See, however, Aruch ha-Shulchan, C.M. 339:8 who disagrees.

4 C.M. 339:6.

5 Ketzos ha-Choshen, C.M. 339:3; Aruch ha-Shulchan, C.M. 339:7; Nesiv ha-Chesed 10:4.

6 C.M. 339:1.

7 Pischei Teshuvah, C.M. 339:1.

8 Ahavas Chesed 9:5. This is also the ruling of the Ketzos ha-Choshen 339:1.

9 Avnei Yashfe 2:118, quoting Rav Y.S. Elyashiv; Business Halachah, pg. 179, quoting gedolei ha-poskim; Halachos Of other people's Money, pg. 127, quoting Rav S. Wosner and Rav A. Pam.

10 Shach, C.M. 336:4. See also Pischei Teshuvah, C.M. 336:1.

11 Rav Y.S. Elyashiv, quoted in Halachos Of other people's Money, pg. 107. Even when a worker or a service provider accepts credit card payment and bal talin is not transgressed, the employer does not fulfill the positive commandment of "paying that day," since a credit card payment is not considered "money"; ibid.

12 Rav M. Feinstein (written responsum published in Mili de-Nizakin, pg. 122) in a locale where it is customary to pay by check. See Pischei Choshen (Hilchos Sechirus 9, note 36) who questions if payment by check made after the bank's closing hours is valid.

13 Ahavas Chesed 9:5. See Nesiv ha-Chesed 16 who takes to task those who promise compensation to a minor and then do not pay him on time.

14 Even if the only money he has is needed for Shabbos expenses, he still must pay the worker first; Beir Halachah, O.C. 242.

15 If he had money at the time the worker was hired and he spent it on other expenses, he has transgressed the prohibition; Ahavas Chesed 9:9.

16 Ahavas Chesed 9:7 and Nesiv ha-Chesed 21. He adds that if one has merchandise which could be sold, he should sell it in order to pay.
 17 Rav Y.S. Elyashiv, quoted in Halachos Of other people's Money, pg. 105.
 18 See Ahavas Chesed, end of chapter 10.
 19 Rav Akiva Eiger, C.M. 339:10; Aruch ha-Shulchan 339:12.
 20 Nesiv ha-Chesed 9:29, in a situation where the worker enters the employer's house but is too intimidated to ask for money.
 21 C.M. 339:10. According to some poskim, it is improper to delay payment even if the worker does not explicitly ask for the money.
 22 Rav Y.S. Elyashiv, quoted in Halachos Of other people's Money, pg. 113.
 23 C.M. 339:9; Ahavas Chesed 9:13.
 24 Rav Y.S. Elyashiv, quoted in Halachos Of other people's Money, pg. 112.
 25 Rav M. Feinstein (written responsum published in Mili de-Nizakin, pg. 121).
 26 Shach, C.M. 339:2.
 27 Rav Y.S. Elyashiv, quoted in Halachos Of other people's Money, pg. 113. See also Avnei Yashfei 2:118

B'Mesillat HaHalacha (YUTorah.org)

Rabbi Josh Flug

Muktzeh: The Prohibition Against Moving Certain Items on Shabbat

The term muktzeh refers to items that are not properly designated for Shabbat use. Many people erroneously refer to any prohibited Shabbat activity as muktzeh. In reality, muktzeh is (primarily) only significant in that there is a prohibition to move muktzeh items on Shabbat.

R. Yosef Karo (1488-1575) Beit Yosef, Orach Chaim no. 308, lists six categories of muktzeh. In this issue, we will focus on two of those categories: muktzeh machmat gufo (inherently muktzeh) and k'li shemelachto l'issur (a utensil primarily used for a prohibited activity). Please note that this issue will only discuss some topics relating to muktzeh and is not meant to replace a comprehensive study of the laws of muktzeh.

The Reason for the Prohibition against Moving Muktzeh

Rambam (1135-1204), Hilchot Shabbat 24:12, presents three reasons for the prohibition against moving muktzeh. First, just as Shabbat must be different in the way one walks (see Hilchot Shabbat 24:4), so too, one should not carry items in the same manner that he does during the week. Second, if one moves utensils ordinarily used for prohibited activities, he may end up performing a prohibited activity with one of those utensils. Third, there are people who don't perform any creative labor the entire week. In order to ensure that Shabbat is different than the rest of the week for every individual, the rabbis instituted that one may not move muktzeh items.

Ra'avad (1125-1198), ad loc., notes a fourth reason for the prohibition against moving muktzeh. He notes that the prohibition is based on a concern that one may carry the item into the public domain. Ra'avad's source is the Gemara, Shabbat 124b. Rashi (1040-1105), Beitza 12a, s.v. Liflegu, and 37a, s.v. Atu, explains that allowance to move items leads to desecration of Shabbat. The rabbis couldn't prohibit moving all items because it would diminish oneg Shabbat (the mitzvah to enjoy Shabbat) and many people would not be able to follow such a decree. Therefore, the rabbis only prohibited items such as those that have no use on Shabbat (muktzeh machmat gufo) or items that are not primarily used on Shabbat (k'li shemelachto l'issur).

Defining the Categories and the Differences between Them

Muktzeh machmat gufo refers to any item that has no inherent purpose. R. Karo, op. cit., notes that anything that cannot be categorized as food or as a utensil is inherently muktzeh. This includes, sticks, stones, coins, raw meat and many other items. K'li shemelachto l'issur refers to items that are primarily used for a prohibited activity but are sometimes used for permissible activities. Examples of such items include a hammer (which may be used for shelling nuts), scissors (which may be used for opening packages in a permissible manner), and an electric shaver (which may be used as a paperweight).

The Gemara, Shabbat 124b, notes an important difference between the prohibition against moving muktzeh machmat gufo and the prohibition against moving a k'li shemelachto l'issur. Regarding a k'li shemelachto l'issur, it is permissible to move the utensil if one is going to use it in a permissible manner (l'tzorech gufo) or if one needs the space (l'tzorech

mikomo). One may not move a k'li shemelachto l'issur if the purpose of moving it is to protect it from getting ruined. Regarding an item that is inherently muktzeh, one may not move the item regardless of the situation. The parameters of moving a k'li shemelachto l'issur can be understood in one of two ways. One can understand that the rabbis prohibited moving any utensil unless there is a purpose to move it. Therefore, utensils that are primarily used for permissible activities may be moved for any purpose. Utensils that are primarily used for prohibited activities may only be moved if there is a permissible purpose to their movement. This includes moving these items for their use or for their space. However, moving an item to protect it from getting ruined is prohibited because the utensil itself is primarily used for prohibited activities and therefore, by moving it in order to protect it, one's primary objective is to be able to use it again (during the week) for a prohibited activity. Alternatively, one can understand that the rabbis considered all utensils as movable items and only prohibited moving a k'li shemelachto l'issur in limited circumstances such as protecting it from getting ruined.

There is an important practical difference between these two approaches. R. Vidal of Tolosa (late 14th century) Maggid Mishneh, Hilchot Shabbat 25:3, writes that one may not even move a utensil whose primary use is for a permissible activity (e.g. a knife), if there is no purpose at all in moving the item. Maggid Mishneh notes that there are others who disagree and permit moving these items for no purpose at all.

Maggid Mishneh's premise is that the rabbis prohibited moving all utensils and only allowed moving them for a purpose. If there is no purpose at all in moving the utensil, it is prohibited to move it. The dissenting opinion may view all utensils as movable items. The rabbis only prohibited moving certain items in certain circumstances.

Shulchan Aruch, Orach Chaim 308:4, rules in accordance with Maggid Mishneh's opinion. R. Yechezkel M. Epstein (1829-1908), Aruch HaShulchan, Orach Chaim 308:15, notes that this prohibition does not include fidgeting with utensils because fidgeting provides a certain degree of enjoyment. R. Avraham Borenstein (1838-1910), Avnei Nezer, Orach Chaim no. 403, justifies fidgeting based on the principle of mitasek that states if one performs an activity without awareness of what he is doing it is not considered a prohibited activity.

Moving a K'li Shemelachto L'Issur for a Purpose

As we noted earlier, there are two situations where it is permissible to move a utensil that is primarily used for a prohibited activity. Yet, the tzorech gufo leniency is conceptually different than the tzorech mikomo leniency. Tzorech gufo allows one to move the utensil in order to use it in a permissible manner. In this leniency, there is positive use from the utensil. Regarding the tzorech mikomo leniency, there is no positive use from the utensil and it is only moved in order to use the space.

One can question whether tzorech mikomo does not require any positive use or whether it requires positive use, but use of the space is considered positive use. This question seems to be the point of dispute between R. Shlomo Zalman Auerbach (1910-1995) and R. Moshe Feinstein (1895-1986) regarding removal of a pin from a timer. In a previous issue, we noted that according to most poskim, removal of a pin from a timer does present a problem from the perspective of violating a melacha. R. Auerbach, Minchat Shlomo 1:13, notes that it is permissible to move the pin for two reasons. First, since removing the pin is permissible and it is an ordinary function of the pin, the pin should be considered a utensil that is used for both permissible activities and prohibited activities and should not be classified as a k'li shemelachto l'issur. Second, even if one does consider the pin a k'li shemelachto l'issur, it is permissible to move the pin because it can be included in the leniencies of tzorech gufo or tzorech mikomo.

R. Moshe Feinstein, Igrot Moshe Orach Chaim 4:91 (5), categorizes all electrical appliances and components as k'li shemelachto l'issur. Yet, in another responsum (Yoreh De'ah 3:47), he prohibits removing the pin from a timer because of the prohibition of moving muktzeh. Apparently, R. Feinstein does not consider removal of a pin tzorech gufo or tzorech mikomo.

One can explain that removal of a pin does not provide any positive use. The pin is not going to be used for another purpose and the space where the pin is situated is going to remain empty. R. Auerbach does not require

any positive use in order to consider the movement tzorech gufo or tzorech mikomo. It is sufficient if there is a Shabbat related purpose to the action. Therefore, he permits removal of the pin. R. Feinstein requires a positive use from the utensil or the space. Since removal of the pin entails no positive use, he prohibits moving the pin.

THE WEEKLY DAF :: Bava Kama 44 - 50
For the week ending 7 February 2009 / 13 Shevat 5769
from Ohr Somayach | www.ohr.edu
by Rabbi Mendel Weinbach

A WOMAN'S RIGHT TO PRIVACY - Bava Kama 48a

The concern of the Talmudic Sages for the privilege of privacy due a woman in special circumstances serves as the determining factor in the different rulings provided in what seem to be two identical cases.

Case One:

A woman enters, with permission, the house of a neighbor in order to bake bread in his oven.

The neighbor's goat eats her dough and as a result becomes sick and dies.

Ruling:

The Sage Rava ruled that she must pay for the damage caused to the goat through her negligence.

Case Two:

A woman, with permission, enters a neighbor's house to grind some wheat. The neighbor's animal eats the wheat, becomes sick and dies.

Ruling:

The Sages ruled that she has no responsibility for the damage.

The Difference:

When a woman receives permission to enter a house, she must assume responsibility for guarding the host's animal from damage only when her presence precludes the host's ability to be present. In the process of baking, the intense heat forces her to roll up her sleeves. This renders it improper for the host to remain in the house and responsibility for guarding the host's animal from damage devolves upon her. This need for privacy is not present when she grinds her wheat modestly dressed, and responsibility for guarding the animal remains with its owner.

THE ENVIRONMENTALIST'S PERSPECTIVE - Bava Kama 50b

One should not remove stones from his private property by dumping them in the public street. A man who was doing just this was upbraided by a righteous neighbor: "Irresponsible one, why do you remove stones from property which does not belong to you to property which does belong to you?"

The polluter laughed off this puzzling rebuke. Some time later he came upon hard times and was forced to sell the field from which he had removed the stones. As he walked in the street, he tripped over the very stones he had cast upon it.

"Now I understand how wise that righteous man was," he sadly exclaimed. "He correctly challenged me when he described my act of pollution as throwing stones from a field which will not always be mine to a street which I share with everyone else."

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TALMUDIGEST—Bava Kama 44 - 50
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SAFETY IN STREET AND HOME - Bava Kama 46a

What is considered sufficient guarding of an ox to absolve its owner from responsibility for the damage it causes?

While Rabbi Meir and Rabbi Yehuda have different positions as to how far the owner must go in guarding an ox which is a habitual gorer, an extreme view is taken by Rabbi Eliezer who rules that the only way to prevent such an ox from causing damage is to slaughter it.

The Sage Abaye suggests that Rabbi Eliezer's position is based on a ruling of Rabbi Natan that it is forbidden for one to keep a wild dog or a rickety ladder in his home. This is based on the Torah command "to not allow

blood to be shed in your home" (Devarim 22:8); a safety warning that extends as well to a dangerous ox.

It would seem from the simple reading of the text that Rabbi Eliezer would hold the owner of a habitual gorer responsible for damage it causes even if he provided maximum guarding. But Tosefot takes a different look at things. Rabbi Eliezer, according to the Sage Abaye, is merely stating that it is forbidden to maintain such a dangerous animal and that it should therefore be slaughtered. If one did not get around to slaughtering it but provided maximum guarding he will not be responsible for the damage it causes.

WHAT THE SAGES SAY

"Whoever says that G-d overlooks his sins will have his own life overlooked (because he encourages people to sin. - Rashi)"

Rabbi Chanina - Bava Kama 50a

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