

B'S'D'
INTERNET PARSHA SHEET
ON KI SISA - PARAH - 5761

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From: RABBI YISSOCHER FRAND ryfrand@torah.org
"RavFrاند" List - Rabbi Frاند on Parshas Ki Sisa
Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R.
Yissocher Dov - In memory of Mrs. Adele Frاند
Moshe Rabbeinu: This Was His Finest Moment
I would like to repeat two insights that I heard from Rav Pam,
shlit"a.

The Medrash says, "Come and see Moshe Rabbeinu's praise: Aharon and the Elders held onto his arms and he overcame them." The simple reading of the Torah's narrative is that Moshe descended from Mt. Sinai, saw the Golden Calf and its associated activities and smashed the Luchos [Tablets] of the Ten Commandments.

The Medrash, however, relates that it was not such a simple matter. There was a vehement disagreement. Moshe argued that the Jews were worshipping an idol and that they were, therefore, not deserving of the Torah. Moshe felt that he should smash the Tablets. Aharon and the Elders strenuously objected. Not only did they argue with him, but according to the Medrash, they also grabbed onto his arms to prevent him from doing so. But the Medrash concludes that Moshe Rabbeinu persevered and prevailed, not only academically and intellectually, but physically as well, by grabbing hold of the Luchos and smashing them.

It is easy to understand the argument of Aharon and the Elders. This set of stone Luchos was the most unique item in the world. Nothing else in the universe equaled the "Handwriting of G-d". Imagine -- when we see someone lift the Torah after the reading, if the Sefer Torah starts wobbling, we all know how we react. Instinctively we lunge forward, to try to catch the Holy Torah scroll and prevent it from falling. Now, multiply that scenario by a factor of thousands. As holy as a Sefer Torah is, there are thousands and thousands of them in existence. Furthermore, in the case of Hagbah, the act is not being performed out of anger or on purpose - it is merely a potential accident. But Moshe was about to deliberately break this one of a kind Testimony in G-d's Own Handwriting!

Aharon and the Elders were screaming, "You are wrong, Moshe! True, they are worshipping the Calf. They are wrong, but we can work with them, we can show them the error of their ways. Do not break the Luchos!" However, as the Medrash says, Moshe Rabbeinu persevered and overcame the opposition.

Moshe was against a majority of dissenting opinions. Logic resided with the majority. Emotion resided with the majority. Moshe dismissed it all and broke the Luchos. From where did Moshe get this conviction and audacity?

The Talmud [Shabbos 87a] says that Moshe derived his decision from a Kal V'Chomer [logical argument]: If the Torah states concerning the Passover offering (which is only one of 613 commandments) that a Mumar [one who abandoned Judaism] cannot partake of it (Kol Ben Nechar lo yochal bo [Shmos 12:43]) - then Jews with their Golden Calf, who have the status of Mumrim, certainly cannot receive and partake of the entire Torah.

Tosfos, however, says that this is not an irrefutable Kal V'Chomer.

Uncharacteristically, Tosfos asks a question neither on Rashi nor on a Gemarah. Tosfos asks a question on Moshe Rabbeinu himself! Tosfos argues that even if a Mumar is not qualified to eat the Pesach [Passover] sacrifice, that is not a convincing argument that Moshe should not have given them the Tablets.

The reason why that is not a convincing argument is because giving them the Torah might have inspired them to repent. This could have led them to reject their heresy and thus lose the status of Mumrim. Should we suppose that Moshe Rabbeinu never heard of Jewish outreach? Where then is the Kal V'Chomer? This is Tosfos' question.

Rav Pam explains that Tosfos is not really asking a question on Moshe Rabbeinu. It is the statement of the Gemara that is bothering Tosfos. The Gemara states that this incident is one of three things that Moshe did on his own (m'Daato). Tosfos is troubled because if Moshe had a Kal V'Chomer, then the decision should not be called "on his own". A Kal V'Chomer is one of the 13 principles used to interpret the Torah. Anything derived by the 13 Principles is part and parcel of the Torah. It should not be called "m'Daato" since it is not an independent action. Therefore, Tosfos argues that this was NOT a valid Kal v'Chomer. Based on the merits of Halacha, Moshe Rabbeinu would not have had a case here! The Kal v'Chomer is in fact flawed.

So what possessed Moshe Rabbeinu to break the Luchos? Moshe's own, personal, viewpoint. This is known as "Daas Torah" - Torah wisdom. Moshe Rabbeinu did something that everyone else believed was "crazy". Based on strict legal principles, Moshe could not prove that he was right. Moshe felt intuitively that he needed to break the Luchos, and broke them based on this intuition alone! This is perhaps the prime example in all of Torah of a Jewish Leader taking action solely based on "Daas Torah".

Moshe did not have a proof. He did not have a convincing argument. He could not open up a text and point to his justification. But he did it because his essence and his personality told him that this was the proper thing to do. In the process, he was willing to take on the entire Jewish establishment and tell them "You are wrong and I am right".

In the last verse [pasuk] of the Torah, when G-d wrote Moshe's epitaph - the greatest single deed that Moshe performed, the pasuk says, "...all the strong hand ... that Moshe performed before the eyes of all Israel" [Devorim 34:12]. Rashi interprets this phrase as, "that his heart inspired him to break the Luchos before their eyes". This was Moshe Rabbeinu's greatest moment.

Rav Sholomo Heiman (1893-1944) used to say that when the Rambam writes, "it appears to me" (indicating that he has no Talmudic or Rabbinic source for the law) that this is stronger than any proof that he could bring. Why? Because the expression "it appears to me" indicates that the Rambam is staking his "Daas Torah" on this opinion. The Rambam's Torah intuition can be trusted over any single proof that could be offered. Any single proof might have a counter-proof. But the Rambam's "it appears to me" has all of Torah standing behind it.

Rav Pam's second observation is as follows: Why, in fact, did Moshe break the Luchos? Tosfos appears to be right. Moshe should have chastised them for making the Golden Calf. He should have told them that they were wrong and advised them to start over. These were, after all, the same people who just weeks earlier were categorized as idolaters, just like the Egyptians. ("These worship foreign gods and these worship foreign gods.") Moshe should have had more patience with them, and should not have expected anything different. He should have given them the Torah and hoped that they would improve.

What was Moshe's rationale? Rav Pam offers an amazing insight. A few weeks earlier, when they were still in Egypt worshipping idols, they knew that it was wrong. But here they made an idol and proclaimed "This is your god, oh Israel, who brought you up from the land of Egypt" [Shmos 32:4]. When one takes Judaism and tries to infuse it with Avodah Zarah and say "This is Judaism", this is not merely lapsing

back to their old ways. This is a conscious perversion of Judaism. Calling an idol 'G-d' is impermissible. For such a person or nation there is no hope.

This was the Daas Torah of Moshe that ruled against all of Klal Yisroel and about which G-d congratulated Moshe with a "Yasher Kochacha" [well done] for breaking the Luchos [Rashi - Devarim 34:12].

Transcribed by David Twersky; Seattle, Washington twerskyd@aol.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 274, Saying Tehilim at Night. 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. RavFrand, Copyright © 2001 by Rabbi Yissocher Frand and Torah.org. Torah.org depends upon your support. Please visit <http://torah.org/support/> or write to dedications@torah.org or donations@torah.org. Thank you! Torah.org: The Judaism Site <http://www.torah.org/> 17 Warren Road, Suite 2B Baltimore, MD 21208

From: Rabbi Yissocher Frand[SMTP:ryfrand@torah.org] Subject: Rabbi Frand on Parshas Tezaveh
[From last week]

"RavFrand" List - Rabbi Frand on Parshas Tezaveh
Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R.
Yissocher Dov - In memory of Mrs. Adele Frand

Rulings Rendered Via the Tzitz and Rulings Rendered Via the Choshen

I would like to quote from a beautiful eulogy that Rav Yosef Dov Soloveitchik (1909-1993) delivered for Rav Chaim Ozer Grodzenski (1863-1940), over sixty years ago.

The Kohen Gadol [High Priest] wore two special ornaments. One was the Tzitz [a band worn around his forehead] and one was the Choshen [worn on his chest, opposite his heart]. The Choshen carried within it the Urim v'Tumim. Whenever the Jewish People had a question of national import, they would ask the Kohen Gadol, who would consult the Urim v'Tumim, which in turn would miraculously indicate G-d's Decision on the matter.

The Tzitz was worn on the place of a person's intellect, over the brain. The Choshen, on the other hand, was worn on the chest, against the heart. These two corresponded to two different types of questions.

Some questions have to be ruled upon with the head, strictly using one's intellect. The Kohen Gadol answered questions involving "permissible or forbidden," "pure or impure," "guilty or innocent" with the Tzitz, which was opposite the brain. The halachic minutiae were rendered via his intellect.

But there were other queries where the Kohen Gadol also had to answer: Should we take a stand or should we not take a stand (a-aleh o-lo a-aleh)? Should we make a public protest or let it go in silence? Do we fight or not fight? All of these questions, which we often refer to as "political questions," were ruled on utilizing the Choshen, that sat on his heart.

It was always the same Kohen Gadol who paskened both sets of questions. The same High Priest who was wearing the Holy Tzitz, which would atone for impurities, which would render rulings over the dimensions of a Mikveh [ritual bath] and the size of impure stains, and the intricate rulings on Eruv [Sabbath enclosures] -- that same Kohen would consult the Urim v'Tumim.

There was no division of power. There was no dichotomy. The address for questions was the same, regardless of whether it was about "milk and meat" or "politics." The very same Kohen Gadol whose mind was infused with the purity of the Torah of Rabbi Akiva and Rabbi Eliezer, the analyses of Abaye and Rava, the Rambam and the Ravad, and of the Beis Yosef and the Ramoh -- he would also render all the questions of a "political" nature which stood before the communal agenda.

It is only today, Rav Soloveitchik wrote, that people have attempted

to introduce the idea that for some questions one consults a Halachic expert, a Rabbi, but for "political questions" about what will benefit the Jewish people, one consults a statesman or political expert schooled in diplomacy. This has never been the practice of the Jewish people.

One person who was clearly recognized as having both the "Tzitz," the ability to rule on Halachic questions, and the "Choshen," the ability to answer the political questions of the time on behalf of the Jewish people -- was Rav Chaim Ozer Grodzenski, Chief Rabbi of Vilna.

If one could sum up this most eloquent eulogy of Rav Soloveitchik in two words, those two words would be "Da'as Torah" [a Torah Mindset]. This concept has been, as Rav Soloveitchik writes, the practice of the Jewish people from time immemorial, our behavior from the days of the Kohen Gadol through the time of Rav Chaim Ozer and our era as well. Rav Chaim Ozer possessed Da'as Torah, and this gave him the ability to decide not only the technical details of Jewish law, but how to respond to the changing situation of the Jewish people. When we have questions of policy, we must go to people whose brains are infused with the "Tzitz." Only that person's heart can be trusted to rule correctly in policy matters.

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From: Shlomo Katz[SMTP:skatz@torah.org] Subject: HaMaayan / The Torah Spring - Parashat Ki Tissa

Hamaayan / The Torah Spring Edited by Shlomo Katz Ki Tissa
March 17, 2001 Sponsored by Bobbi and Jules Meisler in memory of father Irving Meisler a"h Professor and Mrs. Gilbert J. Ginsburg on the bar mitzvah of grandson Elazar Ginsburg
Daf Yomi (Bavli): Gittin 38

A large part of this week's parashah is devoted to the incident of the golden calf. The Torah relates that when Moshe came down from Har Sinai and saw what the Jews had done, he threw down the luchot / tablets and broke them.

What was Moshe thinking? asks R' Shimon Shkop z"l (died 1940). Did he contemplate that the Jews would henceforth be without a Torah?

The gemara (Eruvin 54) states that had the first luchot not been broken, one who studies Torah would never forget what he had learned. This was not a good thing, Moshe felt after he saw the golden calf, but a recipe for disaster. If one could read the Torah once and never forget it, one could easily amass vast Torah knowledge and use it for improper purposes. And, the resulting chillul Hashem / the desecration of G-d's Name would be much greater because the sinner would be a Torah scholar.

Moshe preferred a world where one had to struggle to learn in the first place, and then had to review and practice in order to retain what he had learned. In this way, when a person deviated from a Torah lifestyle, he would begin to forget what he had learned.

The gemara (Nedarim 38) teaches that Moshe became rich from the scraps that were left after the luchot were engraved. R' Shkop explains that this was intended to answer the people's fear: If Moshe changed the world so that one now has to struggle over Torah learning, when will people earn their living? From Moshe's experience we see that G-d can find ways to support us, and even to make us rich, while we devote our time to Torah and mitzvot. (Sha'arei Yosher, Introduction)

"This they shall give - everyone who passes through the census - a half shekel of the sacred shekel." (30:13)

Rashi records that Hashem showed Moshe a coin of fire and said to him, "Like this they shall give." What does this mean?

R' David Halberstam of Krashnov z"l (1818-1893; second son of R' Chaim Halberstam of Sanz) explains: Moshe Rabbeinu was exceedingly humble, and he said of himself (Shmot 16:7 and elsewhere), "What are we?" He could not understand why Hashem would count men, considering how insignificant men are.

This is why Hashem showed Moshe a coin of fire. Fire cannot exist unless it is joined with a medium. Similarly, every Jew is a spark of fire; alone, he is nothing, but when he is part of a group or a society, his power is enormous.

Alternatively, fire symbolizes the power of tzedakah. The midrash records that when Hashem said to Moshe (Shmot 30:11), "Every man shall give Hashem an atonement for his soul," Moshe asked, "How can one redeem his soul? Is it not written (Tehilim 49:9), 'Too costly is their soul's redemption?'"

Hashem answered, "It is not as you think; 'This they shall give'." Such is the power of tzedakah. (Darchei David p. 59)

"Moshe pleaded before Hashem . . ." (32:11)

The gemara (Berachot 32a) teaches that following the sin of the golden calf, Moshe prayed for the Jewish people "until his bones were burning." R' Meir Simcha Hakohen of Dvinsk z"l (died 1926) explains:

Chazal say that Moshe's grandson, Yonatan, was a priest to an idol. Thus, as Moshe prayed that the Jewish people be forgiven for their idolatry, his bones, his body from which his grandson would come, were burning with shame.

On the other hand, this very fact gave Moshe's prayers added credibility, for Hashem had said (in verse 10), "Let Me destroy them and make you a great nation." As Hashem offered to make Moshe into a great nation despite the failings in Moshe's own family, He can similarly overlook Bnei Yisrael's faults. (Meshech Chochmah)

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From: Ohr Somayach[SMTP:ohr@ohr.edu] * TORAH WEEKLY *
Highlights of the Weekly Torah Portion Parshat Ki Tisa - Parah
A REAL FREE LUNCH

"I shall show favor when I choose to show favor, and I shall show mercy when I choose to show mercy." (33:19)

Popular wisdom has it that there is no such thing as a "free lunch." Somehow, somewhere down the road, you always seem to have to pick up even more than the tab.

Sometimes, however, that's not always the case.

A nice thing about banks is that they love to lend you money. Provided, however, that you have the wherewithal to repay. If you have no cash, no collateral -- and no prospects, you will find that you will be quietly shown the door.

One of the pleasures of "banking" on the Creator is that He isn't in the banking business.

When Moshe went "upstairs" to receive the second set of the Tablets of the Covenant, one of the sights that G-d showed him was His storehouse of spiritual treasures. Moshe saw one massive chamber reserved for the righteous. As Moshe continued his tour around this celestial warehouse, he came upon a huge unlabeled chamber. He opened the door and saw a vast treasure. He asked for whom this was reserved. G-d replied that this whole storehouse was reserved for those

who had no merits of their own. It was the storehouse of Heavenly favor.

Judaism is not a religion that answers questions with dogma. Almost every question has an answer in the Jewish scheme of things. Jews have always been known as a questioning people. There are even jokes about why Jews always answer one question with another. Come to think of it -- Why do they?

We can ask almost any question -- except the ultimate reason why G-d wanted to create this existence. We know that He desired a place to dwell in this lower world. We know that He wanted to bestow His goodness on a creature He created whose name is Man. But why He should want this -- that we can never know. For what someone wants is who they really are. And G-d's ultimate essence can never be known by man.

This essence is what Moshe referred to when he requested to see "Your glory." G-d replied to him, "I shall show favor when I choose to show favor, and I shall show mercy when I choose to show mercy." This means that G-d sometimes shows favor to those who are undeserving. Why?

To answer that question, we would need to see "G-d's face." And as the next verse says "You will not be able to see My face, for no human can see My face and live." Understanding G-d's wishes is understanding Who He is. What He wants is Who He is -- and that, by definition, is beyond the mind of man.

However, there is a consolation prize. For even those who don't deserve it may find themselves the recipients of a real free lunch. Sources: * Talmud Berachot 7a; Yalkut 393

HAFTARAH PARAH: Yechezkel 36:16 - 38

This year, accompanying parshat Ki Tisa is the haftara of Parshat Parah, the third of the four special Parshiot.

Just as Parshat Parah concerns the laws of spiritual purity, so too its haftara contains the words "and I will sprinkle upon you the waters of purity." Its prophecy consoles the exiled Jewish people, relating to the reasons of the exile and to their future restoration and establishment in the land of Israel. In the future, spiritual purity, together with a "new heart and new spirit," will be bestowed from above upon those who return to the Torah.

A NEW HEART "And I will remove the heart of stone from within you and give you a heart of flesh."

When a person transgresses the Torah, he actually harms himself; his suffering soul introverts within his conscience, his feelings become numb and his emotions phlegmatic. This state not only hinders spiritual elevation but lures him to deepen his depression with additional sin. This is the meaning of the statement "a sin motivates a sin" (Pirke Avot 4:2), as the spiritual harm caused by the first decision to sin strengthens his desire for future sin. Our Sages compared this situation to a thirsty sailor drinking salt water; the more he drinks the more he thirsts, never to quench his thirst. Nevertheless, when a person is determined to return to the Torah path, Hashem removes his heart of stone and furnishes him with a new, sensitive heart of supple flesh, enabling him to embark on a new beginning.

Written and compiled by RABBI YAAKOV ASHER SINCLAIR
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From: RABBI BEREL WEIN rbwein@torah.org To: rabiwein@torah.org Subject: Rabbi Wein - Parshas Ki Tisa

The narrative of the incident of Israel and the Golden Calf in the desert is so riveting and fascinating that we return to it year after year with new fascination and interest. How do human beings that experienced godly revelation at Sinai revert to worshipping a Golden Calf just a few short weeks later? What happened to the "the kingdom of

priests and holy nation" to cause this terrible reversal of course? The great commentators to the Bible, and in fact, the Jewish people itself, in its deepest soul, have all wrestled with the problem of understanding this unfathomable fall of Israel and its consequences. And even though a full solution to this problem is not present, at least in the limited space of this Parsha sheet, I think that there are a number of insights that are apparent from this event, and that these insights are pertinent and necessary to us, personally and nationally, today as well.

The Torah stresses that the absence of Moses from the Israelite encampment for so many weeks after the granting of the Torah on Sinai was a strong contributing cause to the debacle of the Golden Calf. Jews, like all other humans, need strong, courageous, sensitive, wise leadership. Every person must perforce make difficult decisions for one's self. The world and Jewish society especially, is not a dictatorship governed by infallible people. But, at the same time, people require guidance, direction and vision in their lives. There must always be someone to point the way, to identify the goals and to formulate plans and ideas as to how to get there. The Jewish people were yet too raw, too insecure, too new to freedom, to be able to be weaned from Moses' continuing presence and leadership. Panicked, they searched for a substitute Moses and reverted back to the idolatrous ways of the society of Egypt where they had been raised. After forty years, the Jewish people would be able to bear the permanent loss of Moses. But it would take many years of Torah life and training for them to make it on their own with Joshua as their new leader. The absence of visionary leadership in many sections of today's Jewish world is what has contributed to the plethora of Golden Calves that surround and bedevil us. The Holocaust has crippled us in many ways. Visionary leadership has been one of its worst casualties.

The creation of the Golden Calf was instigated by a group of people described by the Rabbis as "the eiruv rav" (a great mixture of peoples.) This section of the Jewish people was comprised of members of many other nations in Egypt who escaped from their bondage by attaching themselves to the Jewish people at the moment of the Exodus from Egypt. These people became "fair-weather" Jews. During the decades of Jewish wandering in the desert of Sinai, the eiruv rav constantly agitated against Moses and against true Jewish interests. At every opportunity, whenever problems and discomfort arose on the road to the Land of Israel, they always raised the option of returning to Egypt, of becoming pagans once more, of discarding the great Jewish dream for "watermelons and leeks and onions and cucumbers." Unfortunately, whether out of malice or ignorance, the eiruv rav still is present amongst us today. In a wholesale manner, Jews are abandoning Judaism and are being encouraged to do so by others whose commitment to Judaism and Jewish survival is tepid at best. In the present society's permissive atmosphere that allows one to construct the rules of one's own religion as one wishes, the eiruv rav agitates for the destruction of tradition and the elimination of explicitly stated Torah values and behavior. Is it any wonder that the people yet dance around the Golden Calf?

Lastly, I wish to point out that saving the Jewish people from the clutches of the Golden Calf is not always pleasant and joyful work. When Moses returns to the encampment of the Jews and sees for himself the destruction - both physical and moral - that the creation of the Golden Calf has wrought, he calls for action, even for civil war in order to save the people. "Who is unto G-d, let him come unto me!" is his battle cry. And the men of the tribe of Levi who rallied to his cause at that fateful moment in Jewish history slew thousands in order to save Israel from the wrath of Godly destruction. Moses remembers the loyalty of Levi to the cause of Jewish survival in his final blessings to the people of Israel. "They spared not even family in their loyalty to G-d's covenant," he exclaims. No compromise with the Golden Calf is allowed by Moses, for that will only lead the people down the slippery slope of spiritual annihilation. It is an insight that we should ponder in

our current society as well.

Shabat Shalom. Rabbi Berel Wein
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Torah Web [From last year]

RABBI HERSCHEL SCHACHTER

The Torah She = Baal Peh

Towards the end of Parshat Ki Tissa, Moshe is told by Hakadosh Baruch Hu that he will be giving him a two-part Torah ϕ part biketav, in writing, and part baal peh, oral. These two parts of the Torah must be transmitted from generation to generation, each in its own fashion. The Torah shebiktav must be taught mitoch haketav, from reading from a written scroll, while the Torah shebaal peh must be transmitted orally. The Talmud (Temura 14b) records that at a certain point in history the Rabbis felt that there was a serious concern that the insistence on observing this point of law could possibly cause much of the Oral Torah to be forgotten, so they permitted the transmitting of the Torah shebaal peh from a written text. The expression used by the Talmud in this context is, "it is preferred that one letter of the Torah be violated, rather than have the entire Torah forgotten."

Rambam (Mamrim 2:4) gives an analogy from medicine to understand this point: Sometimes a doctor will amputate an arm of the leg of a patient to keep him alive. Rambam, however, quotes from the Talmud (Yevamot 90b) that such a special "hetter" may be practiced only as a horaat shaah (on a temporary basis) and not ledorot (permanently).

Many centuries have passed and the Oral Torah is still being taught from written texts of Mishnayot, Talmud, and Shulchan Aruch. This poses an obvious problem. Can a practice which has continued for close to two thousand years be considered a horaat shaah because at some time in the future (i.e. leyemot hamoshiach) that practice will be discontinued? This issue is dealt with in the classical halachic literature.

Exactly when this change in the style of teaching the Torah shebaal peh occurred was a question among the scholars. It is generally assumed today that this change occurred after the times of Ravina and Rav Ashi. The Talmud quotes several passages from the "Sefer of Adam Harishon", the book that G-d showed Adam about the transmission and the development of the Torah throughout the ages. One such line reads that, "Ravina and Rav Ashi will be the end of the period of horaah." Rav Moshe Soloveitchik took this to be referring to the aforementioned issue: because after their time the Torah shebaal peh was no longer being transmitted orally, the status of the Rabbis as "baalei horaah" was lowered halachically. All the Rabbis from the days of Yehoshua until the days of Ravina and Rav Ashi had a higher level status of baalei horaah than those that followed them. We therefore assume that while in each generation the Rabbis are entitled to express their own original opinions, even in disagreement with those who preceded them, those following Ravina and Rav Ashi do not have the authority to disagree with the accepted positions of the Talmud. Only a "baal horaah" is entitled to an opinion, (Horaah being a definitive position on a matter of Torah shebaal peh) and the "baalei horaah" of the later period, when the Oral Torah was no longer being transmitted orally, are on a halachically lower level.

<http://www.jpost.com/Editions/2001/03/15/Columns/Columns.23014.html> Jerusalem Post

SHABBAT SHALOM: An eternal nation? Count on it!

BY RABBI SHLOMO RISKIN

(March 15) "When you take the sum of the children of Israel after their number each one shall be counted by giving an atonement offering for his life. In this manner, they will not be struck by the plague when they are counted. Everyone included in the census must include a half shekel." (Ex. 30:12-13)

At first glance, one of the more curious laws in the Torah is the prohibition to count Jews. The Talmud records: "R. Elazar said: 'Whoever counts an Israelite transgresses a [single] prohibition, as it written: "And the number of the children are as the sand of the sea which cannot be measured." (Hosea 2:1) R. Nahman b. Isaac says: 'He transgresses two prohibitions, as the verse concludes, "and cannot be counted."'" (B.T. Yoma 22b)

Given this, how are we to understand the opening of our portion of Ki Tisa, where G-d commands Moses to count the Israelites? Count, but not by counting heads, rather by counting the half-shekel coins which every Israelite was commanded to bring.

What is the significance of a half-shekel? If you're using coins, would a whole shekel not better represent the "whole" person?

The Rabbis debated the reason for the Torah's choice of the half shekel. R. Yehuda explains that "since they sinned at half-day [the celebration of the golden calf began at mid-day] they had to give a half-shekel."

R. Pinhas, in the name of R. Levi, attributes it to the selling of Joseph. "Since the brothers sold the first son of Rachel, Joseph, for 20 silver pieces - and with Benjamin being too young and Joseph not being a recipient - each of the 10 brothers received one-half shekel" (J.T. Shekalim, Ch. 2. Hal. 3). Each of us must make atonement for having sold Joseph by returning the half shekel each year.

I'D LIKE to suggest that these opinions are two sides of the same "coin": both idolatry and sibling rivalry reflect a world in which unity and togetherness is of paltry significance.

Further, we are being taught that every Jew is incomplete without every other Jew. Every Jew must be brought closer, not pushed away. The whole is comprised of the sum of its parts, and every part is unassailably precious.

A story is told about two hassidic masters, the Trisker and the Voorker, who had spent their youth studying together in a yeshiva and sharing every imaginable adventure and crisis. Upon going their separate ways, they exchanged photos by which to remember each other. But one of the young men took the photo of himself and tore it in half, and then tore the photo of his friend in half as well. It's not enough, he explained, to remember the other; it is far more important to always remember that without the other each of us is only half a person, an incomplete specimen.

But if the half-shekel contribution is such a laudatory act, a symbol of Jewish national strength and unity, why should the Torah consider it a sin to count Jews? Indeed, the very backbone of the nation seems to be in the counting!

To answer this question, and to deepen our entire attitude toward the census, we must interpret the midrashic image in the name of R. Meir: "G-d removed a coin of fire from under his Throne of Glory and He showed it to Moses, saying: 'This is what they shall give'" (Midrash Tanhuma 9).

How are we to understand this coin of fire? Didn't Moses know what a half-shekel coin looked like?

Fire symbolizes the spirit of G-d which resides within the nation Israel, the nation forged by the Divine Voice at Sinai and best described as a burning bush which is never consumed by the flames of fervor which emerge from it; much the opposite, it is that very fire which provides the fuel for Israel's eternity.

From this perspective, the whole is not merely comprised of each of its parts; the whole is greater than the sum of its parts. The whole is not

only the Jewish nation; it is also the G-d who resides in our nation, the very G-d who is uplifted together with His people when each of them is counted - and when it is thereby understood that every Jew counts!

And the whole is not merely the Jewish nation today; it is also the Jewish nation of yesterday and tomorrow. It is not only klal Yisrael, the entire nation; it is also kneset Yisrael, historic and eternal Israel.

Yes, the nation as a united whole is significant - but that is only part of the story. The children of the Patriarchs and Matriarchs and the parents of the messiah must always include their forebears as well as their progeny in a total assessment of where we stand and what we stand for.

And this "eternal" aspect of our existence is really the reason why we do not count Jews. We don't count because we can't count. Since the Jewish people are an eternal people, all those Jews who lived before us and all those who haven't even been born yet are part of "kneset Yisrael."

In the words of my teacher and mentor, Rav Joseph B. Soloveitchik, the daily sacrifice is not an offering of partnership, but an offering of historic community. And if Israel includes within it the metaphysical idea of an historic nation, how can we ever count eternity?

Shabbat shalom

From: Machon Zomet[SMTP:zomet@mail.netvision.net.il] Subject: Shabbat-B'Shabbato: Ki Tissa (Parah) 5761

Shabbat-B'Shabbato - Parshat Ki Tissa (Parah) No 848: 22 Adar 5761 (17 March 2001)

BREAKING AND MENDING

by RABBI ZEV HESS, Assistant Rosh Yeshiva, Yeshivat Bnei Akiva Nachal Yitzchak, Nechalim

One might have thought that Moshe would have left the Tablets in heaven as soon as the Almighty told him, "Descend, for your nation has become corrupt" [Shemot 32:7]. If, on the other hand, he felt that he could correct the problem, how did he dare to shatter the Tablets, which were written "in G-d's writing" [32:16]? Sforno explains, "when he saw how satisfied they were with the damage they had done... Moshe despaired of returning the situation to the former pure state, so that they would again be worthy of the Tablets." But this still leaves a difficult question: Why didn't Moshe feel that the Tablets themselves could help fix the problem? And if they could not help, what good would a second set of Tablets be?

The answer to this is evidently related to the difference between the first and the second Tablets. The Natziv bases his commentary on the words of the Midrash, as quoted by Ibn Ezra, that "the second set of Tablets were heavier than the first." He explains that in addition to the Ten Commandments the second Tablets also included Midrash, laws, and Agadda. "In the first Tablets there was no element of innovation... That is, to establish a novel halacha... And there was no oral Torah... But together with the second Tablets every experienced student was given the power to innovate halacha based on the rules of study... This is the reason that the Almighty told Moshe to carve out the second set of Tablets... It teaches us that the novel halacha created with the power of these Tablets incorporates the labors of mankind."

Moshe thus taught us an important lesson in education. Since he understood that the nation was not capable of accepting "G-d's writing," he had no alternative but to shatter this lofty example of such a high state. He had to replace it with a different approach to receiving the Torah, allowing the nation to participate in the process. Accepting them as partners in construction of the oral Torah would raise them up, as far as their spiritual level allowed, until G-d's writing would be revealed engraved on their hearts. And this is why the words of the sages are considered more precious than the words of the Torah itself. This is the reason that "the oral Torah was created in a unique way," as if it were a

human Torah, while the truth is that "this human Torah is included within the Divine Torah" [Rabbi A.Y. Kook, Orot HaTorah].

Because Moshe understood this educational message, he was encouraged by the Almighty with the blessing, "Yeyasher kochacha." What was the source from which Moshe learned this? It was the Almighty Himself, for when He saw that "the evil of mankind was great" [Breishit 6:5], He destroyed the world He had created, and made a new world where mankind had a greater opportunity for creation and participation.

In order to use breaking as the first stage of mending, Moshe had no qualms about bringing the Tablets with him to the earth. The Almighty made the first Tablets using Divine power, without any bounds, but the people who received them were human and limited. "The creature who is to receive cannot accept this unless he is first shattered completely, so that he will return in his great desire to his original infinite level... He will then be able to rise above the limits of creation." [Rabbi A.Y. Kook, Orot HaKodesh].

The same lesson is valid for education of an individual. In order to progress, he must be transformed into a partner in the process. Such a partnership has the power to raise him above the circles dancing around the Golden Calf and lead him to attaining the true Torah.

A TALE TO BE TOLD: "Behold, I Have Called Out his Name" [Shemot 31:2]

The guests had all arrived for the circumcision, including the mohel, but the father of the baby, Yissachar Dov Gringrow, was not yet ready to start. He was waiting for a telegram from Tzefat which had not yet arrived. The long shadows of the evening had started to appear, but the Brit was still delayed. Yissachar Dov explained to the people that he wanted to name his son after his own great-grandfather, who had come to Eretz Yisrael at a very early age and had since then lost contact with the family. He had heard that his great-grandfather had settled in Tzefat, where he was buried - but he did not know his name. Now that a son had been born, he had sent a telegram to Tzefat asking for someone to look at the name on the gravestone. The baby was born on 7 Adar, and here it was 14 Adar, Purim, and the time for the Brit had come, but there was no telegram in sight. How could he allow a Brit to take place and give a name other than that of his great-grandfather?

Because of the late hour some of the guests started to leave, and the mohel started to show signs of impatience. Well, an upset mohel can be even more dangerous than giving the wrong name. So Yissachar Dov made a decision: The baby was born on 7 Adar, the birthday and date of death of Moshe. The date of the brit was Purim, a day related to Mordechai. He therefore decided to call his son Moshe Mordechai. Surely his great-grandfather would forgive him for making a mistake with his name, it was not his fault that the telegram had not arrived on time.

So, after the mohel performed the circumcision and reached the point where the name is given, Yissachar Dov quietly told him, "Moshe Mordechai." And the remaining guests gave the traditional blessing, "Let this small boy become great." As they all turned to leave, they met the postman at the door, looking for Yissachar Dov, saying, "I have a telegram for you." The father quickly opened the envelope, and to his astonishment, he found only two words: "Moshe Mordechai."

(With thanks to Efrat Jackson, from Yerucham, the granddaughter of the second Moshe Mordechai.)

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From: Young Israel Divrei Torah yitorah-owner@listbot.com Young Israel Divrei Torah - <http://www.youngisrael.org> 22 Adar 5761 March 17, 2001 Daf Yomi: Gittin 38

Guest Rabbi: RABBI EVAN SHORE

Young Israel of Shaarei Torah of Syracuse, NY

What was Moshe's true intentions when he said to HaShem: (Shmot 32:32) "And now, if You would forgive their sin, but if not, erase me now from Your book that You have written!" Did Moshe want his name removed from the Torah and what would this accomplish? Would the removal of his name be seen as a weakness on his part or would it tell us that Bnei Yisrael were not worthy of having a manhig such as Moshe? Possibly, Moshe was teaching an important lesson to future leaders of the Jewish people.

Rashi tells us that Moshe's request to be removed from the Torah was not from one obscure section rather "...from out of the entire Torah so that people will not say about me, that I was not worthy to beg mercy for them."

According to the Gemara in Brachot 32a, Shmuel tells us that Moshe was willing to risk his life for the sake of Bnei Yisrael. According to the Chizkuni and echoed by the Rashbam, the book Moshe was referring to was the Sefer HaChaim that Bnei Adam are written in on Rosh HaShana. Moshe did not want to give up his portion in the Torah. However he was willing to say to HaShem if Bnei Yisrael are destroyed then I no longer possess the urge to live.

Rabbi Shimshon Rafael Hirsch feels that without the Jewish people there is no future. For Moshe, his essence as a leader was based upon the existence of the entity known as Bnei Yisrael. If the Jewish people had no future, then the same fate awaited Moshe. For this reason Moshe requested that his name be removed from the Torah.

This idea is brought a step further by the Malbim who maintains that Moshe felt his life no longer was worth living, as a result his name should be erased from the living. My death is preferable over my life. To the Malbim this is the manifestation of being moser nefesh on Moshe's part.

The Malbim reasons that in reality Moshe was embarrassed and upset that Bnei Yisrael would want a new manhig. Moshe felt that if Bnei Yisrael were to be forgiven, all vestiges and traces of his life would have to be removed. T'shuva, on the part of Bnei Yisrael had to come about not due to the merit of Moshe rather it had to be based upon the merit of the Jewish people themselves. However, Moshe would still have an effect on Bnei Yisrael because his death would act as a kapara on behalf of the Jewish People. The idea of righteous effecting atonement for the Jewish people is also found by Miriam, Moshe's sister. Chazal ask why is there a juxtaposition between the parsha of the death of Miriam and that of the Para Aduma? It is to teach us that just like korbanot atone so does the death of the righteous atone.

It is for this reason, the Malbim feels, that Moshe was moser nefesh for the Jewish people, to help atone for their sin.

Pardes Yosef looks at Moshe's request to HaShem differently. He points out that by the incident of the Eigel HaZahav there were two sins committed by Bnei Yisrael: idol worship, which was bein adam l'Makom and secondly, lack of hakarat hatov shown to Moshe, bein adam l'chaveiro. Due to the fact that a mere 40 days after Matan Torah Bnei Yisrael rebelled against HaShem and wanted to replace Moshe as a leader caused Moshe to feel that he wanted nothing else to do with the Jewish people anymore.

The Dubno Maggid tells a story about an important prince who had a family member who stole constantly from the king's treasury. This prince would act as an advocate defending his family member. One time however, the family member stole a fantastic amount from the king and the prince said to the family member I can not properly articulate a viable defense on your behalf and nor do I want to. The prince asked to

be removed from his post so that he was no longer able to appeal on behalf of his relative, the thief. The Pardes Yosef explaining the mashal points out that the real explanation of "erase me" is removing Moshe from his position where the Jewish people can no longer rely upon him coming to their defense and aid.

The Ramban teaches us that to understand Moshe's request we must first see HaShem's reply. Shmot 32:33 teaches us: "HaShem said to Moshe, "whoever has sinned against Me, I shall erase from my Book" From here we may infer that Moshe was hinting to HaShem that he was willing to receive Bnei Yisrael's punishment upon himself if HaShem was not going to pardon the Jewish people. We know by HaShem's answer that Moshe's request was refused. Rabbi Elie Munk in Kol HaTorah writes that HaShem was telling both Moshe and the Jewish people that the guilty would be punished and the innocent would go free. It is interesting to note that Aharon, when questioned by Moshe as to his part in the eigel hazahav, offered no real defense. Aharon like his brother, was willing to accept the grievous transgression and punishment of Bnei Yisrael upon himself and offer his life in place of the Jewish people.

Moshe and Aharon by their actions have given us a deep insight into the actions of the leaders of Am Yisrael. They were both willing to sacrifice their lives for the sake of the Jewish people. Throughout history, thank G-d, we have been led by manhigei Yisrael who were always ready and willing to place their lives before the lives of the Jewish people. If nothing else maybe this is what Moshe was trying to convey to future generations.

From: Yeshivat Har Etzion's Israel Koschitzky Virtual Beit Midrash[SMTP:yhe@vbm-torah.org] Subject: SICHOT61 -21: Parashat Ki Tisa - Shabbat Para
PARASHAT KI TISA - SHABBAT PARA
SICHA OF HARAV AHARON LICHTENSTEIN SHLIT"A
Para Aduma - Finding Reasons for the Mitzvot
Summarized by Matan Gildai Translated by David Silverberg

The laws of the "para aduma" (red heifer) are known to be one of those areas which come under attack by the nations of the world and the evil inclination. The Midrash (in Parashat Chukat) identifies two specific problems latent within the institution of the para aduma that invite criticism from the various forces without. First, the evil inclination points to an inherent contradiction regarding the red heifer - although its function is to purify, it renders impure anyone who comes in contact with it. The Midrash (Bemidbar Rabba 19:5) lists this halakha as one of the five instances in the Torah when such an apparent contradiction arises.

The continuation of the Midrash (19:8), however, deals with a basic conceptual problem with the para aduma, going beyond this contradiction:

"A certain gentile asked Rabban Yochanan Ben Zakkai, 'These things that you do appear to be some sort of sorcery! You bring a cow, burn it, crush it, take its ashes, sprinkle on one who had been defiled by contact with a dead body two or three drops, and then tell him that he is pure!' [R. Yochanan] answered him, 'Have you ever seen one who was stricken by the force of lichen?' [The gentile] said to him, 'Yes.' [R. Yochanan] said, 'And what do they do for him?' [The gentile] said to him, 'They bring roots [of a plant], smoke them underneath him, pour water, and it [i.e. the illness] runs away.' [R. Yochanan] said to him, 'Your ears should hear what comes forth from your mouth! This force is impurityB They sprinkle upon it purifying waters, and it runs awayB' After [the gentile] left, the students asked [Rabban Yochanan], 'Our rabbi, him you dismissed easily; but what do you say to us?' He said to them, 'I swear that the corpse does not defile and the waters do not purify. But the Almighty said: I instituted a

statute, I issued a decree, and you are forbidden to violate My decrees.'" The gentile sought the practical basis of the efficacy of the para aduma. He assumed that every mitzva must serve a concrete purpose, and one does not fulfill a mitzva whose practical benefit he does not understand. Recognizing his challenger's presuppositions, Rabban Yochanan Ben Zakai responded along the lines of these mistaken notions and defended the practical benefit of sprinkling the purifying waters of the red heifer.

While this sufficed for the gentile questioner, the students were dissatisfied for two reasons. Firstly, they were proficient in all details of Halakha and knew that practical explanations cannot be given for all halakhot. Although one can claim that a particular mitzva has a practical benefit (e.g. the nutritional value of kosher food, the hygienic benefit of the laws of nidda), one can never rationalize all the details of Halakha by following this approach. Secondly, these explanations downsize the significance of the mitzvot; they turn the Torah into a helpful health guide and strip the mitzvot of their intrinsic value.

Indeed, Rabban Yochanan responded that one can never understand properly the underlying reason behind the institution of para aduma. The system of mitzvot is divine in origin, and as such we have no need to unearth the practical benefit of each mitzva. This is also the position of the Rambam (Moreh Nevukhim III:26), who maintains that although we may ascertain the rationale behind the generalities of mitzvot, we will never arrive at the reasons behind all the details therein. As the midrash teaches (Bereishit Rabba 44:1), "Does the Almighty care whether one slaughters from the front of the neck or the back? We must conclude that the mitzvot were given only to purify the human being."

Judaism believes in the utilitarian value of mitzvot, namely, that they sanctify body and soul. As opposed to secularism, Judaism maintains a distinction between sacred and profane actions, just as it differentiates between sacred and non-sacred locations and times. We may even unearth the rationale behind some of the details, but regarding many others we will never discover the reasons. We must view them as decrees and statutes established by the Almighty, and observe each detail, with all its minutiae, regardless of what we understand and what we don't.

True, when we attempt to explain the mitzvot and their reasoning to the non-religious, we may offer functional explanations to which they can relate and which they can understand. Nevertheless, caution must be exercised in this regard, and excessive use of these rationalizations ought to be avoided. Firstly, too much explanation of this type may prompt the non-observant person to conduct a thorough inquiry into all the details and thereby contradict our responses. Secondly, indulgence in functional rationalization may lead us to convince ourselves that these indeed constitute the ultimate reasons behind the mitzvot. Ultimately, whether or not we perceive the benefit of the mitzvot, we are commanded beings, and questions of practical benefit are not of the essence.

(Originally delivered at seuda shelishit, Shabbat Para 5755 [1995].)

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From: Jeffrey Gross[SMTP:jgross@torah.org] Weekly-halacha for 5761 Selected Halachos Relating to Parshas Ki-sisa
By RABBI DONIEL NEUSTADT Rav of Young Israel of Cleveland Heights

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

QUESTION: Is it permitted on Shabbos to ask a non-Jew to wash dirty dishes knowing full well that he will use a dishwasher? Similarly, is it permitted to ask a non-Jew to sweep the floor knowing that he will use a vacuum cleaner?

DISCUSSION: It is a Rabbinical(1) prohibition(2) to instruct a non-Jew to perform a forbidden, whether Biblical or Rabbinic, Shabbos Labor. It makes no difference whether the instructions are given on Shabbos or before Shabbos.(3) This strict prohibition is known as amirah l'akum.(4) It should follow, therefore, that a non-Jew may not be instructed to wash the dishes or sweep the floor if performing a forbidden Shabbos Labor will result from this command.

In our specific case, however, an argument for leniency can be made based on a ruling of the Taz.(5) The Taz rules that one may instruct a non-Jewish maid to wash the dishes on Friday night even if he knows that she will light a candle(6) in order to be able to wash the dishes. He explains that the Jew gains no benefit from the light, since the Jew's only concern is that the dishes be washed. The candle is not being lit for the Jew, but for the sake of the maid. This is not amirah l'akum, since a non-Jew may perform a Shabbos Labor for himself on Shabbos.

Based on this principle, we find several cases where some poskim were lenient concerning amirah l'akum:

1. It is permitted to instruct a non-Jew to "clean the floor," even though he will use a mop and do so in a prohibited manner (transgressing the Labor of Squeezing). This is because it is possible for him to clean the floor in a permissible manner - by pouring water on the floor and then pushing it aside.(7) He is performing forbidden Shabbos Labors only in order to make it easier for himself. This is not amirah l'akum.(8)

2. Using makeup remover on Shabbos may be prohibited because of the prohibition of Smoothing, Memareiach. It is permitted, however, to instruct a non-Jew to "cleanse my face" even though the non-Jew will use makeup remover to do so. This is permitted because the face can be cleansed by scrubbing it with water, which is allowed on Shabbos. The decision to use makeup remover rather than water is made by the non-Jew, for his benefit, and it is not based on the instructions of the Jew.(9)

In the cases cited above, the Jew's orders, which could be filled in a permissible manner, will actually be filled in a prohibited manner. Still, it is apparent that the poskim were lenient and did not view this as amirah l'akum. Accordingly, one is allowed to instruct a non-Jew to wash dishes or sweep the floor even though he will use a dishwasher or a vacuum cleaner to do the job. This is because the dishes can be washed on Shabbos in a halachically permissible fashion, and using the dishwasher benefits the non-Jew by making his job quicker and easier.(10)

ZILZUL SHABBOS(11)

Regarding practical halachah, however, there is another issue to consider before we may permit a non-Jew to use a dishwasher or vacuum

cleaner on Shabbos. There is an opinion based on a ruling of the Rama(12) that preferably a Jew should not allow his windmill - or any other noisy machine - to be operated on Shabbos because of zilzul Shabbos, degradation of the Shabbos. The Rama is concerned(13) that running a noisy machine on Jewish-owned premises on Shabbos casts suspicion on the owner of the premises: Is he operating the machine? For this reason some poskim(14) forbid a non-Jewish maid to operate a dishwasher or a vacuum cleaner inside a Jew's home, since the noise might cause people to suspect the homeowner of violating the Shabbos.(15)

[It is permitted, however, to have a machine running in one's home only when it is clearly evident that the machine making the noise was set or turned on before Shabbos (such as a grandfather clock); or when it is common knowledge that such a machine is usually activated by a Shabbos clock (such as electric lights) or by a thermostat (such as an air conditioner).(16) In these instances, no suspicion will be cast on the owner of the premises and it is, therefore, permitted to use machines such as these.(17)]

The fact of the matter is, however, that many yeshivos and camps allow non-Jews to operate dishwashers on their premises on Shabbos. While this practice seems to contradict the aforementioned ruling of the Rama, it is nevertheless permitted since the Rama himself adds that where a monetary loss would be incurred, one may be lenient and not concern himself with zilzul Shabbos. Since it would otherwise be impossible for the yeshiva or camp to have clean dishes, they view their situation as a case of "avoiding a loss" and they are lenient. Nevertheless, individuals in their private homes should not rely on this leniency.

FOOTNOTES: 1 A minority view maintains that amirah l'akum is Biblically forbidden. While the poskim generally reject this approach, it is an indication of the severity of the prohibition; see Sha'ar ha-Tziyun 253:7. 2 There are several reasons given for this prohibition; see Rambam, Hilchos Shabbos 6:1; Rashi, Avodah Zarah 15a and 22a. 3 O.C. 307:2.

4 To reinforce this prohibition, the Rabbis went so far as to forbid one to derive direct benefit from a non-Jew on Shabbos even if the non-Jew performed the Labor on his own without being told; O.C. 276:1. 5 Quoted by Mishnah Berurah 276:27. See Hebrew Notes, pgs. 34-38, for a full explanation of this entire subject. 6 Or use hot water: Shemiras Shabbos K'hilchasah 30:23. 7 Although there is no permissible method for a Jew to wash a floor on Shabbos (see O.C. 337:4), there are permissible ways for a non-Jew to do so; see Rama 337:2 and Mishnah Berurah 10. 8 Birkei Yosef O.C. 333:2, quoted in Kaf ha-Chayim 337:21. Harav M. Feinstein is also quoted (The Sanctity of Shabbos, pg. 93) as allowing this. 9 Igros Moshe O.C. 2:79. 10 Shemiras Shabbos K'hilchasah 30:23. See, however, Melachim O'mneich 9:20, who makes a distinction between the case of the Taz and our case, since in the Taz's case, turning on the light is not directly connected to the washing of the dishes, while here the dishes themselves are being washed while transgressing a prohibited Shabbos Labor. 11 See Hebrew Notes, pgs. 38-39. 12 O.C. 252:5. See Pri Megadim 21 that this is only a chumrah. 13 As explained in Darkei Moshe and Shulchan Aruch Harav. This explanation is also evident from the Rama himself, who permits a clock to chime on the hour since everybody knows that it can be set before Shabbos.

14 See Kol ha-Torah # 42, pg. 255, where Harav Y.Y. Neuwirth amends a previous ruling and writes that if the noise of the dishwasher is heard by others it may be prohibited because of zilzul Shabbos. Harav M. Feinstein is also quoted (The Sanctity of Shabbos, pg. 89) as prohibiting the use of a dishwasher because of zilzul Shabbos. See also Minchas Shelomo 2:20, who prohibits setting a time clock to turn on a dishwasher because of zilzul Shabbos. See Shemiras Shabbos K'hilchasah 12:35, who adds another reason why a dishwasher may not be used with a time clock. 15 See Igros Moshe O.C. 4:70-6 who prohibits setting an alarm clock - which is normally set on the previous evening - before Shabbos if the ringing noise will be heard outside the room on Shabbos. See Minchas Shelomo 1:9, who prohibits a non-Jew to use a washing machine on a Jew's premises because of zilzul Shabbos. See Minchas Yitzchak 1:107, who prohibits leaving a radio or a tape recorder on from before Shabbos because of this concern. 16 See Rama O.C. 252:5, Igros Moshe O.C. 4:60 and Shulchan Shelomo 252:14. Shulchan Shelomo adds that concerning electric lights there is no problem of zilzul Shabbos in any case since there is no noise involved. 17 Similarly, one is not required to shut off his telephone ringer, since a ringing phone does not cast suspicion on the homeowner that he is violating the Shabbos. It is also permitted to leave the phone attached to an answering machine or to a fax machine, as it is well known that these machines are set to operate before Shabbos.

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From: Kollel Iyun Hadaf[SMTP:kornfeld@netvision.net.il] RABBI MORDECHAI KORNFIELD To: daf-insights
INSIGHTS INTO THE DAILY DAF
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GITIN 26 - dedicated by Larry and Marsha Wachsmann l'Ilyu Nishmas their aunt, the late Mrs. Rachel Potack (bas Rav Moshe) Z"L -- a true "Eshes Chayil" and "Ba'alas Midos" -- who passed away b'Seivah Tovah in Yerushalayim on 2 Kislev 5761.

GITIN 27 - Marcia and Lee Weinblatt of New Jersey have dedicated this Daf in memory of Marcia's mother, Esther Friedman (Esther Chaya Raizel bat Gershom Eliezer) and father, Hyman Smulevitz (Chaim Yisochar ben Yaakov).

GITIN 28 - sponsored by Harav Ari Bergmann of Lawrence, N.Y., out of love for Torah and those who study it.

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Gitin 28

A CHAZAKAH THAT THE HUSBAND IS STILL ALIVE

QUESTION: The Mishnah teaches that if a Kohen travels abroad, his wife may continue to eat Terumah, and we are not afraid that her husband died and that she may no longer eat Terumah. The Gemara asks that our Mishnah seems to contradict a Beraisa that teaches that when a person gives a Get to his wife on condition that it take effect a moment before his death, if he is a Kohen and his wife is a Bas Yisrael, she may no longer eat Terumah out of concern that her husband might die the next moment (and the Get will have taken effect the previous moment). Rava answers that we are not afraid that a person *died*, but we are afraid that a person *will* die. Since we are afraid that he will die the next moment, the woman married to a Kohen may not eat Terumah since we are afraid that her husband might die the next moment. In contrast, the woman receiving a Get from the Shali'ach may rely on the Get and is fully divorced, because we are not afraid that the husband died.

RASHI explains that Rava's logic is that the husband's Chezkas Chayim can clarify the Safek regarding whether or not the husband is presently alive. Since until now he was alive, we assume that right now he is also alive. In contrast, the Chezkas Chayim cannot prove to us that he *will* be alive in the future (in the following moment), since the Chazakah can only determine for us a present status, and not a future one. Therefore, we must suspect that the husband might die in the following moment, and if the husband stipulated that the Get should take effect the moment before he dies, we must suspect that she is divorced at the present moment.

Why is it so obvious to Rashi that a Chazakah cannot determine a future status (that is, whether the husband is *going* to die, and, consequently, whether the woman is divorced at present)? Although the Chezkas Chayim of the husband might not apply, there are other Chazakos that exist that should apply to determine the present status of the woman! She should be permitted to eat Terumah because of her Chezkas Eshes Ish, which tells us that until now she was married, and thus we should assume that she still is married! In addition, she has a Chezkas Muteret l'Terumah, which tells us that until now she was permitted to eat Terumah, and thus we should assume that she is still permitted to eat Terumah! Since these Chazakos affect the present status of the woman, they should be applicable even in the case where we do not know if the husband is going to die the next moment, and she should be permitted to eat Terumah. (SHA'AREI YOSHER 2:9; KOVETZ HE'OROS, Hosafos to Yevamos 69b.)

ANSWERS: (a) The PNEI YEHOASHUA (28a, with regard to a different question) explains that when a person writes a Get to his wife with a condition that it should take effect the moment before he dies, the Chezkas Eshes Ish and the Chezkas Muteret b'Terumah lose their power

to determine her status with regard to eating Terumah, because the Chazakos have been "weakened" by the fact that the husband definitely wrote and gave a Get to his wife. Although we are not certain whether the Get took effect, nevertheless a Get *was* given, and therefore we have clear reason to suspect that she is no longer married (weakening the Chezkas Eshes Ish), and that she is no longer Muteret b'Terumah (weakening the Chezkas Muteret b'Terumah). The husband's Chezkas Chayim, in contrast, is not weakened by the fact that the husband is eventually going to die, since he might not die during his wife's lifetime (as the Gemara says on 28a).

(b) The SHA'AREI YOSHER argues that the fact that the husband gave a Get to his wife is not enough to weaken the Chezkas Eshes Ish on a d'Oraisa level.

He suggests, therefore, that a Chazakah can determine what happened only when what happened is directly influenced by that Chazakah. For example, in our case, the Chezkas Chayim can prove that the husband is not dead, since the fact that until now he was alive has direct bearing on whether he is now dead.

In contrast, the Chazakah that a woman is married, and that she is permitted to eat Terumah, do not have direct bearing on whether the husband is going to die the next moment. The only reason they are related to the question of how long he will live in this case is because the husband made a stipulation, making a Get that he gave to his wife dependent upon the length of his life. Since this connection is only incidental, the Chazakah that she is his wife cannot address the question of whether or not he will continue to live.

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