

BS"D



To: Parsha@YahooGroups.com
From: crshulman@aol.com

INTERNET PARSHA SHEET
ON KI SISA & PARAH - 5764

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From: RABBI YISSOCHER FRAND [ryfrand@torah.org] Sent: March 10, 2004 Subject: Rabbi Frand on Parshas Ki Sisa "RavFrand" List - Rabbi Frand on Parshas Ki Sisa

If One Does Not Own Land, He Need Not Go 'Up' for the Festival
At the end of the parsha, the pasuk [verse] says, "Three times in the year all your males shall appear before the L-rd, Hashem, the G-d of Israel" [Shmos 34:23]. This is the command of "aliyah l'regel" [Going up (to Jerusalem) for the Festival]. On Pesach, Shavuos, and Succos the Jews were commanded to go up to the Beis HaMikdash to see and be seen by the Divine Presence of G-d.

The pasuk continues "...and no man shall covet your land when you go up to appear before Hashem your G-d, three times a year." We are guaranteed that we have nothing to fear while everyone is in Jerusalem. We might have been nervous about leaving no males at home, because it would be an open invitation to thieves and enemies. The pasuk tells us to have no fear -- no one will covet our land while we go up to Jerusalem to see the Shechinah [Divine Presence of G-d].

The Talmud derives a halacha from this -- whoever does not own land is not obligated to go up to Jerusalem on the Festival [Pesachim 8b]. The entire halacha of going up three times a year is for one who owns land.

The Kotzker Rebbe (1787-1859) asked, "Why is it that someone who doesn't own land is excused from going up to Jerusalem?" The Kotzker Rebbe answered, "Because he doesn't need to."

Only the person who owns land, who has a connection to this world, who is into materialism, needs to go up to Jerusalem to see the Shechinah. The person who is unencumbered by materialism does not need to go anywhere to see the Shechinah, because he sees the Shechinah everywhere.

One who has the property, the mortgage, the two garages and the Jacuzzi, etc., etc., must go to Jerusalem to see the Shechinah. But one who is free of the materialism of this world sees the Shechinah everywhere, so he is excused from the mitzvah of 'Reiyah,' going to see.



The Chofetz Chaim & Rav Shimon Schwab: A Tale of Two Grandfathers
This is a true story involving the Chofetz Chaim (1838-1933) and Rav Shimon Schwab (1908-1995).

Rav Schwab once visited the Chofetz Chaim, and the Chofetz Chaim asked him if he were a Kohen, Levi or Yisroel. Rav Schwab answered

that he was a Yisroel. As it is well known, the Chofetz Chaim was a Kohen [Priest, descended from Aharon the High Priest].

The Chofetz Chaim said to Rav Schwab, "Do you know the difference between me and you? Soon the Beis HaMikdash [House of Sanctity - Temple] will be rebuilt. Everyone will go crowd into the Courtyard of the Beis HaMikdash for the first time. There will be a guard at the door who will ask the people whether they are Kohanim, Leviim [Jews descended from the tribe of Levi], or Yisraelim [Jews from tribes other than Levi]. The Kohanim will get to go inside and do the Service of the Beis HaMikdash. I will be one of those people. You, Rav Schwab, with all the other Yisraelim will be left outside. All the Yisraelim will be terribly jealous of me. They are going to want to do the Service, but the Halacha will be NO! -- Kohanim inside; Yisraelim outside."

The Chofetz Chaim continued, "Do you know why it will be like that? Because of something that happened thousands of years ago. Thousands of years ago, there was an incident called 'the sin of the Golden Calf.' The Jewish people sinned with the calf. Only 3,000 people participated in that heinous act of idolatry. But when Moshe Rabbeinu called out and asked everyone else to come and put out the fire... When he issued those famous words 'Whoever is for G-d, gather around me' [Shmos 32:26], do you know what happened? Only the tribe of Levi showed up. My grandfather came and responded to that call and your grandfather sat there and did nothing. Therefore, the Kohanim, who come from the tribe of Levi, will go into the Beis HaMikdash. But you, Yisraelim are going to be on the outside because you sat there and did not respond."

The Chofetz Chaim then looked at Rav Schwab and said to him, "What do you think? Am I trying to make you feel bad? Am I trying to rub your face in it? Chas V'Sholom [Heaven forbid]! I want to teach you a lesson. Many times in life, you will hear a little voice go off in your head that will say 'Whoever is for G-d, gather around me.' An event will occur or an issue will be raised. Everybody is going to be told 'Stand up and be counted.' In whose camp are you? I want you to know that questions like that and challenges like that have implications not only for you but for generations and generations after you. Because your grandfather did not answer 'Yes' in the affirmative to 'Who is for G-d, gather to me', you are excluded from the Beis HaMikdash Service. It was an act that has implications thousands of years later. Because my grandfather said yes, I am a Kohen now and I am going to do the Service."

"Never forget", the Chofetz Chaim told Rav Schwab, "everybody has his moments of 'Who is for G-d, gather around me.' When you hear that voice, stand up and be counted!"

Transcribed by David Twersky; Seattle, WA DavidATwersky@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 Torah Tapes on the weekly Torah portion: Tape # 89, Returning From a Medical Emergency on Shabbos. 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. Torah.org: The Judaism Site <http://www.torah.org/> Project Genesis, Inc. learn@torah.org 122 Slade Avenue, Suite 250 (410) 602-1350 Baltimore, MD 21208

From: Yeshivat Har Etzion Office [office@etzion.org.il] To: yhesichot@etzion.org.il Subject: SICHOT64 -21: Parashat Ki Tisa Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash Project (Vbm) Student Summaries Of Sichot Given By The Roshei Yeshiva Parashat Ki Tisa

— THE ETZION FOUNDATION cordially invites you to attend its ANNUAL DINNER Honoring ELIOT and MARILYN LAUER Parent Recognition Award RABBI YAACOV and ABBY LERNER Rabbinic Tribute Award HOWARD '76 and PAULA FRIEDMAN Alumnus of the Year Award and ALUMNI OF THE 1977 AND 1978 MACHZORIM Tuesday, the 16th of March, 2004 Reception 6:00 p.m. Dinner 7:00 p.m. For more info, contact Executive Director Shirley Schuster 212-732-GUSH, gush@att.net

— YHE Alumni are invited to a Melaveh Malkah this Motzaei Shabbat, Motzaei Parashat Ki Tisa, March 13th, at 8:30 PM, at the home of Mark and Susan Wiesen, (Ari and Yonatan's folks!) 668 North Forest Drive, TEANECK, NJ 201-836-2021 We look forward to having a wonderful time!

"YOU WILL SEE MY BACK; BUT MY FACE MUST NOT BE SEEN"

Guest Sicha by

RAV YA'AKOV MEDAN

Summarized by Matan Glidai Translated by David Silverberg

Two verses in our parasha seem to contradict one another. On the one hand, "G-d would speak to Moshe face to face, as one man speaks to another" (33:11). Yet, G-d Himself tells Moshe, "...You will see My back; but My face must not be seen" (33:23). Did Moshe merit face-to-face communication or not?

The answer, however, is clear. The first verse relates to the period when Moshe had relocated his tent outside the Israelite camp, away from the nation, in the aftermath of the sin of the Golden Calf. At that point, G-d spoke to him face to face (so to speak). The second verse, however, describes the situation after Moshe returned to the nation. The people's spiritual level had declined with the incident of the Golden Calf, and, accordingly, Moshe's prophetic level decreased when he rejoined the camp.

In Parashat Beha'alotekha, G-d describes the superior quality of Moshe's prophecy: "With him I speak mouth to mouth, plainly [be-mar'eh] and not in riddles" (Bemidbar 12:8). This image clearly corresponds to the first verse cited above and thus refers to the situation prior to the Golden Calf. After the sin, Moshe's prophecies resembled those of other prophets, of which G-d says, "I make Myself known to him in a vision [be-mar'a]" (ibid., verse 6). The prophetic quality before the sin is called "mar'eh," whereas after the sin it becomes "mar'a," literally, a mirror. A mirror absorbs some of the rays of light, and the resulting image is thus of inferior quality. Chazal described the difference between these two levels of prophecy with the terms "aspaklaria ha-me'ira" and "aspaklaria she-eina me'ira." Herein, then, lies the distinction between looking at G-d "face to face" and seeing only His "back." The view of the back is obscured, the clarity diminished.

What is the meaning and significance of this distinction?

In describing these two prophetic visions, Chazal employ the image of tefillin. They liken the prophetic vision of "face to face" to the viewing of the tefillin proper, while the view "from the back" they compare to the sight of the knot of the tefillin (worn on the back of one's neck). However, we may gain a clearer understanding through a comparison to the "tzitz" - head plate - worn by the Kohen Gadol. When viewing the High Priest from the front, one sees a golden strip with the inscription, "Kodesh La-Hashem" ("Sacred to G-d"). A rear view reveals the string of "tekhelet" (bluish dye) that held the "tzitz" around the Kohen Gadol's forehead. The Gemara (Menachot 43b) explains the significance of "tekhelet." This shade of blue resembles the color of the ocean, which itself brings to mind the color of the sky, which is similar to Heavenly Throne. Thus, one who looks straight at the Kohen Gadol beholds the Divine Name, whereas one looking from behind must employ his imagination and behold the Almighty only through the process indirect association.

Similarly, herein lies the distinction between Benei Yisrael's situation before the Golden Calf and after. The nation had earned a direct revelation of the Shekhina in its most natural form, which required no exertion on their part. After the sin, they merited the revelation only through hard work and concentrated effort.

The Midrash (Shir Hashirim Rabba 1:12) recounts that Benei Yisrael slept on the morning of Matan Torah, and the Almighty had to wake them. (In commemoration, we have the custom of remaining awake all night long on Shavuot engaged in Torah study.) This passage in the Midrash underscores the passivity that marked Am Yisrael's experience at Mount Sinai; they slept and G-d reached out to them. After the sin,

however, we must search for G-d: "And I will return to My abode - until they realize their guilt. In their distress, they will seek Me and beg for My favor" (Hoshea 5:15). The depiction in Shir Ha-shirim of the maiden searching out her beloved who hides accurately depicts this concept.

Nowadays, we stay awake all night long on Shavuot, rather than sleeping and waiting for the Almighty to awaken us. Similarly, the kohen Gadol would remain awake the entire night before Yom Kippur in preparation for his encounter with G-d the following day. Indeed, this encounter takes place in the Kodesh Ha-kodashim, where G-d appears in the cloud of the incense - in a clouded, obscured revelation. This type of revelation requires active effort and preparation, as opposed the direct revelation at Sinai, which could be attained passively.

This may also mark the distinction between the first and second sets of tablets. The Ramban explains that the first tablets contained the Ten Commandments as recorded in Parashat Yitro, while the second tablets featured the commandments as they appear in Parashat Vaetchanan. The two sets of commandments differ significantly from one another, particularly in their presentation of the mitzva of Shabbat. It stands to reason that Moshe repeats the mitzva of Shabbat when introducing the Mishkan to Benei Yisrael (at the beginning of Parashat Vayakhel) because the content of this commandment underwent a certain change with Moshe's receiving the second tablets. In Parashat Yitro, G-d bases the institution of Shabbat on the fact that "in six days G-d made heaven and earth and sea... and He rested on the seventh day" (20:11). The Vaetchanan version, however, presents a different reason for Shabbat: "You shall remember that you were a slave in the land of Egypt... therefore the Lord your G-d has commanded you to observe the day of Shabbat" (Devarim 5:15). In the first Tablets, the individual need not expend any effort to understand the mitzva of Shabbat.

He sees G-d and imitates Him - just as the Almighty "rested" on the seventh day, so do we. In the second Tablets, by contrast, one cannot readily behold G-d. To appreciate this mitzva, then, one must recall the Egyptian bondage and thereby contemplate the meaning of Shabbat.

An additional discrepancy between the two different sets of Tablets relates to their manufacture. The first tablets were produced by G-d Himself. Presumably, they were not chiseled; G-d simply took two prefabricated slabs and engraved the commandments thereupon. In the situation prior to the Golden Calf, the natural order was complete and G-d revealed Himself therein. One saw Him without searching and discovered Him without effort. In such circumstances, G-d could take a primitive, undeveloped object from the natural world and inscribe upon it the Divine Word. The second tablets, as we know, were manufactured by Moshe. It seems that G-d did not even instruct Moshe how to make them; he worked independently. The writing was not engraved upon the tablets, but rather written on them. By this point G-d was not directly revealed through nature, and, consequently, one needed to perfect nature to see Him.

The significance of brit mila - circumcision - also relates to this idea. Adam was "born" circumcised; nature needed no further processing or development. One may even suggest that Adam had a foreskin, but it constituted no problem whatsoever. Nature was perfect and did not call out for any form of correction or improvement. Rabbi Akiva's celebrated remark that "the work of humans is superior to that of the Almighty," as evidenced by the superior quality of bread over wheat (Tanchuma Tazria, 5), likely refers specifically to the aftermath of Adam's sin. In fact, Adam did not need to bake any bread; he plucked fruits straight from the tree and ate. Only after the sin did he fall under the decree, "By the sweat of your brow shall you get bread to eat," at which point he needed to perfect nature, to turn the wheat into loaves of bread through the painstaking processes of agriculture and baking. Nature was no longer perfect.

Only when Am Yisrael experiences difficult times does the Almighty reveal Himself to them and dwell among them.

During times of oppression, Benei Yisrael take the ark with them to battle, symbolizing the accompaniment of G-d's Presence. In such situations, one needs not labor to find the Almighty: "Since the Lord your G-d moves about in your camp to protect you and to deliver your enemies to you..." (Devarim 23:15).

(Originally delivered on Leil Shabbat Parashat Ki-Tisa, 5755 [1995].) Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash Alon Shevut, Gush Etzion 90433 E-Mail: Yhe@Etzion.Org.II Or Office@Etzion.Org.II Copyright (c) 2004 Yeshivat Har Etzion



From: RabbiWein@jewishdestiny.com Sent: March 11, 2004
RABBI WEIN'S WEEKLY COLUMNS
Parsha Archive March 12, 2004 KI TISSA

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 renewed and refreshed interest. How did 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 not in this limited space, 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 factor 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 themselves. 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. The Jewish people were still too raw, too insecure, and 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 G-dly 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. Moses allows no compromise with the Golden Calf, 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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From: torahweb@torahweb.org Subject: 2 FAQs regarding TorahWeb
Below are answers to two questions that seem to consistently pop up.

Q. Who writes the divrei Torah that appear on TorahWeb.org? A. The Rabbis themselves write the divrei Torah. On VERY RARE occasion (less than 10 times over the roughly 300 divrei Torah to date) a Rabbi may ask a student to write up something he said.

Q. How do I save an MP3 file from your site to my PC's disk drive? A. Step 1: go to <http://www.torahweb.org/audio> Step 2: click on the link to the shiur you want. A new page will come up that has links to download MP3s or buy CDs Step 3: click on the link to the MP3 with your RIGHT mouse button, and on the popup menu select "save target as" to save the MP3 to your hard drive

http://www.torahweb.org/torah/2003/parsha/rhab_kitissa.html
TorahWeb.org [from last year]

RABBI YAAKOV HABER
THE STRENGTH OF THE FEW

"When you take the number of the head(s) of the B'nei Yisrael ... and they shall give each an atonement (or: a substitute) to Hashem for his soul... This they shall give... a half-shekel" (30:12-13). Rashi and other commentaries note that from here we derive the prohibition against directly counting Jews. (This halacha is recorded by Rambam Hilchos T'midin U'Musafin (4:4) (although utilizing a different passage as the source) and Magen Avraham (O.C. 156).) R. Eliyahu of Vilna, in Aderes Eliyahu, and others note that included in these passages are two separate commandments: one, to always use some substitute when counting Jews; two, to use specifically a half-shekel as the substitute at this juncture to be used for the construction of the adanim, or sockets, which would serve as the foundation of the mishkan.

Ramban, in his commentary to Parshat Bamidbar, suggests that counting the entire Jewish people at the same time, as was done in the Midbar,

was only permissible if the people over twenty were the only ones counted. It was an error concerning this halacha, opines Ramban, that led to a plague when King David counted all the Jewish people including those under twenty, as recorded in Shmuel (II Chapter 24). (See "The Halachic Controversy Concerning the Israeli Census", by Rav J. David Bleich, RJJ Journal of Halacha and Contemporary Society (VIII), for a summary of the extensive halachic discussion amongst contemporary Torah scholars concerning the applicability of these halachot to the Israeli Census.) The Torah here states "l'chapeir 'al nafshoseichem" -- "to atone for your souls" (30:16) in order to avoid "negef bifkod otam" -- "a plague when counting them" (30:12) implying that even when counting only those above twenty, there is still a need for kappara (atonement).

What might be the cause of the plague when counting the entire Jewish people including those under twenty? Why the need for a kappara when counting those over twenty? Rav Shaul Yisraeli z"l, the founding head of Kollel Eretz Chemda, (Shana B'Shana 5722) proposes a fascinating approach. He introduces his analysis by quoting the following passage from Yoma (22b). After quoting the verse in Hoshei'a (2:1): "v'haya mispar b'nei Yisrael k'chol hayam asher lo yimad v'lo yisafeir" -- "and the number of the Children of Israel shall be as the sand of the sea which cannot be measured and cannot be counted" as an additional source for the prohibition against counting Jews (see Rav Yisraeli's article as to why an additional source is necessary), the Talmud quotes the statement of R. Yonatan. He raises a contradiction between the first half of the passage which implies that there is a "mispar" to the Jewish people and the second half which states "which cannot be counted." The resolution he provides is that whereas when "'osin r'tzono shel makom" -- "they follow the Will of G-d" -- there is no number, but when "ein 'osin r'tzono shel makom" -- "they do not follow the Will of G-d" -- there is a defined number to them. Rav Yisraeli explains that herein lies the key to understanding the prohibition against counting Jews.

Our survival has never been determined by our number. Indeed, based on purely mathematical considerations, the small numbers of the Jewish People, as compared to the nations of the world who throughout history have attempted to destroy us, would have led to little chance of survival. But, "lo meirub'chem mikol ha'amim chashak Hashem bachem ... ki atem ham'at mikol ha'amim" -- "not because of your great numbers did Hashem desire you, for you are the smallest of the nations" (Va'Etchanan 7:7). On the contrary, in our small numbers lies our strength. "Am zu yatzarti li t'hilati y'sapeiru" -- "I have created this nation; they will recite my praise to me" (Yeshaya 43:21). Through Hashem's Providence over his beloved nation throughout the ages, His Name is sanctified amongst the nations. Gideon, the Judge of Israel, is even told to lessen the number of soldiers so as to increase the miracle occurring through them (Shoftim 7:4). On Chanukkah, in the 'al hanissim prayer, we recite "rabim b'yad m'atim" -- "the many in the hands of the few". We have never operated or survived based on the principal of numeric strength. "Yisrael b'tach baHashem" is the ever-present source of our victory against our enemies. The "mispar" of the B'nei Yisrael in the words of Hoshei'a is "that they have no number." Their strength lies in their devotion to their G-d and their faithful carrying of His Word to all of humanity, not in their numerical superiority. This explains the unique prohibition requiring a machatzit hashekel to atone for the counting of large segments of the 'Am Yisrael and, according to Ramban, the absolute prohibition of counting all of them. Over-reliance on the significance of numbers, ultimately an expression of a lack of reliance on G-d, can lead to a removal of His protection, or a plague. (See Ramban (ibid.) who suggests that counting for no reason other than to determine the number of Jews is also absolutely prohibited even with a substitute. This can be explained with similar reasoning.)

The Talmud Yerushalmi (Megilla 13b) comments on the statement of Haman in the Megilla "va'aseret 'alafim kikar kesef eskol ... l'havi el ginzei hamelech" -- "and 10,000 talents of silver I will measure out ... to bring to the king's treasury." Hashem chose the month of Adar, the scheduled time of Haman's decree, as the time for bringing the machatzit hashekel in order to pre-empt the effects of the decree of Haman. "Hikdim shikleihem lish'kalav" -- "he preceded the B'nei Yisrael's sh'kalim to Haman's". Perhaps we can extend Rav Yisraeli's approach to elucidate this somewhat cryptic Midrash. By donating the half-shekel, K'lal Yisrael demonstrated their confidence in the inapplicability of numeric formulae in determining the survival of the Jewish People. In the time of Haman, when the entire kingdom of Achashveirosh was ordered to annihilate the relatively tiny Jewish Nation in all their places of dispersion, the merit of the earlier bitachon in Hashem's providence over his nation contributed to their salvation.

When once again the "wolves" seek to devour the "sheep" of Israel, we once again must turn and return with extra dedication to the service of our Protector, Tzur Yisrael V'Goalo, with full realization that only with His help, "heima kar'u v'nafalu, va'anachnu kamnu vanis'odad!"

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SHABBOS PARSHAS KI SISAH PARSHAS PARAH
Mar. 13, 20 ADAR

Usual Shabbos service; many say yozros; we take out two Sifrei Torah; in the first, we have seven Aliyahs in the weekly Sidrah, Parshas Ki Sisah; Half-Kaddish. In the second Sefer Torah the Maftir reads Parshas Parah in Chukas (Numbers 19:1-22). (Some maintain that the obligation to read Parshas Parah is mandated by the Torah.) The Haftarah of Parshas Parah is from Ezekiel 36:16-38. We do not say Kel Malei or Av Harachmim.

MUSSAF Shemonah Esrei of Mussaf for Shabbos.

MINCHA Three Aliyahs in Parshas Vayakhel. We say Tzidkascha Tzedek.

THE USE OF ELEVATORS ON SHABBAT
BY RABBI CHAIM JACHTER

For part 1 & 2, see or <http://www.teaneckshuls.org/parsha/shmos/Terumah64.doc>
From: Kol Torah [koltorah@koltorah.org] Celebrating Thirteen Years of Kol Torah
KOL TORAH A Student Publication of the Torah Academy of Bergen County
Parshat Ki Tisah & Terumah

THE USE OF ELEVATORS ON SHABBAT: Part III

by RABBI CHAIM JACHTER

Introduction This week we shall continue our review of the debate between Rav Halperin and Rav Shlomo Zalman whether descending on an elevator constitutes a Halachic problem. Last week we focused on two periods of debate. This week, we will discuss two more areas of debate as well as some other important aspects of this issue.

Dispute #3 - "M'sayei'ah Ein Bo Mamash Rav Shlomo Zalman presents a reason why the passenger is not Halachically responsible for the effects of his weight on the operation of the elevator. His argument stems from important categories discussed in the Gemara (Shabbat 92-93). The Mishna (Shabbat 92b) teaches that if two people do a Melacha (forbidden act of labor) that could have been accomplished by one person, then both parties have not violated a biblical prohibition. The Gemara explains that one transgresses a Biblical violation of Shabbat only if he performs a complete Melacha and not merely a part of one. However, both parties have violated a rabbinic prohibition. This scenario is referred to as "Zeh Yachol V'zeh Eino Yachol."

On the other hand, if both parties are required in order to successfully perform the Melacha, then both have violated a Biblical-level transgression. This category is called "Zeh Eino Yachol V'zeh Eino Yachol." A third situation is when one person is capable of performing the Melacha without assistance but performs the Melacha together with

a weaker individual who is unable to perform the task alone. This scenario is called "Zeh Yachol V'zeh Eino Yachol." The actions of the individual who is unable to perform the Melacha without the assistance of the other party is described by the Gemara as "Mesayei'ah Ein Bo Mamash." "One who merely assists has no significance."

The Achronim debate whether the one who assists violates a rabbinic prohibition (Taz, Yoreh Deah 198:21) or violates no prohibition altogether (Shach, Nekudat Ha-Kesef, Y.D. 198:21). The Mishna Brurah (328:11) and Aruch Hashulchan (O.C. 328:20) rule in accordance with the lenient view of the Shach that one who merely assists has violated no prohibition. Rav Shlomo Zalman Auerbach believes that the elevator passenger is "Mesayei'ah Ein Bo Mamash" - a mere "aide" to the elevator and thus the passenger is not responsible for the effect his weight has on the motor's functioning. He reasons that: "It is considered as if the elevator is capable of performing the task alone and the passenger merely assists the elevator, because the elevator is set to ascend and descend regardless of whether anyone enters it."

Rav Halperin seeks to disprove this argument in chapter 10 of "Maaliot B'Shabbat." Rav Halperin argues that for someone to be defined as "Eino Yachol" it does not require that the individual be incapable of performing the task alone. Rather, it means that only if in a particular situation the individual is incapable of performing the task alone is he defined as "Eino Yachol." The source for this assertion is a Tosefta (Shabbat 12:10) which is cited by the Rambam (Hilchot Shabbat 11:14) which states that:

"If a minor holds a quill and an adult holds the minor's hand and writes, the adult violates a Biblical prohibition. If the adult holds the quill and a minor holds the adult's hand and writes the adult has not violated a Biblical prohibition."

The Ohr Sameach (commenting on the aforementioned Rambam) explains that in the latter scenario the adult is defined as an "Eino Yachol" and thus has not transgressed a Torah level prohibition. Rav Halperin points out that even though an adult is normally capable of writing without assistance, he is nonetheless defined as an "Eino Yachol" in the scenario outlined by the Tosefta. Accordingly, Rav Halperin concludes:

"Therefore, if because of passenger's weight in the elevator the current flow in the motor is reduced to the extent that with that amount of current flow it would not be capable of moving the elevator downward, the elevator is defined as an "Eino Yachol" and the passengers are responsible for the descent of the elevator. This applies whether the passenger weight suffices to move the elevator without the motor's assistance (passengers = "yachol"; elevator = "eino yachol") or whether the passenger weight works in combination with the motor to move the elevator downward (passenger = "eino yachol"; elevator = "eino yachol")." Professor Lev's and Rav Yisrael Rozen's attempts to refute this argument of Rav Halperin appear in essays published in the fifth volume of Techumin on this topic (pp.70-72 and 86-93).

Dispute #4 A fourth argument is suggested by Rav Shlomo Zalman and further developed by Rav Yitzchak Rozen (Tehumin 5:83-86). The source for this point is a Tosafot which appears in Pesachim 25b (s.v. Af) and Sanhedrin 74b (s.v. V'ha Ester). Tosafot elaborates on the Gemara's rule that one must sacrifice his life rather than kill another ("Yeihareg V'al Yaavor"). The basis for this rule is in the celebrated phrase, "how do you know that the other person's blood is not redder than yours?" (see Rashi's ad.loc.)

Tosafot adds: "In a situation where one is not actively killing such as if bandits threaten to push someone on a baby to kill it, it appears that one is not required to sacrifice his life instead of cooperating in this terrible deed. The reason for this is that he can claim, "how do I know that the baby's blood is redder than my blood" since he is merely passively cooperating in the murderous act. Rav Shlomo Zalman reasons that:

"If a Jew was coerced by a non-Jew to enter a descending elevator under which a baby was placed in order to be crushed, the Jew does not have to sacrifice his life rather than enter the elevator, even though he performs an action by entering the elevator. This is because entering the elevator is not contributing to the murder of the baby because the elevator would have killed the infant even if he didn't enter the elevator. Similarly, as far as the laws of Shabbat are concerned, entering the elevator should not be considered as significantly contributing to the elevator's descent." Rav Yisrael Rozen further elaborates on this point. He reasons that one is not using his weight to cause the elevator to descend. Rather, the elevator's motor is utilizing the passenger's weight to cause the elevator to descend. The person is not using his weight to effect a result, the elevator is using the passenger's weight to effect a result. Thus, the passenger is not responsible for the effect his weight has on the elevator's descent. Rav Shlomo Zalman also notes that one is only considered to be effecting the motor "indirectly" ("Grama") as we explained in the first essay we wrote on this topic.

One may counter argue that when one willingly enters an elevator and stands passively while the elevator is using his weight is not analogous to the scenario described by Tosafot. Rav Hershel Schachter pointed out to this author that in Tosafot's scenario there is coercion from beginning whereas the passenger willingly enters the elevator. Rav Halperin

develops this point in chapter eight of "Maaliot B'Shabbat". He points out that one is forbidden to willingly put himself into a situation in which he will later be forced to desecrate Shabbat. Rav Halperin's source for this assertion is the Shulchan Aruch, Yoreh Deah 266:4, Shach ad. loc.no.6, and Biur Hagra ad.loc.no.10. (see, however, Mishna Brura 248:2) who cites opinions that permit one, for the sake of fulfilling a mitzvah, to willingly enter a situation on Shabbat in which he will likely be forced to desecrate Shabbat. Next week, Im Yirtzeh Hashem and Bli Neder, we will conclude our discussion of the issue of riding elevators on Shabbat.

THE USE OF ELEVATORS ON SHABBAT: Part IV BY RABBI CHAIM JACHTER

Introduction We have seen in our past three discussions that the question of using elevators on Shabbat is the subject of an exceedingly rich debate between two Torah giants, Rav Levi Yitzchak Halperin and Rav Shlomo Zalman Auerbach. This week we will complete our review of the debate, focus on the concern of weighing mechanisms, and suggest a conclusion about the use of elevators and escalators on Shabbat and Yom Tov.

Dispute #5 In our first discussion of this issue we mentioned Rav Halperin's concern that when an elevator carries a heavy load the motor turns into a generator and produces electricity which is fed into the power lines. Rav Halperin writes that this involves a Torah prohibition since the generator powers various machines and appliances that perform many "Melachot."

Professor Lev (Tehumin 5:65-73) responds with a factual and halachic argument. He points out factually that no new current flow is created by added passenger weight. He also states that any power that is generated by the elevator is dissipated in the electric wire and is of no use. Furthermore, even if Rav Halperin were to be correct factually, the problem would constitute a rabbinic level prohibition not a biblical level prohibition because the creation of the power is a "Melacha She'einah Tzricha L'gufa." This term is a halachic category describing situations where one intends to perform "Melacha" but it was not his purpose to perform that Melacha. A classic Talmudic example is one who digs a hole but his intention is only to collect dirt, not to prepare the ground for planting. The Tanaim disagreed as to whether a "Melacha She'einah Tzricha L'gufa" is forbidden biblically or rabbinically (see Shabbat 93b).

Although the Rambam (Hilchot Shabbat 1:7) rules that it is biblically forbidden, most Rishonim rule that it is only rabbinically forbidden (see Raavad ad. loc. and Shulchan Aruch Orach Chaim 316:8 and Mishna Berurah 316:34). Accordingly, Professor Lev argues that if indeed the elevator motor is turned into a generator which powers many machines and appliances, only a rabbinic prohibition is violated. He argues that the intention of the elevator passenger is to descend to lower floors and not to create a generator. Thus, the passenger's action can be deemed a "Melacha She'einah Tzricha Legufa."

Rav Halperin disputes this point. He argues that "the passengers require and therefore desire that power be generated by his weight and utilized, for otherwise the car speed increases without control and it is impossible to slow down and stop except by emergency measures."

Halacha L'Maaseh - A Compromise We have seen at length that both sides of the elevator debate have presented compelling arguments for their positions. Thus, it is difficult for a halachic authority to decide which opinion to follow. It is helpful to note that (providing one accepts Professor Lev's facts and argument on "dispute number five") the entire debate is whether or not one violates a rabbinic prohibition. Moreover, Rav Halperin writes in the second chapter of "Maaliot B'Shabbat" that since the electric circuits that are completed in the course of elevator usage last only briefly ("Eino Mitkayeim") only a rabbinic prohibition is violated. If, however, the lights displaying the floor numbers are incandescent then a biblical prohibition perhaps may be involved. One may argue, on the other hand, that since these lights are turned on only momentarily then they are only "Eino Mitkayeim" and thus only a rabbinic prohibition is violated.

Accordingly, it appears appropriate to follow the decision made by Rav Shlomo Zalman Auerbach (cited in footnote 140 of Shmirat Shabbat Kehilchata chapter 23) that "one should not rebuke those who are lenient and ride on a descending automatic elevator." Therefore, one should make every effort to avoid using a descending automatic elevator and should rely on the lenient opinions only when absolutely necessary. Rav Mordechai Willig stated at a Shiur on this topic (that he delivered at Lincoln Square Synagogue in the 1990's) that one should make every effort to move into an apartment on a low floor to avoid having to rely on the lenient opinions regarding elevators. Rav Halperin makes very compelling arguments and his opinion should be followed except in a situation of great need.

Electronic Weighing Mechanisms and Sensors A complicating factor in this question is the presence of electronic weighing mechanisms and sensors in most newer elevators. Rav Halperin in the fifteenth chapter of "Maaliot B'Shabbat" addresses this problem. He notes that these electronic weighing mechanisms

measure the weight of the passenger load and transmit the information to the control system. It informs the control system about conditions such as "passenger in car," "full load," or "overload" and other information which enables proper control of acceleration and deceleration. Among the steps taken by both Rav Halperin's Institute for Science and Halacha (Jerusalem) and the Zomet Institute of Gush Etzion in order to modify the elevator for Shabbat, is to disconnect the electronic weighing mechanisms in elevators. These mechanisms pose a serious problem for the use of elevators that have not been specially prepared for Shabbat use. Perhaps in case of great need or in case one does not have the opportunity to research if a particular elevator is equipped with these devices one can rely on a "Sfek Sfeika," a double doubt. One doubt is that perhaps the elevator is not equipped with weighing devices and the second is that perhaps the weighing devices work through increasing current and not completing a circuit (see Maalot B'Shabbat p.183). One should consult his Rav regarding this question. Another serious problem corrected by Rav Halperin's institute and the Zomet Institute are the sensors present on elevators. One should do his best to avoid triggering the sensors on more modern elevators.

Automatic Escalators There is one area where it seems that one may be lenient - the use of automatic escalators on Shabbat. Rav Neuwirth (Shmirat Shabbat Kehilchata 23:52) permits the use of automatic escalators on Shabbat because the concerns detailed by Rav Halperin regarding an elevator seem not to apply to escalators. This ruling is of great significance in communities such as Hong Kong where it is very difficult to get from one section of the city to another without using escalators.

Specially Designed Shabbat Elevators Rav Halperin's Institute for Science and Halacha modifies elevators so that the passengers' weight has no impact on the elevator's descent. The Zomet Institute also modifies elevators which accommodate some of Rav Halperin's concerns such as eliminating the use of incandescent bulbs, but takes a somewhat more lenient (and far less expensive) approach to this issue. The details of how the Zomet Institute modifies elevators for Shabbat is described in Techumin 5:96-99.

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From: RABBI RISKIN'S SHABBAT SHALOM LIST [parshat_hashavua@ohrtorahstone.org.il] Sent: March 10, 2004 To: Rabbi Shlomo Riskin's Shabbat Shalom Parsha Column Subject: Shabbat Shalom: Parshat Ki Tisa by Rabbi Shlomo Riskin
This week's parsha is dedicated in loving memory of Charles Schiff, z"l, on the occasion of his second yahrzeit. If you would like to dedicate a parsha in honor or in memory of a loved one, please contact parshat_hashavua@ots.org.il
Shabbat Shalom: Parshat Ki Tisa (Exodus 30:11-34:35) By Shlomo Riskin

Efrat, Israel - This week's Torah portion raises the most complex and controversial theological issues with which all seekers of faith must wrestle: the definition of G-d, and the question of theodicy (Divine justice in a world in which the righteous often appear to suffer and the wicked often appear to prosper). These challenges present themselves within the context of Moses' seemingly sacrilegious act of shattering the stone Tablets of Testimony, the holiest object in the world. I believe that a careful reading of our Biblical text will illuminate the Torah's approach to these very significant and sensitive issues and events.

Chapter 32 of the Book of Exodus opens with two contradictory scenes happening simultaneously. Moses receiving from the Almighty the sacred Tablets of Testimony in his hideaway with the Divine Presence, and the Israelites' worship of the golden calf in their encampment down below. G-d informs Moses that he must descend from his lofty heights "for your nation has acted corruptly" - combining an awful threat with a personal promise: "Now leave Me alone (do not try to stop Me) when I

unleash My wrath against them to destroy them, and I shall (begin again) by making from you a (new) great nation" (Exodus 32:10).

Moses defies the Divine command and offers a heartfelt prayer, emphasizing the fact that Israel is G-d's nation and not Moses' nation and invoking the Divine covenant with the Patriarchs as well as the desecration to G-d's name in the eyes of the Egyptians as reasons for His not destroying the Israelites. We are immediately informed that "G-d refrained from doing the evil that He planned for His people."

Moses then descends from the mountain with the Tablets of Testimony, sees the Israelites dancing in front of the golden calf, and smashes the two Tablets. In effect, Moses is graphically responding to G-d's earlier command that the prophet "leave Him alone" and He will establish a new nation from Moses himself. In breaking the Tablets, Moses is declaring: Better a broken Torah and a whole nation than a broken nation and a whole Torah!

And why? Because the nation must be harnessed and energized in order to complete the Torah. This new understanding of G-d is magnificently explained in chapter 34, when the almighty commands Moses: "Hew out for yourself two tablets of stone like the first ones" (Exodus 34:1) After all these second Tablets are not like the first - at least not in design. The first Tablets were the writing of G-d by the Finger of G-d; the second Tablets are the writing of man by the finger of man. The Midrash teaches that these second Tablets included the Oral Law, a corpus of teachings which would develop throughout the generations and which would add the interpretations and decrees of the pious scholars of Israel to the initial words of the Divine.

It is as though G-d is explaining that just as He created an imperfect (incomplete) world awaiting its completion by humanity whose task is to "perfect (complete) the world in the Kingship of the Almighty", so did He decide to give Israel an incomplete Torah awaiting its completion at the hands of the Israelites. Only with such a Torah, which empowers the Israelites with partnership-ownership, is there a chance of Israelite compliance, is there a possibility that the worship of a golden calf only forty days after the initial Revelation at Sinai will not repeat itself. If the world is to be redeemed, humanity must take responsibility for the world, and Israel must take responsibility for Torah!

All of this comes as a result of Moses' second prayer to the Almighty, after he smashes the Tablets and after he has the 3,000 men who are primarily responsible for the calf desecration killed: "And it happened on the morrow, And Moses said, You have sinned a great sin. I shall go up to the Lord. Perhaps I shall gain forgiveness for your sin" (Exodus 32:30) Moses is not satisfied with his having averted the disaster of the destruction of Israel; he wants the Israelites to be forgiven, to be purified. He asks from G-d the very antithesis of what G-d had planned to do, to destroy Israel and start a new nation from Moses. If You don't forgive their sin, blot me (Moses) out from your book; remove me from recorded history but purify our people.

G-d responds by explaining to Moses that the people must purify themselves! The process of redemption is apparently going to be a lengthy one, fraught with trial and error, a historical process of education which is predicated upon a partnership between G-d and Israel. G-d will not deal with us directly; for Him to do so would mean immediate reward and punishment, which would more likely result in immediate destruction following a national transgression. G-d will operate through intermediaries: people who will lead, and a Torah which will give direction. There is a special relationship between G-d and Israel, there is an ultimate promise of redemption, but G-d's face will be hidden behind the curtains of the stage of world history and the Israelites must learn to assume responsibility for the world.

And so G-d reveals His name: Y-HVH, the G-d of historic process, of future becoming; the G-d of patience and forgiveness, who has the cosmic time to wait for humanity to repent and for the world to ultimately redeem itself. (Exodus 34:6,7 and B.T. Yoma 69b) In the

month of Sivan was the public Divine Revelation at Sinai, in the month of Tammuz (forty days later) the smashing of the Tablets, and on Yom Kippur (80 days later), the second Tablets and the new covenant based on Israel's repentance. Israel must come of age by taking responsibility for their actions and for the world; G-d is hidden behind the curtains of the Holy of Holies in the Sanctuary - Temple. The mask, which covers Moses' face when he descends from the mountain for the second time, reflects the mask which will hide the Almighty from directly guiding His people and His world. Neither Israel nor humanity are yet ready for such direct Divine intervention. The new paradigm for G-d-in-world is not to be the direct revelation at Sinai but is rather to be the Israelites' repentance on Yom Kippur, or, - even more to the point- the masquerade of Purim, when G-d's name is frontally absent from the Scroll of Esther (literally, hiddenness). The Israelites must now carry their new responsibility of Oral Law and human activity into their long march towards redemption!

Shabbat Shalom.

You can find Rabbi Riskin's parshiot on the web at: <http://www.ohrtorahstone.org.il/parsha/index.htm> Ohr Torah Stone Colleges and Graduate Programs Rabbi Shlomo Riskin, Chancellor Rabbi Chaim Brovender, Dean To subscribe, E-mail to: <Shabbat_Shalom-on@ohrtorahstone.org.il>

From: ohr@ohr.edu Sent: Wednesday, March 10, 2004 3:00 AM To: weekly@ohr.edu Subject: Torah Weekly - Parshat Ki Tisa TORAH WEEKLY - For the week ending 13 March 2004 / 20 Adar I 5764 - from Ohr Somayach | www.ohr.edu

Written and compiled by RABBI YAAKOV ASHER SINCLAIR

<http://ohr.edu/yhiy/article.php/1583>

OVERVIEW Moshe conducts a census by counting each silver half-shekel donated by all men age twenty and over. Moshe is commanded to make a copper laver for the Mishkan. The women donate the necessary metal. The formula of the anointing oil is specified, and G-d instructs Moshe to use this oil only for dedicating the Mishkan, its vessels, Aharon and his sons. G-d selects Bezalel and Oholiav as master craftsmen for the Mishkan and its vessels. The Jewish People are commanded to keep the Sabbath as an eternal sign that G-d made the world. Moshe receives the two Tablets of Testimony on which are written the Ten Commandments. The mixed multitude who left Egypt with the Jewish People panic when Moshe's descent seems delayed, and force Aharon to make a golden calf for them to worship. Aharon stalls, trying to delay them. G-d tells Moshe to return to the people immediately, threatening to destroy everyone and build a new nation from Moshe. When Moshe sees the camp of idol-worship he smashes the tablets and he destroys the golden calf. The sons of Levi volunteer to punish the transgressors, executing 3,000 men. Moshe ascends the mountain to pray for forgiveness for the people, and G-d accepts his prayer. Moshe sets up the Mishkan and G-d's cloud of glory returns. Moshe asks G-d to show him the rules by which he conducts the world, but is granted only a small portion of this request. G-d tells Moshe to hew new tablets and reveals to him the text of the prayer that will invoke Divine mercy. Idol worship, intermarriage and the combination of milk and meat are prohibited. The laws of Pesach, the first-born, the first-fruits, Shabbat, Shavuot and Succot are taught. When Moshe descends with the second set of tablets, his face is luminous as a result of contact with the Divine.

INSIGHTS Life In The Fast Lane "They have made themselves a molten calf, prostrated themselves and sacrificed to it, and said 'This is your god, O Yisrael, which brought you up from the land of Egypt.'" (32:9)

Some stories make you want to laugh. Some make you want to cry. Some make you want to laugh and cry. And with some, you don't know whether to laugh or to cry. This story is one from the last category.

A saddening trend of recent years has been the not-insubstantial number of boys and girls from religious families who have gone "off the derech" (path of observance) and, to a greater or lesser degree, abandoned the Torah.

I have a friend who works here in Ohr Somayach, who told me of one such kid who said to him:

"I know I'm going to do teshuva one day, 'cos my dad works in Kiruv (outreach). He works incredibly hard trying to bring people back to Judaism. It can't be that G-d would let him have a son who didn't come back!"

Whether he knew it or not, this young fellow was a distant echo of a two thousand-year old story:

The Talmud (Bava Kama, 50a) tells of the daughter of Nechunia "the cistern excavator" who fell into a huge pit. They came and informed Rabbi Chanina ben Dosa, for everyone would come to him so that he would pray on their behalf.

They estimated that she could survive no longer than three hours in this pit. During the first hour he said, "All is well with her." In the second hour despite their mounting anxiety he said, "All is well." In the third hour, he said, "She has already come up out of the pit."

After her ordeal, they asked her who brought her up. She said that she had seen a ram with an old man leading it. The ram was the ram that took the place of Yitzchak when he was bound as a sacrifice, and the old man was Avraham Avinu.

They asked Rabbi Chanina how he could have known that she was safe. Was he a prophet? For how else could he have known that she had already emerged from the pit. He replied that he was neither a prophet nor the son of a prophet but since her father had put so much effort into digging cisterns for pilgrims to have water on the thrice-yearly pilgrimage to Jerusalem, it was inconceivable for him to be punished through a cistern.

"They have made themselves a molten calf, prostrated themselves and sacrificed to it, and said 'This is your god, O Yisrael, which brought you up from the land of Egypt.'" (32:9)

The generation that received the Torah were very righteous. For this reason G-d chose them to be the receivers of the Torah. How could have G-d allowed them to stumble and sin with the golden calf? They were not fit to make such an error. Why didn't He protect them from this disaster?

The Talmud (Rashi to Avoda Zara 4b) says that the only reason the Jewish People were allowed to sin was because it was the decree of the King. The Maharal explains that this decree was to bring into existence a reality very distant from this world called teshuva. Teshuva, a person returning to the status he once enjoyed before his transgression, is something that is above and beyond the world. Teshuva existed before the world (Pesachim 54b/Nedarim 39b). Teshuva is something above and essentially distant from the world and man. However, when the lead players in the history of man - the generation that left Egypt - stumbled with the golden calf, they opened the door of the world to teshuva. They hewed a spiritual "channel of return." A fast lane back to G-d that would always be open.

A channel that is still open for a young man who is convinced, as was Rabbi Chanina that G-d is not going to let a father down.

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