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INTERNET PARSHA SHEET ON **TERUMAH** - 5766

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From Darash Moshe A selection of Rabbi Moshe Feinstein's choice comments on the Torah.

By Rabbi Moshe Feinstein

Parshas Terumah

You shall place in the Ark the Testimonial-tablets that I shall give you (Exodus 25:16).

The Sages (Yoma 21a) relate that the Ark was not included in the measurements of the Beis HaMikdash; because of its spiritual nature, it did not occupy physical space. Now if this miracle was done for the Ark, which functioned solely as a repository for the Torah and the Tablets, we would think that the Torah and the Tablets themselves, with their much greater degree of sanctity, should have been all the more worthy of such a miracle. Yet the Sages say (Bava Basra 14a) that the Torah and the Tablets filled the Ark to capacity, calculating their measurements in detail to establish exactly how the space in the Ark was totally occupied. Why, then, was this miracle done only for the Ark but not for the Torah and the Tablets?

However, we see in this a lesson that applies to all of us: Each Jew must endeavor to make himself like the Holy Ark and to fill himself completely with Torah. Therefore if he does not learn to the utmost of his capability, he will leave an empty space in his personal "Ark," which should have contained the entire Torah. Once he has learned to his capacity, however, he must strive to make himself humble as if he does not occupy any space in the world, and he should realize that since his essence is entirely spiritual and therefore has no connection with the dimensions of the physical world.

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Rabbi Zvi Sobolofsky

Geographic Sanctity - The Mishkan and Eretz Yisroel

The halachic concept of kedushas makom - geographic sanctity - is introduced in Parshas Terumah. The Mishkan, and later the Beis Hamikdash, was endowed with holiness. Chazal (Keilim 1:6-9) delineate distinctions within the geographical sanctity that permeated the Beis Hamikdash: The Kodesh Hakodoshim (Holy of Holies) was endowed with a greater degree of sanctity than the Heichal (Sanctuary), which in turn was holier than the courtyard. There were ten distinct levels of geographic holiness, the lowest level being Eretz Yisroel at large. Outside Eretz Yisroel, no geographic sanctity exists whatsoever.

In delineating the gradations of holiness the mishna emphasizes that there were practical differences that resulted from these distinctions. The Kodesh Hakodoshim was distinct in that no one except the kohein gadol on Yom Kippur could enter, in contrast to the Heichal where other kohanim could enter on a daily basis. The practical ramifications of levels of sanctity, are also seen in the realm of time. Shabbos is holier than Yom Tov and this is reflected by practical differences such as the permissibility of certain activities on Yom Tov that are prohibited on Shabbos.

The mishna highlights the halachic distinction between Eretz Yisroel and the rest of the world. The korbanos of the omer and the shte halechem of Shavuos can only be brought from grain that grew in Eretz Yisroel. Although this distinction is halachically accurate, it seems strange that Chazal singled it out- there are many other differences between Eretz Yisroel and chutz la'aretz such as the agricultural mitzvos of Terumah and shemittah. Why highlight the omer and shte halechem?

The sanctity of Eretz Yisroel is two-fold. Eretz Yisroel is endowed with kedushas karka - holiness which emanates from the ground and expresses itself through the mitzvos hateluyos ba'aretz - the agricultural mitzvos, but there is a second dimension of kedushas Eretz Yisroel. The Beis Hamikdash is holy because it houses the Divine presence though the kedushah has gradations. The closer to the center of the mikdash - the Kodesh Hakodoshim - the greater the degree of holiness. At what point does kedushas hamikdash end? The absolute outermost boundaries of the Beis Hamikdash are the borders of Eretz Yisroel.

The mishna that delineates the distinctions between Eretz Yisroel and chutz la'aretz is not focusing on the distinctions within agriculture. The ten distinctions of the mishna are the gradations within kedushas hamikdash. That Eretz Yisroel is part of the Beis Hamikdash is expressed in the requirement that the korban omer and shte halechem be brought specifically from Eretz Yisroel.

Besides the halachos of agriculture and korbanos that differentiate Eretz Yisroel from chutz la'aretz, there are other distinctions as well. Semicha - the transmission of tradition handed from teacher to student dating back to Moshe - can only be conferred in Eretz Yisroel. Similarly, the declaration of Rosh Chodesh can only occur in Eretz Yisroel. These two halachos point to a third dimension of Eretz Yisroel's uniqueness, its primacy as the place of Torah study. Only there can the authentic chain of transmission be continued. The declaration of Rosh Chodesh, and the dependent determination of the yomim tovim, can only be made by a beis din in Eretz Yisroel. Torah scholars of the highest level are given the authority to decide this matter which affects the entire Jewish people. This third aspect of Eretz Yisroel, its place as the pinnacle of Talmud Torah, is closely linked to its unique role as being the outermost precinct of the Beis Hamikdash. The Ramban (Terumah) explains that a primary purpose of the mishkan was to enable the Har Sinai experience to remain alive for eternity. The luchos were at the center of the mishkan, and later the beis hamikdash. The mishkan, besides being a place for korbanos, was also the center of Torah. It is for this reason that the Sanhedrin sat in the Beis Hamikdash. If Eretz Yisroel is the outermost area of the Beis Hamikdash, it is also the outermost area blessed with this unique aspect of Torah. Har Sinai remains alive in the Beis Hamikdash and, by extension, throughout Eretz Yisroel. For the unique Torah experiences such as semicha and declaration of Rosh Chodesh, only a place which is a continuation of Har Sinai is acceptable. Eretz Yisroel, as the outermost precinct of the Beis Hamikdash, qualifies for these mitzvos as it does for the korbanos of the omer and shte halechem.

Following the descriptions of ma'amad Har Sinai in Parshas Yisro and Mishpatim, we are given Parshas Terumah to keep the experiences alive. To visit the Beis Hamikdash is to revisit Har Sinai. To learn Torah in Eretz Yisroel is to enter the mikdash and reconnect to Har Sinai.

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"And you should make boards for the Mishkan of standing acacia wood."

Rashi on this pasuk brings down a Midrash, which explains that the word "Omdim" refers to the fact that this wood came from the trees that were "standing" and ready for the purpose of building the walls of the Mishkan. These trees had been planted in Be'er Sheva by Avraham Avinu, and had been transported to Mitzrayim by Yaakov Avinu when he came to greet Yosef. Yaakov had replanted them in Mitzrayim, and had instructed Bnei Yisroel to take them with them when they left, in order to use them in the construction of the Mishkan.

HaRav Yaakov Kamenetzky zt"l, uses this Midrash to explain a puzzling Gemara in Masseches Yoma. The Gemara there explains that the word "Omdim" refers to something that stands forever. When Hashem instructed Moshe in the building of the Mishkan, Hashem specified that it be an edifice meant to last forever. However, this Gemara seems to be somewhat difficult to understand. Whether or not the Mishkan would last was not dependant on Moshe, but rather was dependant on Klal Yisroel conducting themselves in a manner which allowed the Mishkan to last. Why then was this command given to Moshe?

Based on the Midrash which discusses the origin of the atzei shitim, Rav Yaakov explains why the long term survival of the Mishkan was at least partially in Moshe's control. Why was it necessary for Yaakov Avinu to drag the trees that Avraham Avinu had planted to Mitzrayim? If Yaakov knew that Bnei Yisroel would need them in the desert, he could have instructed them to take any trees. Certainly it would have been possible to obtain these trees in Mitzrayim. Why did Yaakov deem it necessary to transplant trees from Eretz Yisroel to Mitzrayim?

Rav Yaakov explains that Yaakov Avinu wanted to ensure that the entire process of building the Mishkan would be done with the levels of kedusha and tahara necessary for a dwelling place for Hashem. As such, he went through the trouble of transporting trees that had been planted in Be'er Sheva, the dwelling place of the avos, and had been planted by Avraham Avinu with only the most proper intentions. Yaakov knew that in order to last, the construction of the Mishkan had to be done in a manner that was pure from its very beginning. This is why Moshe was instructed to use only the wood that had been brought from Mitzrayim; Moshe was being told that this wood was representative of what the Mishkan was to represent; the ultimate level of kedusha and tahara, and as such, the survival of the Mishkan was very much dependant on Moshe's ensuring that all the work for the Mishkan would be done with the proper intentions

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Inspiration Needs To Be Translated Into Physical Action

Parshas Terumah follows Parshas Mishpatim, in which we read the famous words "na'aseh v'nishma" ["We will do and we will listen"]. [Shmos 24:7]. Those words were recited by the Children of Israel at the time of the Giving of the Torah. Immediately following this section, the Torah says "Speak to the Children of Israel and let them take for Me a portion..." [Shmos 25:2].

The Baal Shem Tov comments on this juxtaposition: Whenever a person is spiritually aroused, it is very important that he or she concretize that inspiration by practical action to channel the arousal and give it tangible physical manifestation. The Baal Shem Tov interprets the pasuk "Let us lift our hearts with our hands to G-d in Heaven" [Eicha 3:41] in just this manner. When our hearts are inspired, we must take that inspiration and put it into our hands, so to speak, via concrete action.

In the same vein, a beautiful Chassidic interpretation is quoted in the name of Kedushas Levi (Rav Levi Yitzchak of Berditchev) on the pasuk "mah ta'iru, u'mah te'oreru es ha'ahava ad she'techpatz" [Shir HaShirim 8:4]. Rav Levi Yitzchak interprets this pasuk (homiletically) to mean that when a person is inspired (experiences his-or-her) he needs to concretize that inspiration, as symbolized by relating the word techpatz [literally desire] with the word chefetz [meaning object]. A person should take his inspiration and put it into something tangible, rather than letting it dissipate.

There are many times when we hear things or we go places or we participate in events that inspire us. Unfortunately, however, human nature is such that most of the time, nothing becomes of such inspiration. Whenever someone IS inspired, he should remember the teaching of "ad she'techpatz" and channel that inspiration into something concrete and physical. Accept upon yourself to give charity, to learn, to visit the sick -- whatever it is -- just do something!

The Sockets Required A Special Collection

Rashi elaborates on the parsha's opening pasukim and explains that the Children of Israel were actually commanded to offer three distinct Terumah offerings. One offering was the Terumas HaMizbeach -- to pay for the ongoing functioning of the Altar. A second offering -- according to the simple reading of the pasuk -- was the Terumas HaMishkan used for the construction of the Tabernacle and its vessels. However, according to Rashi, there was a third offering: the Terumas HaAdanim. This was a donation earmarked to cover the costs of the metal sockets in which the boards forming the walls of the Mishkan were placed.

There was no special collection for the Aron [Ark]. There was no special fund for the Menorah [Candelabra] or for the Shulchan [Table]. Funding for these items all came from the "General Fund", even though we would consider these items far more "glamorous" than the sockets. Why, we must understand, was there only a special fund for the "lowly sockets" of all the components of the Mishkan?

I saw an insight on this question from Rav Elyakim Schlessinger. Rav Schlessinger suggests that the Torah is hinting that the sockets have a significance that the other items or facets of the Mishkan do not have. The sockets represent the foundation of the building. Chazal are teaching that foundations must always be done just right. They required a special collection and a special contribution for the foundation (yesod). No building is stronger than its foundation. The foundation may not be glamorous and might not be something people admire when they enter the building, but the foundation is critical. Everything rests upon it.

That which is true for a building is true for many other things -- be it a child's education, be it a marriage, be it an institution. The foundation

must be special. No structure, human or otherwise, is ever stronger than the foundation upon which it rests.

We See Things From The Wrong Perspective

The final insight I wish to share, I saw quoted in the name of Rav Dovid Feinstein, shlit"a. The Torah specifies the placement of the various vessels that were used in the Mishkan [Tabernacle]: "You shall place the Shulchan outside the Partition, and the Menorah opposite the Shulchan on the south side of the Mishkan and the Shulchan you shall place on the north side." [Shmos 26:35]

The Kodesh Kadoshim [Holy of Holies] containing the Aron [Ark] with the Luchos [Tablets] was on the western side of the Mishkan. When a person left the Kodesh Kadoshim, the northern side (with the Shulchan) would be on his left and the southern side (with the Menorah) would be on his right. In Judaism in general and in the Bais HaMikdash [Temple] ritual in particular, something on the right side has priority. The right side has greater holiness and greater significance than the left side.

Therefore, the Menorah representing Torah/Wisdom was appropriately on the right and the Shulchan representing Sustenance/Livelihood was on the left. This is echoed by the words of Shlomo [Solomon]: "Length of days in its right, and on its left wealth and honor" [Mishlei 3:16]. Length of days (Orech Yamim) represents the world-to-come, true eternity. This is on the right side. On the left side -- less important, less significant, less holy -- is wealth and honor.

However, it seems problematic that a person ENTERING the Mishkan (facing the west) will have the reverse perception. He will see the Menorah on his left (the south side) and the Shulchan on his right (the north side). This is the reverse of what should be. "Length of days" (Torah/Menorah) is on his left and "wealth and honor" (Sustenance/Shulchan) is on his right.

Rav Dovid Feinstein explains that this configuration contains a message for us: We as human beings do not have the right perspective. We are not sitting in the Kodesh Kadoshim. We do not view the world from the perspective that it is really supposed to be viewed. It appears to us that "wealth and honor" are on the right side and that they have ultimate priority. It appears to us that Torah is on the left side, of lower priority. That is because we have got it wrong. We are viewing life incorrectly. We have a skewed perspective.

The proper way to view life is from the perspective of the Almighty. When looking from the perspective of the Kodesh Kadoshim, everyone knows that "Length of days" (Torah/Eternity) is on the right side and wealth and honor are on the left side."

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

This write-up was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tape series on the weekly Torah portion. These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape #494: Bima in the Center of the Shul. 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. RavFrands, Copyright © 2006 by Rabbi Yissocher Frand and Torah.org. Join the Jewish Learning Revolution! Torah.org: The Judaism Site brings this and a host of other classes to you every week. Visit <http://torah.org> or email learn@torah.org to get your own free copy of this mailing. Project Genesis - Torah.org is a recognized charity and depends upon your support. Please help us by visiting <http://torah.org/support/> for information on class dedications, memorials, annual giving and more. Need to change or stop your subscription? Please visit our subscription center, <http://torah.org/subscribe/> -- see the links on that page. Permission is granted to redistribute, but please give proper attribution and copyright to the author and Torah.org. Both the author and Torah.org reserve certain rights. Email copyrights@torah.org for full 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

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The Joy of Life

by Rav Nachum Eisenstein, Lakewood, N.J.

"Ve'asu li mikdash v'shachanti besochom - And make me a mikdash so that I can dwell among them" (Shemos 25:8). The Midrash notes the location change. The posuk should have stated, "I will dwell in it [within the mikdash]" rather than "among them [i.e., the people]." The posuk's announcement is that Hashem will dwell among all of the people. Hence, every person should conduct himself with holiness appropriate for the Shechina to dwell in his home, his place of business, and wherever he is. This Medrashic removal of the posuk totally out of context intrigued Maran Rav Shach zt"l. Had the Torah wanted to convey that we should act in a manner appropriate for the Shechina to rest among us, it could have expressly said so elsewhere. Why did the Torah use this posuk, which deals with the Mishkon, to instruct us on how to behave?

Rav Shach explains that the posuk is coming to define the Mishkon's purpose: it was not an obscure place in which the Shechina would dwell; the Mishkan instead constitutes a mechanism to let the Shechina rest in our homes. The posuk is indeed discussing the Mishkon's purpose, which is to show us how to adopt its kedusha into our daily lives. This is the meaning of besocham, among them.

To fully comprehend the depth of Rav Shach's insight, we preface a number of basic concepts. By our nature, we all face issues in our daily routine. The human being is composed of two distinct components: the body and the mind, each with its own characteristics. We refer to the physical body as the *guf*, and to the mind - the spiritual being - as the *neshamah*. Most of our bodies' physical functions occur involuntarily. We feel hunger pangs when the body needs refueling. The body automatically reacts to heat (perspiration) and cold (chills) to regulate itself. We sneeze when an irritant invades our nasal passage. We instinctively clutch any part of our body that has been injured.

In addition to these automatic responses, we voluntarily react to certain stimuli. For example, though not a physical need, we desire sweet things. Intellectually, we have no attachment to sweets, and we even often object to their consumption. To achieve the latter, however, we have to exercise self control, which means harnessing the *guf's* natural want. As experience demonstrates, sometimes the *guf* wins, and other times the *neshamah* wins.

From infancy, the *guf* receives all of its needs. This creates a craving when any is withheld or absent. Because the intellect appears much later in life, it would be reasonable to assume that the *guf*, with its head start, should always win in a contest between them. We know, however, that this is not the case. Why? Because the intellect is more powerful than the *guf*. Nevertheless, most people yield to compulsion sometimes. We repeatedly eat, look at, listen to, and believe all sorts of things that our intellect, our "inner voice," tells us to avoid.

To resolve the conflict, it is suggested that much depends on training. We can train the *guf* to yield to the intellect. By slowly, and consciously, reducing our candy intake, we gradually decrease our craving for sweets. On the other hand, we are not supposed to totally eradicate our appreciation for sweets or other activities that give us pleasure; rather, we have to exercise self control and indulge in these activities as prescribed by the Torah. [For a further discussion, see Mesilas Yesharim, Chapters 14 -15.]

Our obligation is to enjoy them, but, as well, to translate that physical enjoyment into the spiritual realm. Whatever sense of enjoyment we derive from these acts should serve to create a feeling of the possible enjoyment we can derive from learning Torah and doing mitzvos, in this world and more so in the next world.

Rav Shach himself portrayed a person of unmatched joy. His source of enjoyment? Torah. Nothing else gave him pleasure as did learning Torah. It was quite visible on him. Similarly, Rav Aharon Kotler zt"l spent a good part of the week in New York. On his return to Lakewood, tired and worn from the week's activity, he could barely move. But when he sat down in front of his Gemara, his talmidim saw a transformation: he was suddenly no longer drained and weary, but alive and full of enthusiasm. He learned with such intensity as if he had never learned before. Nothing gave him as much joy as learning Torah.

We sometimes become bogged down in family situations, lose our temper, or engage in improper behavior. In business, we face challenges with honesty and with properly observing monetary halachos. Even if we, personally, could muster the strength to withstand these challenges, our living in a society that does not recognize these principles exerts extra pressure on us.

The Satmar Rov once asked the Chazon Ish how he could maintain his level of kedusha in such an unfriendly environment. (Actually, the question was based on the Rambam that states that if the town, city, state, or country demands or stresses immorality and activities that are counter to Torah values, a person must move to a different location.) The Chazon Ish responded that he lives between two yeshivos of Ponevezh and Slabodka, and was thus insulated from the surrounding influences. If a society that preaches behavior contrary to Torah values places a person in a situation where he will likely follow suit, the only option is to move to an environment more conducive to Torah values.

The Mishkan, and subsequently, the Bais Hamikdosh, protected us. They were places where kedusha reigned. Just being in their proximity lifted us out of our daily materialistic world and gave us a breath of fresh air. Today's yeshivos are the Mishkan's spiritual heirs. Without their influence, we would be lost. That is, even if we trained ourselves to appreciate Torah values and recognize the positive side of being honest and practicing self control, the societal onslaught would ultimately cause us to give in to our natural instincts. In the battle of mind over matter, the latter would, in the long term, and for most part, win, until we lost sight of all of our lofty goals.

We traveled at least three times a year to the Bais Hamikdosh to fulfill the mitzvah of oleh regel. We came to observe the kedusha, to face Hashem, and to take both back with us and incorporate them into our daily routine. The purpose was not to drop by and say hello, but, rather, to take from the lofty experience and integrate it into our daily lives, enabling us to conduct ourselves with kedusha, stand up to the trials that we face, and be worthy of having the Shechina rest in our midst. This is what Rav Shach saw in this Medrash.

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Covenant & Conversation

Thoughts on the Weekly Parsha from

Sir Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth [From 2 years ago 5764]

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

Terumah

AS I HAVE STRESSED MANY TIMES IN THESE STUDIES, the Torah was meant to be listened to, not read. The eye can scan many lines at once; but listening is always a sequential, word-by-word process. The result is that the ear can sometimes hear a discrepancy that the eye misses. A discrepancy is always significant when it comes to Torah. Like a discord in a work by Mozart, or the asymmetrical background to Leonardo's Mona Lisa, it is meant to draw attention to something, to launch reverberations of complexity, to add depth to an otherwise superficial response. So it is in the apparently prosaic details of the

construction of the Tabernacle. One item is incongruous, though it is a matter of only two letters in the text.

One by one, G-d instructs Moses in the making of the sanctuary and its appurtenances. In each case the verb is in the second person singular: ve-tzipita, ve-asita, ve-yatzakta, ve-natata, ve-heveta, "you shall cover . . . you shall make . . . you shall pour . . . you shall place . . . you shall bring." There is one exception, namely the ark. Here the verb is in the third person plural: ve-asu aron atzei shittim, "They shall make an ark of acacia wood." 1 Why "they" not "you"? Why the shift from the singular to the plural? The answer of the sages is profound.

The ark contained the tablets of stone given to Moses by G-d at Mount Sinai. I Kings 8:9 makes this clear:

There was nothing in the ark except the two stone tablets that Moses had placed in it at Horeb, where the LORD made a covenant with the Israelites after they came out of Egypt. The Torah here calls the tablets "the testimony" ("And you shall put into the ark the testimony which I will give you") since they were the physical symbol of the Sinai covenant. According to the sages, "both the [complete second set of] tablets and the fragments of the [first] tablets [which Moses broke after the Golden Calf] were in the ark." (Incidentally, the sages learned from this that one must always respect an elderly scholar, even though he has forgotten his learning, since both the whole and the broken tablets were given equal respect by being carried in the ark). 3 The ark, in short, symbolized Torah.

The reason, therefore, that the construction of the ark was commanded in the plural is that everyone was to have a share in it:

Rabbi Judah son of R. Shalom said: The Holy One blessed be He, said, "Let them all come and occupy themselves with the ark in order that they may all merit the Torah." Unlike other aspects of service in the sanctuary or temple, Torah was the heritage of everyone. All Israel were parties to the covenant. All were expected to know and study its terms. Judaism might know other hierarchies, but when it came to knowledge, study and the dignity conferred by scholarship, everyone stood on equal footing. Judaism is a profoundly egalitarian faith. As the historian Norman Gottwald puts it:

"The Chosen People" is the distinctive self-consciousness of a society of the equals created in the intertribal order and demarcated from a primarily centralised and stratified surrounding world. Covenant is the bonding of de-centralised social groups in a larger society of equals committed to co-operation without authoritarian leadership and a way of symbolising the locus of sovereignty in such a society of equals . . . Israel thought it was different because it was different: it constituted an egalitarian social system in the midst of stratified societies . . . In the American Declaration of Independence, Thomas Jefferson translated this idea into the famous words: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness . . ." What is interesting about this sentence is that "these truths" are anything but self-evident. They would have been regarded as subversive by Plato, who held that humanity is divided into people of gold, silver and bronze and that hierarchy is written into the structure of society. They would have been incomprehensible to Aristotle who believed that some were born to rule and others to be ruled. They are "self-evident" only to one steeped in the Bible.

But any attempt at creating an egalitarian society runs up against the perennial difficulty that people are born unequal in talents, endowments and natural abilities, as well as in their early environment. Communism, like every other attempt to enforce equality, ends up by demanding an unacceptable price in terms of liberty. How then can a society be free and equal at the same time?

To my mind, no civilization has ever come closer to creating such a society than the people of the covenant - and it did so in a way still unrivalled in its insight and depth. Physical goods - wealth and power -

always represent, at least in the short-term, zero-sum games. The more I give away, the less I have. For that reason they are always arenas of conflict, in which there are winners and losers. Political and economic systems therefore play the important function of mediating conflict by the imposition of rules (such as elections in the case of democracy, exchange in the case of market economies). In this way, competition does not degenerate into anarchy. That is the necessity for, and the glory, of politics and economics. But they do not create equality.

Spiritual (sometimes called social or public) goods, however, have a different logic. They are non-zero-sum games. The more love, or influence, or trust I give away the more I have. That is because they are goods the existence of which depends on being shared. They give rise to structures of co-operation, not competition. It has been one of the great discoveries of sociobiology on the one hand, "civil society" or "communitarian" political thought on the other, that the survival of any group depends at least as much on co-operation as competition. No individual, however strong or gifted, can rival the achievements of a group in which each contributes his or her talents to an orchestrated, collective endeavour. On this, Aristotle and the Rambam agreed: homo sapiens is, above all, a social animal whose very existence depends on specialization, co-operation and trust.

It was the genius of Judaism to see that the primary social good is knowledge. The simplest and most effective way of creating a society of equal dignity is to make knowledge equally accessible to all. The symbol of this was the ark, the container of the most important of all bodies of knowledge, namely the Torah: the written constitution of Israel as a nation under the sovereignty of G-d. If everyone has a knowledge of the law, then everyone is, in the fullest sense, a citizen (one could almost say that Israel is defined as a nation of constitutional lawyers). Knowledge, said Bacon, is power; and if knowledge is distributed equally, so too is power. That is why, here alone in its list of the component parts of the sanctuary, the Torah shifts from the second person singular to the third person plural. When it comes to the ark, home and symbol of the most significant form of knowledge, everyone must have an equal share.

On no other subject were the sages more eloquent. The midrashic passage quoted above goes on to state in the name of Rabbi Shimon bar Yochai:

There are three crowns: the crown of kingship, the crown of priesthood, and the crown of Torah. The crown of kingship - this is the table . . . the crown of priesthood - this is the altar . . . the crown of Torah - this is the ark . . . Why does it say of the rest [of the items of the Tabernacle] "And you shall make" whereas of the ark it says, "And they shall make"? To teach you that the crown of Torah stands above all. When one has acquired the Torah it is as if he has acquired all the rest. Or as Maimonides formulates it:

With three crowns was Israel crowned -- the crown of Torah, the crown of priesthood and the crown of kingship. The crown of priesthood was conferred on Aaron . . . The crown of kingship was conferred on David . . . But the crown of Torah is for all Israel . . . Whoever desires it, let him come and take it. In a yet more striking statement, the sages ruled:

A bastard who is a scholar takes precedence over an ignorant high priest, for it is said, "More precious is it than rubies [peninim]" - meaning that [one who is wise] is more precious than the High Priest who enters the innermost sanctuary [lifnay ve-lifnim]. These are intensely political statements. They reflect the fact that biblical Israel was not a wholly egalitarian society. Initially, the firstborn in each family was to have become a priest, but after the Golden Calf that role was transferred to a single tribe, Levi, and a single family within the tribe, namely the sons of Aaron.

Initially, Israel did not have a monarchy. Throughout the long period covered by the Book of Judges it existed as a confederation of tribes without a political leader. At times of crisis individuals would emerge known as "judges" who would lead the people in battle, but they had no

formal office or succession. Eventually in the days of Samuel the people asked for, and were given, a king.

So hierarchy existed as of necessity in the case of both the "crown" (domain) of priesthood and kingship. In a vaulting leap of imagination, however, the sages saw that the very collapse of Israel, during the first and second centuries of the common era, paved the way for a full implementation of the biblical ideal, a society of equals. Now there were no more kings or (functioning) priests. Only the "crown of Torah" remained. By creating, in the days of Joshua ben Gamla, the world's first system of universal compulsory education, they were able to lay the foundations of a national identity built on literacy, study and the life of the mind. The "ark" was indeed the property of all.

To be sure, even then there were temptations (when are there not?) for those well versed in Torah to hold themselves superior to others, the ammei ha-aretz (the ignorant, those who had not mastered the texts). Yet this sense of superiority was always answerable to the fact that the sages knew, in their heart of hearts, that learning was not the preserve of an elite. Two stories from the Talmud illustrate this with great poignancy. Here is the first:

Once Rabbi Jannai was walking along the way, when he met a man who was handsomely attired. He said to him, "Would the master mind being my guest?" He replied, "As you please." He then took him home and questioned him on Bible, but he knew nothing; on Mishna, but he knew nothing; on Talmud, but he knew nothing; on Aggadah, but he knew nothing. Finally he asked him to say grace. He replied, however, "Let Jannai say grace in his house." He then asked him, "Can you repeat what I tell you?" He answered, "Yes." He then exclaimed, "Say, A dog has eaten Jannai's bread." At this point the guest rose and seized him, demanding, "What of my inheritance with you, that you are cheating me?" "What inheritance of yours do I have?" asked R. Jannai. He replied, "The children recite, 'Moses commanded us the Torah, an inheritance of the congregation of Jacob.' It is not written here 'congregation of Jannai' but 'congregation of Jacob.'" At this, they became reconciled. Rabbi Jannai mistakenly assumed that from the man's impressive appearance, he was a scholar. On finding that he was ignorant, he treated him with contempt. However, the stranger defeated the rabbi on a simple point of Jewish principle. The Torah is the inheritance of the entire congregation, not of an aristocracy of scholars. The fact that Rabbi Jannai was forced to concede the point demonstrates its power.

The second story concerns the temporary removal from office of the Nasi (religious head of the community) Rabban Gamliel. As leader, Rabban Gamliel had adopted an exclusive approach to the house of study. He insisted that only those whose "inside was like their outside" - whose integrity was unchallengeable - were permitted to enter. The Talmud states that when he was deposed, the doors of the house of study were opened to all.

On that day, many benches were added . . . Rabban Gamliel became alarmed and said, "Perhaps, G-d forbid, I withheld Torah from Israel." He was shown in a dream, white casks full of ashes [suggesting that those to whom he refused entry were in fact unworthy of a place in the house of study]. This however was not so. He was only shown the dream to set his mind at ease. Rabban Gamliel's exclusivism was wrong. The doors of the house of study should be open to everyone. As Maimonides said, "whoever desires [the crown of Torah], let him come and take it."

This ideal was part of Judaism throughout the ages. The prophet Isaiah insisted, "All your children shall be taught by the Lord, and great will be your children's peace." 10 Many centuries later, in the first century C.E. Josephus could write, "Should any one of our nation be asked about our laws, he will repeat them as readily as his own name. The result of our thorough education in our laws from the very dawn of intelligence is that they are, as it were, engraved on our souls." A 12th century monk wrote in one of his commentaries, "A Jew, however poor, if he had ten sons, would put them all to letters, not for gain, as the Christians do, but for

the understanding of G-d's Law; and not only his sons but his daughters too."

With a touch of exaggeration, the historian Paul Johnson calls Judaism an "ancient and highly efficient social machine for the production of intellectuals." It was, of course, not the production of intellectuals that motivated the Judaic love of learning, but rather the idea that a society structured around divine law should be one in which everyone had equal access to knowledge and therefore equal dignity as citizens in the republic of faith. It was, and remains, a beautiful idea, hinted at for the first time in the simple, yet resonant detail that though all else in the tabernacle was constructed by individuals ("you"), the Ark belonged to everyone ("they"). Seldom has so slight a nuance signaled so high an ethical and intellectual ideal.

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Amirah LeNochri – Part One

by Rabbi Chaim Jachter

This week we will begin to discuss an important issue, the question of Amirah LeNochri - in what cases we are forbidden to ask a non-Jew to do forbidden labor for us on Shabbat or Yom Tov, and in what cases we are permitted to ask? We will begin by discussing the source of this rule, its nature, and its scope. Interestingly, this issue is not as relevant as it was in generations past. This positive change is the result of the introduction of thermostats, timers, and other technologies that have, Baruch Hashem, have greatly reduced the need to rely on a non-Jew to do work on our behalf on Shabbat.

Source of Amirah LeNochri – Torah or Rabbinic Prohibition? All agree that one is Biblically forbidden to ask his Canaanite slave to do Melacha (forbidden labor) for him on Shabbat. This prohibition is stated unambiguously in the Aseret Hadibrot (Shemot 20:10). The prohibition concerning all other non-Jews is subject to a dispute. A minority view, presented in the Mechilta to Shemot 12:16, believes that it is a Torah prohibition for one to request any non-Jew to do Melacha for the former's benefit. This view emerges from the fact that the prohibition of engaging in Melacha on the Yom Tov of Pesach is articulated in the passive voice ("Kol Melacha Lo Yeiaseh Vahem"), indicating that no work may be done for a Jew on Yom Tov, even that which is done on his behalf by a non-Jew. The dominant view, however, is that it is a Rabbinic-level prohibition to ask a non-Jew to engage in Melacha on Shabbat or Yom Tov. The Babylonian Talmud refers to this prohibition as a Rabbinically forbidden activity – Amirah LeNochri Shevut (see Shabbat 150a and Bava Metzia 90a). Thus, it is not surprising to see the Rambam (Hilchot Shabbat 6:1) articulate the accepted view that Amirah LeNochri is a Rabbinic-level prohibition. We regard the Talmud Bavli as our authoritative text (see the Rambam's introduction to the Mishneh Torah), and texts such as the Mechilta are not followed when in conflict with the Talmud Bavli (also see the Rosh to Chullin 2:6). The Rambam writes that the Rabbis prohibited Amirah LeNochri "in order that the Shabbat not be taken lightly, which would lead to a Jew performing Melacha himself."

The Nature of the Prohibition Rashi presents two different approaches to define the nature of the prohibition of Amirah LeNochri. He indicates (Shabbat 153a s.v. Mai Ta'ama) that a non-Jew who performs Melacha on behalf of a Jew on Shabbat is considered the Jew's Shaliach (agent). Since the Halacha asserts that "Sheluch Shel Adam Kemoto"- the agent is considered as if he were the individual who appointed him as the agent (Kiddushin 41)- the forbidden act of labor performed by the non-Jew is related to the Jew who asked him to do the Melacha. Even though ordinarily we say that "Ein Shelichut LeNochri," the rules of agency do not apply to non-Jews (Bava Metzia 71b), Rashi nevertheless apparently believes that on a Rabbinic level we say "Yeish Shelichut LeNochri LeChumrah," the rules of agency apply to a non-Jew when the ramifications are strict (i.e. he is considered to be an agent only to one's detriment, but not to one's benefit). Rashi presents a similar approach regarding the laws of Ribbit (prohibition of charging interest) in a celebrated comment to Bava Metzia 71b (s.v. Bishlama Seifa; see also the Hagahot Maimoniot Hilchot Shabbat 6:2 who explicitly articulates the idea of Yeish Shelichut LeNochri LeChumrah in this context.) Rashi in Avoda Zara 15a (s.v. Keivan DeZavna) presents a different approach to the nature of the prohibition of Amirah LeNochri. He teaches that the prohibition is because of the restriction of

VeDabeir Davar (based on the verse in Yeshayahu 58:13), "Shelo Yehei Diburcha BeShabbat KeDiburcha BeChol," that one's conversations on Shabbat should differ from his weekday conversations. Just as one may not perform the Melacha on Shabbat, he is forbidden to speak about the Melacha. Thus, VeDabeir Davar forbids Amirah LeNochri, since when one asks a Nochri to perform a Melacha, he actually speaks about the Melacha.

A specific ramification that emerges from these different approaches might be the two conflicting opinions cited by the Mishna Berura 307:24, regarding whether Amirah LeAmirah LeNochri- asking one non-Jew to ask another non-Jew to do Melacha- is forbidden. Although the reason of VeDabeir Davar would apply since he speaks about Melacha, the reason of Shelichut does not apply. This is because "Mili Lo Mimsaran LeShliach", agency applies only when one appoints the agent to perform an action (such as marriage or divorce), but not when one is asked merely to appoint a second agent.

The Mishna Berura concludes his discussion of this issue by citing the Sefer HaChaim, who rules that in cases of serious monetary loss one may rely on the lenient view of the Chavot Yair who permits Amirah LeAmirah. He cautions, however, that all agree that in such a case a Jew may not benefit on Shabbat itself from the work performed by the non-Jew. We will discuss, in a subsequent issue, the prohibition of benefiting from work performed by a Nochri on behalf of a Jew on Shabbat. It should be noted, however, that Rav Yosef Adler reports that Rav Yosef Dov Soloveitchik did not subscribe to this leniency and did not see any validity in this approach to permit Amirah LeAmirah LeNochri. (For further discussion of the Chavot Yair's ruling, see Rav Hershel Schachter's B'ikvei Hatzon p. 52.) In addition, Rav Schachter rules (ad. loc. p.57) that one should not rely upon the ruling of the Chavot Yair or even of the Chatam Sofer that we will cite in the next paragraph. Rav Schachter rules that it is forbidden to pay for an ad in a newspaper owned by non-Jews that will appear in the Saturday edition of the paper, since in effect one is instructing a non-Jew to print his ad when the paper will be printed on Friday night. Rav Schachter does not regard the facts that the Jew placed the order before Shabbat and that the Jew did not actually instruct the non-Jews who will print the paper as sufficient to warrant a leniency. There is possibly more room to be lenient regarding asking a non-Jew prior to Shabbat to ask a second non-Jew to do Melacha on Shabbat. Although Amirah LeNochri is forbidden even when the Jew speaks to the non-Jew prior to Shabbat (Shulchan Aruch Orach Chaim 307:2), this is because of the problem of Shelichut. When the non-Jew does the Melacha he acts as the Jew's Shaliach. However, when one asks one non-Jew to ask a second non-Jew to do Melacha on Shabbat, the problem of Shelichut is avoided. Moreover, the issue of VeDabeir Davar is not relevant when the request to do Melacha takes place prior to Shabbat. Thus, the Chatam Sofer (Teshuvot O.C. 60) permits asking a non-Jew prior to Shabbat to ask a second non-Jew to do Melacha on Shabbat. This ruling might be relevant in a workplace situation where on Friday one must ask a delivery company to deliver a package on Saturday. The Biur Halacha (307:2 s.v. VeAfilu) appears to reject relying on this Teshuva of the Chatam Sofer, since there is a Teshuva from the Rashba that the Biur Halacha believes contradicts the Chatam Sofer's approach (The Rashba carries more clout than the Chatam Sofer because the Rashba was a Rishon whereas the Chatam Sofer was an Acharon.) On the other hand, the Mishna Berura (307:24) seems inclined to rely on the Chavot Yair in case of great need.

I would suggest a compromise to resolve the apparent contradiction between the Mishna Berura's ruling that one may rely on the Chavot Yair in case of a serious financial loss and the Biur Halacha's seeming rejection of the Chatam Sofer. Perhaps in the Mishna Berura the Chafetz Chaim does not permit relying on the Chavot Yair except for cases of serious financial need. In the Biur Halacha, however, it seems that the Chafetz Chaim expresses great reservations about the Chatam Sofer's approach, but does not rule out relying on the Chatam Sofer (or the Chavot Yair) in case of great need, such as a serious financial loss. However, Rav Soloveitchik and Rav Schachter seem to reject relying on the Chavot Yair's leniency even in case of great need. Accordingly, one should consult his Rav for a ruling regarding this matter.

Conclusion The prohibition of Amirah LeNochri is observed differently in the age of technology than it was in the earlier generations. While many of our grandparents and great grandparents found it necessary to rely on lenient options regarding this matter, we have much less reason to do so. Next week, IY"Y and B"Y, we will explore the situations in which Halacha permits Amirah LeNochri.

Amirah LeNochri – Part Two

by Rabbi Chaim Jachter

Last week we explored the source, nature, and scope of the prohibition of Amirah LeNochri, asking a non-Jew to do forbidden labor on Shabbat. This week we will complete that discussion and those cases in which the rabbis permitted Amirah LeNochri.

Scope of Amirah LeNochri The Gemara in Bava Metzia 90a asks if the restriction of Amirah LeNochri applies exclusively to Shabbat (as well as Yom Tov and Chol Hamoed, see Tosafot loc. cit. s.v. Aval Hacha) or to all Torah laws. The Gemara's conclusion is not clear. The Rosh (Bava Metzia 7:6) cites the Raavad who opines that since the Gemara is not conclusive regarding this issue, one may rule leniently, since the prohibition of Amirah LeNochri is Rabbinic in nature and we say "Safek DeRabbanan LeKula" (one may rule leniently in a case of doubt involving a Rabbinic obligation). The Rosh, however, prefers the dominant view among the Rishonim that the Gemara should be understood as concluding that Amirah LeNochri applies to all Torah laws. The Rambam (Hilchot Issurei Biah 16:13) similarly rules strictly. Shulchan Aruch (Even Haezer 5:14) rules in accordance with the strict rulings of the Rambam and the Rosh. (For further discussion of the parameters of Amirah LeNochri regarding prohibitions other than Shabbat, see the Encyclopedia Talmudit 2:44-45). This question has specific relevance to the issue of asking a non-Jewish veterinarian to remove a pet's reproductive organs. A review of this question written by this author was published in the spring 1992 issue of The Journal of Halacha of Contemporary Society.

Talmudic Background – Five Sources Shabbat 121a: The Gemara here tells us that in case of fire one may announce to non-Jews, "Whoever extinguishes the fire will not lose out." This passage sets the tone for our discussion of the exceptions to the prohibition of Amirah LeNochri, namely that Chazal do not treat the restrictions regarding Amirah LeNochri lightly. Even in case of fire Chazal only permitted one to hint to a non-Jew to do Melachah on Shabbat.

Gittin 8b: In a celebrated passage, the Talmud permits asking a non-Jew to write a deed that certifies transfer of title of Israeli real estate from a non-Jew to a Jew. The Talmud explains, "Even though Amirah LeNochri is rabbinically prohibited, because of the importance of settling the Land of Israel, an exception was made." As we shall see later, most Rishonim understand this passage as exceptional. The Mitzvah of settling the Land of Israel is one of the very few Mitzvot for which we are permitted to ask a non-Jew to perform a Biblically prohibited act of Melachah. This demonstrates how vitally important Chazal regard the Mitzvah of moving to Israel and developing the Jewish presence there.

Shabbat 129a: The Talmud here states that a non-Jew may perform anything necessary for a Choleh (even if he is not dangerously ill) on Shabbat (see Shulchan Aruch Orach Chaim 328:17). A Choleh is someone sick enough to be confined to bed or who cannot function normally (such as one who has a severe migraine headache). It should be noted that a non-Jew may perform even Biblically proscribed activity on behalf of the Choleh (Mishnah Berurah 328:47).

Eruvin 67b: In Talmudic times, it was the practice to wash a baby's body in hot water both before and after the Brit Milah (Shabbat 134b). The Gemara here addresses a situation in which the hot water to be used for a baby boy prior to his Brit spilled (they would not perform a Brit if he could not be washed before and after the Brit). The great Talmudic sage Rabbah instructed that a non-Jew should be asked to bring hot water from elsewhere despite the fact that carrying in that area involved violating a Rabbinic edict (no Eruv Chatzeirot was made). Most Rishonim agree with Rashi (s.v. DeIshtapeich) and Tosafot (s.v. VeHa) that this Talmudic passage is permitting Amirah LeNochri only in a situation of Brit Milah.

Eruvin 68a: The Gemara on the subsequent page describes a similar scenario in which the hot water necessary for a baby spilled. In this case, however, hot water was not available elsewhere. In this case, Rava ruled that if the baby's mother (a woman is regarded as a Choleh for thirty days subsequent to childbirth, Shabbat 129a) needed hot water, a non-Jew could be instructed to heat water for the mother, and some of this hot water could be used for the baby boy. Tosafot (s.v. Ee Tzricha and Gittin 8b s.v. Af Al Gav), supported by most Rishonim, explain that this passage is speaking only of hot water necessary for Brit Milah.

Rishonim – Four Views Baal HaTzur – the most lenient view: The Baal HaTzur rules extraordinarily leniently on this issue. Viewing the case in Gittin 8b as the rule rather than the exception, the Baal HaTzur permits asking a non-Jew to perform even a biblically proscribed act if it is done for the sake of a Mitzvah. My Talmid Jacob Morris pointed out to me that the Tosafot Rid to Gittin 8b seems to agree with the Baal HaTzur, as he writes that the rabbis did not apply their prohibition of Amirah LeNochri in the case of a Mitzvah. The Tosafot Rid does not limit his statement to Yishuv Eretz Yisrael or Brit Milah.

Tosafot – the strictest view: Tosafot (Gittin 8b s.v. Af Al Gav), however, views the Gemara in Gittin 8b to be exceptional. Only for the sake of the Mitzvah of settling Eretz Yisrael may one ask a non-Jew to perform a Torah-level prohibition. Tosafot believe that one may not ask a non-Jew to perform even a rabbinically proscribed act even for the sake of a Mitzvah. Only for the sake of ancillary needs of Brit Milah (such as bringing hot water for the baby) does Tosafot permit asking a non-Jew to perform a rabbinically proscribed act. We should note that we see from the

Tosafot the profound importance of the Mitzvah of settling and living in Eretz Yisrael. Rav Yoel Bin Nun (in a Shiur delivered at TABC in 5763) suggested that Yishuv Eretz Yisrael might be exceptional because we find a precedent in the Chumash that this Mitzvah pushes aside another very important Mitzvah. In Bereishit Perek 23 we find that Sarah Imeinu's burial was delayed while Avraham Avinu negotiated with Ephron to purchase the MeArat Hamachpeilah. Normally, it is very important to bury the deceased as quickly as possible (Devarim 21:23 and Shulchan Aruch Yoreh Deah 357). Rav Yoel argues that Avraham Avinu wished to purchase the MeArat Hamachpeilah and bury Sarah Imeinu there in order to establish a permanent Jewish presence in Eretz Yisrael. According to this approach, Bereishit chapter 23 constitutes a precedent for Mitzvat Yishuv Eretz Yisrael enjoying priority over other very important Mitzvot.

Behag: Tosafot, however, cite the Behag who permits asking a non-Jew to do a Biblically proscribed act if it is necessary for the performance of a Brit Milah. The Behag apparently believes that the Mitzvah of Brit Milah is also exceptional because of its extraordinary importance. Indeed, the Gemara (Shabbat 132a) notes that the Torah stresses the importance of Brit Milah in the section that describes Hashem's command to Avraham Avinu to perform it (Bereishit Perek 17), where the word Brit is mentioned no less than thirteen times. Moreover, since Brit Milah itself overrides Shabbat according to Biblical law, Chazal followed suit and similarly permitted Amirah LeNochri for ancillary needs of Brit Milah (such as heating water for the baby).

Rambam – middle view: The Rambam (Hilchot Shabbat 6:9-11) adopts a middle approach to this issue. The Mitzvah of Yishuv Eretz Yisrael is the only Mitzvah for which one may ask a non-Jew to perform a Biblically proscribed act. However, the Rambam permits asking a non-Jew to perform a rabbinically prohibited act in any of the following three circumstances: 1) for the sake of a Mitzvah, 2) for the sake of someone who is Choleh Ketzat, somewhat ill, and 3) a case of Tzorech Harbei, serious need. For a possible limitation on the ruling of the Rambam, see Rav Hershel Schachter's Eretz HaTzvi pp.50-52.

Shulchan Aruch and Acharonim The Shulchan Aruch (O.C. 307:5) rules in accordance with the Rambam, though he does note the opinion of Tosafot as a secondary opinion. The Mishnah Berurah (307:23) cites the Levush and Eliyahu Rabbah who state that the Halacha follows the Rambam's ruling, the primary opinion recorded in the Shulchan Aruch. The Mishnah Berurah (307:22), though, cites the Eliyahu Rabbah as severely limiting the third and somewhat vague category of the Rambam – Tzorech Harbei. Only in a case of great need that involves bodily pain does he permit following the Rambam, but not in a case of great need not involving much discomfort (see Shaar Hatziyun 307:24). See Rav Mordechai Willig (Beit Yitzchak 22:88) for an interesting explanation of the Eliyahu Rabbah's ruling.

The Rama (276:2; also see 307:5) notes the practice of many communities to rely on the Baal HaTzur by asking non-Jews to turn on lights to enable partaking of Shabbat meals. The Rama, however, cautions that one should not rely on this lenient ruling unless it is a situation of great need. The Mishnah Berurah 276:24 cites the Shelah who rules that one should not rely on the Baal HaTzur even in cases of great need. He tells of communities whose members ate Seudah Shelishit in the dark rather than relying on the Baal HaTzur's leniency. Indeed Rav Yechezkel Landau (Teshuvot Noda BeYehuda I:33) rules that great effort should be expended to avoid relying on this leniency.

The Noda Biyehuda strongly disapproved of the practice of many communities to ask a non-Jew to light candles in the synagogue for the Neila service on Yom Kippur. Rav Landau writes that in the communities where he served as the Rav, he stopped this practice. As an alternative, he urges that a non-Jew should be asked to carry the remaining lit candles to provide enough light to recite Ne'ilah. Moving lit candles is a rabbinic prohibition (moving a Muktzeh item), which the Shulchan Aruch permits asking a non-Jew to perform in case of considerable need. Only if spreading out the remaining candles is insufficient does Rav Landau permit a non-Jew to light candles for the sake of enabling the community to recite the Amida of Ne'ila. The Shaarei Teshuva (623:1) and the Mishnah Berurah (623:3) codify the ruling of Rav Landau as normative. Similarly, Rav Aharon Lichtenstein told me in the name of Rav Yosef Dov Soloveitchik that one should make every possible effort to avoid relying on the Baal HaTzur's leniency. For an interesting explanation as to why asking a non-Jew to turn on an electric light may differ from the classic situation of asking a non-Jew to light a candle, see Rav Mordechai Willig, Beit Yitzchak 22:95.

Conclusion Amirah LeNochri is a rabbinic restriction that has a number of exceptions. We should take care, however, not to abuse these exceptions and limit our reliance on them to situations of need. Next week we shall (IY"Y and B"Y) conclude our discussion of Amirah LeNochri.

Amirah LeNochri – Part Three

by Rabbi Chaim Jachter

This week we shall continue to discuss the circumstances in which we are permitted to ask a non-Jew to perform Melachah for us on Shabbat. We will discuss the situations of Choleh (a sick individual), Tzaar Baalei Chaim (alleviating the suffering of animals), Pesik Reisha (which we will define later), and Remizah (hinting).

Choleh – A Sick Person We mentioned last week that the Gemara in Shabbat 129a states one may ask a non-Jew to do Melachah on behalf of a sick individual even if the latter is not dangerously ill (provided that he is confined to bed or cannot function normally). The Rama (Orach Chaim 276:1) writes that this rule applies to all Ketanim (children), as the Halacha accords even healthy children the status of a Choleh. The Mishnah Berurah (276:6) limits this rule to a situation where there is considerable need for Melachah to be done on behalf of a child.

Dr. Abraham S. Abraham (Nishmat Avraham 328:54) cites quite a range of opinions among twentieth-century authorities regarding up to what age is a child defined as a Choleh. Dayan Weisz (Teshuvot Minchat Yitzchak 1:78) seeks to demonstrate that a child up to age nine is defined as a Choleh. Rav Eliezer Waldenberg (Teshuvot Tzitz Eliezer 8:15:12:7) disagrees with Dayan Weisz's proof and suggests that a child has the status of a Choleh only until age six. Rav Shlomo Zalman Auerbach (in an oral communication to Dr. Abraham) rules that a child is regarded as a Choleh only until age two or three. Dr. Abraham suggests that this question may depend on the relative strength of the individual child, which can vary greatly. One should consult his Rav for guidance regarding this issue.

Air Conditioning and Heating The Shulchan Aruch (O.C. 276:5) rules that in "cold lands" one may ask a non-Jew to light a fire if the house is exceedingly cold (and, if there are children present, even if it is "merely cold" and not exceedingly cold). The Shulchan Aruch asserts that the basis for this ruling is that "Hakol Cholim Eitzel Tzinah," everyone has the status of a Choleh (or potential Choleh) regarding the cold. Rav Moshe Feinstein (Igrot Moshe 3:24) applies this rule to a situation where an air conditioner was left on for Shabbat and the weather turned very cold. In such a case, Rav Moshe permits asking a non-Jew to turn off the air conditioner.

Interestingly, Dayan Weisz (Minchat Yitzchak 3:23) rules that it is permissible to ask a non-Jew to turn on an air conditioner on an exceedingly hot day. He considers a concept parallel to that mentioned by the Shulchan Aruch, namely "Hakol Cholim Eitzel Chom," that everyone is considered a Choleh (or potential Choleh) in a situation of extreme heat. In his lenient ruling, Dayan Weisz primarily utilizes Rav Shlomo Zalman Auerbach's opinion (Teshuvot Minchat Shlomo 1:9) that completing a circuit is not a Torah prohibition if no filament is thereby heated until it glows. He permits asking a non-Jew to turn on the air conditioner since only a rabbinic prohibition is involved, and the Shulchan Aruch rules (as we discussed last week) that one may ask a non-Jew to perform an act that is rabbinically prohibited in case of considerable suffering. Rav Mendel Silber (Teshuvot Moznei Tzedek 2:16), who serves as the Av Beit Din of the Satmar Beit Din in Brooklyn, adds that one may certainly be lenient if the reason for turning on the air conditioner is LeTzorech Mitzvah – if one is unable to study Torah or Daven in a place that is extremely hot. Shemirat Shabbat Kehilchatah (13:34) codifies Dayan Weisz' ruling and cites no dissenting opinion (see, however, Teshuvot Igrot Moshe Yoreh Deah 3:47:2). Rav Silber emphasizes, though, that one may be lenient only if one is very uncomfortable because of the heat.

Tzaar Baalei Chaim The Shulchan Aruch (O.C. 503:02) rules that one may ask a non-Jew to milk an animal on Shabbat to alleviate the suffering of the animal. (The issue of milking an animal on Shabbat is particularly relevant in Israel, and is discussed extensively in Gray Matter 1 pp. 200-214.) The source of this ruling is the Rosh (Shabbat 18:3) citing the Maharam of Rothenberg. Its basis is a Talmudic passage (Shabbat 128b) that records that one may take non-Muktzah items such as pillows to support an animal that has fallen into a water ditch. This is permitted despite the fact that he renders the pillow "Muktzah," thereby violating the rabbinic prohibition of Mevatel Kli MeiHachino (causing a vessel which is not Muktzah to become Muktzah). Rashi explains that this is rabbinically prohibited because it appears as if he is destroying the item (Soteir, destroying, is one of the thirty-nine forbidden categories of Melachah), as he is rendering it useless as far as Shabbat is concerned.

The Maharam of Rothenberg deduces from this Gemara the following principle: since it is a Torah level obligation to alleviate the suffering of an animal, one may violate a rabbinic prohibition to alleviate the suffering of a living creature. Thus, one may violate the rabbinic prohibition of asking a non-Jew to do Melachah for us on Shabbat in order to aid a suffering animal. Therefore, one may ask a non-Jew to summon a non-Jewish veterinarian to help a suffering pet.

Pesik Reisha The background to the category of Pesik Reisha is discussed in several places in the Gemara. If one performs a permitted act which might cause

a prohibited act to occur (the Talmudic example is one who drags a chair along a dirt floor, which may create a furrow), the action is permitted as long as he did not intend for the forbidden act to occur (Davar SheEino Mitkavein). However, is the secondary act will inevitably occur (Pesik Reisha), the primary act is forbidden despite the fact that he did not intend the forbidden action to occur. Thus, one may not open a refrigerator door on Shabbat in which the light bulb is activated, despite the fact that his intention is not to turn on the light bulb, since it will inevitably be lit as a result of his opening the door.

However, most authorities permit asking a non-Jew to do an act that is forbidden for Jews due to the Pesik Reisha principle (see Mishnah Berurah 277:15, Igrot Moshe O. C. 2:68, and Shemirat Shabbat Kehilchatah 31:1 and footnote 1). Thus, one may ask a non-Jew to open a refrigerator door even though the light will go on. Similarly, one may ask a non-Jew to turn on hot water even if it will inevitably cause the boiler to heat more water. Rav Mordechai Willig (Beit Yitzchak 22:90-91) offers an explanation for this ruling. As we mentioned two weeks ago, the prohibition of Amirah LeNochri is either because the non-Jew is viewed as acting as our Shaliach or because of the prohibition to even mention Melachah on Shabbat (VeDabeir Davar). Accordingly, when one asks a non-Jew to do an act that is permitted, the non-Jew is acting as one's agent to do the permissible intended action and not the resultant forbidden act. Similarly, when one asks the non-Jew to perform the permissible act, he has still not spoken about the proscribed activity on Shabbat. See Rav Mordechai Willig's essay for further elaboration on this issue and why in certain cases this should be done only if there is considerable need.

Remiza – Hinting The Rama (O.C. 307:22) cites the Ohr Zarua (2:85) who rules that "it is forbidden to hint to a non-Jew on Shabbat to do anything that one may not ask a non-Jew in a straightforward manner to do on Shabbat." The Ohr Zarua, as a source for his ruling, cites the Gemara in Shabbat 121a (which we mentioned last week) that only permits one to declare to a non-Jew, "Whoever extinguishes the fire will not lose financially." This passage indicates that only in dire circumstances may one hint to a non-Jew to do work on Shabbat.

The Mishnah Berurah (307:76) notes that hinting is prohibited only when one hints in the form of a command. The example he gives is that one may not ask a non-Jew to "clean his nose" when the non-Jew understands that to mean, "Remove the carbon from the top of the candle" (so the candle will burn brighter). However, if one avoids hinting in a manner that uses the form of a command (Lashon Tzivui), he does not violate the Amirah LeNochri prohibition. For example, one may state to a non-Jew, "The candle is not emitting light properly," or "I cannot read in this light." It is necessary to present a strong word of caution at this point. The aforementioned case is not one in which Amirah LeNochri is permissible. Rather, hinting in this manner merely avoids violation of the Amirah LeNochri prohibition.

When Amirah LeNochri is permissible, one may benefit from the work done for a Jew by a non-Jew. When one may ask a non-Jew to do Melachah (such as for the needs of a Choleh), the prohibition to benefit from the non-Jew's Melachah is also waived. However, even if one avoids the Amirah LeNochri prohibition, he still may not benefit from the Melachah done by a non-Jew on his behalf (see Shabbat 122a; Tosafot ad. loc. s.v. VeIm explains that Chazal prohibited benefiting from the non-Jew's actions to discourage one from violating the prohibition of asking the non-Jew to perform Melachah). In the Mishnah Berurah's example regarding the candle wax, one may benefit from the non-Jew's fixing the candle because one could have read with difficulty despite the poor lighting. Similarly, if one tells a non-Jew, "It is quite difficult to sleep in a room with the light on," and the non-Jew subsequently extinguishes the light, one may sleep in the room. One is not considered to have benefited from the non-Jew's action as he has not created something to benefit from. He merely removes the light which then makes it possible to sleep more readily (see the aforementioned Tosafot for further explanation).

Rav Moshe Feinstein (Igrot Moshe Yoreh Deah 3:47:2) points out that if one says "It is very hot in the house" and a non-Jew then turns on the air conditioner, one may not benefit from the air conditioning. (Rav Moshe is presumably not addressing a situation which warrants straightforward Amirah LeNochri, as we discussed earlier.) Rav Moshe explains that this case is not comparable to the Mishnah Berurah's case of being able to read without the non-Jew's adjusting the candle, because one could have read from the candle before the non-Jew adjusted it on Shabbat. Thus, the same activity could have been performed even without the non-Jew's intervention. However, if the air conditioner was off before the gentile intervened, one could not have benefited from the air conditioner before the non-Jew turned it on. Nevertheless, one might add that if the air conditioner was on and functioning minimally and one commented to a non-Jew that "the air conditioner is not working properly," and the non-Jew then fixes the air conditioner to provide maximum comfort, it might be permissible to benefit from the non-Jew's action. Similarly, if it is somewhat cold in the room and someone comments to a non-Jew, "It is certainly cold in the room,"

and the gentile turns off the air conditioner, one may benefit from the absence of air conditioning in the room. In essence, one is forbidden to benefit from a positive, new contribution made by a non-Jew on Shabbat, such as if the non-Jew cooked a specific item. On the other hand, there is no prohibition if the non-Jew has merely eliminated a negative phenomenon (such as if he extinguished a fire or an unwanted light).

Conclusion The past three issues have served as an introduction to the topic of Amirah LeNochri. For further details, one may consult chapters thirty and thirty-one of Shemirat Shabbat KeHilchatah, Volume One of Rav Rabbai's work "The Thirty-Nine Melochos" (pp.63-89), and Rav Mordechai Willig's essay in Beit Yitzchak (22:80-96).

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From: Rabbi Goldwicht [rgoldwicht@yutorah.org] Sent: Thursday, March 02, 2006 2:05 PM Subject: Parashat Terumah 5766
WEEKLY INSIGHTS BY RAV MEIR GOLDWICHT
Parashat Terumah

This Shabbat we read Parashat Terumah, which begins the second half of sefer Shemot and its discussion of the Mishkan, its vessels, and the bigdei kehunah. Our parasha begins by describing the materials donated by B'nei Yisrael for the Mishkan – gold, silver, etc. Among these materials is the skin of an animal called the "tachash." This skin was used, the Torah tells us, for the outermost covering of the Mishkan: "orot techashim milmalah."

These techashim existed only "l'fi sha'ah," as the gemara tells us in Shabbat 28b. The gemara goes on to describe the tachash halachically as a safek chayah safek b'heimah, and physically as having one horn protruding from its forehead as well as having beautiful, multi-colored skin, of which it was very proud. This somewhat lengthy description of the tachash by Chazal leads us to our first question: Why do Chazal set aside so much space to explain exactly what kind of animal the tachash was? After all, this is no longer relevant, since Hashem created it only temporarily. Why is it so important for us to know today exactly how the tachash looked?

The midrash (Bereishit Rabbah) teaches that when Hashem evicted Adam and Chava from Gan Eden, He fashioned clothing for them. The midrash explains that these clothes also came from the skin of the tachash. Our second question: What is the connection between the covering Hashem fashioned for Adam and Chava and the covering we are commanded to fashion for the Mishkan?

A third, final question: we find ourselves at the beginning of Adar. Chazal teach us that when Adar comes in, we increase our joy. Certainly they don't intend that we pump up the volume or that we dance longer. Certainly they mean a simcha of substance. How do we do this?

To answer these questions, we must start by explaining the essence of simcha. The Torah mentions simcha by the shalosh regalim—"v'samachta b'chagecha." True simcha occurs when a person feels connected to that which is above him—HaKadosh Baruch Hu. Every regel—Pesach, Shavuot, Sukkot—a little bit of the light that once was comes back to us, and we feel our connection with HaKadosh Baruch Hu. For this reason as well, when we don't feel this connection with HaKadosh Baruch Hu, and we don't have this simcha, all the curses of the tochechah befall us, as the Torah says, "tachat asher lo avad'ta et Hashem Elokecha b'simcha uvtuv levav."

We find true simcha for the first time by Adam and Chava in Gan Eden, as we say in sheva berachot, "same'ach t'samach re'im ahuvim k'samechacha yetzircha b'Gan Eden mikedem" – Hashem should bring

joy to the young couple as He brought to Adam and Chava. This simcha was closeness to Hashem. However, as a result of their sin, Adam and Chava forfeited their direct connection with Him and necessarily their simcha as well, as well as being thrown out of Gan Eden, the location of their connection.

Along with the punishment of eviction from Gan Eden, Hashem gave Adam and Chava the key to returning to their original stature. He did this by dressing them in the multi-colored tachash-skin, sending the following message: As you begin your lives in an unfamiliar world, a world of many colors in which you will play many roles and wear many outfits, your task is to make sure you control your situation and not vice versa. If you allow your pnimiut to guide you through every situation, you will be able to return to your former home.

Klal Yisrael received an opportunity to return to the state of Adam HaRishon before the sin at the time of Mattan Torah. But with the sin of the Golden Calf we forfeited this opportunity. Nevertheless, HaKadosh Baruch Hu advised us how to return to this state in exactly the same way: He instructed Moshe to use the skin of the tachash for the outermost covering of the Mishkan. Every morning as we left our tents we would see the tachash-skin spread over the mishkan, which would remind us that our pnimiut must shine through as we take on a world of diverse colors and situations.

This is why the same covering was used for Adam and Chava and for the Mishkan, and this is the depth of the words of R' Meir, who says that Hashem fashioned for them cloaks of "light" (ohr with an alef) rather than cloaks of "hide" (ohr with an ayin). Despite the change in situation, the change in colors, what must stand out is one's pnimiut.

This is the simcha of chodesh Adar, a chodesh in which we have the unique ability to reveal our true selves even as we change our clothing and dress up in costumes, in order to express the notion that the pnimiut must guide the chitzoniut and not the other way around. This is why clothes play such a significant role – for example, Mordechai tears his clothing, the people don sackcloth, Mordechai leaves the palace in royal clothing – in the Megillah. Even though the clothes change, the characters' pnimiut does not. Rather, in every uniform, the character carries out his mission.

Therefore, if in everything we do, we ensure that it is our pnimiut that guides us, we will merit to go forth from before the King of Kings in royal clothing.

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From: usa-weekly-owner@yatednews.com [mailto:usa-weekly-owner@yatednews.com] On Behalf Of Yated USA Sent: Thursday, March 02, 2006 3:11 PM To: usa-weekly@yatednews.com Subject: YATED USA WEEKLY 03-03-06

Parashas Terumah: The Art of Giving

Based on an address by Rabbi Fishel Schachter, Adapted for print by M. Heimowitz

A chassid once came to the Tiferes Shlomo, the Radomsker Rebbe, and laid a large sum of money on the table. The Tiferes Shlomo took one look at the man and immediately refused the donation. The chassidim were dismayed. "These are difficult times," they told the Tiferes Shlomo. "The Rebbe has so many causes to raise money for. Why did he turn down the money?" "If you would have seen the gleam in the man's eye

when I refused the donation,” replied the Tiferes Shlomo, “you would understand why I didn’t take his money.” Has it ever happened that you offered halfheartedly to do someone a favor, and when the person said, “No, thank you,” you breathed a sigh of relief? The Tiferes Shlomo was not interested in that kind of a donation. “Daber el Bnei Yisroel veykichu li terumah” – tell Bnei Yisroel that they should take for Me terumah, Hashem tells Moshe. When Klal Yisroel brings their donations to the Mishkan, Hashem was saying, they should not feel that they are doing Me a favor. Rather, when Klal Yisroel comes to donate, they should view it as a privilege. Veyikchu – they should feel that they are receiving, not giving. There was once a gabbai tzedakah in Yerushalayim who had to make the rounds of his gevirim several times in one evening, each time to raise money for another urgent cause that had just come up. One gevir was not too pleased to see this gabbai tzedakah at his door for the third or fourth consecutive time, and he did make no effort to conceal his displeasure. The gabbai tzedakah was not deterred. “If the doctor would prescribe medication for you every hour,” he told the gevir, “Wouldn’t you be grateful if someone knocked on your door to give you your spoonful of medicine every time you needed to take it? Well, tonight the Doctor prescribed a spoonful every hour. And if the Ribbono Shel Olam felt that you needed a dose of the mitzvah of tzedakah several times this evening, you should be grateful that He brought the medicine right to your door.” “Yoser mimah shebaal habayis oseh im ha’ani, ha’ani oseh im baal habayis,” the Midrash states. The beggar does you a greater favor by knocking at your door than you do for him by giving him tzedakah. Tzedakah: A Favor for the Giver Why did Hashem give us the mitzvah of tzedakah? There is no shortage of money in Heaven. If Hashem wants poor people to be fed, yeshivos to be sustained, kallahs to get married, He is eminently capable of providing for them. Hashem does not need our help or our tzedakah. However, He knows that we need the zechus of giving tzedakah, and He therefore arranges for needy people to knock at our doors. When we give tzedakah, we are acting as Hashem’s agents in distributing the funds he has earmarked for those in need. In doing so, we reinforce our emunah, strengthening our belief that everything belongs to Hashem. The Magen Avraham (Orach Chaim 1:7) writes in the name of the Arizal that there is a minhag to give tzedakah when saying the words “Ve’ata moshel bakol” in the tefilla of Vayevarech David. When you acknowledge that the quarter, dollar or million dollars that you are giving to tzedakah is a deposit that Hashem has entrusted you with, you infuse your mitzvah of tzedakah with meaning. True, you do fulfill the mitzvah of tzedakah even when you give your donation halfheartedly. It may not be the highest level of tzedakah, but it’s still tzedakah. However, this type of tzedakah does not reflect the emunah that everything comes from the Ribbono Shel Olam. It will not bring you to a greater level of closeness to Hashem, nor will it generate hashroas hashechina. You simply cannot build a Mishkan with that kind of tzedakah. “Mei’eis kol ish asher yidvenu libo tikchu es terumasi,” Hashem instructed Moshe. You are to accept donations only from people who sincerely want to give, people who feel that it is a privilege to donate to the Mishkan, people who understand that “their” money is not truly theirs.

In Descending Order What was the terumah, the donation that Klal Yisroel was asked to donate to the Mishkan? The passuk lists fifteen types of materials, beginning with gold, silver and copper and ending with the avnei shoham and avnei miluim. Klal Yisroel brought the first thirteen materials, and the passuk tells us that the nesi'im were the ones who brought the avnei shoham and avnei miluim. The avnei shoham and avnei miluim were the precious stones necessary for the choshen and the ephod. When one of the avnei miluim got lost during the time of the Beis Hamikdash, the chachamim purchased a new one from Dama ben Nesina at a cost of 800,000 dinars. Clearly, the avnei shoham and avnei miluim were extremely valuable. Why, then, asks the Ohr Hachayim Hakadosh, were these stones placed at the end of the list of materials necessary for

the Mishkan? The Ohr Hachayim Hakadosh explains that the avnei shoham and avnei miluim are mentioned last as an implied criticism of the nesi'im. Chazal tell us that when the time came to donate to the Mishkan, the nesi'im decided to wait until Klal Yisroel had finished contributing and then fill in whatever was missing. However, Klal Yisroel were so eager to donate that they actually had to be stopped from bringing materials for the Mishkan. By then, there was nothing left for the nesi'im to contribute. The nesi'im were greatly distressed, and Hashem comforted them by allowing them to donate the avnei shoham and avnei miluim. Why, asks Reb Chaim Shmuelevits, are the nesi'im criticized for their seemingly noble gesture? The nesi'im had essentially written a blank check, guaranteeing to cover whatever the Mishkan’s shortfall would be. Any gabbai tzedakah or administrator of a yeshiva would be thrilled to receive such an offer! Reb Chaim explains that when it comes to doing mitzvos, people invent all sorts of excuses why now is not a good time. When someone asks you for a favor, you never say, “I’m too lazy. Ask me tomorrow.” Instead, you find a perfectly legitimate reason why you just can’t do the mitzvah right now. Procrastination is one of the yetzer hara’s favorite tactics. Any time you push something off – even when you have the most valid justification – you have to wonder if maybe, just maybe, there is a bit of plain, pure laziness mixed into your motives. Yes, the nesi'im had an excellent reason to wait until the end. But the fact that they did not spring into action along with the rest of Klal Yisroel when they heard the request for donations indicated a lack of enthusiasm on their part. Because they hesitated, because they procrastinated, their donation was not the preferred type of tzedakah. And that is why the avnei shoham and avnei miluim are at the end of the Torah’s list.

A Different Type of Nesi'im The Ohr Hachayim Hakadosh goes on to suggest an entirely different explanation for the placement of the donation of the nesi'im at the end of the list of materials necessary for the Mishkan. There is an opinion in the Gemara (Yoma 75a) that the nesi'im who brought the avnei shoham and avnei miluim were not the leaders of the shevatim, but nesi'im of a different sort. The word “nesi'im” can also mean clouds, as in the passuk “Nesi'im ve'ruach ve'geshem ayin” (Mishlei 25:14). According to this opinion, the avnei shoham and avnei miluim came down from the clouds, along with the mann. You and I might think that precious stones falling from Heaven are infinitely more valuable than the metals, dyed wools, and other materials donated to the Mishkan. However, the Torah thinks otherwise. The avnei shoham and avnei miluim came without any human effort, without any mesirus nefesh, without any yearning to give. The gold, the techeiles, the animal hides, the spices for the ketores – these were gifts that Klal Yisroel gave in an outpouring of love, enthusiasm and desire. Yes, the monetary value of these simple materials might be dwarfed by the avnei shoham and avnei miluim. However, in Hashem’s eyes, the gifts that come with effort are the ones that are truly priceless.

Learning How to Give Parashas Terumah – literally, the parasha of donation – is a study in the art of giving. Although we have no Mishkan to donate to, we do have countless other opportunities to implement the lessons of Parashas Terumah – when we give of our money, of our talents, of our time, or of ourselves. Regardless of how much you can afford to give, the act of giving affords you the opportunity to strengthen your emunah and build your relationship with the Ribbono Shel Olam. When a poor person knocks at your door, when someone asks you for a favor, remind yourself that they are the ones doing you the favor, not the other way around. When you write that check, remember that you are drawing on funds in Hashem’s bank account, not your own. And when you open your hand and your heart to give, bear in mind that the amount of your contribution does not determine the value of your gift. The attitude behind your giving, the mesirus nefesh and the effort that go into your gift – those are the things that truly matter. On the passuk “Tzion bemishpat tipadeh veshaveha betzedakah,” Chazal say, “Ein Yisroel

nigalin elah betzedakah” – the final redemption will come in the merit of tzedakah. No, we do not have the privilege of donating to the Mishkan today. However, if we perfect the art of giving tzedakah and understand that our ability to give is Hashem’s gift to us, then we will be able to participate in the “Veyikchu li terumah” of the third Beis Hamikdash, im yirtzeh Hashem.

From: Peninim-bounces@shemayisrael.com on behalf of Shema Yisrael Torah Network [shemalist@shemayisrael.com] Sent: Thursday, March 02, 2006 7:52 AM To: Peninim Parsha

Peninim on the Torah
by Rabbi A. Leib Scheinbaum -

Parshas Terumah This is the portion that you shall take from them: gold, silver and copper. (25:2) The definition of the concept of kavod haTorah, the honor and reverence that should be accorded to the Torah, seems to elude us. The Aron Hakodesh was covered with gold, both internally and externally: the Menorah was comprised of one solid gold slab; the Shulchan, Mizbayach Haketores and Kerashim were all covered with gold. The Bais Hamikdash was a most impressive edifice, both from the architectural and aesthetic perspectives. There was certainly no shortage of gold in its outer trappings. Imagine the beauty and radiance of this monument to holiness! What is the lesson that we should derive from this unparalleled display of elegance and luxury?

We are to derive from here that the House of G-d "also" has to be exalted. Why is it that beauty, opulence and exceptional architecture are terms equated with secular structures, while religious institutions may often be housed in the most simple and austere repositories? If, indeed, we build an edifice that is a bit on the extravagant side, it becomes something to denigrate and even mock. Why should not our cultural/religious habitats be just as beautiful as theirs? Indeed, why should they not be even more impressive? This does not mean, of course, that we should waste money that is needed for other important necessities on structural and architectural extravagance. Why should those who live in mansions, however, settle for a shul in a storefront? Why should the Aron Hakodesh be a carpenter's nightmare, while the same baalei batim have no compunction about spending thousands of dollars on a dining room set?

Yeshivas Slabodka in Eretz Yisrael was going through a difficult financial period. It was weighed down with debt, and the banks were losing patience. The Rosh Hayeshivah, Horav Mordechai Shulman, zl, was relegated to visiting individuals personally on behalf of the yeshivah. One day, after returning from an unusually trying fund-raising trip, he came into the office and heard the administrator complaining bitterly about the yeshivah's financial straits. "Imagine, we are undergoing such extreme pressures just to survive, while a certain Chassidic dynasty is building a massive synagogue for millions of dollars, using imported Italian marble on their walls," he said.

When the Rosh Hayeshivah heard this, he turned to the administrator and said, "You have no idea what is the meaning of kavod haTorah." He was intimating that to build an impressive edifice for a makom Torah does not suggest a misappropriation of funds. If people are doing it for the correct purpose and with the right attitude, it manifests kavod haTorah.

Furthermore, I think that our generation of post-Holocaust survivors and their children must show the world that the Jewish nation which Hitler - with the assistance of a number of apathetic countries and individuals - sought to obliterate, did not succumb. We are back, and we are thriving. The study of Torah is at an all-time high. Mitzvah observance is an accepted and respected lifestyle. The baal teshuvah, return to Judaism, movement is accelerating. We have nothing of which to be ashamed, and we have nothing to hide. We are a vibrant nation that is committed to

Hashem, and, therefore, when we erect a repository to glorify Him - it is truly a glorious event.

The staves shall remain in the rings of the Aron; they may not be removed from it. (25:15)

The Badim, poles, that remain in place on the sides of the Aron are an allusion to the tomchei Torah, those who support Torah study. Just as the Badim were not to be removed from the rings on the sides of the Aron, so, too, should there be an unseverable relationship between the Torah supporter and the individual who studies the Torah. While the machazik Torah will certainly receive an incredible reward for supporting the one who devotes himself to studying Torah, it goes without saying that the Aron Hakodesh had greater distinction than the Badim. Regrettably, we have lost sight of this notion.

It was a number of years ago that the Vaad Hayeshivos, the organization under the direction of Eretz Yisrael's Torah leadership, prepared an inaugural dinner in honor of the presidium of the "Joint," American supporters of life in the Holy Land. These individuals were directly responsible for the aid that was dispensed to the Orthodox community in Eretz Yisrael. As a display of hakoras hatov, appreciation and gratitude, the dinner was attended by the leading Torah leaders of the day. Included were: Horav Yechezkel Abramsky, zl, president of the Vaad Hayeshivos; Horav Eliezer Yehudah Finkel, zl, Rosh Yeshiva Mir; Horav Zalman Sorotzkin, zl, Lutzker Rav; and many others. It was truly an impressive representation of hakoras hatov.

Various roshei yeshivah spoke from the podium, expressing their heartfelt gratitude on behalf of the many students who had been availed the opportunity to study Torah through the efforts of the "Joint." It was the turn of Horav Ezra Atiyah, zl, Rosh Hayeshivah of Porat Yosef, to speak. He rose and began to walk up to the podium. Suddenly, he stopped and appeared as if he was looking for something to say, but could not speak. A few moments went by before Rav Ezra broke out in bitter weeping.

Understandably, all those assembled were shocked and did not know what had occurred to motivate this strange behavior. The master of ceremonies ran over to the rosh yeshivah and attempted to assuage his feelings. "Did I say something wrong? Perhaps I offended the rosh yeshivah?" he asked.

"No, no. Nothing like that," responded Rav Ezra. "It is just that as I was walking up to the podium, I realized that we were still in galus, exile."

"Of course we are in galus," the toastmaster replied, "but is now the time or place for such a display of bitter weeping?"

"You do not seem to understand what I mean," Rav Ezra said. "If Moshiach Tzidkeinu would be here, and we would be making a dinner for the Torah supporters, would it have been similar to this one? It would certainly have been much different. Obviously, we are still in galus."

What the venerable rosh yeshivah meant was that, without a doubt, we have an obligation to pay gratitude to those that perform mitzvos. It is just that had Moshiach been here, the dinner would have been arranged in a different manner. It would have been the supporters that would have been making the dinner for the roshei yeshivah. Apparently, we are still in exile.

On the Shulchan shall you place show-bread before Me, always. (25:30)

The Mishnah in Meseches Menachos 99b describes the procedure of the weekly exchange of the Lechem HaPanim, show-bread. Since the halachah demands that the Lechem HaPanim rest continuously on the table, it was essential for the Kohanim to take great care that, as the previous week's bread was being removed, other Kohanim would simultaneously be placing the new bread on the table. This is the meaning of the word tamid, continuously: the Table may not be left without bread even for a moment. To paraphrase the Mishnah, "The handbreadth of this one takes the place of the handbreadth of this one."

This means that as each handbreadth of space on the table was cleared of the bread of the previous week, it was immediately filled with that of the new week. Rabbi Yosi disagrees, contending that even if the Kohanim were to remove the old bread from the Table completely and the other Kohanim were to place the new bread on the Table, it would still be a fulfillment of the criteria of tamid, continuously. He feels that it is not necessary to have the bread on the table every single moment of the night and day. It simply means that, at some point during both the day and the night, bread should be on the Table. No full night or day should pass without panim, bread, being on the Table.

In other words, the dispute between the Tannaim is whether the word tamid mandates a constant presence or a regular presence. In the Talmud's commentary on the Mishnah, Rabbi Ami says that from the words of Rabbi Yosi we may derive that even if a person were to study one chapter of Torah in the morning and one chapter of Torah in the evening, he will have fulfilled the obligation of Lo yamush sefer ha'Torah ha'zeh mipicha, "This Book of the Torah shall not depart from your mouth; rather, you shall contemplate it day and night" (Yehoshua 1:8). Just as one may fulfill the command of tamid, continuously, concerning the Lechem HaPanim by ensuring that no day or night go by without Panim bread, so, too, may a person similarly fulfill the command of V'higisa, "You shall contemplate it day and night by seeing to it that no day or night go by without the study of Torah."

With this in mind, Horav Yosef Sholom Elyashiv, Shlita, points out that we can derive a powerful lesson from Rav Ami's exegesis concerning Rabbi Yosi's definition of the word tamid. The Rabbanan who argue with Rabbi Yosi - and are of the opinion that a moment should not go by during which no Panim bread is on the Shulchan - will accordingly maintain a similar definition with regard to the "day and night" of Torah study. Just as concerning Lechem HaPanim, where "the handbreadth of this one takes the place of the handbreadth of this one," no moment should pass in which one does not study Torah.

Rav Elyashiv has exemplified this commitment to Torah study throughout his life. Is it any wonder that he has achieved such exalted status? His perspective on Torah study reflects his outstanding commitment.

In memory of Our father, grandfather and great-grandfather Mr. Nathan Rothner R' Naftoli Michael ben Nesanel z'l niftar 7 Adar 5763 The Rothner Family Peninim mailing list Peninim@shemayisrael.com http://www.shemayisrael.com/mailman/listinfo/peninim_shemayisrael.com

From: weekly-halacha-owner@torah.org on behalf of Jeffrey Gross [jgross@torah.org] Sent: Wednesday, March 01, 2006 5:02 PM To: weekly-halacha@torah.org Subject: Weekly Halacha - Parshas Terumah WEEKLY-HALACHA FOR 5766

By **Rabbi Doniel Neustadt**
Rav of Young Israel in Cleveland Heights
A discussion of Halachic topics.

For final rulings, consult your Rav
SHE'AIVOS U'TESHYVOS

QUESTION: If one wishes to change the status of pots or cutlery from meat to dairy or vice-versa through the koshering process known as hagalah, may he do so?

DISCUSSION: According to the basic halachah, it is permitted to change the designation of a utensil from meat or dairy (or vice-versa) through hagalah. Since hagalah, when performed correctly,(1) purges the "taste" which has been absorbed into the utensil, the utensil is now halachically considered "new" and may be used for either meat or dairy, regardless of how it was used previously. It is, however, a long-standing and widely practiced custom(2) not to do so l'hatchilah, since the Rabbis were concerned that people would "get away" with one set of utensils which they would constantly "kosher" from dairy to meat and back again, causing mix-ups and confusion.(3) Still, under special circumstances, the poskim allow for

certain exceptions and permit changing the designation of utensils from meat to dairy or vice versa even l'hatchilah. Some of those special cases are the following:

- * Under extenuating circumstances, if no other dishes are available.(4)
- * If the utensil was rendered non-kosher and must undergo hagalah in any case. It is even l'hatchilah permitted to render the utensil non-kosher with the express intent of koshering it in order to change its designation. (5)
- * If the utensil is being koshered for Pesach.(6)
- * If the utensil was not used for 12 months.(7)
- * If the utensil is being sold or given as a gift.(8)
- * If the utensil is being koshered from meat or dairy to parve use - even if later on it will be used for the opposite designation from its original one.(9)

QUESTION: Is it halachically permitted to read newspapers published by and for the religious community on Shabbos [and Yom Tov]?

DISCUSSION: It depends which section of the paper one wishes to read:

* Business and classified advertisements, business news which bears on the reader's finances or shopping needs or plans, consumer columns, gardening and housekeeping advice, recipes and cooking instructions - are all strictly forbidden to be read on Shabbos.(10)

* Stories of personal or public tragedies, death notices or eulogies that could bring a person to tears, holocaust stories that sadden a person and detract from his oneg Shabbos - may not be read on Shabbos.(11)

* Divrei Torah - including all articles pertaining to Torah learning, essays on the weekly Parashah, Halachah, Mussar, Hashkafah, stories and pictures of gedolei Yisrael, stories of chizuk ha-Torah, middos tovos and yira'as shamayim - all of these are permitted to be read on Shabbos, provided that one makes a conscious effort not to read the forbidden parts of the newspaper.(12)

QUESTION: Is it permitted to read the general news section of the newspaper on Shabbos [and Yom Tov]?

DISCUSSION: Reading the general news section of the newspaper - including news, politics or stories of general interest, and advertisement or business news that have no bearing on the finances or shopping needs or plans of the reader, are a subject of dispute among the poskim. We find three basic opinions:

* Many hold that reading this type of material is included in the Rabbinical edict against reading non-business documents and is forbidden to be read.(13)

* Others hold that if one enjoys reading these type of articles then it is permitted to do so. These poskim maintain that the Rabbinical edict against reading non-business documents does not include enjoyable reading material.(14) Mishnah Berurah, however, does not support this position.(15)

* Some poskim hold that while it may be permitted to read certain parts of the newspaper, reading a newspaper should be strongly discouraged since it is extremely difficult to avoid the advertisements or other parts of the paper which are forbidden to be read.(16) But other poskim, however, permit the reading of a newspaper as long as one makes a conscious effort to avoid the forbidden sections.(17)

The following is a free translation of guidelines given by Harav N. Karelitz(18) on this subject: "While a ben Torah and his family should avoid reading a newspaper on Shabbos altogether, we do not object to those who are lenient and read the permissible parts of the newspaper. This is especially true with regard to women, children and those who do not engage in the study of Torah [who require a kosher alternative so that they will not come to engage in idle or forbidden talk or worse]; we definitely should not object to their reading the permissible parts of the newspaper."

One should consult his halachic authority for guidance as to how he should conduct himself in this matter.

QUESTION: Is it permitted to read secular books on Shabbos [and Yom Tov]?

DISCUSSION: It depends on the type of book one wishes to read:(19)

* Biographies of gedolei Yisrael or Orthodox community leaders, Jewish story books that serve to strengthen one's yira'as shamayim, emunas chachamim or middos tovos are permitted, including works of fiction (novels and mysteries) which are authored by G-d fearing Jews and are written for these purposes.

* Books [or encyclopedias] on science, math, medicine, geography, astronomy and architecture are permitted,(20) except if one is reading them for the sake of his business or profession,(21) or only because he needs to study for a test.(22)

* Cookbooks should be avoided.(23)

* Secular books which do not contain halachically objectionable material, but were not written by G-d fearing Jews for the purpose of strengthening one's yira'as shamayim, emunas chachamim or middos tovos, should not be read on Shabbos.(24) We do not, however, object to women, children or those who are not engaged in the study of Torah reading books of this nature on Shabbos.(25)

* Books about personal or public tragedies, or holocaust stories that sadden a person and detract from his oneg Shabbos - may not be read on Shabbos.(26)

* Any written work that may have a bearing on the reader's finances is forbidden to be read on Shabbos.

FOOTNOTES: 1 See The Weekly Halachah Discussion, pg. 279-286 for more information. 2 Among Ashkenazim - Sefaradim have not accepted this custom; Kaf ha- Chayim O.C. 509:45. See also Peri Chadash Y.D. 97:1 and Aruch ha-Shulchan Y.D. 89:17 and 121:11 who rejects this custom completely. 3 Magen Avraham O.C. 509:11. See Sha'ar ha-Melech, Hilchos Yom Tov 4:8, for an additional concern. 4 Peri Megadim (Aishel) O.C. 452:13. 5 Mishnah Berurah 509:25. 6 Mishnah Berurah 451:19. 7 Maharsham 2:241, quoting Aishel Avraham of Butchash. 8 Lecham ha-Panim Y.D. 121, quoted by Darkei Teshuvah 121:59. See also Be'er Moshe 3:105. 9 Darkei Teshuvah 121:59. 10 Mishnah Berurah 307:63. 11 Mishnah Berurah 307:3; Ketzos ha-Shulchan 107:43. 12 See Avnei Yashfei 1:76-3, quoting Harav S.Z. Auerbach; Az Nidberu 9:7. 13 Many poskim, based on O.C. 307:16. See Minchas Shabbos 90:22. 14 See Magen Avraham 301:4 and Peri Megadim; Ya'avatz 1:162; Kalkeles Shabbos 33; Tehillah l'David 301:1; Da'as Torah 307:15. 15 Sha'ar ha-Tziyun 301:7. 16 Mishnah Berurah 307:63. 17 See Da'as Torah 307:16, Shemiras Shabbos K'hilchasah 29:46. See also Igros Moshe O.C. 5:22-3 who writes that business newspapers should not be read. 18 Ayil Meshulash on Shitrei Hedyotos, pg. 79, 83 and 210, and in Menuchah Shleimah, 2. 19 Although this discussion follows the same basic principles quoted earlier concerning newspapers, there are several reasons why there is greater leniency regarding the reading of books than of newspapers: 1) Books do not contain advertisements or financial news; 2) The Rabbinic ban against reading non-business related items, which became necessary due to the confusion between different type of documents, may not apply to books since there is a clear distinction between unbound business documents and bound books; see Pischei She'arim on Sha'arei Efrayim 10:33. 20 Mishnah Berurah 307:65 and 308:164. 21 Shulchan Shelomo 307:25. 22 See Shemiras Shabbos K'hilchasah 28, note 206, where Harav S.Z. Auerbach remains undecided on this issue. 23 Harav M. Feinstein and Harav N. Karelitz quoted in Ayil Meshulash, pg. 41. Others are more lenient; see Shemiras Shabbos K'hilchasah 29, note 116 and Avnei Yashfei 1:76. 24 O.C. 307:16. 25 Ruling of Harav N. Karelitz (quoted in Ayil Meshulash on Shitrei Hedyotos, pg. 209, and in Menuchah Shleimah, 2). 26 Mishnah Berurah 307:3; Ketzos ha-Shulchan 107:43.

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