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INTERNET PARSHA SHEET  
ON VAYAKHEL PEKUDEI - 5762  
SHABBOS HACHODESH

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From Aron Zuckerman IAMZMAN187@aol.com

Enayim Latorah March 9, 2002 Parshas Vayakhel Pekudei 25 Adar 5762

Feature: SHABBOS AND THE MISHKAN

HARAV AHRON SOLOVEICHIK - A Tribute to the Rosh Yeshiva ZT"L

Parshas Vayakhel commences with Moshe's exhortation to Bnei Yisrael concerning the holiness of Shabbos followed by his instructions to them in reference to the building of the Tabernacle and its utensils. When one carefully ponders this parshah as well as the previous sidrah, one readily detects two niceties. First, one notices the affinity manifest between Shabbos and the Mishkan. From the juxtaposition between these two subject matters our Sages declare that the thirty-nine classifications of work forbidden on Shabbos derive from the nature of the work involved in the construction of the Mishkan and its ke-lim. Second, one notices a repetition of the juxtaposition of the Torah's exhortation concerning Shabbos and the Mishkan. In Parshas Vayakhel and previously in Par-shas Ki Sisa there is a juxtaposition between the two. We must try to understand both the affinity between Shabbos and the Mishkan as well as the apparent repetition of the juxtaposition of the two subjects.

To understand this connection we must resort to the distinction between bria and yetzirah and its relationship to Shabbos. Bria is a process of creation which involves destructive elements, whereas yetzirah is a process of creation free of destruction; it is the process through which G-d continuously recreates the world and governs it. Shabbos commemorates the seventh day of creation, on which G-d completed creation primarily involving bria and commenced creation with yetzirah. Shabbos, therefore, is to be dedicated by man to the pursuit of the concept of yetzirah.

In the construction of the Tabernacle, all the types of work involved the principle of bria. For example, plowing, reaping, and slaughtering all entail destructive acts. Even boneh, building, involves rearranging the elements of nature; it involves changing an object, which, in essence, means destroying its original state. All of the thirty-nine categories of work which were integral to the building of the Mishkan - except for carrying, which is therefore characterized by the Rishonim as a melachah geruah, an inferior type of work - involved the concept of bria. On Shabbos, when one is to dedicate oneself almost exclusively to yetzirah, these categories of work are forbidden.

Shabbos, as we have said, commemorates not only the end of bria as the primary method of creation, but also the initiation of yetzirah in this role. To reiterate, on Shabbos man is to dedicate himself to the principle of yetzirah by realizing his tzurah, i.e., by asserting his individuality and by conforming to the image of G-d inherent in him.

While in the building of the Mishkan, the categories of work involving bria prevailed, in its completed state these types of bria were integrated with and subjugated by the concept of yetzirah. The purpose of the Tabernacle and its utensils was to cause the Divine Presence, the Shechinah, to rest among the Jewish people. This means that the Mishkan, which involved an exploitation of the process of bria, was dedicated to the concept of yetzirah. True, indeed, in constructing the Tabernacle, Betzalel and his fellow craftsmen had recourse to bria in obtaining, producing, changing, and molding the raw materials into a wondrous edifice. But the Mishkan was incomplete until the fulfillment of the verse: "Then the cloud covered the Tent of Meeting and the glory of G-d filled the Tabernacle" (Shemos 40:34). Until this verse was realized, the Mishkan was a body without a soul. It was endowed with bria but not yetzirah. The gold, silver,

copper, and other exquisite materials did not produce the Sanctuary; the spirit of G-d's glory is what made the Sanctuary. Only when the Tabernacle was elevated to the realm of yetzirah did it receive its soul. Only at that point did the Mishkan become complete.

There is thus a correspondence between Shabbos and the Tabernacle in that both are dedicated to the concept of yetzirah as the guiding principle in man's creativity and in his partnership with G-d. The kedushah of Shabbos and the kedushah of the Mishkan (expressed by its appellation, Mikdash, Sanctuary) are of the same nature; hence the Torah's juxtaposition of the two.

There is still another correlation between Shabbos and the Mishkan. In Minchah on Shabbos we declare the day to be a "day of rest and sanctity." When an object is attached to a certain domicile, it is said to be resting. On Shabbos one is to attach oneself to G-d as well as to one's fellow man and to one's family. Similarly, the word Mishkan literally means a dwelling place, a home, place of attachment. Through the Mishkan G-d rested His Shechinah among the Jewish people and attached Himself to every home.

The juxtaposition of the Mishkan and Shabbos is repeated to stress that there is a correspondence between the two not only in kedushah and brachah but also in menuchah. Both Shabbos and the Mishkan are dedicated to yetzirah, both are examples and inspirations, and both foster attachment between the Jewish people and their Father in Heaven.

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From: torahweb@zeus.host4u.net Sent: Thursday, March 07, 2002 8:43 PM Subject: Rabbi Yaakov Neuberger - The Mirrors are the Message to subscribe, email: [weekly@torahweb.org](mailto:weekly@torahweb.org) [http://www.torahweb.org/torah/2002/parsha/meu\\_vayakhel.html](http://www.torahweb.org/torah/2002/parsha/meu_vayakhel.html)

RABBI YAAKOV NEUBERGER  
THE MIRRORS ARE THE MESSAGE

It certainly was a rare moment in the annals of fund raising when if not for the intervention of Hashem Himself, Moshe would have refused quite a substantial donation. In response to Moshe's request to bring Mishkan construction materials from their homes, many women did just that and enthusiastically removed the mirrors off their walls. Nevertheless Moshe could not find room within the Mishkan the place where Hashem's presence is to be palpable, for that which serves human narcissism and vanity?

In order to relate to Moshe that these mirrors were in fact different, Hashem revealed to Moshe their history and the story they would tell to later generations. Indeed these mirrors would forever be seen as responsible for the very generations to whom they would talk. The mirrors would take us back to Egypt, to a time when our spirits were broken and we did not dare dream of ever arising above the severe and daily pain of oppression. At that time Jewish men caved in and decided against bringing any more children into the horrors of their slavery. Jewish women, however, would not succumb and coupling the mirrors with female prowess, they overcame their husbands' despair and brought about a new generation that would participate in Har Sinai and the entry into the Eretz Yisrael. Surely these mirrors did not reflect self absorption, but unwavering faith in Hashem's word and uncompromising commitment to His direction.

Furthermore the Meshech Chochma submits that accepting the mirrors did not simply validate or reward the actions of our blessed matriarchs, rather it served to incorporate their story into the Mikdash Rav Meir Simcha comes to this conclusion upon noting, as only he could, that the Torah mentions the purpose of the kiyor twice and omits it in a third context. In parshas Ki Sisa (30,18) Moshe is told to construct and place the "kiyor lerochtozo" - a cistern that would contain the water to be used in the

washing of the hands and feet of the kohanim as they entered to do their service in Mikdash Again in (40,30) Moshe places the "kiyor lerochtzo" in front of the Mishkan However in parshas Vayakhel (38,8) we read that "And he made the kiyor of brass and its base of brass out of the mirrors of the women who came in large crowds to the opening of the ohel moed", omitting any mention of "lerochtozo" - for the purposes of washing. Rav Meir Simcha thus posits that incorporating the mirrors into the kiyor expanded its purpose. It was no longer a simple container storing water and making it available to prepare a kohen for service. Rather it reminded people of hope borne through pain and despair and would forever encourage those who viewed it to follow the example of one's forebearers

It has been noted that the message is directed towards the couple whose deep distrust of each other has brought them to be tested by the sotah waters which were drawn from the kiyor. It should not be hard for us to understand the importance of the mirrors' message to that couple. The family comes to the Mikdash convinced that the relationship will never be repaired. After all they harbor accusations of faithlessness and actions which make them credible. Nevertheless Torah insists otherwise. The couple, should they continue their family, is encouraged to share in the optimism that the mirrors represent, to look beyond their present painful anguish and attempt to envision what kind of future may be available to them.

It would seem to me that these mirrors standing in front of Opel moed serve to remind everyone of the hope that we must harness even as the hiddenness of Hashem challenges our emunah and thrusts great ambiguity over our future. Would it be possible to bring a sacrifice to effect raproshmenet or have the strength to plead on behalf of oneself and family without taking strength from the relationship to which one looks forward and the redemption that can come "ceheref ayin" - as the blink of an eye. May we all merit to see it soon.

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From: RABBI YISSOCHER FRAND [SMTP:ryfrand@torah.org] Subject: Rabbi Frand on Parshas Vayakhel-Pekudei

Women Symbolize the Power of Renewal

The pasuk [verse] says, "And every man whose heart inspired him came, and everyone who was of generous spirit brought his offering to the tent of meeting" [Shmos 35:21]. After Moshe called the people together and urged them to donate to the Tabernacle, the people started bringing the material. "And the men came upon the women (al haNashim)" [35:22]. Rash"i interprets this unique syntax to mean that the men came WITH the women.

The Da'as Zekeinim m'Baale HaTosfos, however, provides a different interpretation. The pasukim [verses] reveal that the donated items were various types of women's jewelry. The Da'as Zekeinim comments "and nevertheless the women participated and were meticulous to contribute in the Service of Heaven". The pasuk is teaching us that the men took the women to donate the gold from their jewelry to the Mishkan, thinking that the women would be reluctant to do so. However, in actuality, the women gave willingly. Therefore, the Da'as Zekeinim adds, the women were given a reward that they were excluded from having to do work on Rosh Chodesh. This is a custom cited in Shulchan Aruch, that women do not do work on Rosh Chodesh [The new moon (beginning of a new lunar month)] [Orach Chaim 417:1]. At what point in time did the women receive this holiday? They received this holiday at the time of the building of the Mishkan, when they distinguished themselves through their willing donation of their jewelry to the Service of G-d.

The Da'as Zekeinim explains further that during the incident of the Golden Calf, the men took their wives' jewelry by force. The women had refused to contribute to the Golden Calf. In contrast, by the building of the Mishkan, the women \_wanted\_ to donate their jewelry. According to the Medrash, the contrast is even starker. The Medrash records that in relation to the Mishkan, there were in fact many men who were reluctant to give their money, while the women were universally enthusiastic.

The Da'as Zekeinim theorizes that because the Mishkan was erected on Rosh Chodesh Nissan, it was specifically Rosh Chodesh Nissan which was originally given to the women as a work-free festival. The Da'as Zekeinim concludes that the custom to refrain from work on every Rosh Chodesh was a derivative of this original holiday.

What is the significance of Rosh Chodesh that it was seen as a fitting holiday to give to the women?

I saw a beautiful interpretation in the sefer [book] Shemen Hatov by Rabbi Dov Weinberger, which answers this question. Later in the parsha,

the pasuk says, "And he made the Kiyor of copper and its base of copper from the mirrors of the legions [women] who massed by the entrance of the Tent of Meeting [Shmos 38:8]. There is a beautiful Rash"i here that elaborates: The women of Israel had used these mirrors when beautifying themselves. Moshe initially rejected these mirrors for use in the Mishkan, arguing that they were a tool of the Yetzer Hara (evil inclination). G-d overruled Moshe and ordered him to accept them. "These are more precious to Me than anything else".

Rash"i explains why these mirrors were so precious to G-d. When the Jews were enslaved in Egypt, the men gave up hope. They did not want to live with their wives. They did not want to have children. The thought of fathering children who would be born into and live and die in slavery was overwhelmingly depressing. As the Medrash in Shir HaShirim describes, the women went out into the fields and beautified themselves in front of their mirrors and convinced and persuaded their husbands to live with them and to have children. Those mirrors represented Klal Yisroel. Had it not been for those mirrors and that makeup and the beautification efforts of those women, there would not have been a Jewish nation. Consequently, G-d insisted that those precious mirrors did in fact belong in the Mishkan.

We see that those women exhibited the attribute of faith in redemption. When all seemed bleak and full of despair, when no future seemed to exist, when there appeared to be no purpose in having children, the women retained a hope in the future. The women kept the dream of rebirth alive. When the men were feeling down and were ready to give up, it was the women who insisted "We must go on." When the time to build the Mishkan arrived (according to many Rishonim this was after the sin of the Golden Calf), the men said, "We don't want a Mishkan". The Mishkan represented a great descent from spiritual heights for the Jewish people. Had there not been a sin of the Golden Calf, there would have been no need for a Mishkan. The Shechinah [Divine Presence of G-d] would have permeated the entire camp. There would have been no divisions -- such as "The Camp of the Divine Presence", "The Camp of the Levites", "The Camp of the Israelites" -- within the Jewish people. The entire camp would have been a "Camp of the Divine Presence". We would have been on such a high spiritual level that G-d would not have had to confine himself to a single Mishkan [Tabernacle].

But after the sin of the Golden Calf, G-d said that He could no longer dwell among the entire camp. He needed a special place -- the Mishkan. Consequently, to the men, the Mishkan represented, not a spiritual height, but spiritual compromise and descent. The men lost their enthusiasm for contributing to the Mishkan. They were reluctant to donate their gold and silver.

The women, however, again prevailed. They came forward enthusiastically saying, "we must go on; do not despair; do not dwell on the negative; there must be a future; there must be rebirth; there must be renaissance". This is a unique attribute of women. They demonstrated this attribute in Egypt, they demonstrated it by the Golden Calf, and they demonstrated it by the Mishkan.

This spirit, our Sages say, is most appropriately rewarded through the festival of Rosh Chodesh. Rosh Chodesh represents rebirth, renaissance, and renewal. "This month for you is the beginning of all months..." [Shmos 12:2]. In a homiletic sense, the word haChodesh (this month) is related to haChidush (this renewal). The moon drifts further and further away from the sun, becoming smaller and smaller, until we think it has disappeared. And yet it comes back, renewed and refreshed. Our righteous women symbolize this power of renewal in the Jewish people. Therefore it was only right that the women be given Rosh Chodesh as their own private holiday.

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<http://www.tzemachdavid.org/thepracticaltorah/vayakhel.shtml>  
THE PRACTICAL TORAH  
BY RABBI MICHAEL TAUBES  
Parshas VaYakhel: WARMING FOOD ON SHABBOS

No definitive Halacha LeMa'aseh conclusions should be applied to practical situations based on any of these Shiurim.

At the beginning of this Parsha, the Posuk tells us that it is forbidden to kindle a flame on Shabbos (Shemos 35:3). The Ramban, in commenting on that Posuk, explains that the Torah here is prohibiting the use of a fire for doing any type of work necessary for the preparation of food on Shabbos. He adds that one might have assumed that this is permissible based on the Torah's language here in forbidding work in general on Shabbos; we therefore learn that food preparation is in fact forbidden if it involves lighting a fire.

The Mishnah in Shabbos (73a) enumerates baking as one of the thirty-nine prohibited Melachos on Shabbos; the Gemara later (Ibid. 74b) makes it clear that cooking is to be equated with baking in this respect, as explained as well by the Rambam (Hilchos Shabbos 9:1). This prohibition against cooking applies to both dry solid foods and liquid foods; the definition of cooking in each case, however, is different. With dry solid foods, the Biblical prohibition is, as the Gemara in Shabbos (20a) says, to cook the item so that it becomes at least K'Maachal Ben Drusai, which means either one-half or one-third cooked, depending on a dispute between Rashi (Ibid. s.v. Ben Drusai) and the Rambam (Hilchos Shabbos Ibid. Halacha 5). With liquids, the Gemara (Ibid. 40b) explains that the prohibition is to heat the item to at least the point where it is Yad Soledes Bo, which means that it is hot enough so that one who touches it would immediately pull his hand away (See Rashi Ibid. s.v. Soledes).

Likewise, there is a difference between solid and liquid foods once they are fully cooked concerning whether or not one may warm up the item on Shabbos after it has cooled off completely. The Shulchan Aruch (Orach Chaim Siman 318:4) says that with a dry solid food, once the item has been fully cooked, even if it has cooled off completely, one does not violate a Biblical prohibition by reheating it. With a liquid food, however, even if the item is fully cooked, once the item has cooled off (to a temperature below Yad Soledes Bo), the Shulchan Aruch (Ibid.) forbids reheating it. The Ramo, however (Ibid. Sif 15), rules that one can reheat a liquid, but only if it has not cooled off completely (See Mishnah Berurah Ibid. Sif Katan 97, 99) and is still considered a warm item (See Ramo on Siman 253 Ibid. Sif 5). It is important to note that a primarily solid food that has some liquid in it may be considered a liquid regarding these Halachos. The Beis Yosef, commenting on the Tur (Orach Chaim Siman 253 s.v. U'Mah SheKasav Rabeinu Kol Zman), the Magen Avraham (Ibid. Siman 318 Sif Katan 40) and others discuss precisely how to classify a food as a solid or as a liquid.

Although reheating a cold dry food item on Shabbos if it previously had been fully cooked is permitted, the Magen Avraham (Ibid. Siman 253 Sif Katan 36) and the Mishnah Berurah (Ibid. Siman 318 Sif Katan 33) point out that it is forbidden to do so by placing it directly onto the flame (or the burner). The Mishnah Berurah (Ibid. Siman 253 Sif Katan 55) explains that one reason for this is that there is a Rabbinic prohibition against doing anything that even looks like cooking on Shabbos. The only way, then, to allow reheating a cooked solid item on Shabbos is if it can be done in a way that does not appear like normal cooking. The Mishnah Berurah (Ibid. Sif Katan 37) says that this can be accomplished by making the stove into what the Gemara in Shabbos (36b) calls Garuf, where the source of the flame has been removed, or Katum, where ashes have been placed on the flame's source. The Poskim (See Magen Avraham Ibid. Siman 253 Sif Katan 31 and Mishnah Berurah Ibid. Sif Katan 81) suggest that placing a covering like a "blech," a metal sheet, over the burner is the modern equivalent of this.

However, even if the solid dry food is fully cooked and the stove has a blech on it, the Shulchan Aruch and the Ramo (Ibid. Siman 253 Sif 2) write that it is still forbidden, after removing the item from the stove on Shabbos, to reheat it there on Shabbos unless three additional conditions are met: the food may not be completely cooled off, the pot of food must still be in the person's hand, and he must have in mind when he removes the pot that he is going to put it back on the stove. From a practical standpoint, this would mean that it would be prohibited to take a pot of cold dry food out of the refrigerator on Shabbos, even if the food is fully cooked, and reheat it by placing it on the stove, even if there is a blech, because these last three conditions will not all be met. Such indeed seems to be the view of many Poskim (See Ramo Ibid. in the name of the Beit Yosef, and in the Mishnah Berurah Ibid. Sif Katan 68).

However, many quote that HaRav Yosef Dov Soloveitchik has ruled that one may take cold dry food which is fully cooked out of the refrigerator and reheat it on the blech on Shabbos, provided that this food was on the blech as Shabbos began and was first removed on Shabbos. In this case,

returning the food to the blech (Hachzorah) is simply a continuation of the activity known as Shehiyah, that is, placing food on the fire before Shabbos and leaving it there until needed on Shabbos, which is permissible if there is a blech (See Shulchan Aruch Ibid. Sif 1). Regarding the other three conditions cited above, the aforementioned Ramo (Ibid.) quotes from the Ran that the last two, namely still having the pot in one's hand and having the intent to return it, are not required when the food is removed from the blech on Shabbos and is to be returned on Shabbos. It appears that the Vilna Gaon (Biur HaGra to Sif 5 Ibid. s.v. U'Bilvad) as explained by the Mishnah Berurah in the Biur Halacha (Ibid. s.v. U'Bilvad), holds that in such a case, even the other condition, that the food must still be hot, is also not required if it's a dry cooked food. HaRav Soloveitchik extends this view to allow reheating on the blech a fully cooked solid food even if it has been completely cooled off in the refrigerator, because this is still just a continuation of the original Shehiyah. It is noteworthy that Rav Ovadyah Yosef (Sheilos U'Teshuvos Yechaveh Da'as Chelek 2 Siman 45) allows this as well, but for a completely different reason.

Nonetheless, many Poskim do not accept this leniency. Some hold that one may, however, reheat fully cooked food on Shabbos by placing the pot near, though not on the fire or blech (See Mishnah Berurah Ibid. Sif Katan 15). Some also allow one to heat such food by placing it on top of a pot which is already permissibly on the blech (See Shulchan Aruch Ibid. Sif 5). One may also place such food on a part of the blech which is not near the fire so that the food could never be heated there to the point of Yad Soledes Bo, but can become warm (See Mishnah Berurah Ibid. Sif Katan 68). Since many of these Halachos are very complex, one should, as always, consult one's own Rav for practical guidance.

<http://www.koltorah.org/volume11/19Terumah.htm>  
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#### THE PARAMETERS OF KOL ISHA BY RABBI HOWARD JACHTER

The Gemara (Berachot 24a) records the prohibition of Kol Isha.< In this essay, we shall outline the parameters of this issue, as delineated by twentieth century Halachic authorities.< We shall discuss the source of the prohibition and its applicability in our times.< Then we shall discuss the questions of whether this prohibition applies to Zemirot, tape recordings, and radio broadcasts.< We shall conclude with a brief discussion regarding husband-wife restrictions, and men hearing young girls sing.

The Source of the Prohibition The Gemara (Berachot 24a) states, "The voice of a woman is Ervah, as the Pasuk [in Shir Hashirim 2:14] states 'let me hear your voice because your voice is pleasant and appearance attractive.'"< Rashi explains that the Pasuk in Shir Hashirim indicates that a woman's voice is attractive to a man, and is thus prohibited to him.< Rav Hai Gaon (cited in the Mordechai, Berachot 80) writes that this restriction applies to a man who is reading Kriat Shema, because a woman's singing will distract him.< The Rosh (Berachot 3:37) disagrees and writes that the Gemara refers to all situations and is not limited to Kriat Shema.< The Shulchan Aruch rules that the Kol Isha restriction applies to both Kriat Shema (Orach Chaim 75:3) and other contexts (Even Haezer 21:2).< The Rama (O.C. 75:3) and Bait Shmuel (21:4) clarify that this prohibition applies only to a woman's singing voice and not to her speaking voice.

The Shulchan Aruch (E.H. 20:1) rules in accordance with the view of the Rambam (Hilchos Issurei Biah 21:1) that a couple is biblically forbidden to have physical contact if they are forbidden to live with each other.< The Acharonim (summarized in Teshuvot Yabia Omer 1:6) debate whether the Kol Isha prohibition is also a biblical level prohibition.< Rav Ovadia Yosef (Ibid.) rules in accordance with the opinions that it is only a rabbinical prohibition.

Both Rav Ovadia Yosef (Ibid) and Rav Yehuda Henkin (Teshuvot Bnei Banim 3:127) reject the claim that this prohibition does not apply today since men nowadays are accustomed to hear a woman's voice.< These authorities explain that since the Gemara and Shulchan Aruch codify this prohibition, we do not enjoy the right to abolish it.< The Gemara and its commentaries do not even hint at a possibility that this prohibition might not apply if men become habituated to hearing a woman's voice.< Thus, all recognized Poskim agree that the prohibition of Kol Isha applies today.

#### Zemirot

There is, however, considerable disagreement regarding the scope of the Kol Isha prohibition.< For example, the question of its applicability to Zemirot has been discussed at some length in the twentieth century responsa literature.< Rav Yechiel Yaakov Weinberg (Teshuvot Seridei

Eish 2:8) notes that traditionally women refrained from singing Zemirot when there were males who were not family members sitting at the Shabbat table. < However, he records that the practice in Germany was for woman to sing Zemirot in the company of unrelated men. < Rav Weinberg records that Rav Azriel Hildesheimer and Rav Samson Raphael Hirsch (two great German Rabbis of the nineteenth century) sanctioned this practice. < Rav Weinberg reports that they based their ruling on the Talmudic rule (Megila 21b) that "Trei Kali Lo Mishtamai," two voices cannot be heard simultaneously.

Rav Weinberg writes that he does not find this explanation satisfying (perhaps because the Gemara (Sotah 48a) writes that men and women singing together is a major impropriety). < Rav Weinberg instead defends the German Jewish practice by citing the Sdei Chemed (Klalim, Maarechet Hakuf, 42) who quotes the Divrei Cheifetz who asserts that the Kol Isha prohibition does not apply to women singing Zemirot, singing songs to children, and lamentations for the dead. < This authority explains that in these contexts men do not derive pleasure from the woman's voice. < In fact, the Pasuk (Shoftim 5:1) records that Devora the prophetess sang a song of praise to Hashem together with Barak the son of Avinoam. < According to the simple reading of the text, Devora was married to Lapidot and not Barak. < The Sdei Chemed writes that he believes that it is proper to be strict and not follow the approach of the Divrei Cheifetz, but he regards the lenient opinion as a viable approach.

Rav Weinberg writes that we should not pressure women who wish to follow the traditional practice to join Zemirot in a mixed group. < Indeed, many Poskim oppose this practice of German Jewry (see Otzar Haposkim E.H. 21:1:20:3). < However, some cite the Gemara (Megila 23a) that states that women are forbidden to receive an Aliyah to the Torah because of Kavod Hatzibbur as proof to the German practice. < They argue that the fact that the Gemara does not mention Kol Isha as the reason to forbid women's Aliyot proves that the Kol Isha restriction does not apply when a woman sings sacred texts. < Others reply that the Gemara might be speaking of a woman reading the Torah to her immediate family members or may be speaking of a female child reading the Torah (see comments of Rav Shlomo Zalman Auerbach, Rav Eliezer Waldenberg, and Rav Yosef Shalom Eliashiv cited in Nishmat Avraham 5:76-77). < These suggestions might also explain the Gemara (Berachot 57b and Rashi s.v. Kol) that states that hearing a woman's voice is a soothing experience.

Accordingly, the question of whether the Kol Isha prohibition applies to Zemirot remains unresolved. < Chareidi communities in Israel and North America generally follow the stringent view on this matter and Modern Orthodox communities in Israel and North America generally follow the tradition of German Jewry in this regard. < It seems appropriate, though, not to expand this leniency and permit situations beyond that which the German Poskim specifically authorized - a group of men and women singing Zemirot together. < Interestingly, I asked Rav Yosef Dov Soloveitchik in July 1985 whether he agrees with this ruling of Rav Weinberg. < The Rav replied, "I agree with everything that he wrote, except for his permission to stun animals before Shechita" (see volume one of Teshuvot Seridei Eish). < Rav Soloveitchik related his great appreciation of Rav Yechiel Yaakov Weinberg.

Rav Shalom Carmy later told me that Rav Soloveitchik and Rav Weinberg had been close friends during the years that Rav Soloveitchik studied in Berlin.

#### Recordings and Radio Broadcasts

Twentieth Century Halachic authorities have also debated whether the Kol Isha prohibition applies to recordings and radio broadcasts. < Rav Eliezer Waldenberg (Teshuvot Tzitz Eliezer 5:2) rules leniently based on two considerations. < The first is that the Gemara (Sanhedrin 45a) states, "The Yetzer Hara is not interested in what the eyes do not see." < The second is that technically he does not hear the woman's voice because radio broadcasts and recordings are mere electronic reproductions of the woman's voice. < Rav Waldenberg writes that if we cannot fulfill Mitzvot such as Tekiat Shofar and Kriat Megila when hearing them on the radio, then the prohibition of Kol Isha does not apply over the radio. < Rav Yosef Eliyahu Henkin (cited by his grandson Rav Yehudah Henkin, Teshuvot Bnei Banim 2:211 and 3:127) agrees with this position. < Rav Y.E. Henkin was unsure whether the prohibition applies to hearing a woman's voice broadcasted on television (ibid.). < This might be because only one of the two lenient considerations that apply to the radio question is relevant to the television issue. < Rav Waldenberg cautions, though, that listening to a woman's voice on the radio is prohibited "if his intention is to enjoy her singing."

Rav Yaakov Breisch (Teshuvot Chelkat Yaakov 1:163), on the other hand, forbids a man to listen to a female voice on the radio. < He reasons that the aforementioned Gemara in Sanhedrin 45a does not apply when there is some form of connection with the woman. < He argues that a man's Yetzer Hara is interested even if he only hears a woman's voice. < He rules strictly even in case where the listener is not acquainted with the singer. < Rav Shmuel Wosner (Teshuvot Shevet Halevi 3:E.H.181 and Rav Binyamin Silber (Az Nidberu 9:9) also rule strictly on this question.

Rav Ovadia Yosef (Teshuvot Yabia Omer 1:6) and Rav Chaim David Halevi (Teshuvot Aseh Lecha Rav 3:6) adopt a compromise approach to this issue. < They permit listening to a female voice on the radio only if the listener is not acquainted with the singer. < They both rule strictly, though, even if the listener once glimpsed a picture of the singer. < Rav Ovadia rules that the prohibition applies even if the singer is not alive.

Rav Chaim David Halevi asserts that there is absolutely no basis to permit Kol Isha merely because the woman is singing into a microphone. < He writes that the prohibition applies even if the man is not, technically speaking, hearing the woman's voice. < Rav Waldenberg's aforementioned lenient ruling applies only when the man does not see the woman. < Rav J. David Bleich (Contemporary Halachic Problems 2:152) notes that no recognized Halachic authority rules that the use of a microphone alone mitigates the prohibition of Kol Isha.

#### Husband and Wife

The Pitchei Teshuva (Yoreh Deah 195:10) is uncertain whether a husband is forbidden to hear his wife singing during the time when the couple must separate. < The Aruch Hashulchan (Y.D. 195:23) and Rav Moshe Feinstein (Teshuvot Igrot Moshe Y.D. 2:75) rule strictly and Rav Ovadia Yosef (Taharat Habayit 2:167-170) rules leniently, but writes that one who is strict on this matter will be blessed. < Rav Mordechai Willig (in a Shiur delivered at Yeshiva University) ruled that a couple is permitted to rely on the lenient ruling of Rav Ovadia Yosef.

#### A Young Girl

Rav Moshe Feinstein (Teshuvot Igrot Moshe O.C.1:26) and Rav Ovadia Yosef (Taharat Habayit 2:270) rule (based on the Mishna Berura 75:17) that in case of need, one may rely on the ruling that the prohibition of Kol Isha does not apply to girls who are not Niddot. < Rav Moshe writes (in 1947) that one may assume that there is no question with girls below the age of eleven. < Rav Moshe writes that men must be strict regarding girls older than the age of eleven, since there are girls who "nowadays" become Niddot at the age of eleven.

#### Conclusion

Observance of the Kol Isha prohibition is quite challenging for us as this prohibition runs counter to the prevailing Western culture. < In today's promiscuous society where outrageous behavior is deemed acceptable, a woman's singing voice appears innocuous. < Moreover, the general culture views this prohibition offensive and demeaning to women. < We are challenged to hold firm to our beliefs against the flow of the general cultural tide. < This is one of the issues that we must part company with the rest of society, just as Avraham Avinu and Yitzchak Avinu parted with their two servants on the road to Akeidah Yitzchak. < Rav Yehuda Amital told me that we should strictly observe the Kol Isha prohibition today precisely because of the deterioration of the moral standards of western society.

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From: Ohr Somayach[SMTP:ohr@ohr.edu] To: weekly@ohr.edu  
\* TORAH WEEKLY \* Highlights of the Weekly Torah Portion Parshat Vayakhel/Pekudei - Hachodesh

NO PREVIOUS EXPERIENCE REQUIRED "And each person whose heart motivated him came." (35:21)

Take a look at the really wealthy people in the world. What is it that they all have in common? Tremendous initiative.

Initiative means not focusing on what you have now, but having the confidence to project what might be, and to act on it.

"And each person whose heart motivated him came." The workers who made the mishkan (tent of meeting) needed to be motivated by their hearts, because none of them had any previous experience in the skills necessary for building it, and there were no teachers to train them! They were the true pioneers. They were successful because they had the inner courage to come forth and volunteer to do whatever was needed. They didn't think about their shortcomings. They projected their dreams.

Just as it takes great initiative to become materially wealthy, so too it takes great initiative to become spiritually wealthy. If we capitalize on those peak moments of inspiration to focus our spiritual goals higher and

higher, we will get help from Above to lift us to the skies.

(Ramban, Rabbi Yerucham Levovitz)

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From: listmaster@shemayisrael.com

PENINIM ON THE TORAH BY RABBI A. LEIB SCHEINBAUM  
PARSHAS VAYAKHEL

But the seventh day shall be holy for you as a Shabbos of Shabboson to Hashem. (35:2)

Horav Avigdor Miller, z.l., teaches us that Hashem has three "sanctuaries", and their order of significance is revealed in this parsha. First and foremost is the Jew, the ben Yisrael, who takes precedence over the other two. Second is the Shabbos, which overrides even the building of the Mishkan. Last is the Mishkan itself, Hashem's abode in this world. Awareness of the Almighty, cognizance of His Presence among us as achieved by the sanctuary of Shabbos, is even greater than the awareness which emanates from the Mishkan. This, of course, is only if the Shabbos is properly revered, and its message utilized.

The expression, Shabbos Shabboson, means cessation of cessations. The focus of Shabbos, its significance to us, is cessation from work, as reflected by Hashem's resting from Creation. In this manner, we remember Creation. We understand that Hashem rested to allow man to recognize - and thereby become aware of - the Almighty. This sets the stage for man to choose by his own free will between right and wrong, between good and evil.

Klal Yisrael utilizes the Shabbos as an opportunity to gain a deeper awareness that nothing functions by itself. As Hashem originally created everything into existence, so does He continue to will everything and only by His will is anything maintained. If properly studied, this lesson of Shabbos is even more fundamental than the lessons imparted by the Mishkan. Rav Miller derives the superiority of the Shabbos over the Mishkan from the fact that one who does labor on Shabbos - even if it is for the construction of the Mishkan - is to be put to death. This represents a clear declaration of the preeminence of Shabbos over the Mishkan. Even more astonishing is the superiority of the sanctuary of the individual Jewish person. It is mandatory to desecrate Shabbos if a human life is in danger, regardless whether the human is a slave, or one whose mind does not function, or even a Jew who is terminally ill and destined to die shortly as a result of a terminal illness. Yet, to prevent the Sanctuary from burning down, it is absolutely forbidden to perform the most simple act of forbidden labor on Shabbos. Hence, we see how the sanctuaries of the Mishkan and Shabbos are secondary to Hashem's ultimate sanctuary: the Jewish person.

Moshe said to the entire assembly of the Bnei Yisrael: This is the word that Hashem has commanded. (35:4)

With the above pasuk, a parsha detailing Hashem's instructions for the construction of the Mishkan and its Keilim, appurtenances, begins. Parashas Vayakhel is followed by Parashas Pekudei which recounts in full detail the successful completion of Hashem's command. In most years, these two parshios are read together on Shabbos. While there are a number of new issues brought up in these parshios, for the most part they are a repetition of Parshios Terumah and Tetzaveh. Nothing in the Torah is unimportant, and no letter is unnecessary. We derive a lesson from everything in the Torah. What lesson is imparted by the seeming redundancy of these parshios?

Horav Avraham Pam, z.l., cited in "The Pleasant Way", an adaptation of his commentary on the parsha, posits that a powerful lesson can be derived from this repetition. Indeed, there is a basic difference between Parshios Terumah/Tetzaveh and Vayakhel/Pekudei. In the former, the Torah uses the word "v'asisa," "and you shall do," while in the latter, the Torah uses the word "vayaas," "and he did", throughout the parshios to denote the completion of the task that was given to him. The chidush, novelty, about this is that what was planned achieved fruition. Simply put, all too often people talk up a storm about what they plan to do. Meanwhile, the rhetoric flows, while the deeds remain dreams which never become reality. The Torah teaches us that everything Moshe and Klal Yisrael were asked to do, they did. Can we say the same?

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From: Kerem B'Yavneh Online[SMTP:orlian@netvision.net.il]

Parshat Vayakhel-Pekudei

THE GOLDEN CALF, THE RED HEIFER AND THE TABERNACLE  
ROSH HAYESHIVA RAV MORDECHAI GREENBERG SHLITA

This week's parsha deals with the construction of the mishkan (Tabernacle). It is striking that about each and every act, and about each and every detail, the Torah confirms that Bnei Yisrael did it, "as G-d had commanded Moshe." This is something significant!

The Midrash indicates in numerous places that the construction of the mishkan serves to atone for the sin of the golden calf:

"I am black" -- with the act of the [golden] calf; "and [I am] beautiful" -- with the construction of the mishkan. (Shemot Rabbah 49:2) "The Tabernacle of Testimony" ... It is a testimony to all people that Israel is pardoned. (Shemot Rabbah 51:3) G-d said to Israel: When you constructed the calf you angered Me with, "This is your god." Now that you have made the mishkan with "These," I am appeased with you, as it says, "These are the reckonings of the mishkan." (Shemot Rabbah 51:8)

R. Yehuda Halevi, in the Kuzari, explains that the sin of the golden calf was not actual idolatry, but rather it was only considered a sin relative to Israel's stature. To the contrary, for other nations it would have been considered a mitzvah, since they sought closeness to G-d, but did so based on intellectual reasoning and not based on Divine command. In the end, Moshe instructed them to construct golden cherubs, and the calf is no stranger than cherubs. However, they were commanded as the cherubs, and not about the calf. G-d chose Israel to demonstrate His Will, that He is above human wisdom and intelligence. Trying to be clever to add closeness to G-d through human ploys is unacceptable for Israel, and, in the end, some succumbed also to the sin of idolatry.

This is the significance of saying, na'aseh ("We will do"), before, nishma ("We will hear"). It is important to understand and comprehend deeply the mitzvot of the Torah, but only after fulfilling. Doing precedes hearing, and is not conditional on understanding.

R. Yehuda Halevi explains based on this Chazal's comment in the Midrash (Shemot Rabbah 41:1): "It was proper for our forefathers to accept the Torah and say, 'All that G-d said, we will do and we will hear.' Perhaps it was proper for them to say, 'This is your god, Israel?'" This comparison is shocking! How is it possible to compare two things so contradictory, which have nothing in common? Rather, saying na'aseh before nishma proved that they understood this principle, that mitzvot cannot be observed only based on understanding. In contrast, in the sin of the calf, Bnei Yisrael sinned by following their own intelligence and understanding, and they introduced a new mitzvah which G-d didn't contemplate. In any case, the common denominator is their desire for closeness to G-d.

The parah aduma (red heifer) also atones for the sin of the calf: "It is comparable to the son of a maid who dirtied the king's palace. The king said, 'Let his mother come and wipe away the filth.'" (Bamidbar Rabbah 19:8) The heifer is a chukah (decree), about which King Shlomo, the wisest of all men, said: "I thought I could become wise; but it is beyond me." (Kohelet 7:23) From this mitzvah, Shlomo understood that even the other parts of the Torah, which he thought that he understood -- even they are above his comprehension. Therefore it says, "This is the decree of the Torah," (Bamidbar 19:2), that the entire Torah is a chukah. Thus, the heifer atones for the sin of the calf, in which they followed their own intelligence to introduce new mitzvot.

This is the reason why the Torah repeats so many times that Israel did "as Hashem had commanded Moshe," to indicate, that with this they fulfilled once again, na'aseh venishma, and they did everything based on the Divine command. Through this they rectified the sin of the calf, since they accepted upon themselves to do, "as Hashem had commanded," and not based on their own understanding.

It is possible that there is an additional element here. Usually, there is a gap between thought and action, between the abstract ideal and the practical application, and in the realization in practice there is a decline relative to the idea. Here, however, the Torah revealed that with the help of Bezalel, who knew, "to think thoughts, to do with the gold, silver and copper" (Shemot 31:4), the act matched the thought. There was no distance between the Divine command and the human doing, and everything that they did was, "as Hashem had commanded Moshe."

In a few days, many of our talmidim will go out "to join the ranks."

(Bamidbar 4:23) Our prayer and blessing is that they will succeed to fulfill in practice all that they learned during their stay in the Yeshiva, and there will be no gap between the ideal and the practice. May they merit what Moshe said when "he saw the entire work, and behold! -- they had done it as Hashem had commanded, so they had done! And Moshe blessed them" (Shemot 39:43) -- He said to them: May it be [G-d's] will that the Divine Presence should dwell in your handiwork. "May the pleasantness of Hashem, our G-d, be upon us; our handiwork establish for us; our handiwork, establish it." (Tehillim 90:17) -- Rashi.

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From: RABBI JONATHAN SCHWARTZ jschwartz@ymail.yu.edu  
Subject: [internetchaburah] Internet Chaburah -- Parshat VaYakhel/Pekudai/haChodesh

Prologue: There is a fundamental difference between activity and observance. Sometimes observances are commemorated when a person refrains from activity instead of engaging in it.

Our Parsha begins with a seeming blurring of the concepts of doing (Asiya) and observing. Parshas VaYakhel begins with the gathering of Bnei Yisroel to follow the commands of Hashem "La'asos" to perform (35:1). However, what follows from Hashem, as a command of Asiya, is the obligation to observe Shabbos. In fact, the Torah notes that one who does creative activity on the Shabbos (Kol HaOseh) is liable and punishable by death. What then, was the command "La'asos" if not for the Shabbos?

There are those who explain that the command La'Asos refers to the command to work during the six days of the week (See Rabbeinu BaChaya). According to this explanation, we can explain that when Bnei Yisroel follow the word of Hashem Melacha is performed by others (See Midrash Tanchuma). However, what is the exact command of La'asos based upon this claim? It is merely a promise!

The Ramban suggests that the command La'Asos refers to the need to make the Mishkan. However, the command La'Asos Osam seems to refer to more than one issue performed at one time. What then was the basis for the commands at the time of VaYakhel?

Rav Simcha Zissel Broide offered a key insight into the command of doing and observing. He noted that the Yalkut Shimoni (VaYakhel, 35) explained the command of VaYakhel as applying to the need to gather groups together to teach them Hilchos Shabbos so they will be able to observe it in the future. That need, the one to teach, is one of activity and will guarantee that Torah and Mitzvot will be fresh for the future. So Bnei Yisroel were commanded with the words La'asos Osam, to publicly gather and study the laws of Shabbos so that it may be observed forever.

All Washed up??: WASHING ONESELF ON SHABBOS

The Talmud in Shabbos (39b) quotes a Machlokes Tannaim as to whether one may wash with hot and/or cold water on Shabbos. Rashi notes that the whole discussion is about using water that were heated even if they were heated before Shabbos. The concern, according to Rashi is that others might see his heated water and assume that it was heated before Shabbos. They then might add cold water to hot water in an attempt to heat the extra water and will violate the laws of Shabbos. The Shulchan Aruch determines (O.C. 326:1) that one may not wash his entire body on Shabbos in hot water but can wash in cold water.

Elsewhere, the Gemara (40a) notes a Machlokes between Rav and Shmuel as to whether one may wash his whole body in sections (Rav) or only his hands, feet and face (Shmuel) in water that was heated before Shabbos. The Poskim seem to adopt Shmuel's position L'Halacha and do not allow one to wash at all in water that was heated on Shabbos. The Gemara later explains a famous Gezairas HaBalanim which forbade an original Heter to wash in water which was heated prior to Shabbos. The Balanim 9Bath-house keepers) used to lie and state that water they heated on Shabbos was heated before Shabbos. The Ran notes that the Balanim didn't heat the water by turning on the flames. Rather, they placed the wood near the existing fire before Shabbos and the wood would catch fire on Shabbos. The concern was that the Balanim might stoke the wood increasing the flame and violate the laws of Shabbos. The Ran clearly saw the Gezaira against washing in hot water on Shabbos as being related to the Melacha of Maavir.

The Shulchan Aruch (326) notes that one may not wash his whole body (Mishna Berurah 2, that most of body is same as whole body) in water heated before Shabbos or on Shabbos, even if the washing is done one body part at a time. The Biur Halacha (B'mayim) explains that in a case of mitztayer he may wash his entire body in water heated before Shabbos.

What about washing in cold water? The Bach notes that notes that the

Minhag is not to wash in cold water on Shabbos despite the Heter expressed in the Talmud. Three reasons are cited by the Bach for the stringency: 1) A concern for squeezing 2) A concern for carrying the water in a public domain 3) A concern that he might swim

Rav Moshe (Igros Moshe, O.C. IV:75:1) explained that one should not wash in cold water unless he is Mitztayer like on an exceptionally hot day. He does differentiate between a bath and a Shower and adds that despite the differentiation, today we do not do either unless there is a true Mitztayer situation. Rav Neuwirth (Shmiras Shabbos K'Hilchasa 14:4:11) adds that even where one has a Heter to wash, he must only wash those areas not covered in hair, lest he come to squeeze the hair and violate the laws of Sechita. He adds that one may not bathe in a swimming pool lest he come to swim as well.

As for the issues of drying off and drying hands, both with a towel and an air dryer, there will be discussed in a future Chaburah.

BATTALA NEWS MAZAL TOV TO HARAV ZVI AND REBBETZIN SOBOLOFSKY UPON THE BIRTH AND BRIS OF THEIR SON. MAZAL TOV TO HARAV DOVID HOROWITZ SHLITA UPON HIS RECENT ENGAGEMENT. MAZAL TOV TO HESHY AND LEEBA NEUMAN AND FAMILY UPON THE BIRTH AND BRIS OF HILLEL GEDALYA.

Bruchim HaBaim and a Special Mazal Tov to the families of all the members of our Chaburah who will be celebrating at the Chag HaSemicha to be held Sunday at Yeshivas Rabbeinu Yitzchak Elchanan.

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From: Jeffrey Gross[SMTP:jgross@torah.org] Subject: Weekly Halacha - Parshas Vayakhel-Pekudei

By RABBI DONIEL NEUSTADT Rav of Young Israel of Cleveland Heights

A discussion of Halachic topics. For final rulings, consult your Rav. PRIORITY RULES FOR CHIYUVIM

The Shulchan Aruch(1) records the long-standing and universally held custom for the son of a deceased parent to lead the weekday(2) prayer services as the Sheliach Tzibbur. This obligation is in addition to the recitation of Kaddish, and is practiced throughout the eleven months when Kaddish is recited.(3) A son in mourning should do his utmost to observe this custom; for Chazal teach that when a son serves as the Sheliach Tzibbur, he is actually fulfilling the Biblical commandment of Kibbud Av V'eim(4) by honoring the neshamah of his departed parent and alleviating its suffering in Gehenom.

One who does not read Siddur fluently or has difficulty pronouncing Hebrew words correctly should not lead the congregation even if he is a mourner.(5) If a son feels that he will have to rush his davening and compromise the level of his kavanah (concentration), he should not serve as Sheliach Tzibbur either.(6)

It is not uncommon to find several mourners, called chiyuvim, who wish to lead the same services in the same shul. In addition to them, a person observing a yahrzeit may also be present and he, too, is obligated to serve as Sheliach Tzibbur. In order to avoid disputes between the various parties claiming the right to lead the congregation - particularly since filial devotion is a very emotional matter - the poskim set detailed, precise rules as to who takes precedence. Basically, there are two factors which determine priority, the first of which depends upon the specific chiyuv period being observed(7) by each of the chiyuvim:

1. SHELOSHIM - the first thirty days(8) after the burial of a parent [as long as the burial took place before sundown, that day is day number one].
2. YEAR - the eleven months immediately following the burial day of a parent.
3. YOM HAFSAKAH - the day on which the eleven-month period of being a chiyuv ends.
4. YAHRZEIT - the anniversary of the parent's day of death. The other factor which determines priority is the "residency" - or membership - status of the chiyuv in that particular shul:

5. MEMBER - A member is one who pays membership dues, is employed by the congregation, or is a regular mispallel(9) in this particular shul but is assessed by the shul administration as being unable to pay membership dues.(10) An unmarried son of a member also has the status of a member.
6. GUEST - any non-resident of the city in question.
7. NON-MEMBER - any local resident who is not a member of this particular shul.

GENERAL RULES: It is a mitzvah for a congregation to allow any chiyuv, even a guest or a non-member, to serve as Sheliach Tzibbur.(11) Any member chiyuv has priority over any non-member chiyuv. One may become a member even after his chiyuv begins.(12) A chiyuv who has priority according to Halachah should not readily relinquish his right to be

the Sheliach Tzibbur, for the right is not really his to surrender; rather, it belongs to the soul of his parent. If, however, the other mourner will be greatly distressed if he is denied the opportunity to be the Sheliach Tzibbur, he may give up his right(13). The rav should be consulted. A chiyuv who does not have priority according to Halachah but intimidates or forces the other mourners to give up their rights to him, is described as "gaining nothing for the soul of his parent, nor does he detract from any merit that was due to the other mourner".(14) When there are several mourners of equal status, they should divide the Sheliach Tzibbur's duties among them in a fair and equitable manner.(15) Since Shacharis may be divided into two parts, there can be up to four chiyuvim dividing the three daily prayers services.(16) It is improper to divide a large minyan into two in order to enable a second mourner to have a minyan for which he can serve as Sheliach Tzibbur.(17) A mourner who davens regularly in one shul, but whose opportunities to serve as Sheliach Tzibbur will be curtailed because of the other chiyuvim in that shul, is neither required nor advised to switch shuls during his eleven months of mourning. On a Yahrzeit of a parent, however, one should see to it that he does serve as Sheliach Tzibbur, even if it means davening elsewhere.(18) A grandson should serve as Sheliach Tzibbur if his grandparent died without leaving a son. If there are other mourners at the same shul, a grandson shares his slot with them but not on equal footing as would a son. The particulars regarding the grandson's rights are left to the rav's discretion.(19) It is appropriate that a son serve as Sheliach Tzibbur after the passing of an adoptive parent. The standard rules of priority, however, do not apply and he does not take precedence over other mourners.(20) During the twelfth month of the mourning period, the mourner is no longer required to serve as Sheliach Tzibbur, but may do so if he wishes.(21) While some poskim recommend that he do so, he has no priority over any other mourner.(22) One who is in mourning for both his father and his mother does not have more priority than one who is mourning for one parent.(23)

The following rules of priority apply to chiyuvim of comparable membership status (i.e., member vs. member, non-member vs. non member, guest vs. guest):(24) 1. A sheloshim has priority over a Yahrzeit(25) and all other chiyuvim.(26) 2. A yahrzeit has priority over a Year and a Yom hafsakah. 3. A Yom hafsakah has priority over a Year.

The following rules of priority apply between a member and a guest: 1. A Yahrzeit member has priority over a Yahrzeit guest or a Sheloshim guest. 2. A Sheloshim member has priority over a Yahrzeit guest.(27) 3. A Sheloshim or Yahrzeit guest and a Year member are equal chiyuvim.(28) 4. A Yom hafsakah guest has priority over a Year member.

FOOTNOTES: 1 O.C. 53:20; Rama Y.D. 376:4. 2 On Shabbos, Yom Tov, Chol Ha-Moed and Purim, a mourner does not serve as Sheliach Tzibbur. On Tishah B'av and Erev Yom Kippur a mourner serves as Sheliach Tzibbur. There are various customs concerning Rosh Chodesh, Chanukah and Erev Pesach. 3 The "eleven months" period is always calculated from the day of burial, even if several days elapsed between death and burial; Beir Halachah 132:1 as explained by Igros Moshe Y.D. 4:61-19. 4 Chayei Adam 67:6. The poskim debate whether a parent may excuse his child from according him this honor and whether the child is obligated to listen to his parent; see Pischei Teshuvah Y.D. 344:1; Chelkas Yaakov 2:93; Shearim Metzuyanim B'halachah 26:1. 5 Mishnah Berurah 53:60. 6 Harav S.Z. Auerbach (Halichos Shelomo 18, note 28). 7 Actually, the most "important" period is the first seven days of mourning, called Shivah. Our discussion, however, does not cover the rules of Shivah, since most often the davening takes place in the house of mourning, not in shul. In the atypical case where a mourner during Shivah must daven in shul [where he is a member], he has priority over all other chiyuvim. 8 While Yom Tov mitigates some of the restrictions of Sheloshim, it does not lessen the Sheloshim obligation of serving as Sheliach Tzibbur; Gesher ha-Chayim 30:10-2. 9 "Regular misspelling" is defined as one who davens in this shul on Shabbos and Yom Tov on a regular basis; Teshuvos Binyan Dovid, 12, quoted in Tefilah K'hilchasah 24, note 194.

10 Beir Halachah 132:1. 11 Mishnah Berurah 53:60. 12 Harav Y.S. Elyashiv (Tefillah K'hilchasah 24, note 194). 13 Eimek Berachah (Aveilus) pg. 143. See also Halichos Shelomo 18, note 51. 14 Chasam Sofer Y.D. 345, quoted in Pischei Teshuvah Y.D. 376:7. 15 One who has a choice of being a Sheliach Tzibbur for Minchah or for Maariv, should choose Maariv over Minchah; Kitzur Shulchan Aruch 26:1. 16 Igros Moshe Y.D. 4:61-5. Several brothers, even though they are davening for the same parent, have separate rights as individual mourners; Rama Y.D. 376:4. 17 Igros Moshe Y.D. 4:61-4. See also Tefilah K'hilchasah 24:54 quoting Rav Shelomo HaKohen of Vilna. 18 Harav Y. Kamenetsky (Emes Lya'akov Y.D. 376:4, note 224); Harav S.Z. Auerbach (Halichos Shelomo 18:24). 19 Harav S.Z. Auerbach (Halichos Shelomo 18:15). 20 Harav S.Z. Auerbach (Nishmas Avraham, vol. 5, pg. 141). 21 Mateh Efrayim, Kaddish, 4:2. 22 Igros Moshe Y.D. 4:61-17. See also Shevet ha-Levi 2:161. 23 Kitzur Shulchan Aruch 26:16. See also Emes Lya'akov Y.D. 376:4, note 224. 24 Unless noted otherwise, the rules of priority are based on the decisions of Kitzur Shulchan Aruch 26 and Beir Halachah 132:1. See also Yesodei Semachos, 9:7 and 12:11. 25 During Shacharis, the Sheloshim leads until Ashrei U'va Letziyon, and the Yahrzeit takes over from there. 26 Igros Moshe Y.D. 4:60; 4:61-20. 27

During Shacharis, the Sheloshim leads until Ashrei U'va Letziyon, and the Yahrzeit takes over from there. 28 "Equal chiyuvim" means that neither has priority. During Shacharis, one should daven until Ashrei U'va Letziyon, and the other continues from there. Minchah and Maariv should be divided between them.

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From: Ohr Somayach[SMTP:ohr@ohr.edu]

Weekly DAFootnotes Bava Metzia 100-106 By RABBI MENDEL WEINBACH, Dean, Ohr Somayach Institutions

NEW! Don't miss the new book by Rav Mendel Weinbach "The Weekly Daf" on Daf Yomi by Targum/Feldheim OF MAN AND MIRACLES

When David attempted to convince King Saul that he was capable of overcoming the Philistine giant Goliath who was taunting Israel and blaspheming against Hashem, he related an incident that had occurred while he was tending his father's sheep. A lion and a bear pounced upon the herd and carried away a lamb. David pursued them and seized the lamb from the teeth of the lion. When this huge beast turned on him, David grabbed it by its beard and killed it along with the bear although he had no weapon in hand (Shmuel I 17:34-36).

Although on the surface it seems that David related this incident to demonstrate that he possessed the physical prowess needed for conquering the Philistine giant it is apparent from our gemara that it was a Heavenly miracle that enabled David to win that battle against fierce animals.

If a hired shepherd leaves his flock in the field and enters the city, and that flock is subsequently attacked in his absence by a lion or a wolf, we do not categorically hold him responsible for the damage caused on the assumption that had he been together with his flock he could have warded off the attack. The beraita tells us that we must rather make an evaluation of the circumstances in order to determine whether the shepherd would indeed have had the ability to defend his flock.

Why, asks Rabbi Sheishet, does the owner of the sheep not have the right to claim compensation in all circumstances from the shepherd on the grounds that he was indeed negligent since had he been present at the time of the attack he might have been successful against any odds in the same way that David was able to overcome both the lion and the bear?

The response to this challenge given by the gemara is that the shepherd can counter with the argument that had the owner been worthy of a miracle it should have happened even without anyone being present. An example of such a miracle which the shepherd can cite is the one which occurred to Rabbi Chanina ben Dossa. When this exceptional tzaddik was falsely accused of maintaining goats who were causing damage to local fields he declared: "If they are causing damage then let bears consume them. But if they are not causing damage then let each goat come home tonight with a bear impaled on its horns." That evening each goat indeed came home carrying a bear on its horns.

Rashi, in his commentary on Shmuel, cites a Midrash that explains the miracle which happened to David with the lion and bear as a Heavenly sign to him that he would someday miraculously overcome another powerful threat for the sake of his people.

Bava Metzia 106a

#### THE FAITHFUL REMNANT OF ISRAEL

"The remnant of Israel will not do any injustice, nor shall they speak falsely, nor shall there be found in their mouths a language of deception." (Tzefaniah 3:13)

This prophecy about the time when Hashem will remove the haughty and deceitful sinners from amongst His people and leave behind only the humble ones who will be perfect in their honesty is applied by our Sages in a number of places as a current characteristic of our people.

In our own gemara it is applied by Rabban Shimon ben Gamliel to the strict fulfillment of an agreement. If someone contracted to rent the use of a field in exchange for a share of its crops there is a difference of opinion as to whether he may make any change in the type of crops specified in the agreement. There is a consensus that if the agreement was for planting barley he cannot plant wheat instead because it depletes the land much more than barley. But if they agreed on wheat there is an opinion in our mishna that he has a right to switch to barley because the owner is actually benefiting from this change. Rabban Shimon, however, rules that he cannot do so because this constitutes a violation of his commitment, something which is not to be done by "the remnant of Israel."

In Mesechta Kiddushin (45b) the Sage Abaye applies it to a question which arose in regard to the kiddushin (betrothal) of a minor which is valid only with her father's consent. The case in question was one in which the parents of a young girl debated over whether to marry her to someone in the father's family or someone in the mother's family. When the father finally gave in to his wife a celebration was held preceding the actual kiddushin. While the guests were eating and drinking the disappointed suitor from the father's family came to the girl upstairs and made

kiddushin. When the question arose as to whether we must be concerned that the father, who had initially wanted his daughter for that relative, may have consented to his kiddushin and granted it validity, Abaye cited the above passage as proof that once the father had given his word that his daughter would only be married to his wife's relative there is no need to suspect that he reneged.

A third application is in Mesechta Pesachim (91a) in regard to how much we can rely on the promise given by authorities to release a prisoner from jail. If a Jew is in the prison of non-Jews and has been promised a release just in time for Pesach eve, we can include him in the group for which we are slaughtering the lamb as a korban Pesach since he will be able to join in eating its meat. But such a sacrifice cannot be offered for him alone since there is the possibility that the promise of his release will not be kept and the sacrificial meat may go to waste. If he is in a Jewish prison, however, Rabbi Yochanan states that we can slaughter the animal and offer it as a sacrifice for him alone if he was promised a release because "the remnant of Israel" will not go back on its word. (See Rashi for examples of imprisonment in Torah law which does not utilize imprisonment as part of its penal code.)

Bava Metzia 106b

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