

B'S'D'  
INTERNET PARSHA SHEET  
ON YISRO - 5761

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

Edited by Shlomo Katz Yitro: Sponsored by Elaine and Jerry Taragin on the yearzeits of Mrs. Shirley Taragin a"h and Mr. Irving Rivkin a"h Avi Vogel, on the occasion of his aufruf and in honor of his kallah, Aviva Klein

Today's Learning: Ketubot 8:6-7 Orach Chaim 377:1-378:2 Daf Yomi (Bavli): Gittin 10

Chazal record that when Hashem prepared to give the Torah to the Jewish People, several mountains came forth and claimed that the Torah should be given on their summits. One of these was Har Tavor and another was Har Carmel. However, both mountains were rejected in favor of humble Har Sinai.

R' Yechezkel Abramsky z"l (died 1976) explains: Har Tavor represents Yisrael's military might (as described in last week's haftarah). Har Carmel represents Yisrael's ability to persuade, as reflected in the successful challenge that Eliyahu Hanavi made on Har Carmel to the prophets of the idol Ba'al (see Melachim I ch.18). Each of these mountains argued that through the strength which it represents, the Jewish people would spread the Torah to the whole world.

What these mountains failed to understand was that the Torah was not meant to be imposed on other nations either by military might or by persuasion. "I am Hashem your G-d, Who took you out of Egypt." The Torah is intended only for the nation that was taken out of Egypt. Only that nation said, "na'aseh ve'nishmah"/"we will do it even before we understand it," which is a prerequisite to receiving the Torah.

In fact, "na'aseh ve'nishmah" conveys two important ideas. One is the recognition that feelings follow, and are the result of, deeds. (One must act like a "spiritual" being before he can feel like one, not vice-versa.) The other is that the depth of feeling that one attains is commensurate with the level of his service and toil. The Torah states regarding the mitzvot (Vayikra 18:5), "That a person shall do them and live through them." To the extent that a person does the mitzvot, to that extent will his soul attain life. (Chazon Yechezkel: Pesachim, Introduction)

"And her two sons, of whom the name of one was Gershom, for [Moshe] had said, 'I was a ger / sojourner in a strange land.' And the name of the other was Eliezer, for 'the G-d of my father came to my aid / ezri, and He saved me from the sword of Pharaoh.'" (18:2-3)

R' Yekutiel Yehuda Halberstam z"l (the "Klausenberger Rebbe"; died 1994) lost his wife and eleven children in the Holocaust and later established a large chassidic community in Netanya, Israel. He asked: Why did Moshe name his first son after the fact that he was a ger / sojourner in a foreign land and only with his second son, commemorate the fact that Hashem saved him from Pharaoh? Also, why only regarding the first son does the verse say, "for he had said"?

R' Halberstam explained: After the Holocaust, numerous Jews left Eastern Europe and settled in the "civilized" countries of the West, such

as the United States. However, the midrash teaches that true security can be attained in only one place - Eretz Yisrael. If we simply move from one exile to another exile, we will eventually end up no better than we started. In that case, there will have been no purpose in our being saved, and no reason to thank Hashem for saving us.

Moshe escaped from Pharaoh only to enter another exile in the land of Midian. He even took a wife in Midian, something which placed him in danger of settling comfortably in that land. Moshe therefore named his first son "Gershom" and he declared - "he said" - that he was an exile in a strange land. Only then could he name his second son "Eliezer" to commemorate his salvation.

(Quoted in Otzrot Tzaddikei U'geonei Ha'dorot)

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From: RABBI YISSOCHER FRAND [SMTP:ryfrand@torah.org]  
"RavFrand" List - Rabbi Frand on Parshas Yisro -  
Dedicated This Year Le'eluy Nishmas Chaya Bracha Bas R.  
Yissocher Dov - In memory of Mrs. Adele Frand

Yisro Was Impressed By G-d's Harsh Treatment of Moshe  
"Yisro... heard all that G-d did for Moshe and for the Jewish people."  
As a result, Yisro was very impressed and became a Ger Tzedek [Righteous Convert]. Rashi (1040-1105) takes note of the fact that the pasuk [verse] distinguishes between what happened to Moshe and what happened to the Jewish people, and explains that this teaches us that "Moshe was equal to all of Israel put together."

The Baal HaTurim (1275-1340) is also bothered by the separate expressions. However, the Baal HaTurim is particularly troubled by the fact that the pasuk says that Yisro heard what "ELOKIM did for Moshe". The Divine Name of Elokim usually refers to Judgment or punishment. The Baal HaTurim says that Yisro was in fact impressed by the punishment that Moshe almost received (death) for delaying the circumcision of his son. This phenomenon was part of what made such a major impression on Yisro that it ultimately led to his decision to convert.

Rav Nissan Alpert (died c. 1987) explains why Yisro was impressed with Moshe's harsh treatment at the Hand of G-d. Why was Moshe Rabbeinu treated so severely? The answer is that he was different from every other person. We see, therefore, that G-d "customizes" the way He treats people. G-d does not treat everyone the same. More is expected of a person of higher stature than of a person of lower stature. The average person would not be punished with death for delaying the circumcision of their child while traveling in the wilderness. But Moshe was treated differently.

That individuality made a profound impression on Yisro. If Moshe is dealt with differently, then we see that our relationship with G-d is not static. Hopefully, as we grow older, we grow wiser and become better people. We become more experienced; we've seen more of life. One cannot remain on the same spiritual level for ten, twenty, or thirty years. This impressed Yisro.

"I am not the same person anymore. I cannot be content to merely be the same person who I used to be. After having seen the Splitting of the Reed Sea and after having seen the War with Amalek, I cannot remain

static. I have to grow. I have to become better."

To Yisro, that meant that he had to convert. Now, as a different person, he knew he had a different relationship with G-d. He could no longer be the Priest to Idolatry. He had seen too much. He had learned too much from his observations. That is why "that which Elokim did to Moshe" had such a profound effect on Yisro.

This is an important lesson. The 30-year-old person is not the same person that he was at 20. The 50-year-old person is not the same as he was at 30. There must be growth. There is not a universal standard with which G-d relates to man. The relationship is constantly changing based on changing expectations, ones that are based on constant change in man himself.

The Climax Of The "Ten Commandments" - Anti-climactic?

The "Ten Commandments" ends with "Thou shall not covet your neighbor's household..." One should not be envious of his friend's wealth, his friend's wife, or his friend's possessions.

The "Ten Commandments" represent the fundamentals of Judaism. We could certainly agree that the other nine commandments should be counted in a list of the fundamentals of our religion. Each of the nine, it could easily be argued, is fundamental to religion and fundamental to society. However, not coveting seems to be of a somewhat "lower stature" than the other nine.

We can understand "Do not commit adultery." But is merely being jealous of someone else's wife on par with adultery? What is so fundamental about not coveting that it makes the "Top Ten?"

Rav Samson Raphael Hirsch (1808-1888) says that "Thou shall not covet" is one of the most fundamental commandments in the Torah. A person cannot be an "observant" Jew without this mitzvah. This is because the essence of the Commandment of "Lo Sachmod" (Thou shall not covet) is the concept of personalized Divine Providence (Hashgocha Pratis).

Not only is there a G-d who Created the world, who took us out of Egypt, and who is interested in global affairs, but there is a G-d who is interested every one of our lives. He is concerned with how much money we earn and where we live and what we do. He is intimately involved with each of our lives. This is known as Hashgocha Pratis.

That is why we should not covet our neighbor's wife. If we believe in Hashgocha Pratis then we believe that the wife that G-d gave us is the wife that he wanted us to have. For better or for worse -- she is the one.

Likewise, we have the job that He wants us to have, we drive the car that He wants us to drive, and we earn the money that He wants us to earn -- because He decided that these things are good for us. When we start acting jealous and thinking, "if only I had his wife, or his job or his money..." we are in effect denying that it is G-d who gave us this wife and this job and this salary.

Lo Sachmod is the affirmation that all that I possess in this world is custom-designed and special delivered to me from G-d. That is why this commandment belongs in the "Ten Commandments". If we believe, as some do, that G-d only worries about "the big picture" -- war or no war -- but not about how much I should earn this year, this indicates a major lack in our state of belief. One who appropriately believes in personalized Divine Providence, will not desire someone else's wife or job or car.

Transcribed by David Twersky; Seattle, Washington  
twersky@aol.com Technical Assistance by Dovid Hoffman; Baltimore, MD dhoffman@torah.org These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 316, The Reading of the Ten Commandments 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 for further information. RavFrand, Copyright 1 2001 by Rabbi Yissocher Frand and Torah.org. Torah.org: The Judaism Site

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From: Yeshivat Har Etzion's Israel Koschitzky Virtual Beit Midrash[SMTP:yhe@vbm-torah.org] To: yhe-sichot@vbm-torah.org  
Subject: SICHOT61 -17: Parashat Yitro This shiur is dedicated in memory of Tzachi Sasson, hy"d. Our thoughts are with his dear wife and children. - The Alon Shevut Community  
Parashat Yitro SICHA OF HARAV YEHUDA AMITAL SHLIT"A  
The Lessons of Yitro  
Summarized by Ramon Widmonte

There are two incidents appearing in our parasha before the account of the giving of the Torah, yet whose actual chronology is nonetheless unclear. These two events are: a) the arrival of Yitro, Moshe's father-in-law (Shemot 18:1-12); b) Yitro's critique and improvement of the judicial system (Shemot 18:12-27).

There is a classical dispute about whether these incidents occurred prior to the giving of the Torah and are thus written in their correct place, or whether they really happened after the giving of the Torah and are for some reason written out of place. The Ramban (Shemot 18:1) cites this dispute, which has its roots in Zevachim (116a) and in the Mekhilta. Rabbi Yehoshua says that Yitro arrived before the giving of the Torah, and thus has no problem with how the placement of these incidents. Rabbi Elazar Ha-modai, on the other hand, claims that Yitro arrived after the giving of the Torah. The obvious question is, according to Rav Elazar, why do these two incidents appear out of their natural place?

Let us turn to Rashi first in search of an answer. He claims (Shemot 18:13) that the dispute centers around only the first incident, Yitro's arrival; however, both Rabbi Yehoshua and Rabbi Elazar agree that the second incident, Yitro's advice regarding the legal system, must have occurred after the giving of the Torah. Rashi substantiates his claim thoroughly, and most clear is his position that prior to the giving of the Torah, Am Yisrael had no set of religious laws which people could transgress and no civil law, so there could be no way that the court system could be established before the Torah was received. According to Rashi, then, we must ask the same question of both Rabbi Elazar and Rabbi Yehoshua: if the section dealing with the law courts really took place after the giving of the Torah, why is it written here?

We have thus arrived at two critical questions. The first we ask only of Rav Elazar: why does Yitro's arrival appear before the account of matan Torah, when it really happened afterwards? The second we ask of both Rav Elazar and Rav Yehoshua: why is the incident of the courts written out of place?

Let us begin with the first question. One of the most famous passages in Rashi's commentary on the Torah appears in our parasha (Shemot 19:17, based on Shabbat 88a). The Torah tells us of Bnei Yisrael when they were about to receive the Torah, "And they stood at the base of the mountain." The word for "base," in Hebrew, is "tachtit," which can also be taken to mean "underneath," thus rendering, "And they stood underneath the mountain."

Rav Avdimi Bar Chama Bar Chasa said: This teaches us that G-d cupped the mountain over them like a barrel and said to them, "If you will receive the Torah, good; and if not, there will be your burial place."

According to Rav Avdimi, the framework within which Am Yisrael accepted the Torah was one of coercion. We can understand the reality underlying this aggada not as physical coercion, but rather as intense psychological coercion. Could Am Yisrael have experienced the exodus and all its associated miracles, and still have had the freedom to choose whether or not to accept the Torah? They had met G-d face to face, to the extent that the Mekhilta comments on the verse from the

Song of the Sea (Shemot 15:2), "This is my G-d and I shall glorify him" - "This means that G-d appeared to them in all His glory and they were pointing at Him with their fingers; a maidservant at the sea saw that which all the prophets themselves never saw" (cited by Rashi). In such a context, is it possible to imagine Am Yisrael refusing the Torah?

There is, however, a serious problem with this model: we cannot relate to it. If we ask ourselves, how are we to accept the Torah, we cannot answer, "We shall do and we shall hear - just like Am Yisrael did then." We simply lack the context which was the basic framework for all of their actions and decisions. We require another model. This is where Yitro comes in.

There is indeed another precedent for accepting the Torah - that of Yitro. Yitro's acceptance of the Torah did not occur amidst fire and brimstone, amidst the raw power of G-d's hand exposed to human eyes; rather, "And Yitro heard ... everything that G-d had done ..." (Shemot 18:1) Yitro was not coerced at all: he heard from afar, he received the Torah through the mists of tradition, in an atmosphere of uncertainty - a reality exactly parallel to our own.

This then is the answer to our first question. Why, according to Rav Elazar, must we learn of Yitro, of his coming, and especially of his belief, before we read of the giving of the Torah? The answer is clear. Even if this event is out of place chronologically, it is vital in providing us, the later generations, with a means to relate to accepting the Torah, a means closer to our own realities.

Let us approach the second question - why do we learn of the court system prior to the giving of the Torah?

I think that the following sources point a direction for our answer. At the end of our parasha, we find an enigmatically phrased mitzva (one of three such mitzvot in the Torah): "If you build Me an altar of stones ..." (Shemot 20:21). The problem is that, like the other two mitzvot which begin with the phrase "If," this mitzva is not optional but rather compulsory. Why then does the Torah phrase it so strangely? Rashi (ibid.) cites the other two instances of this strange phraseology but doesn't supply a rationale for it. The Gur Aryeh (the Maharal's supercommentary on Rashi) here does supply a reason, and it is profound. The Maharal claims that the reason that these three mitzvot are phrased as if they were not compulsory is because the basic human impulse for performing them should be different from that of all other mitzvot. These mitzvot, he claims, must be performed not because we are COMMANDED to, but because we WANT to, because we have a basic human urge to do these things since we think they are correct, because they are the RIGHT thing to do.

The Ramban (Shemot 15:25) supplies a similar idea in explaining the meaning of the verse, "There He (G-d) laid down laws and judgements." This verse is written prior to the giving of the Torah, raising the question: what laws could G-d have given to Am Yisrael prior to the giving of the Torah? The Ramban answers that G-d did not give them specific commandments but rather general rules of ethical behaviour.

In both the Ramban's and the Maharal's explanations, we can see a core idea: there is such a thing as a morality before Sinai, a human sensitivity to wrong and right which precedes the formal commandment and which exists alongside it as well. This, then, is the answer to our second question. Why do we need to hear of Am Yisrael's having a court system, a system of justice, even before the giving of the Torah? In order to impress upon us that there is a morality, a basic system of right and wrong, even before the giving of formal commandments. This is a sensitivity we must strive to cultivate and develop, especially after we have received G-d's word, when there is a danger of losing it all in the face of excessive formalism.

(Delivered at seuda shelishit, Shabbat Parashat Yitro 5757 [1997].)

Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash Alon

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From: Menachem Leibtag[SMTP:ml@tanach.org] Subject: YITRO - Questions for self study

Mazel Tov to: Micky Siev upon his engagement to Rena Cohn & Elliot Steinmetz upon his marriage to Sima Shatz THE TANACH STUDY CENTER [<http://www.tanach.org>] In Memory of Rabbi Abraham Leibtag ...

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From: Ohr Somayach[SMTP:ohr@ohr.edu] To: weekly@ohr.edu Subject: Torah Weekly - Yitro Highlights of the Weekly Torah Portion Dedicated in loving memory of our mother and grandmother Miriam Roseman bas Yisrael z"l 28 Shevat 5759

AN OFFER YOU CAN'T REFUSE

"Moshe brought the people forth from the camp toward G-d, and they stood under the mountain." (19:17)

Some 3,000 years ago, a little-known Middle-Eastern people gathered around a small mountain in a trackless wilderness and underwent an experience that changed world history.

For the first time since the beginning of the universe, the Creator spoke to an entire nation. The nation was Israel. The mountain was Sinai. At Sinai, G-d gave the Jewish People the Torah, the mystical blueprint of the Creation.

"...And they stood under the mountain."

The Talmud (Shabbat 88a) reveals the hidden meaning of this verse. At Sinai, the Jewish People literally stood "under the mountain." G-d held the mountain over them like a barrel and said: "If you accept the Torah, fine. If not, there will be your burial place."

This seems strange. Could it be that G-d coerced the Jewish People into accepting the Torah? Was the Torah the original "offer you can't refuse?" This is both unpalatable and contradictory, for we know that it was Israel alone among the nations that was prepared to accept the Torah "sight unseen." When the Creator offered us the Torah, we said, "We will do and we will hear," meaning that we will accept the Torah before we know all of what it requires of us. If we were prepared to accept Torah voluntarily, why should coercion be necessary?

THE SIXTH DAY

At the beginning of the book of Genesis, it says yom hashishi -- "the sixth day." When speaking of the other days of creation the Torah does not use the definite article "the." It just says "second day...third day..." Translators add the word "the" to make the English more idiomatic, but in Hebrew only the sixth day is referred to as "the sixth day." Why?

The anomaly of the addition of word "the" teaches us that on that first sixth day, at the very moment of the completion of the physical world, G-d placed a condition into creation. G-d made a condition that the universe would remain in a state of flux and impermanence until the Jewish People accepted the Torah at Sinai. And that was to be on another "sixth day." The sixth of Sivan -- Shavuot -- the day of the giving of the Torah.

It's an amazing fact to ponder. The very fabric of existence hung in the balance for two and a half thousand years, from the creation of Man until Israel's acceptance of the Torah. In other words, the continuation of the entire creation was predicated on Israel agreeing to accept the Torah. If they had refused, the entire world would have returned to primordial chaos.

WHO'S RUNNING THE SHOW?

There's an apparent problem here. How could the whole future of the world depend on the choice of the Jewish People? How can existence itself -- reality -- be dependent on a created being? A creation cannot dictate the terms of existence, it can only be subject to them. Only one existence can dictate existence -- He who is Existence itself.

G-d held a mountain over the Jewish People, not because they needed a little encouragement, but because existence cannot depend on man's volition. Man cannot govern what must be. Existence depends on G-d alone.

It was for this reason that the Torah had to be given through coercion. For even though Israel was prepared to accept it voluntarily, the Torah, the Will of the Creator, cannot be subject to the will of His creations. Just as G-d must be, so too the Torah must be. Just as the Torah must be, so too it must be given in a way which must be.

As an offer you can't refuse.

Sources: \* Midrash Tanchuma 1 \* Talmud Shabbat 88a \* Maharal of Prague

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From: RABBI YISROEL CINER [SMTP:ciner@torah.org] To: parsha-insights@torah.org Subject: Parsha-Insights - Parshas Yisro

This week's parsha of Yisro contains our arrival at the wilderness of Sinai followed by the climactic revelation at Mount Sinai.

^On the third month of Bnei Yisroel {the Children Of Israel} leaving Mitzrayim {Egypt}, on this day they came to the wilderness of Sinai. And they traveled from Refidim and they came to Midbar Sinai {the wilderness of Sinai}, va=yachanu {and they camped} in the wilderness. Va=yichan Yisroel {and Yisroel camped} across from the mountain. [19:1-2]

These passukim {verses} seem to be quite out of order and redundant. Firstly, shouldn't it have told us of the departure from Refidim before telling us of the arrival at Midbar Sinai {the Sinai wilderness}?

The Ohr HaChaim explains in a beautiful fashion. THIS was the moment that all have been waiting for. Since the time of creation, Hashem, the Torah and the entire world stretching from the spiritual realms down to the physical realms, have been waiting in anticipation for this very purpose of the world to be realized. When will Hashem's children come to Midbar Sinai to receive the Torah? When, at last, it did happen, the Torah didn't, so to speak, waste a second! They came to Midbar Sinai! They made it! That having been said, the Torah only then revealed the details of how they got there. They traveled from Refidim and came to B

The Kli Yakar points out that the passuk seems to be redundant. All that needed to be said was: They left Refidim and camped in Midbar Sinai across from the mountain.

He explains that the passuk is not merely teaching the stages of physical travel; rather it is revealing the spiritual odyssey that needed to be navigated before we could actually receive the Torah.

Refidim was a place where there was strife and arguments amongst Bnei Yisroel. This led to a situation of >raff yadayim {the hands became weak}= in their ability to receive the Torah. Bnei Yisroel needed to travel, to extricate themselves from this state of Refidim, and to arrive at Midbar Sinai.

The desire for honor and power lies at the root of strife and arguments. Arriving at the wilderness of Sinai and seeing the low, humble mountain Hashem had chosen to speak from brought out a sense of humility in Bnei Yisroel. This led to the shalom {peace and brotherhood} that they needed between them. All along they were being referred to in the plural due to their lack of unity--They traveled from Refidim, they came to Midbar Sinai, they camped in the wilderness. However, once they reached the mountain, the passuk says: va'yichan Yisroel. Yisroel, in the singular, camped across from the mountain. In the words of the Sages: K=ish echad b=lev echad--Like one man with one heart.

In order to receive the Torah--to clearly perceive the presence of Hashem and hear Him proclaim: I am Hashem your G-d--there had to be

absolute unity. K=ish echad b=lev echad.

The Nesivos Sholom, based on the Zohar, explains that the letters of the Torah correspond to the souls of Israel. The receiving of the Torah was a wedding, a unity between Hashem and Bnei Yisroel. Just as a Torah that is missing a single letter is rendered invalid, had a single member of Yisroel not been there ready to receive the Torah, the wedding would not have taken place. Furthermore, just as a Torah which contains all of the letters but has spaces between them is rendered invalid, so too if there would have been a >distance= between the members of Bnei Yisroel, if they weren't in a state of k=ish echad b=lev echad, then the Torah could not have been given.

The Sabbath prayers state: He is our G-d, He is our Father, He is our King, He is our Savior and He, in His mercy, will let us hear a second time, in the presence of all living (His promise) to be for you a G-d: I am Hashem your G-d! [Kedusha Musaf].

In order to realistically aspire for that, we must leave Refidim and come to unity. K=ish echad b=lev echad.

The story is told [In the Footsteps of the Maggid] of a woman, living in Eretz Yisroel {the land of Israel} during a very difficult financial period. Jobs were scarce, evidenced by the fact that both her husband and her brother were out of work. Though she felt very fortunate that she was gainfully employed, she was concerned about her future. Expecting her first child in three months she was unsure if her job would still be there when she=d be ready to return.

One afternoon, the employer was having an informal lunch with the employees with the conversation drifting from one topic to the next. She brought up her predicament at home and voiced her concerns about the future. Unwilling to commit himself, the employer gracefully sidestepped the issue and the conversation turned to past histories and families.

When she mentioned the neighborhood that her family was from, he turned to her suddenly, wanting to know exactly when they had lived there. Though she was somewhat unsure, he tried to jump start her memory, searching for all and any details about her parents, grandparents, their professions and where they prayed. He then suddenly left the room, later returning with eyes red from tears and told the following story.

Many years ago, two electricians lived in the same neighborhood. One, a union member, was quite successful, while the other, a non-union man, barely scraped by on odd jobs. The two men prayed at the same synagogue and were somewhat friendly but the families hardly knew each other.

One day, the non-union electrician suffered a massive heart attack and passed away a few days later. The other electrician came to console the mourners and couldn't help but noticing the impoverished state that the family was in. He asked the widow if she had enough food for the family. Her claim that she did was contradicted by the empty refrigerator and cupboards.

That afternoon, he bought enough food to fill the fridge and some of the cabinets. Each day of the mourning period he arrived and added to the supply of food, even as the widow half-heartedly tried to dissuade him.

Almost two months after her husband had passed away, the widow called the electrician. Her basement was filled with electrical materials for which she had no use. ^For a hundred dollars I=ll sell you whatever is down there,` she offered.

The next evening, the electrician came to her house and began to work in the basement. For three weeks he spent his evenings sorting, organizing and arranging all of the various electrical paraphernalia that had accumulated over the years.

He then called all of the electricians and carpenters he knew, informing them of a sale that would be well worth their while to attend.

That sale brought in thousands of dollars, all of which was given to the widow and her family.

As the employer finished telling the story to the spellbound audience, he turned to this woman and said, ^The union electrician was your grandfather--I was one of the orphans. It was my father who passed away and my mother, my siblings and myself who benefited from your grandfather=s tzidkus {righteousness}.

He paused for a moment and then continued, ^You will always have a job in my company. Tomorrow morning, if your husband and brother come to my office, I will have jobs for them as well.

K=ish echad b=lev echad. Such a nation will merit to once again hear the words: I am Hashem your G-d!

Good Shabbos, Yisroel Ciner Warmest wishes of mazel tov to Avi and Malkie Behar (and to the entire Behar and Shulman families) on the birth of a son. With wishes for a speedy refuah shlimah to Sarah Baila bas Bluma. Parsha-Insights, Copyright 1 2001 by Rabbi Yisroel Ciner and Torah.org. Rabbi Ciner is a Rebbe [teacher] at Neveh Zion, <http://www.neveh.org/>, located outside of Yerushalayim [Jerusalem, Israel]. Torah.org: The Judaism Site <http://www.torah.org/> 17 Warren Road, Suite 2B learn@torah.org Baltimore, MD 21208

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From: Eretz Hemdah - Machon HaTorah Ve'Hamedinah [SMTP:feedback@eretzhemdah.org] To: Hemdatya@eretzhemdah.org Subject: Hemdat Yamim - The Weekly Publication of Eretz Hemdah - Machon HaTorah Ve'Hamedinah Parshat Yitro

Much Ado About ... Anything / HARAV YOSEF CARMEL

The Jewish judicial system was shaped, to a large degree, by the suggestions of Yitro. Among his ideas which were accepted by Moshe and, indeed, Hashem, was courts of different levels. "Every large matter they will bring to you, and every small matter they [the lower courts] will judge themselves" (Shemot 18:22). When the matter was implemented, it says that the "difficult matters were brought to Moshe" (ibid., 26). Is there a difference between "large matters", suggested by Yitro, and difficult ones? The Torah writes that judges need "to hear the small matters like the big ones" (Devarim 1:17). The gemara inquires about the commandment: "If this refers to delving into the issue and coming up with judgment, it is obvious that a judgment on 1 p=rutah [a tiny amount of money] is as beloved as that on 10,000 zuz." In a similar vein, the Torah Temima points out that Yitro was affected by the secular outlook on the court system as an institution whose primary goal is to keep commerce and civil life running smoothly, which is indeed an important function. Why should Moshe concern himself with petty cash? But Moshe knew that "judgment belongs to Hashem" (ibid.). The utmost concern is to get to the truth, whether or not it will affect major financial institutions. If the matter is difficult, Moshe must deal with it. Another explanation can be proposed for "difficult matters." Yitro felt that as the leader, Moshe should preside over the big, prestigious cases. However, he should shy away from the difficult, messy cases. Pass the buck to those with less to lose. Moshe, on the other hand, knew that as a true leader, he must be willing to deal with any issue, especially those which a weaker judge would be unable to handle. Moshe taught us a crucial lesson. A leader and judge must care first and foremost about truth, be in touch with all segments of society, and be willing to take responsibility when others shy away.

Moresheet Shaul (from the works of Hagaon HARAV SHAUL YISRAELI zt"l) How Eretz Yisrael Received its Status Eretz Hemdah I,3:1- Part I & II

There are different opinions on how Eretz Yisrael received its status, and there are also a variety of gradations and applications which may be relevant. For example, some mitzvot are described as applying only after the capture and division of the Land (\*18F@ FJ14F). Let us start with the Rambam's opinion. The Rambam (Trumot 1:2) writes: "Eretz Yisrael which is mentioned in all places is in the land that the Israelite king or prophet conquered with the agreement of the majority of Israel." The implication is that capture was required even in those sections of land which were promised to Avraham and that the entire status of Eretz Yisrael depended on it. The apparent source of the Rambam is the Sifrei on the following posuk: "Every place where your feet shall tread shall be yours from the desert to the Levanon... it shall be your border" (Devarim 11:24). The Sifrei learns that the treading of feet refers to capture, which confers the status of Eretz Yisrael on areas outside the borders mentioned by the Torah. The Rambam apparently understands that the need for conquest applies also inside the promised borders,

which are the main subject of the pasuk. There are a variety of opinions among the Acharonim regarding the parameters of the Rambam's ruling. Some say that Eretz Yisrael was consecrated at the time of the promise to Avraham or when Bnei Yisrael crossed the Jordan River. According to these opinions, conquest was needed only for those mitzvot, including t'rumot u'ma'asrot, which began only after the period of conquest and division of the land. However, the plain reading of the Rambam cannot support such a claim. One cannot understand "Eretz Yisrael which is mentioned in all places" to refer only to those mitzvot which require capture and division. Rather, only when captured, did areas become part of Eretz Yisrael at all. Some mitzvot started at the moment of capture, and thus, the halachic map changed with every successful battle. Other mitzvot were delayed until after the period (14 years) when the bulk of the Land was divided among the tribes.

We saw ... that, according to our understanding of the Rambam, no land was endowed with the status or holiness of Eretz Yisrael until it was captured in the halachically prescribed manner. Certainly many Rishonim argue on the Rambam and rule that conquest was a prerequisite for the status and sanctity of the Land only in areas outside the borders mentioned by the Torah. According to this approach, once the historical period (14 years) of conquest and division was finished, even an isolated region within the prescribed borders which had not yet been captured was invested with the full complement of laws of the Land (including mitzvot which require capture and division). A distinction can also be made between sanctity in regard to halachic obligations and intrinsic sanctity. The Kaftor Vaferach proves that even before there was an obligation in land-based mitzvot, the centrality of Eretz Yisrael as the dwelling place of the Divine Presence existed. This sanctity, which began at the time of the promise to Avraham or possibly even the Creation, can never be removed from the Land. Conversely, those areas outside the more narrow boundaries listed in Parashat Masei (only west of the Jordan), never received this sanctity of Divine Presence. Even after additional lands were captured and even though certain obligations of the Land applied to them, the intrinsic holiness was missing (Tashbetz III, 200). [Ed. note - One of the ramifications of this claim, raised by the Tashbetz, is the preference to be buried in Eretz Yisrael. As we know, Moshe Rabbeinu was buried outside Eretz Yisrael, even though it was actually an area he captured and which had certain laws of the Land.] We have demonstrated elsewhere that the Rambam=s position, that at all times there is a mitzvah to possess and inhabit Eretz Yisrael, applies only within the "Masei borders." Furthermore, R. Yossi Haglili (1st chap. of Bikurim) rules that bikurim (first fruits) were not brought from the East Bank of the Jordan. The Yerushalmi (Bikurim 1:8) explains that through bikurim, we thank Hashem for the land which he gave us- not the land we took for ourselves (i.e. outside the Land of Israel proper). According to Beit Halevi (II, 50), even the Rabbis who argue on R. Yossi Haglili exclude other areas captured by Jewish kingdoms outside Eretz Yisrael of their own initiative. They obligate the East Bank of the Jordan River only because it was captured by a specific command of Hashem.

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From: Yeshivat Sha'alvim[SMTP:feedback@shaalvim.org] To: ys-parasha2@shaalvim.org Subject:Parashat Yitro

YESHIVAT SHA'ALVIM PARASHAT HASHAVUAH  
Parashat Yitro : Mamlechet Kohanim V'goy Kadosh by AARON WEISS

The Gemara (Sukka 5a)Relates an enigmatic, yet interesting discussion that pertains to Mattan Torah.

"V'Tanya: Rabbi Yosi Says: The Shechina (Hashem's revealed presence) has never descended to the Lower World (the physical world) and Moshe and Eliyahu never ascended to the Upper World (the spiritual world), as is written: 'The heavens are the heavens of Hashem, and the earth was given to Man [Tehillim 115]. ' The Shechina has never come down to the Lower World? But it is written: 'Hashem descended on Har Sinai [Shmot 19:20]. [The Tanna answers:] Below ten. (Hashem stayed ten tfachim (handbreadths) above Har Sinai.) ...And Moshe and Eliyahu never ascended to the Upper World? But it is written: 'Moshe

ascended to G-d [Shmot 19:3]. [The Tanna answers:] Below ten. But it is written: 'He holds the face of His throne, [and] spreads His cloud [of Glory] on it [Iyov 26:9]. And Rabbi Tanchum said: This teaches that Hashem separated off part of His Shechina and His Cloud of Glory and spread them on Moshe (implying that Moshe was in the Upper World). [The Tanna answers:] Below ten. But it is written: 'He holds the face of His throne' (understood to mean that Moshe held on to Hashem's throne, and therefore must have been in the upper world) . [The Tanna answers:] He (Hashem) moved His throne until it reached ten, and then Moshe grabbed hold of it.

While the complete meaning of this aggadita cannot be understood from a superficial reading, it is clear that although there are two domains that cannot intrude one upon the other, there is a point where the two can meet. They did meet at Mattan Torah. How they came to that point is the subject of another midrash.

"Moshe ascended to G-d [Shmot 19:3]. This is that which is written: 'You (Moshe) ascended to Heaven, you captured a captive (the Torah). [Tehillim 68:19]' ...Maybe because he captured it he took it for free? [Not so, as ] is written (at the end of the same pasuk): 'lakachta matanot ba'adam - You took gifts for Man'; it was given to him through a transaction ("lakachta" implies a sale). Maybe he (Moshe) was required to pay Him (because it was a sale)? [Not so, as] is written: "matanot" - gifts: it was given to him as a gift. ... Hakadosh Baruch Hu said to Moshe: The Torah was only given to you in the merit of Avraham, as is written, 'lakachta matanot ba' adam', and "adam" is Avraham, as is written, 'ha'adam hagadol ba'anakim - the great man among giants' (understood to mean Avraham). (The midrash is reading 'lakachta matanot ba'adam' to mean "You took gifts because of 'ad am", were "adam" is Avraham.) This is 'Moshe ascended to G-d.' [Shmot Rabba 28:1]

The midrash has two parts. The first expounds upon the first half of the pasuk, "You ascended to Heaven, you captured a captive", and its meaning in the context of the entire pasuk. The second expounds upon the second half of the pasuk, "lakachta matanot ba'adam - you took gifts for Man." Let's deal with the first part first.

The midrash seems to be self contradictory. How can it be that Moshe did not receive the Torah for free because he "bought" it, yet he did not pay for the Torah because it was a gift? The Sfas Emes answers this question with his interpretation of the midrash (Yitro 5648). The Torah was in truth dedicated as a possession of Bnei Yisrael from the time of creation. Therefore when the Torah was in the Upper World it was a "captive". As Chazal say: The foremost part of the Shechina was below and the rsha'im (wicked) made it retreat to above. "You captured a captive" means it was already a captive and Moshe recaptured it. That is why the Midrash posed the possibility that the Torah was received for free. But in truth, one needs to toil to the point of exhaustion to find the place inside himself to accept the Torah. This is the meaning of "Be prepared for the third day [Shmot 19 :15]" (the day of Mattan Torah), and this is the meaning of "lakachta matanot". The payment for the Torah is working on yourself until you are ready to receive the Torah, but the Torah cannot be earned. When a person is ready to receive it, it comes as a gift. This is the meaning of "Moshe ascended to G-d".

The second half of the midrash can be understood based on the personal drasha of the Sfas Emes (Yitro 5642) on the words "bachodesh hashlishi - in the third month [Shmot 19:1]". He writes that the Torah was given "bachodesh sh hashlishi" because the Torah is the "chidush hashlishi ba'olam" - the third new stage in the world. The first is creation, the second is Yetziat Mitzrayim, and Mattan Torah is the third. He then goes on to describe a chart of sorts. Each of these stages corresponds with one member of each group in a number of other groups of three. Creation corresponds to Avraham and the midah of Chesed (Unbridled Kindness). Yetziat Mitzrayim corresponds to Yitzchak and the midah of Din (Justice). Mattan Torah corresponds with Ya'akov and

the midah of Emmet (Truth). Additionally, each stage and its corresponding parts also correspond with three of the aspects of the soul: Nefesh, Ruach, and Neshama. Just as a person can only move to the level of Ruach after he has perfected his Nefesh, and to Neshama after he has perfected his Ruach, so too the world can only receive its Neshama, the Torah, after creation and Yetziat Mitzrayim.

Let's incorporate this into the second part of the midrash. Hashem Told Moshe that the Torah was only given to him in the merit of Avraham. Just as the world has three stages, so too does Am Yisrael. The creation of Am Yisrael was begun by Avraham Avinu. The meaning of the midrash is that the aspect of "matana" comes from Avraham. Just as the creation of the world was Chesed, as none of the creation did anything to deserve being created, so too every Jew is born a Jew b'chesed, without doing anything to deserve it. It is a gift from Avraham Avinu.

Nevertheless, there is also an aspect of payment involved in Kabbalat Hatorah. Yetziat Mitzrayim was the Din of the world. The Egyptians were punished for oppressing Bnei Yisrael, and Bnei Yisrael were rewarded for preserving and strengthening the character traits that were needed to receive the Torah. Hashem said as much to Avraham Avinu when He first told him of Bnei Yisrael's future enslavement. "And also the nation whom they shall serve shall I judge, and afterward they will come out with a great possession. [Braishit 16:14]" This is the aspect of Din that corresponds to Yitzchak, who's birth started the count of four hundred years of exile. Yitzchak was the one who took the gift of Avraham and worked hard at following in his father's footsteps. Through his self sacrifice he merited the gift of Ya'akov, the son that carried on after him and was the literal father of Bnei Yisrael.

The third stage is Mattan Torah. Torah is the province of Ya'akov. The Torah is Emmet, and the midah of Ya'akov is Emmet. It is the rightful inheritance of Ya'akov, but it can only be retaken after the toil Midat HaDin demands. Ya'akov received the Torah as the continuation of Yitzchak. Bnei Yisrael received the Torah only after going through the hardship of Mitzrayim. So too, an individual can only receive the Torah after he has worked to make a place for it in his heart and in his mind.

This progression underlies the correspondence of the three stages to the three aspects of the soul, Nefesh, Ruach, Neshama. The aspect of creation corresponds to Nefesh because Nefesh is life. The difference between a living being and an inanimate object is that the live one has a Nefesh, whereas the inanimate one does not. Man is more than just alive. He also has a spiritual existence. The spiritual is the foremost part of his existence, the Neshama - the soul - of his being. To reach his Neshama, however, he needs to use his Ruach - his spirit. Ruach corresponds to Yetziat Mitzrayim because it is the movement from the gift of life to the gift of spiritual existence. Nationally, that intermediate stage was Galut Mitzrayim and Yetziat Mitzrayim. On an individual level, the intermediate stage is developing spiritually, the prerequisite of receiving Hashem's gift of true spiritual life. That spiritual life is the Torah. It is the Neshama of the world, and it is the Neshama of the individual.

This understanding of Nefesh, Ruach, and Neshama is the key to understanding the aggadita that we started with. The world has a soul. That soul is the Shechina. It is the presence of Hashem that gives the world life, both physical life and spiritual life. Just as a person's soul has five parts, so too does the soul of the world. Two parts are always in the World Above. "The Shechina has never come down to the Lower World." Two parts, Nefesh and Ruach - life and the quest for spirituality - are always in this world, the World Below. "Moshe and Eliyahu never ascended to the Upper World." But there is one part that can be in either world, the Neshama. The true place of the Neshama is in this world, but we need to bring it back to where it belongs. If we raise ourselves up, then Hashem will come down to greet us. At the point where the physical world meets the spiritual world sits the Neshama of the world, the

Torah. The Torah, the Emmet - the Truth, is bringing the physical and spiritual together, so that they do not contradict each other, but rather compliment each other. It is bringing Hashem's throne to rest on the Earth, and letting the whole world see that "Hashem Hu Ha'Elokim" - Hashem, He is G-d. "Hashem moved his throne until it reached ten, and Moshe grabbed hold of it." This is the province of Bnei Yisrael.

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[From last year]

RABBI MORDECHAI WILLIG

Parshat Yitro - TORAH AND SECULAR STUDIES

In Parshat Yitro we read about kabbalat hatorah. The centrality of limmud hatorah, and its relationship with the need for parnasah are issues which face all of us. For individuals who are planning careers the question is: Are secular studies permissible for everyone when they are necessary to provide for a livelihood? The answer is: for almost everyone.

The Gemara presents a disagreement between Rabbi Yishmael and Rabbi Shimon bar Yochai (Rashbi). Rashbi says a person should learn Torah the entire day and somehow he will find a way to support himself and his family. Rabbi Yishmael disagrees and maintains that a person is required to act in accordance with the verse, "veasafita deganecha vetirashcha veyitzharecha" (Deut. 11:14) in order to fulfill the will of Hashem. As Rabbi Yishmael puts it: hanheg bahen minhag derech erez- a person should combine Torah with derech ertz. Literally, derech ertz means "the way of the world," which, in this context means earning a parnasah (Berachot 35b).

Admittedly, in those days, parnasah did not mean attending a university. The phrase, "veasafita deganecha", clearly refers to earning a livelihood through farming. Nevertheless, this can be extended beyond simply farming since, even during the time of the Talmud, it was not limited to that. A "strict constructionist" may argue that Rabbi Yishmael limited his opinion only to farming and did not allow one to be a shoemaker or a tailor, for example. It would seem, however, that Rabbi Yishmael's opinion is that one may study in order to earn a living, however that may be defined. In fact, not only is it permissible according to Rabbi Yishmael; it is advisable. And, without giving a formal pesak the Gemara seems to follow this opinion by citing the famous remark following this controversy: Amar Abaye harbeh asu keRebbi Yishmael vealta beyadan, keRebbi Shimon ben Yochai velo alta beyadan. Many followed the approach of Rabbi Yishmael and succeeded; while those who followed the approach of Rashbi did not succeed. One could therefore, conclude, that secular studies; at least in the context of enabling one to make a living are not for everyone.

The Shulchan Aruch presents all the laws relating to a Jew's daily schedule starting from waking in the morning through davening Shacharit and eating breakfast. It then continues, "achar cach yelech leoskav dechol torah sheein imma melachah sofah betelah vegoreret avon." Clearly it is important for everyone to have a parnasah. It is true that the Shulchan Aruch continues, "umikol makom lo yaaseh melachto ikar elah arai vectorato keva vezeh yitkayem beyado." This is a quotation from the afocited Gemara that a person is obligated to consider Torah as his main preoccupation, and parnasah related activities as his secondary occupation. Torah is the ikar; parnasah is the tafel. Nevertheless, it is clear from both the Gemara and the Shulchan Aruch that a person has an obligation to make a living. The Shulchan Aruch lists no exceptions to this rule. It would therefore seem that, in this context, secular studies are for everyone. To be sure, this does not mean that every person is required to engage in study. For example, someone could be a successful businessman, invest in the stock market and make a fortune of all without secular studies. If that is how one wants to make a living, that is his option. But if one decides to make a living through a trade or a profession which requires a certain level of secular studies, it would seem that, based on the Shulchan Aruch, it would be permissible for everyone.

However, this is not quite the case. In his commentary on the above cited statement in the Shulchan Aruch the Biur Halachah notes as follows: katvu hasefarim shezehu neemar liklal haolam shein kulam yecholim lizakot laalot

lemadregah ramah zu liheyot oskam rak batorah levadah, aval anashim yechidim yuchal lehimatze bechol et beofen zeh (vezehu sheamru beBerachot 36b harbeh asu keRashbi velo alta beyadan, ratza lomar davka harbeh) veHakadosh Baruch Hu bevadai yamtzi lahem parnasatam, vekeein zeh katav haRambam perek 13 mehilchot shemitin veyovlot velo shevet levi bilvad vehulei, ayein sham, ubifrat im kevar nimitzeu anashim sherotzim lehaspik lo tzarchav kedei sheyaasok betorah bevadai lo shayach zeh, veyisachar vezevulun yochiach.

It is clear from this statement that if a select few can devote themselves entirely to the study of Torah, they should do so and not engage in any other activity for parnasah. We can therefore say that secular studies, for this purpose, are for almost everyone.

Of course, the big question is who are the few that should devote themselves exclusively to Torah study, as explained in the Biur Halachah, and who are the "klal haolam" who should otherwise work to earn a living? It seems that each individual should decide for himself into which category he best fits.

Rav Chayim of Volozhin writes that an individual who has the capacity to study Torah all his life, "chovah mutelet alav," to do so (Nefesh HaChayim 1:8). But what does the word "chovah" mean in this context? Is he, indeed, obligated to do so? This is somewhat problematic because of a very famous question raised by all the meforshim. We have already seen the disagreement in the Gemara between Rashbi who says that a person should study Torah all day and Rabbi Yishmael who says that a person should work to earn a livelihood. The Tosafot Rabbi Yehudah Hachasid points out that this contradicts another Gemara where we find the exact opposite positions being taken regarding this same issue of how much Torah a person is obligated to learn to the exclusion of everything else. There is Rashbi who says that a person should study Torah a little in the morning and a little in the evening while it is Rabbi Yishmael who says a person should study Torah all the time. Rabbi Yishmael interprets the verse, "vehagita bo yomam valayla," (Josh. 1:8) as an obligation to study Torah "all day and all night," while according to Rashbi, one can fulfill this obligation even by the recital of the morning and evening shema. In attempting to show the consistency of Rashbi's opinion, the Tosafot Rabbi Yehudah Hachasid says, "elah mitzva bealma hu dekeamar mipnei bittul torah." When Rashbi says in Berachot that a person is supposed to study all day and all night, he does not mean that there is an obligation to learn Torah all day. The obligation can technically be fulfilled even by the most minute learning during the day and during the evening. But ideally, for a mitzva bealma, - to do Hashem's will it should be all day.

Then why does Rav Chayim of Volozhin use the expression, "chovah mutelet alav?" One gets the impression that if a person has no financial needs, he is obligated to study Torah all day. Yet, from the Tosafot Rabbi Yehudah Hachasid it would seem that such intense Torah study is laudable and advisable and even represents the will of Hashem, still, the strict expression of "obligation" or "chiyuv" would not be appropriate. Perhaps Rav Chayim understands that one who has the capacity to study Torah all his life is an exception to the rule.

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From: RABBI JONATHAN SCHWARTZ jschwrtz@ymail.yu.edu To:

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Prologue: Life is never easy.

They say that things you may hear in the course of life, bits of advice, friendly reminders, recommendations etc. are easier said than done. Accepting the Torah was clearly no different.

When the Torah was offered on Har Sinai, G-d told Moshe to speak these words (HaDevarim HaElah) to the people. Rashi notes that Moshe spoke those words and nothing else. This seems to directly contradict the earlier charge to speak to Beis Yaakov and to Bnei Yisroel. There Rashi notes that each group was to be spoken to differently. The women would be treated softer, the men with strong words. But how could Moshe make the Jews approach Har Sinai and Matan Torah with different words if he was to give the same speech to all of them?

Rav Gedaliah Schorr ztl. (Ohr Gedalyahu, Likkutim Yisro) notes that the same words can carry different messages to different people. On one level the ways of the Torah are pleasant and the people receiving the Torah could see it as a great gift, (Devarim Rachin). Yet, the people who recognize the power of Torah understand the awesome responsibility that comes along with that power. That responsibility, coming from the same words of the same Torah might inspire a sense of awe and fear as the yoke of Torah life is accepted. The preparation for that acceptance is soft to the former and harsh to the latter despite merely hearing the same words.

Similarly, the Shelah notes that this is true for Mitzvos as well. It is difficult to determine which Mitzvos are more or less important. Yet, Shiluach HaKan is identified as a Mitzva Kalla. Why is that so? Notes the Shelah, that it is because of

the lack of preparation involved in performing this Mitzva. Preparation makes us think. Thinking before preparation makes us aware of responsibility that comes with power. The power of Torah is such power and the responsibility to guard it and utilize it properly is an awesome responsibility, not merely tied up in words.

This week's Chaburah examines an issue of power in another Mitzva generally categorized as one of "the big three". This time the discussion refers to the concept of Avoda Zara and the home. The Chaburah is entitled:

#### BOOBA MAASEHS: BARBIE BLUES

There is a famous story of a pious Jew who lived in New York in the early part of the twentieth century. The gentleman was extremely pious and diligent in his Mitzva observance. His daughter, in a book of her memoirs of her father details his piety (Shain, All for the Boss). One extremely interesting example of this great Tziddkus was when the daughter described her father's decision to deface some of her toy dolls in order to be diligent in the keeping of the Mitzva against graven images. Does this Issur apply to dolls? Was the man correct in defacing his child's Booba (doll) or was this merely a Bubba Maaseh?

The Talmud (Avoda Zara 43b) notes that one may not make an image of a person that sticks out (See also Zohar Yisro, 86). There is a discrepancy among the Rishonim as to when this Issur applies. Rav Moshe MeKutzi (Smag Lavin 22) notes that making any image of a human, even if only facial, is Assur. Tosafos (A.Z. 43b) and the Rosh (A.Z. Chap. 3:5) note that the reason for the Issur is the prohibition against Tzelem Demus (graven images that look like created humans). Accordingly, only a human image from head to toe would be Assur to make (See also Mordechai 839).

The Shulchan Aruch examines the issue as well. The Michaber (Yoreh Deah 141:4) notes that a person make not make an image that juts out. Yet later he adds (141:7) that a human image that is not complete (i.e. only a head) is Mutar.

The Maharit (Shut maharit, Yoreh Deah 35) quotes Maharam MiRothenberg (cited in Tosafos in Yoma 54b) that a facial image too is Assur. This opinion is cited by the Shulchan Aruch (141:7) in the name of Yeish Mee She'Omer.

With these opinions in mind, how does one approach the situation with today's toy dolls? In terms of creating them, it would seem to create an Issur. In fact, Rav Yaakov Emden (Shut Sheilos Yaavetz I:170) notes that one can rely on Tosafos and the Rosh to retain ownership but one clearly cannot make a doll, even only the head of a doll, that is an image that is 3 dimensional. (Bolet). (See also Rav Kook, Shut Daas Kohein 65).

Yet perhaps there is a difference between images and their use? Shut Pri Hasadeh (III:38) notes that an image that is despised cannot be confused as idolatry and thus, would be Mutar even if it is Bolet.

Others argue that it would not make a difference anymore. After all, the whole basis of the Issur is to prevent an image that might get worshipped like Avodah Zara. Today, people do not worship Avoda Zara in the form of idols (See Chochmas Adam 85) and as such a fear of worshipping the doll is unfounded (see Netziv, Haamek Sheila 57:3). Hence, based upon the principle that the main source of the Issur at least according to Rosh, Tosafos, Rambam and Ramban, is the fear that one might come to worship the doll and that fear is unfounded today, owning a doll, even whole, is Mutar (see Shut Meishiv Davar Yoreh Deah, 11).

Lhalacha, Rav Ovadiah Yosef strongly urges people to be Chosheish for the minority opinion cited by the Shulchan Aruch and not purchase dolls that look like humans from head to foot unblemished (See Shut Yabia Omer III: Y.D. 8). Still, he notes that the Halacha is in accord with the majority opinion and those who choose not to damage the dolls in the home certainly do not violate any prohibition in the process (ibid, See also Shut Yichaveh Daas III:63).

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RABBI MORDECHAI KORNFELD SHABBOS 88

**FORCED TO ACCEPT THE TORAH QUESTION:** The Gemara says that at Har Sinai, Hashem held the mountain above the Jewish people and they accepted the Torah under pressure. The Gemara explains that because of this involuntary acceptance of the Torah, the Jewish people had a "Moda'a Rabah l'Oraisa" -- a claim of immunity for any transgressions that they might commit. This "Moda'ah Rabah" lasted until the Jewish people willfully accepted the Torah during the time of Purim, nearly a thousand years later. If the Jewish people had this claim of immunity due to their forced acceptance of the Torah, why were they punished during the interim years for their sins, before they accepted the Torah willfully?

In addition, what does it mean that they were forced to accept the Torah? The Torah tells us that the Jewish people exclaimed, "Na'aseh v'Nishma," which implies that they willfully accepted the Torah!

#### ANSWERS:

(a) TOSFOS (DH Moda'a) answers that although the "Moda'ah Rabah" vindicated them from punishments for most sins, they \*were\* punished for the sin of Avodah Zara. The reason is because the Jewish people did accept upon themselves, willfully, not to practice idolatry. As for how the Gemara can say that their acceptance of the Torah was against their will when we

know that they said "Na'aseh v'Nishma," Tosfos explains that initially, before they stood at Har Sinai, they said "Na'aseh v'Nishma," intending to accept the Torah willfully. However, when they stood at Har Sinai, Hashem had to hold the mountain over them lest they change their minds out of fright, when they saw the mountain afire and the full awe of the Divine presence (which caused their souls to leave their bodies).

(b) The MIDRASH TANCHUMA (Parshas Noach) explains that they willfully accepted Torah sh'bi'Ch'tav, the Written Torah (the Pentateuch). If so, it was for the laws of Torah sh'bi'Ch'tav that they were punished. The "Moda'a" was for Torah sh'Ba'al Peh, the Oral Torah, which they were forced to accept. They did not accept it willfully because it is much more difficult.

(c) The RAMBAN and RASHBA explain that when they accepted the Torah, they accepted to keep it in the land of Israel. The land of Israel was being given to them only on condition that they keep the Torah (see Tehilim 105:24). The "Moda'a" was in effect only after they were exiled from the land (see Sanhedrin 105a).

On Purim they accepted the Torah out of love even in the Diaspora. They wanted to never again be separated from Hashem, so they accepted the Torah such that even if they must go into exile again, they will still remain loyal to the Torah. Thus, the "Moda'a" was no longer in force.

The explanation of the Ramban is consistent with his explanation (Vayikra 18:25, Bereishis 26:5) that the primary goals of the Mitzvos are fulfilled only in the land of Israel. Although we must observe the Mitzvos outside of Israel as well, nevertheless the observance of the Torah does not accomplish as much in the spiritual realms when done outside of Israel as it accomplishes when done in Israel.

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From: Kollel Iyun Hadaf[SMTTP:kornfeld@netvision.net.il] Reply To: Kollel Iyun Hadaf Sent: Sunday, February 11, 2001 5:27 PM To: daf-insights; Yehudah Landy; Avi Feldman; DPKINZ@aol.com Subject: Insights to the Daf: Sotah 49 (Siyum!)

INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il> SOTAH 49 (Siyum!) - sponsored by Jeff Ramm (Atlanta/Jerusalem), an avid Dafyomi learner and a loyal supporter of Kollel Iyun Hadaf. May he and his wife always have much Nachas from their wonderful children and grandchildren!

Sotah 49 THE DECREES OF THE "PULMUSIM" OPINIONS: The Mishnah discusses the Gezeiros that the Chachamim enacted after the three vanquishing armies ("Pulmus") conquered the Jews: the Pulmus of Aspasyanos (the Chachamim prohibited the "Ataros Chasanim" and the "Irus"), the Pulmus of Titus (the Chachamim prohibited the "Ataros Kalos" and the teaching of Yevanis to one's children), and the Pulmus ha'Acharon, the last Pulmus (the Chachamim prohibited a Kalah from being taken out in an Apiryon, a bridal canopy).

What were these three different Pulmusim? Was not the army of Aspasyanos the same army as that of Titus, like the Gemara says in Gitin (56b, which says that Aspasyanos went back to Rome when he became Caesar and Titus took his place as commander of the army)? Also, what was the "Pulmus ha'Acharon," the "last" Pulmus, to which the Mishnah refers? Was it not after the Churban?

(a) The simplest explanation, based on the order in which the Pulmusim are listed, is that the Pulmus of Aspasyanos refers to the siege of Aspasyanos (Vespasian) on Yerushalayim, which occurred three years before the Churban (Gitin 56a). The Pulmus of Titus was the fall of Yerushalayim in which the Roman legions were led by Titus. The Pulmus ha'Acharon was the Milchemes Ben Koziva (Bar Kochba), which took place 52 years after the Churban. Ben Koziva tried to reinstate the kingship of Yisrael, but after two and a half years he was conquered, marking the final fall of Malchus Yisrael (Rashi, Sanhedrin 97b, DH Od Achas, and as the Seder Olam explains (ch. 30)).

This concurs with the SEDER OLAM which also refers to three Pulmusim -- those of Aspasyanos, Titus, and Milchemes Ben Koziva. (This is according to the Girsas of the VILNA GA'ON in the Seder Olam, according to which it says that there were two years between the first two Pulmusim.) According to all of the Girsas, Ben Koziva came to power 52 years after the Churban (like the Gemara in Sanhedrin 97b says). This is also the way the TIFERES YISRAEL explains the Mishnah.

(b) The RAMBAM (in Perush ha'Mishnayos) explains that the Pulmus ha'Acharon is not referring to Ben Koziva but to a Pulmus that occurred in the times of Rabeinu ha'Kodesh (Rebbi). The "Raboseinu" who removed the Gezeirah against the bridal canopy was Rebbi himself. Perhaps it was this modesty of Rebbi -- which led him to attribute the removal of the Gezeirah to an anonymous "Raboseinu" and not to himself -- which prompted the early Amora'im to add to the Mishnah here the section which discusses the losses to Klal Yisrael with the passing of various Chachamim and ends with the cessation of Anavah and Yir'as Chet when Rebbi passed away.

The Rambam writes that the word "Pulmus" does not mean a vanquishing army, but rather it means the "reign" of the various leaders. Hence, the first Gezeirah was made some time before the Churban, during the \*reign\* of Aspasyanos. The second Gezeirah was made some time after the Churban, during the reign of Titus.

According to these two explanations, how are we to understand the Gemara later (49b) that says that the Gezeirah against learning "Chochmas Yevanis" was made during the time of the internecine conflict between the members of the ruling family of Beis Chashmona'i? The Gemara in Avodah Zarah (9a) tells us that the Malchus of Hurdus, which began after the fall of Beis Chashmona'i, was 103 years \*before\* the Churban. This incident (concerning the Gezeirah made during the conflict between Beis Chashmona'i) that our Gemara records, then, must have preceded the Pulmus of Titus by many years. Although the Gezeirah at the time of Beis Chashmona'i was against \*Chochmas\* Yevanis, and the Mishnah discusses a prohibition of \*Lashon\* Yevanis, nevertheless it is clear that the Mishnah is also referring to the Gezeirah

against learning Chochmas Yevanis, since the Gemara explains that there is no prohibition to speak the \*language\* of Yevanis, but only to speak the Chochmas Yevanis (which is some form of language of verbal cues).

TOSFOS asks this question in Bava Kama (82b) and in Menachos (64b). Tosfos answers that Klal Yisrael did not accept the original Gezeirah, and therefore it was necessary to reinstitute it at the time of Titus, at which time they accepted it.

Another possibility is that the word in the Mishnah should not be "v'she'Lo Yilamed..." ("and [they decreed] \*that\* one should not teach his child Yevanis"), but rather "v'Lo Yilamed" ("and one should not teach his child Yevanis"); this Gezeirah of teaching Yevanis is not related to the time of the Pulmus mentioned in the Mishnah, but it is a separate Gezeirah. After the Mishnah lists the Gezeiros that were made as a Zecher l'Churban, it mentions this other Gezeirah which dates back to the time of Malchus Beis Chashmona'i and which was initiated due to the incident that occurred during the civil war of the Chashmona'im, and was not directly a result of the Churban. The reason the Mishnah mentions it before the Gezeirah of the Pulmus ha'Acharon (the prohibition of the bridal canopy) is because the Gezeirah of Pulmus ha'Acharon was not perpetuated, like the Mishnah says, because "Raboseinu" permitted the bridal canopy.

This might be inferred from the wording of the Rambam in the Pe'rush ha'Mishnayos when he mentions the Gezeirah against Chochmas Yevanis \*after\* he explains the Gezeiros of the Pulmusim in the Mishnah. (M. Kornfeld)

(c) RASHI, however, writes that the Pulmus of Aspasyanos refers to when Aspasyanos brought the Roman armies to Yerushalayim (like in (a) above), but he writes that the Pulmus of Titus was the army that Hurkanos brought against his brother Aristobolus, and that there were 52 years between this Pulmus and the preceding Pulmus (like the Seder Olam mentions). He writes that the Pulmus ha'Acharon was the destruction of the Beis ha'Mikdash, which was also at the hands of Titus.

Rashi obviously derives from the words of the Gemara his explanation that the Pulmus of Titus was the futile war of the Chashmona'im. Rashi is bothered by the question we asked from the Gemara: how could the Gezeirah of Lashon Yevanis have been made at the time of Titus, if its source dates back to the times of the Chashmona'im (over 100 years before Titus' conquest of Yerushalayim)? Rashi answers that the Pulmus of Titus refers to the civil war of the Chashmona'im, during which Hurkanos brought Titus to Yerushalayim to fight against his brother.

This approach, though, is problematic. How could Rashi write that Titus was brought to Yerushalayim during the conflict between Hurkanos and Aristobolus, which occurred 52 years after Aspasyanos? It is clear that Hurkanos and Aristobolus were from Beis Chashmona'i and that they lived long before Titus! As we saw, the Seder Olam mentions the period of 52 years only with regard to the war of Ben Koziva, pointing out that it occurred 52 years after the Churban. No other event is mentioned with regard to 52 years. How could Rashi date the Malchus Chashmona'i as existing after the Churban if it was conquered 103 years before the Churban? (YA'AVETZ)

In addition, according to Rashi, the Pulmus ha'Acharon which he writes was related to Titus, must have preceded the Pulmus of Titus, so how could it be called the Pulmus ha'Acharon if the previously mentioned Pulmus (of Titus) actually came \*after\* it? If the Pulmus ha'Acharon is referring back to the Churban, like Rashi writes, then how can it be called the "last" Pulmus if the other one was 52 years after it? (The ME'IRI also quotes the explanation of Rashi.)

It seems that Rashi originally suggested two different explanations of what the Pulmusim were, and in our text of Rashi the two explanations were mixed together. The first explanation is that the Pulmus of Titus refers back to the war of Hurkanos and Aristobolus, which occurred much earlier (like the Gemara implies), and the reason it is referred to as the "Pulmus of \*Titus\*" is because -- like the MINCHAS YAKOV explains -- this civil war in which the Romans were invited to fight against one of the Jewish armies is what brought about the eventual destruction of Yerushalayim at the hands of Titus. When Rashi says that Hurkanos brought in the army of Titus to fight against his brother Aristobolus, it means that it was his act of bringing in the Roman armies that \*culminated\* in the coming of Titus. "Pulmus ha'Acharon" refers to the actual Churban at the hands of Titus years later.

The comment of Rashi that "between one and the other there were 52 years" is a second explanation of the Pulmusim, in which Rashi is explaining that the Pulmus of Titus is to be understood in its straightforward meaning (like the first explanation), that it refers to the fall of Yerushalayim at the hands of Titus, and these words of Rashi regarding the 52 years are describing the time between the destruction of Yerushalayim at the time of the Pulmus of Titus, and the Pulmus ha'Acharon. Rashi is saying that the Pulmus ha'Acharon was 52 years after the fall of Yerushalayim, and it is referring to the war of Ben Koziva, like the Seder Olam says.

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GITIN 3 - dedicated by Marcia and Lee Weinblatt to the merit of Mr. and Mrs. Israel and Gisela Turkel (Yisroel Shimon ben Reb Shlomo ha'Levy, Golda bas Reb Chaim Yitzchak Ozer), of blessed memory.

From: Mordecai Kornfeld[SMTP:kornfeld@NETVISION.NET.IL] Sent: Thursday, February 15, 2001 8:10 AM To: daf-discuss@shemayisrael.co.il; nzion@dafyomi.co.il; nzion@zahav.net.il; avisfeld@NETVISION.NET.IL; DPKINZ@AOL.COM Subject: Gitin 007: Music THE DAFYOMI DISCUSSION LIST brought to you by Kollel Iyun Hadaf of Yerushalayim Rosh Kollel: Rabbi Mordecai Kornfeld ask@dafyomi.co.il

Gitin 007: Music Y. Kalish asked: In the last several blatt, including Sota, the topic of music being assur has arisen. I was wondering what the modern day poskim say about such sha'alos. Is it assur to be a musician, go to a concert, have music at chasunas...etc.? Thank

you.

The Kollel replies: See our Insights to Sotah 48 for a discussion of this topic and a summary of the Halachah.

Music at a Chasunah is permitted for the reason mentioned below, that it is for the sake of a Mitzvah and the music is for the sake of singing praise to Hashem. Regarding a concert, a concert which is not for the sake of praising Hashem would, apparently, be prohibited, although some Poskim (She'eilos u'Teshuvos Maharshag 2:155, Shevet ha'Levi 6:69) rule that listening to music is permitted to lighten one's from depression, and thus one who is depressed might be permitted to attend a concert (but when attending merely for the sake of entertainment, it would seem to be prohibited).

Regarding becoming a musician, the Tzitz Eliezer discusses this question (15:33:1). He concludes that it is permitted, because (a) one may certainly rely on the Rema who says that the Isur is only for listening to music for the sake of pleasure on a frequent and consistent basis, and (b) even according to the Shulchan Aruch, the Isur is only "l'Same'ach ba'Hem," but to study music for the sake of earning a livelihood is not considered listening or playing music for the primary purpose of rejoicing (for this reason, the Poskim permit an Avel who is a musician to work at his profession while he is an Avel). The Tzitz Eliezer cites the Pri Megadim (in Eshel Avraham, OC 551:1) and Maharil Diskin (Kuntrus Acharon, #196) who permit the profession of musician for this reason.

Of course, one must bring any specific and personal question to a competent Halachic authority. Y. Shaw

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From: Ohr Somayach[SMTP:ohr@ohr.edu] To: dafyomi@ohr.edu Subject: The Weekly Daf - #366

The Weekly Daf #366 Gittin 5 - 11 By Rabbi Mendel Weinbach, Dean, Ohr Somayach Institutions

Dedicated in loving memory of our mother and grandmother Miriam Roseman bas Yisrael z"l

#### SPEAKING SOFTLY

Our sages instructed a man to say three things in his household on Erev Shabbat before nightfall:

1) Have you tithed? 2) Have you made an eruv (to permit carrying from one house to another within the same courtyard) 3) Light the candles.

All three of these reminders of preparations which must be made before the advent of Shabbat, says the Sage Rabba bar Bar Chana, should be said gently in order that they will be well received by the wife and anyone charged with these responsibilities. When this statement came to the attention of Rabbi Ashi, he declared that even before hearing this in the name of Rabba bar Bar Chana he practiced this policy based on his own understanding.

Maharsha raises the question that Rabba bar Bar Chana also gave his advice based on his own understanding and not from any mishnaic source. What then did Rabbi Ashi mean by stressing that it was he who practiced it from his own understanding?

His answer is that there is a difference in the reason given by each of these sages for issuing those three reminders gently. Rabbah bar Bar Chana was concerned that a reminder issued in rough fashion might actually be counterproductive. In order for each of these three preparations for Shabbat to be effectively executed, the head of the household must appoint an agent to act in his behalf. If he does not speak gently to the agent he appoints, that agent may refuse to accept the appointment and thus render the tithing, eruv or candle-lighting ineffective.

Rabbi Ashi, however, approached the need for gentleness from an entirely different angle. Even if it is certain that the members of the household will accept the appointment as agents for these preparations out of respect for the head of the household, Rabbi Ashi practiced a policy of issuing such orders gently out of his own understanding that a man should always speak gently to people in all situations.

This last point of Maharsha is obviously based on what our sages tell us (Mesechta Yoma 86a) that the ideal behavior of a Torah scholar includes speaking gently to everyone.

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