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## INTERNET PARSHA SHEET ON YISRO - 5773

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Covenant & Conversation

Thoughts on the Weekly Parsha from

Lord Sir Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

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**Britain's Chief Rabbi Lord Jonathan Sacks**

**The Custom that Refused to Die**

There's an enthralling story about the Ten Commandments and the role they played in Jewish worship and the synagogue.

It begins with a little-known fact. There was a time when there were not three paragraphs in the prayer we call the Shema, but four. The Mishnah in Tamid (5: 1) tells us that in Temple times the officiating priests would say, first, the Ten Commandments and then the three paragraphs of the Shema.

We have several pieces of independent evidence for this. The first consists of four papyrus fragments acquired in Egypt in 1898 by the then secretary of the Society of Biblical Archaeology, W.L. Nash. Pieced together and located today in the Cambridge University Library, they are known as the Nash Papyrus. Dating from the second century BCE, they contain a version of the Ten Commandments, immediately followed by the Shema. Almost certainly the papyrus was used for prayer in a synagogue in Egypt before the birth of Christianity, at a time when the custom was to include all four paragraphs.

Tefillin from the Second Temple period, discovered in the Qumran caves along with the Dead Sea Scrolls, contained the Ten Commandments. Indeed a lengthy section of the halakhic midrash on Deuteronomy, the Sifri, is dedicated to proving that we should not include the Ten Commandments in the tefillin, which suggests that there were some Jews who did so, and the rabbis needed to be able to show that they were wrong.

We also have evidence from both the Babylonian and Jerusalem Talmuds (Bavli, Berakhot 12a ; Yerushalmi Berakhot 1: 8) that there

were communities in Israel and Babylon who sought to introduce the Ten Commandments into the prayers, and that the rabbis had to issue a ruling against doing so. There is even documentary evidence that the Jewish community in Fostat, near Cairo, kept a special scroll in the ark called the Sefer al-Shir, which they took out after the conclusion of daily prayers and read from it the Ten Commandments (Jacob Mann, *The Jews in Egypt and in Palestine under the Fa`t`imid caliphs*, I, 221).

So the custom of including the Ten Commandments as part of the Shema was once widespread, but from a certain point in time it was systematically opposed by the sages. Why did they object to it? Both the Babylonian and Jerusalem Talmuds say it was because of the "claim of the sectarians."

Jewish sectarians – some identify them as a group of early Christians but there is no compelling evidence for this – argued that only the Ten Commandments were binding, because only they were received by the Israelites directly from God at Mount Sinai. The others were received through Moses, and this sect, or perhaps several of them, held that they did not come from God. They were Moses' own invention, and therefore not binding.

There is a midrash that gives us an idea of what the sectarians were saying. It places in the mouth of Korach and his followers, who rebelled against Moses, these words: "The whole congregation are holy. Are you [Moses and Aaron] the only ones who are holy? All of us were sanctified at Sinai . . . and when the Ten Commandments were given, there was no mention of challah or terumah or tithes or tzitzit. You made this all up yourself." (Yalkut Shimoni Korach 752). So the rabbis were opposed to any custom that would give special prominence to the Ten Commandments since the sectarians were pointing to such customs as proof that even orthodox Jews treated them differently from the other commands. By removing them from the prayer book, the rabbis hoped to silence such claims.

But the story does not end there. So special were the Ten Commandments to Jews that they found their way back. Rabbi Jacob ben Asher, author of the Tur (14th century) suggested that one should say them privately. Rabbi Joseph Karo argues that the ban only applies to reciting the Ten Commandments publicly during the service, so they could be said privately after the service. That is where you find them today in most siddurim – immediately after the morning service. Rabbi Shlomo Luria had the custom of reading the Ten Commandments at the beginning of prayer, before the start of Pesuke de-Zimra, the Verses of Praise.

That was not the end of the argument. Given that we do not say the Ten Commandments during public prayer, should we none the less give them special honour when we read them from the Torah, whether on Shavuot or in the weeks of parshat Yitro and Vaetchanan? Should we stand when they are being read?

Maimonides found himself involved in a controversy over this question. Someone wrote him a letter telling the following story. He was a member of a synagogue where originally the custom was to stand during the reading of the Ten Commandments. Then a rabbi came and ruled otherwise, saying that it was wrong to stand for the same reason as it was forbidden to say the Ten Commandments during public prayer. It could be used by sectarians, heretics and others to claim that even the Jews themselves held that the Ten Commandments were more important than the other 603. So the community stopped standing. Years later another rabbi came, this time from a community where the custom was to stand for the Ten Commandments. The new rabbi stood and told the congregation to do likewise. Some did. Some did not, since their previous rabbi had ruled against. Who was right?

Maimonides had no doubt. It was the previous rabbi, the one who had told them not to stand, who was in the right. His reasoning was correct also. Exactly the logic that barred it from the daily prayers should be applied to the reading of the Torah. It should be given no special prominence. The community should stay sitting. Thus ruled Maimonides, the greatest rabbi of the Middle Ages. However,

sometimes even great rabbis have difficulty persuading communities to change. Then as now most communities – even those in Maimonides' Egypt – stood while the Ten Commandments were being read.

So despite strong attempts by the sages, in the time of the Mishnah, Gemara and later in the age of Maimonides, to ban any custom that gave special dignity to the Ten Commandments, whether as prayer or as biblical reading, Jews kept finding ways of doing so. They brought it back into daily prayer by saying it privately and outside the mandatory service, and they continued to stand while it was being read from the Torah despite Maimonides' ruling that they should not. "Leave Israel alone," said Hillel, "for even if they are not prophets, they are still the children of prophets." Ordinary Jews had a passion for the Ten Commandments. They were the distilled essence of Judaism. They were heard directly by the people from the mouth of God himself. They were the basis of the covenant they made with God at Mount Sinai, calling on them to become a kingdom of priests and a holy nation. Twice in the Torah they are described as the covenant itself:

Then the Lord said to Moses, "Write down these words, for in accordance with these words I have made a covenant with you and with Israel." Moses was there with the Lord forty days and forty nights without eating bread or drinking water. And he wrote on the tablets the words of the covenant—the Ten Commandments. (Ex 34: 27-28)

Then the Lord spoke to you out of the fire. You heard the sound of words but saw no form; there was only a voice. He declared to you his covenant, the Ten Commandments, which he commanded you to follow and then wrote them on two stone tablets. (Deut. 4: 12-13)

That is why they were originally said immediately prior to the Shema, and why despite their removal from the prayers Jews continued to say them – because their recital constituted a daily renewal of the covenant with God. That too is why Jews insisted on standing when they were being read from the Torah, because when they were being given the Israelites "stood at the foot of the mountain" (Ex. 19: 17). The Midrash (Pesikta de-Rav Kahana 12, ed. Mandelbaum, p. 204) says about the reading of the Ten Commandments on Shavuot: "The Holy One blessed be He said to the Israelites: My children, read this passage every year and I will account it to you as if you were standing before Mount Sinai and receiving the Torah."

Jews kept searching for ways of recreating that scene, by standing when they listened to it from the Torah and by saying it privately after the end of the morning prayers. Despite the fact that they knew their acts could be misconstrued by heretics, they were too attached to that great epiphany – the only time in history God spoke to an entire people – to treat it like any other passage in the Torah. The honour given to the Ten Commandments was the custom that refused to die.

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From TorahWeb <torahweb@torahweb.org>  
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**Rabbi Hershel Schachter**  
**The TorahWeb Foundation**

*The Harp of Ten Strings*

According to the Talmudic tradition[1], all the other nations of the world heard about the proclamation of the new religion on the occasion of ma'amad Har Sinai. They first heard about the first several dibros: I am you G-d etc., you may not worship any other gods, you may not swear falsely or even unnecessarily in the name of

your G-d, observe Shabbos to strengthen the belief in creation, etc. Their initial reaction was, "there we go again, a religion like all other religions." Every religion preaches that it alone has the truth. But when Hashem continued to command about kibud av v'eim etc., they all realized that this is truly a unique religion, consisting of all three categories of mitzvos[2]: *bein adam l'mokom* (between man and G-D), *bein adam l'chaveiro* (between man and his fellow man), and even *bein adam l'atzmo* (between man and himself). The prohibition of *lo tis'ave* (desiring other people's belongings) is *bein adam l'atzmo*[3]. Man was created in G-d's image and the Jewish people were instructed to preserve that *tzelem Elokim* by working on their *middos*.

Our religion is all encompassing; it covers all human activities from the moment we wake up in the morning till the moment we go to sleep: how to bathe, how to get dressed, how to tie one's shoes, how to eat, etc. The *aseros ha'dibros* are the basis for all of our moral and ethical guidelines. The mishna in *Pirkei Avos* states that the natural world with all of its principles of chemistry, physics, mathematics, and biology is all a result of the *asora ma'amoros* proclaimed by Hashem at the time of creation. We believe that there is only one G-d. The same G-d who created the natural world also instructed us regarding all the moral, ethical, and religious principles. There can be no contradictions between science and the true religion, as both were instituted by the same one and only G-d. Yet, we seem to see a great discrepancy between these two worlds. We often see a *tzadik v'rah lo* or a *rosha v'tov lo*. If Hashem is truly in full control of everything, and He is good and kind, and cares about man, how can he allow the righteous to suffer and the wicked to prosper? This issue disturbed Moshe Rabbeinu and all the prophets[4] and philosophers of all ages. On Shabbos we recite Psalm 92. The Psalmist refers to this chapter as a "shir" as opposed to a shira. According to the midrash[5], all the nine major songs of the past were referred to in Tanach as shira and only the song of the future - *l'osid l'vo* - is called a shir. *Mizmor shir l'asid lo'vo l'yom shekulo Shabbos u'menucha l'chayei o'lomim*. The day will yet come that we will play music on a harp consisting of ten strings (*alei osor*) implying that we will then understand how the ten basic principles of the natural world (the *asora ma'amoros shebohem nivra ha'olam*) not only do not contradict the ten basic principles of the moral, ethical, and religious world, but will rather blend in harmoniously together[6].

Amalek represents this "problem of evil" in the world, this apparent contradiction. Amalek is left over from the original *tohu vo'vohu*. The *briya* was never completed. We were instructed to wipe out Amalek, to remove this last bit of *to'hu vo'vohu* and to complete the creation. As long as Amalek is still around, "Hashem's throne is not complete"[7]. In other words, it appears as if He is unable to control the natural world. In the "end of days" Amalek will be subdued and we will all see how the ten basic principles of nature blend in harmoniously with the ten basic principles of the moral, ethical systems of thought.

[1] Kiddushin 31A

[2] See Aderes Eliyahu of the Gra to Sefer Yeshaya (1-2)

[3] Regarding the prohibition of *lo tachmod*, there is a dispute between the Rambam and the Ra'avad. According to the Rambam, both *lo tachmod* and *lo tis'aveh* are prohibitions *bein adam l'atzmo*. But according to the Ra'avad, *lo tachmod* really belongs to the category of *bein adam l'chaveiro* because it is only violated if one takes away from the other person.

[4] Gemorah Berochos 7 A and B

[5] Tosfos Pesachim 116B

[6] *Sipurei Chasidim* by Rabbi Zevin

[7] Rashi on his commentary the end of parshas Beshalach, quoting from the Michilta.

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From Destiny Foundation/Rabbi Berel Wein  
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Subject Weekly Parsha from Rabbi Berel Wein

Weekly Parsha :: Rabbi Berel Wein  
*YITRO*

There are differing opinions as to when exactly Yitro appeared in the camp of the Israelites in the desert. There are those who follow the rabbinic dictum that one cannot infer chronological order from the juxtaposition of narratives as they appear in the Torah. Rashi definitely adheres to this view in many instances. However Ramban and others maintain that a general chronology of events can correctly be deduced from the order of the narrative portions of the Torah. According to this latter view, Yitro appears to join the Jewish people before the revelation at Sinai and before the construction of the Mishkan/Tabernacle. This makes his appearance and newly found commitment to Jewish life and Torah values even more remarkable. Yitro is the epitome of the restless, wandering, curious, seeking soul of humans.

According to Midrash, Yitro experimented with all forms and types of worldly faiths and religions before arriving at Moshe's doorstep in the wilderness of Sinai. And, he exclaims that "only now do I know" what I am searching for and where eternal truth and soulful serenity lie.

All humans embark on the same journey as did Yitro. All of us are looking for the ultimate meaning of our lives and what our purpose on earth truly is. Some of us, like Yitro of old, are forced to take many detours and encounter many dead-end paths before finding our road to fulfillment. Unfortunately, there are many who never find their way clear of the maze of society, mores and the distractions that are the roadblocks to our search for our true selves and purpose. But many of us, again like Yitro, are able to fight our way through our previous errors of direction and reach the sanctuary of a Torah life and a moral existence. Yitro stands as a living and eternal example of this great spiritual accomplishment.

For the Jewish people and, in fact, for all humankind, the Lord simplified the matter with the revelation at Sinai of the Ten Commandments, an event that is described in detail in this week's parsha. These Torah rules address all of the challenges of life – material gain and acquisitions, paganism, falsehoods, generational interaction and respect, sexual probity and family loyalty, a day of rest and spirit and not 24/7 living, honesty and ego-centered jealousy, to name the main categories. In effect the Torah provides for us a shortcut to reach the high road of accomplishment and satisfying purpose in life.

But there are those of us in life that feel themselves smarter and create their own shortcuts in life, avoiding the lessons of the Ten Commandments. The world's prisons are full of such people. The Torah purposefully placed the Ten Commandments in the parsha of the story of Yitro to illustrate to us that the long road that Yitro was forced to travel in life and God's shortcut lead to the same place – to Moshe's tent and to Mount Sinai.

As always the final choice of belief and behavior is left to each one of us individually. Fortunate are those that adhere to Sinai first and foremost without having to initially traverse the entire world of ideas and beliefs to eventually arrive at Sinai where their soul will be satisfied and their life purpose delineated clearly.

Shabat shalom

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From Ohr Somayach <ohr@ohr.edu>  
To weekly@ohr.edu  
Subject Torah Weekly

Ohr Somayach :: Torah Weekly :: Parshat Yitro  
For the week ending 2 February 2013 / 21 Shevat 5773  
by Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com  
Insights

*The Price of Privilege*

*"These are the words that you shall speak to the Children of Israel." (19:6)*

Rashi: These words - no less and no more.

We live in a world where inflation is an everyday part of life.

But there's one thing that still costs the same as it always did. One thing that's inflation proof. There's one thing that costs exactly the same as it did three thousand years ago. Being Jewish.

You can join the Jewish People today for exactly the same price as it cost three thousand years ago: accepting the Kingdom of Heaven and the mitzvot.

Anyone can become Jewish if he wants to.

The enemies of the Jewish people have always accused the Torah of being racist, setting the Jewish People apart as a treasured people and a holy nation.

But how can Judaism be racist and exclusivist if anyone can join?

It's true the Jewish People are "privileged". They have a special place in the purpose of Creation, to be a "kingdom of priests and a holy nation".

There is no privilege, however, without responsibility.

Rashi tells us that the above command, to speak 'these words' to the Children of Israel, contains an implicit mandate not to add or subtract from G-d's words.

However, the Sages when commenting on another verse, "Thus you will say to the House of Yaakov," tell us that G-d instructed Moshe to convey the Torah in different ways to the Jewish People. For example, when speaking to the women he was to use gentle words. When speaking to the men, however, he was to use language as tough as sinew.

So how could Moshe on the one hand not change one word - "These are the words that shall speak" – These and no other - and on the other hand vary his words to suit his audience?

When the Jewish People heard "And you will be to Me a kingdom of priests and a holy people", there were those who heard these as gentle words, words that allowed them to bask in the glory and the exaltation of such a mission.

Other people, however, heard these self-same words but understood that they bespoke a destiny as tough as sinew. For to be a holy nation and a treasured people is a responsibility of awesome proportions.

There is a price for privilege.

Source – S'fat Emet

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From Shema Yisrael Torah Network <shemalist@shemayisrael.com>

To Peninim <peninim@shemayisrael.com>

Subject Peninim on the Torah by Rabbi A. Leib Scheinbaum

Peninim on the Torah by Rabbi A. Leib Scheinbaum

Parshas Yisro

***And Yisrael encamped there opposite the mountain. (19:2)***

Rashi notes that the verb va'yichan is written in the singular. This teaches that the entire nation encamped k'ish echad b'lev echad, "as one person with one heart," so great was their sense of unity. Only when we are united in our commitment to Hashem, each of us maintaining a single, unified desire to serve Him, are we worthy of the name Yisrael. No hatred, no envy, only love and caring - that is how we approached Har Sinai. Horav Mordechai Ilan, zl, explains that this is why, in the well-known Dayeinu segment of the Haggadah, we say, "If He would have (just) brought us near to Har Sinai, and not given us the Torah - Dayeinu; it would have been sufficient." How can this be enough? The purpose of Har Sinai and everything that preceded it, was to receive the Torah. What was to be gained from coming to Har Sinai and leaving without the Torah? Now that we perceive the unprecedented unity that reigned among the Jewish People, to the point that they all felt as one person, we understand the unique "gift" of coming to Har Sinai. It was worth it alone just to achieve such an overwhelming sense of unity.

We may add that when the Angel gave Yaakov Avinu the name Yisrael, he said, ki sarissa im Elokim v'im anashim va'tuchal, "For you have contended with the Divine and with man and prevailed" (Bereishis 32:29). The name Yisrael given to the Patriarch is a name that implies strength, control, balance. As the nation is called Yisrael only when they achieve unity, so, too, is the individual Jew called Yisrael, when his entire essence - every organ including his heart and mind, are all subjugated and focused on one G-d, one mission, one purpose. This merger of oneself, this fusion of one's entire body in perfect harmony to serve Hashem, is what determines a Jew's strength and his worthiness of being called a Yisrael.

Hashem says to the nation, V'Atah im shamo'a tishmeu b'Koli u'shemartem es Bristi, v'heyisem Li segulah mikol ha'amim, "And now, if you will earnestly listen to My voice, and will keep My covenant, then you must belong to Me exclusively (segulah), more than all the nations" (Shemos 19:5). Horav S.R. Hirsch, zl, interprets segulah as an exclusive possession to which no one else except its owner is entitled, and which has no relationship to anyone except its owner. Thus, when Hashem applies the word segulah to define our relationship with Him, He is basically saying: "You belong to Me, exclusively and completely with every aspect of our nature, with all our being and with all our aspirations. He asks that we make all of our existence and all of our aspirations dependent upon Him alone, to permit Him to shape them all to allow nothing and no one else to direct our lives or influence our actions. That is the definition of Yisrael. One who has achieved harmony of body and soul, who has gained "Yisrael" status, becomes a segulah to Hashem. This is what took place at Har Sinai - and what we can achieve on a regular basis - if we work at it.

***You shall be to Me a kingdom of Priests and a holy nation. These are the words that you shall speak to the Bnei Yisrael. (19:6)***

The significance of this pasuk is inspiring. It not only underscores the inherent qualities found within each and every Jew, the amazing potential available to those who seek to maximize it; it also focuses on the future, intimating that our past, regardless how sordid or mediocre, should not hold us back from achieving greatness. In his Sefer Nitzotzos, Horav Yitzchok Herskowitz, Shlita, relates the story of a Kollel fellow, a scholar of note, who would serve as a bochein, tester, in various yeshivos. A few times during the year he would visit various schools and test their students. He was very impressed with one young teenager whose replies to his questions bespoke a penetrating knowledge of the subject matter. The speed and brilliance with which he rendered a response was equally impressive. It thus struck him as unusual when he came in the middle of the year to test the class and discovered that his prize student, Moishe'le, no longer attended the school.

When he asked for his whereabouts and reason for leaving, everyone from the rebbe to the principal hemmed and hawed with evasive answers. Finally, after continuing to push, he was told that Moishe'le was asked to leave the school. Apparently, Moishe'le befriended a boy from a different school, whose adherence to Torah and mitzvos was, at best, lackadaisical. The relationship regrettably grew, whereby the two teenagers were involved in a house break-in on Yom Kippur, at a time when they knew the inhabitants of the house would be attending shul. They were caught red-handed by the police. Due to their young age, and being first-time offenders, they were given probation. Moishe'le was too embarrassed to return to his original school. The principal cared about Moishe'le and saw to it that he be accepted in a dormitory school a ways from his home, so that he could start over. Everyone deserved a second chance. The bochein asked for the address of the school and proceeded to draft a letter to Moishe'le. He wrote: "Dear Moishe'le, I visited your school and was dismayed to learn that you no longer attend there. I miss your brilliant replies, your well-thought-out questions and your all-around wonderful demeanor. I hope that you will achieve your potential in your new school. With your superior mind, I am certain that you are destined to become a great Torah scholar. Please write me about your studies, and include a special question, or chiddush, original idea, which you had. I am including one hundred shekalim for you to spend as you wish."

Moishe'le received the letter and upon reading it, immediately burst into tears. If the bochein had such confidence in him, it must be that he was not yet aware of his shame. Someone still believed in him. Someone still cared. He would not let him down. The teenager, who up until this moment had sunk into a state of deep depression, made up his mind to reverse himself and attempt a comeback. So began an exchange of monthly letters between Moishe'le and the bochein. Every letter from the bochein included, as promised, one hundred shekalim in exchange for Moishe'le's chiddush. The teenager grew into a fine talmid chacham, Torah scholar, married and raised a beautiful family. He himself became a pedagogue par excellence, having learned the most important lesson in education: give the student a sense of self-confidence. Tell him he can do it. Give him hope.

Rav Herskowitz explains that this idea may be derived from the Torah's use of the future tense in enjoining us to become a kingdom of Priests and a holy nation. The Jewish People had just been liberated from a country whose moral turpitude had negatively influenced them, causing them to descend to the forty-ninth level of spiritual impurity. Yet, they were told that they were Hashem's treasure from amongst the nations of the world and admonished to become a kingdom of Priests and a holy nation. This meant they could do it. After all, Hashem believed in them. The past was ignored. Now was the time to look to the future.

This is the Torah way, generating a sense of confidence and hope within a

person. This will serve as the catalyst for achieving greatness. One of the preeminent Mashgichim, ethical supervisors, was asked for the key to his incredible success with students. He explained that he believed in his students - and told them so. Every student who entered the yeshiva was special and capable of becoming a Torah luminary. He treated them this way - and it showed.

In order to maintain this wonderful attitude towards each student, the Mashgiach eschewed playing an active role in the enrollment process, refusing to know anything about a potential student's past. He wanted to believe in every student. Negativity was shunned. He would reinforce this feeling in the hearts and minds of his students by focusing on the idea of mamleches Kohanim v'goi kadosh. Every student could aspire to become a Moshe Rabbeinu, an Aharon HaKohen. It was up to them. He raised the bar for each individual student, never settling for mediocrity or even complacency. Everyone had to produce, because everyone could produce. Throwing in the towel was unacceptable. It went against their individual potential. He not only believed in them; he taught them to believe in themselves.

***The entire People responded together and said, "Everything that Hashem has spoken we shall do." (19:8)***

When the Kesav Sofer was Rav in Budapest, Hungary, a group of lay people complained concerning a certain Jewish banker who refused to close his bank on Shabbos. They considered this an affront to the entire community. "The Rav must take action," they demanded. The Kesav Sofer was visibly depressed. Such an act of disgracing Hashem could not be countenanced in his community. This man was making a mockery of the Jewish religion and openly insulting the Jewish community. He sent for the banker to appear before him. The banker had no qualms about coming to visit the Rav - but he refused to change his position vis-à-vis Shabbos. "Rebbe, I am kofer b'ikar, heretic; I deny the very existence of G-d. Why should I bother with Shabbos, of all things?" "If you will not do it for yourself, at least act on behalf of the achdus, unity, of our nation" the Kesav Sofer pleaded. "Why should you be a poreitz geder, "breach the fence," act outside of the community circle? You are part of the Jewish People. Why disenfranchise yourself from them?"

"I could care less," was the man's retort.

"If this is the case," began the Kesav Sofer, "Clearly your ancestors did not stand at the foot of Har Sinai. They did not experience the Revelation."

"Kavod haRav; with all due respect," the banker responded in a much softer, subdued tone, "You may humiliate me and speak of me in the most derogatory manner, but this has nothing to do with my ancestors. They were good people who believed in everything which you extol. I will not allow you to defame my forebears - regardless of my sins of faith!"

"I am not slandering your ancestors," the Kesav Sofer began. "I am only reiterating what appears to be an established verity. If such is the case, there is no slander."

"How do you know this? How can you prove that my ancestors were not actively present at the Revelation?" the banker asked.

The Kesav Sofer was not going to give in to this man unless he was prepared to make a commitment. "I will tell you exactly what I mean. I will prove that your ancestors did not declare Naase v'Nishma, "We will do and we will listen"! as did the rest of the Jewish People. But first you must promise to close your bank on Shabbos."

Surprisingly, the banker agreed, promising to shutter his bank the following Shabbos. "Now, the banker demanded, "Give me proof that my ancestors were not at Sinai."

The Kesav Sofer began, "In the Talmud Nedarim 20a, Chazal make the following statement. 'One who does not manifest boshes panim, shyness, inhibition, self-consciousness; it is clear that his ancestors did not stand at Har Sinai.' How can the Talmud make such a strong statement? How can they be so "clear" about it? We must say that included amongst the many Jews who were willing to accept the Torah, were members of the erev rav, mixed multitude. These men were the habitual complainers, malcontents, and heretics, who wanted no part of the Torah. They clearly would have wanted a way out of accepting the Torah. Surely, they would have sown the seeds of disfavor in the hearts and minds of the people - but they could not. Why? Because the Jewish People all answered in unison, "Naase v'Nishma"! Once this took place, those derelicts could not exclude themselves from the group. It just did not speak well for them. Thus, because of their sense of embarrassment, not wanting to be humiliated, they, too, declared, "Naase v'Nishma."

"This indicates that anyone who does not manifest a sense of boshes panim; if he has no qualms about separating himself from the community, then clearly he descends from forebears who did not "attend" the ceremony of the Giving of the Torah. For, otherwise, where is your sense of shame? If you do not have it, apparently you descend from a family that was not at Har Sinai."

***Behold! I (Hashem) will come to you (Moshe) in a thick cloud... and also in you they shall believe forever. (19:9)***

The seminal event in Jewish history, the experience which transformed us from a tribe of people into a Torah nation, was the Giving of the Torah. Matan Torah. The unparalleled Revelation of the Shechinah which we experienced was much more than a spectacle that we witnessed. Indeed, we were much more than spectators. According to Ramban, every Jew achieved a level of prophecy during this experience. He explains that although Hashem spoke to Moshe Rabbeinu from amidst a thick cloud, the people, having reached a level of prophecy, were able to know prophetically of Hashem's dialogue with Moshe. The people thus had first-hand knowledge of the event which transpired. This led to an unshakeable belief in Hashem and in His relationship with Moshe. Hashem told Moshe that as a result of this unique experience, the nation's belief in Moshe would be so steadfast that if someone would later arise to dispute him, the nation would reject the usurper. The nation had heard with their own ears, and seen with their own eyes, that Moshe had reached a level of closeness with Hashem that was heretofore unprecedented. Indeed, no human being had ever reached the level of prophecy attained by Moshe. This is not conjecture - this is what we believe!

The Ramban's explanation begs elucidation. It may be agreed that the generation that stood at Har Sinai could very well reject any so called "prophet" that challenged Moshe or his teachings. They were there; they saw Moshe in action. There is no way that they would fall prey to the guile of an imposter - no matter how charismatic and convincing he might be. No one ever could be on a par with our quintessential leader. But, can this idea be equally applied to later generations who never had the privilege of knowing, seeing and interacting with Moshe? Can we really say that if a powerful, charismatic orator brilliantly and prolifically articulated a scholarly challenge to Moshe's teachings, that we are confident that we will not be moved by his rhetoric? Perhaps I should rephrase this question: we will adhere to Moshe Rabbeinu's teachings regardless of who would have the insolence to impugn their integrity or validity in our contemporary society. But, why? Why are we so confident in our beliefs?

Horav A. Henach Leibowitz, zl, explains that Klal Yisrael has been endowed with another precious legacy. We possess not only the Torah, but the entire experience of the Revelation is ineffaceably engraved in our consciousness. The Rosh Yeshivah quotes Rabbeinu Bachya in his commentary to Devarim 26:16, that we all have the ability to recapture the Revelation in all its miraculous glory, as if we were there today. This is the idea behind Ramban's statement that Klal Yisrael perceived Moshe's true greatness. Whatever we were able to perceive then is eternally etched in our psyche, so that we feel it now. Therefore, nothing - no person - regardless of his ability - can sway us from our belief in Moshe and the Torah which he transmitted to us.

In Shemos 3:12, the Ramban takes this idea one step further. Concerning our opening pasuk he writes, "And they shall follow you wherever you command them." This implies that not only our people's eternal belief in the Torah which Moshe transmitted is derived from the Revelation, but, also our devotion and commitment to the teachings which he expounded, remain the primary factors which have granted us the fortitude to endure countless trials and tribulations. The Rosh Yeshivah applies the Ramban's words as a "salve" for those who are distant from the Torah way. Regardless of the reason - whether by previous circumstance beyond their control - or by personal choice - one's present lack of religious affiliation should not serve as an obstacle to prevent return. Every Jew, his distance from Torah not-withstanding, despite his simple demeanor and appearance, is heir to this glorious inheritance which is already a part of him. We may not deny him his heritage - nor should he himself renounce it because he feels that he can never return. A Jew who exploits his potential can achieve the sublime level of being an active part of the nation which is a mamleches Kohanim v'goi kadosh, "Kingdom of Priests and a holy nation."

***And the seventh day is Shabbos to G-d, your G-d, on it you shall not perform any kind of (creative) work. (20:10)***

Throughout the millennia, when a Jew sought to become more "progressive," to distance himself from "archaic" tradition, the first tennet that went was Shabbos. The student of history is quite aware that this was the area that caved in first. Almost two hundred years ago, the self-styled secular Jew in Germany took a more intellectual approach to doing away first, with Shabbos, and then, with the rest of the Torah, by defining the above pasuk as, "You shall not do any kind of work." This distorted the entire concept of Shabbos and undermined its laws of observance. This was the home of those who denounced their allegiance to Sinai with the claim "bring the law into line with life," rather than follow the path of the Torah Jew who understands that "life must be brought into line with the law." Thus, Shabbos, which forms the basis of all Jewish life, was reinterpreted to conform with the demands of life.

Accordingly, the melachah which was prohibited on Shabbos was interpreted

simply as work, which was then defined incorrectly as any activity involving physical exertion.

Given this misinterpretation, any work that was in fact creative but not physically exertive, was not prohibited. Light physical activities, or tasks performed for intellectual activity, were not forbidden. After all, they were not work. Thus, their idea of reconciling the law with life was accomplished. Indeed, melachah has a deeper meaning, one which goes to the very core of defining work and its relationship with Hashem's resting from the act of creating the world. Observance of Shabbos is defined as cessation of all activities classed as "creation", with the desecration of Shabbos being the direct opposite: performance of melachah, or what might be referred to as intelligent labor, creative work.

In his commentary to the Chumash, Horav S. R. Hirsch, zl, notes that the mechallel Shabbos, desecrator of Shabbos, is not one who does not go to the synagogue on Shabbos, but the one who performs a melachah. The mekoshesh eitzim, the first Shabbos desecrator, who gathered brushwood on Shabbos, was sentenced for gathering brushwood. They did not inquire of him if he had already given Shabbos "its due", by attending services or by listening to the rabbi's sermon, as some would have us believe. If the synagogue is too far from one's house, he either moves closer or does not attend. Driving is not a permissible option - regardless of how "non-exerting" it might be. Rav Hirsch observes that the actual word melachah is not based upon physical exertion. The term, which occurs almost 200 times in the Torah, is never used in conjunction with strenuous activity. Indeed, the slave labor performed by our ancestors in Egypt was called avodah, derived from eved, slave. It was not melachah. The term melachah, as explained by Rav Hirsch, is etymologically connected with malach, angel (same root spelling) which does not indicate activities that involve lesser or greater exertion, but, rather, solely activities connected with the intellect carrying out an intention.

Therefore, even if we were not aware of Chazal's definition of work, the mere fact that the Torah chose the word melachah, a word used almost 200 times - and never in connection with pure physical exertion, we would know that, "You shall not perform any kind of work on Shabbos" is a reference to work of creativity - not physical exertion. Clearly, one sees in the Torah what he wants to see, and applies his misinterpretation to suit his personal needs.

***And when you will make an Altar of stones for Me, do not build them hewn. (20:22)***

Rashi quotes the Mechilta where Rabbi Yishmael says: Every example of im (usually translated as if), in the Torah is referring to something which is optional, except for three times. The first of them is the above pasuk in which the im is not discretionary, but rather, translated as "when" you will build an Altar; the second instance (Shemos 22:4), is concerning lending money, im kesef talveh es ami, "if" you lend money, would be the incorrect translation since one must lend money. Hence, it is read "when" you will lend money. Last, is v'im takriv Minchas Bikurim (Vayikra 2:14); the pasuk cannot mean "if" you will bring a Minchas (meal-offering) of Bikurim, since the Torah is referring to the Minchas Omer which is an obligation. Apparently, these three cases of "im" are not conditional, but rather, absolute, and therefore the interpretation of im is "when". While this is all good and well, why would the Torah employ a word that implies discretionary when, in fact, it is an obligation? Mizbayach, lending money and Minchas HaOmer are obligatory; why use a term that implies conditional?

Horav Zev Weinberg, Shlita, explains that there are many activities which are obligatory in nature, but should nonetheless be carried out in such a manner that it appears that the individual is doing it out of a sense of option and generosity. This is especially true with regard to acts of kindness, which are albeit compulsory, but should be expressed with love and a desire to assist someone in need. When there is an appeal for assistance, and a person writes out his check as if he is about to take some bitter medicine, it takes away from the beauty and spirit of the mitzvah.

Likewise, when one offers his first fruits to Hashem, it should not be brought as something requisite, but out of a feeling of excitement - expressing one's good will and joy in being able to give back and express his gratitude to the Almighty. Similarly, when one builds a Mizbayach upon which he will bring his offerings to Hashem, it should be with a sense of beneficence - not compulsion.

Sponsored in loving memory of Vivian Stone Chaya Leah bas Shimon a"h niftara 18 Shvat 5769 By her children Birdie and Lenny Frank and Family

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**Rabbi Dr. Tzvi Hersh Weinreb**

*"Redemption"*

She was the daughter of Holocaust survivors, but she was not Jewish. Her parents were Polish citizens who, heroically, and at the risk of their own lives, rescued Jews from certain death. Her parents are no longer alive, but their memories are enshrined in Yad VaShem, the Holocaust memorial museum in Israel, in the pavilion reserved for righteous Gentiles.

She was a psychotherapy patient of mine about thirty years ago. I learned many things from her, including an answer to a question which arises in this week's Torah portion, Parshat Yitro (Exodus 18:1-20:23).

The question appears in the commentary of Rabbi Abraham Ibn Ezra on the very first verse of the Ten Commandments. The verse begins, "I am the Lord thy God who brought you out of the land of Egypt, the house of bondage: you shall have no other gods besides Me."

In his commentary, Ibn Ezra cites as the source of this question his famous predecessor, Rabbi Yehuda Halevi, perhaps the greatest poet in all of Hebrew literature and the author of one of the most indispensable works of philosophy in our tradition, the *Kuzari*.

The question is simply this: "Why would God, about to reveal the very basis of the Torah, introduce Himself to those assembled at the foot of Mount Sinai as the one who 'brought you out of the land of Egypt?' Wouldn't it be more appropriate and more awe inspiring for Him to proclaim, 'I am the Lord thy God who created heaven and earth?' " Does not the creation of the entire universe precede the Exodus from Egypt chronologically, and does it not supersede the Exodus as a wondrous and marvelous event? Would not people be more moved to obey the commandments of a God who created the entire world than they would be motivated to obey the commandments of He who merely freed a group of slaves?

There have been several attempts to answer this question. Traditional Jewish commentators have struggled with it, and Christian students of the Bible have been hard put to justify the relevance of the Ten Commandments to all humanity, when it was addressed by God only to those whom He delivered from the land of Egypt.

Whatever forms these many answers take, one thing is undeniable. Two aspects of God pervade the first two books of the Bible. One is the aspect of God as Creator, and the other is the aspect of God as Redeemer. Genesis emphasizes that God is the Lord over Nature, while Exodus stresses His role as the Lord of History.

This column is not the place to discuss the central dynamic of the world of nature. But it is the place to identify the central dynamic of human history: the concept of redemption, or in Hebrew, *geulah*. But what is "redemption?" It is a common word in the religious lexicon not just of Judaism, but of its so-called daughter religions, Christianity and Islam. But what does it mean?

It was from my psychotherapy patient; let's call her Catherine, that I first fully understood the significance of the word "redemption," and why it was in His role as Redeemer that God chose to begin the Ten Commandments, and not in His role as Creator.

It was during a particularly emotionally charged psychotherapy session. Catherine was recounting the tragedy of her father's life. He had been a prominent attorney in pre-war Poland. He had been interned in Auschwitz as a political prisoner because of his participation in the Polish resistance against the Nazis. After the war, he returned to his hometown, but instead of being given a hero's welcome, he was shunned as a traitor for saving Jews. He was unable to return to his former prestigious position and chose instead to emigrate to the United States. But here he found himself unable to master a new language and was compelled to earn his livelihood as a janitor. He lived the rest of his life vicariously through his children,

whom he helped obtain advanced professional educations.

As she recounted the story with great sadness, I expressed my empathy for her and spoke of individuals within my family who had had similar stories to tell after the Holocaust—to which she retorted sharply, "For you Jews, it was different. You have had a redemptive experience. You have rebuilt your culture, your religious communities, your educational institutions. My father had no such redemptive experience. He regained nothing of his glorious past. He died unredeemed."

Ever since that conversation, the word "redemption" has been replete with meaning for me. It is a process by which a slave becomes free, individuals become a nation, and those who were condemned to lives of emptiness become enabled to live lives of immense significance. If God the Creator brought forth *yesh me'ayin*, something from nothing, then God the Redeemer brought forth a people from the depths of the 49th level of degradation to the exalted summit of freedom and faith. Hence, my personal response to Yehuda Halevi's question. The Almighty prefaced the Ten Commandments with the assurance that personal redemption is a real possibility—a possibility, though, only for those who absorb the ethical and moral lessons He was about to teach in those Ten Commandments. He redeemed us once from the land of bondage, and He offered us the tools to redeem ourselves again and again throughout our lives.

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Subject Rabbi Frand on Parsha

### **Rabbi Yissocher Frand - Parshas Yisro**

#### *What Did Yisro Hear That Prompted Him "TO COME"*

The pasuk says, "And Yisro heard..." [Shmos 18:1] This alludes to the Talmudic explanation [Zevachim 116a], as Rashi quotes that Yisro heard the events of the splitting of the Sea and the war with Amalek, prompting him to come. We know that "nations heard about it and trembled; fear gripped those who lived in Plashes" [Shmos 15:14]. Everyone had heard about the events surrounding the Jews' exodus from Egypt. Everyone heard about the miraculous splitting of the Red Sea. And yet, we do not see that there was a mass movement to come join the Jews or to convert to Judaism. Somehow, Yisro was unique.

One of the things we mentioned in the past when we discussed this Rashi is that we need to learn from the likes of Yisro that dramatic events should affect us. The real lesson is how obtuse people can be. People can live through their lives seeing miraculous events and mind boggling things without the experiences having any real effect on them. They are not willing to open their eyes and ears, which causes them to be able to continue living their lives as if nothing happened after witnessing such events.

This is a general lesson we've spoken about in the past. This evening, I would like to concentrate on the Talmud's question: "What event did he hear which prompted him to come? (Mah shmua shama u'bah?)" The Gemara could have phrased this question in a simpler form: Mah shmua shama? (What did he hear?) What does the Talmud mean by adding the word "u'bah" (and he came)?

The Gemara is telling us that there are two things that we need to learn from Yisro. Number one, it teaches that we have to be open to stimuli and when events occur, they should have an effect on us. Number two, it teaches us that when this happens, we should take the inspiration and run with it right away. We are charged with seizing the moment. Basically, there are 3 possible reactions to witnessing miraculous events: There are those who witness what happens and it does not begin to faze them. There are other people who were amazed. It makes a big impression on them, but unfortunately like

most of humanity their reaction is "Yeah, takeh, we have to do something about this..." And then they go on with their lives in a business as usual way and the inspiration dissipates.

The novelty of Yisro and indeed the lesson of Yisro is "What did he hear about THAT MADE HIM COME (U'BAH)". Yisro – like many others – became inspired by what he heard, but uniquely, he took that inspiration and ran with it. He came to the Jewish people right away because he saw the Hand of G-d and he said "I am going to do something with it. I am going to actualize it. I am going to put it into deed."

I would like to share with you two stories about what it means to put something into deed.

There was a fellow who used to learn in the great Volozhiner Yeshiva. He was known as having the most encyclopedic knowledge ("biggest baki") in the entire Yeshiva – which is certainly saying a lot. In Volozhin, they did not go through a cycle of 6 or 8 masechtos as is common in many yeshivas today. They began with Brochos (the first tractate of the Babylonian Talmud) and continued through Niddah (the final tractate of Shas). So, someone who was the "biggest baki" in Volozhin really knew his stuff!

This fellow was once sitting at a meal and someone came in and asked him a question. He did not know the answer. Someone else at the table answered, "This is explicitly spelled out in Tosfos". The "baki" was beside himself with dismay. He forgot a Tosfos! What did he do? He got up in the middle of the meal – did not finish his food, did not "bentch" [recite the Grace after meals], ran to the nearest shul and took a vow that he would learn straight for the next 7 years. And that's what he did!

There was only one problem: He did not "bentch". So they asked the Rosh Yeshiva – Rav Chaim Volozhiner: Did he do right or did he do wrong? Rav Chaim Volozhiner answered: He certainly did wrong, by not bentching. But had he stopped to recite the Birkas HaMazon, in the intervening minutes the passion of the moment would have passed. He would have never made the vow and never gone on to learn the next 7 straight years. It is no small matter to walk away from the Biblical command to say Grace after meals, but inevitably, had he waited, the inspiration would have dissipated. This is the lesson of "What did Yisro hear, U'BAH – which caused him to come!"

The other story I saw in the volume Otzros HaTorah. One time, the person who took care of the finances for the Radin Yeshiva came into the Chofetz Chaim carrying a plain envelope sent through the Polish Postal System. The envelope contained 500 rubles in cash. We have to assume that the postal system in Radin circa 1920 was no better than the postal system in the United States 90 years later and yet nobody today would put \$500 cash in uncertified mail and expect to see it arrive at where it is supposed to arrive.

The Chofetz Chaim told his secretary to find out the story behind this envelope. Who puts 500 ruble in an envelope in the mail without even bothering to get it certified?

The story was as follows. A certain business man was trying to make a business deal. He pledged "If this deal is successful, I am going to give 500 rubles to the Chofetz Chaim's Yeshiva." Lo and behold, the deal was successful, but it was late in the afternoon. The post office was already closed. So he figured, alright I'll send it out tomorrow. Then he heard a little voice in his head go off which said "Five hundred ruble? Do you not think the Yeshiva would be happy to receive 50 ruble? Of course they would be happy with 50 ruble! Why do I need to send 500 ruble?"

The man said said, "I saw my determination dissipating. I was afraid that if I would wait until tomorrow, it would become 5 ruble. I determined, come what may, I am going to stuff the money into an envelope and drop it into a mail box – no certified mail, no return receipt required, because I saw that if I would wait any longer, the enthusiasm and determination to do the mitzvah would evaporate. This was the lesson from Yisro. What event did he hear THAT CAUSED HIM TO COME?" He was inspired and so he immediately ran with the inspiration.

### *The Importance of Having A Mission To Live Up To*

The pasuk says, "And you shall be for Me a Kingdom of Priests and a holy nation. These are the words that you shall speak to the Children of Israel." [Shmos 19:6] This pasuk is recorded on the threshold of Kabbalas HaTorah (Revelation at Sinai). Rashi says on the phrase "These are the words" – "neither less nor more".

What is Rashi telling us here? My good friend Rabbi Yaakov Luban shared the following insight with me, along with a story.

This is perhaps the most auspicious moment in the history of the Jewish people. They are about to receive the Torah. They do not know anything about Torah. Moshe Rabbeinu is about to give them their big charge, right before receiving the Torah. This is going to be the biggest speech of his life. What should he tell them? One would think that he should tell them what Torah is, what mitzvos are, what Torah can do, what mitzvos can do. It could have been an hour long sermon!

HaShem told Moshe, I want you to tell the people: They shall be for me a Kingdom of Priests and a Holy nation. That is it! Seven words, nothing more nothing less. What is this all about?

The following is a true story: There was a family in Yerushalayim with a child who was severely retarded. The parents came to Rav Shlomo Zalman Auerbach to discuss the institutionalization of their son: Where should they put him, how should they tell him, and so forth. The son did not want to go. Rav Shlomo Zalman asked the parents: Did you discuss this with your son? They said, "We cannot discuss it with him, he is mentally diminished."

Rav Shlomo Zalman insisted. You cannot just drop him off in an institution. You have to discuss it with him first. Rav Shlomo Zalman told the parents, "I want to see the boy." They brought their son to see Rav Shlomo Zalman. The great Rabbi asked the boy, "What's your name." The boy told him his name. Rav Shlomo Zalman then told the boy, "My name is Shlomo Zalman. I am the Gadol Hador [greatest Torah Sage of the generation]. You are going to go now to a special school. But there is no one in the school to supervise that everything is Kosher and everything is being done properly. I am making you my personal representative to see to it that everything in that school is Kosher and everything is done properly. And I am giving you Semicha and now you are a Rabbi. I want you to tell everyone there that Rav Sholomo Zalman Auerbach, the Gadol Hador, made me his personal emissary to see that everything is right." They put the boy in the institution. A few weeks later, the parents wanted to take the boy home for Shabbos. The boy said "I cannot leave. Rav Shlomo Zalman told me that I am responsible. I am the Mashgiach here. I have to take care of things." The boy did not want to come home for Shabbos.

What did Rav Shlomo Zalman do? He gave this boy a mission. When the boy received the mission, he said "This is what I have to live up to." He knew his mission and he knew the importance of the mission. Moshe Rabbeinu tells Klal Yisrael: I am not going to tell you all about Torah and Mitzvos. I am merely going to give you a mission: "You shall be for Me a Kingdom of Priests and a Holy Nation." That is the mission. The way to accomplish this mission is through something called Torah. When you receive the Torah, you will be able to accomplish the mission. But the only thing you need to know for now is the ultimate goal, the ultimate mission. That mission is "You shall be for Me a Kingdom of Priests and a Holy Nation", nothing more and nothing less. This is the introduction to receiving the Torah.

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD  
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### Rav Kook List

Rav Kook on the Torah Portion  
*Yitro: Serving the Community*

"Moses sat to judge the people. They stood around Moses from morning to evening." (Ex. 18:13)

From the account in the Torah, it would seem that Moses spent all his time judging the people. Yet, it was clear to the Sages that this could not be the case.

#### Overworked Judges

The Talmud (Shabbat 10a) relates that two dedicated judges worked such long hours that they were overcome with fatigue. (It is unclear whether this was a physical weakness from overwork, or a psychological depression from time lost from Torah study.) When Rabbi Hiyya saw their exhaustion, he advised the two scholars to limit their hours in court:

"It says that Moses judged the people from morning to evening. But could it be that Moses sat and judged all day? When did he have time for Torah study?"

"Rather, the Torah is teaching us that a judge who judges with complete fairness, even for a single hour, is considered to be God's partner in creating the world. For the Torah uses a similar phrase to describe Creation, 'It was evening and morning, one day' (Gen. 1:5)."

Rav Hiyya's statement requires clarification. If judging is such a wonderful occupation - one becomes a partner with God! - then why not adjudicate all day long? And in what way is the work of a judge like creating the world?

#### Personal Well-Being vs. Public Service

Great individuals aspire to serve the community and help others to the best of their abilities. The two judges felt that they could best serve their community by bringing social justice and order through the framework of the judicial system. Therefore, they invested all of their time and energy in judging the people. For these scholars, any other activity would be a lesser form of divine service. However, their dedication to public service was so intensive that it came at the expense of their own personal welfare, both physical and spiritual. Rabbi Chiyya explained to the scholars that while their public service was truly a wonderful thing, it is not necessary to neglect all other aspects of life. If one only judges for a single hour, and spends the rest of his time improving his physical and spiritual well-being so that he can better serve in his public position, then his entire life is still directed towards his true goal. It is clear that personal growth will enhance one's community service. Better an hour of productive activity in a fresh, relaxed state of mind and body, than many hours of constant toil in a tired and frenzied state.

#### Two Parts of the Day

What is the connection between Moses' judging "from morning to evening" and the description of the first day of Creation, "It was evening and morning, one day"? The day is one unit, made up of two parts - daytime and night. The daytime is meant for activity and pursuing our goals, while the night is the time for rest and renewal. Together, daytime and night form a single unit, constituting a day. The balance of these two aspects - activity and renewal - is particularly appropriate for those who labor for the public good. The hours that we devote to physical and spiritual renewal help us in our public roles; they become an integral part of our higher aspiration to serve the community.

(Gold from the Land of Israel pp. 130-132. Adapted from Ein Eyah vol. III, pp. 4-5)

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Weekly Halacha  
by Rabbi Doniel Neustadt

#### *Tevilas Keilim—Immersing New Utensils*

From the verse in Parashas Matos(31:23) ...Everything that can not come in fire should be passed through water, the Talmud<sup>1</sup> derives that utensils which are bought from a non-Jew, even if they are brand new, require immersion in a kosher mikveh. Just as a convert requires immersion, symbolizing his conversion from non-Jew to Jew, so too, utensils require immersion when being transferred from non-Jewish to Jewish ownership.<sup>2</sup> Many Rishonim hold that this is a Biblical command.<sup>3</sup> What follows is a basic review of which types of utensils require immersion.

Utensils fall into three categories with regard to the obligation of immersion: a) utensils that definitely require immersion and the blessing of Al tevilas keilim;<sup>4</sup> b) utensils which—for one reason or another—may or may not require immersion and the blessing is therefore not recited; c) utensils which do not require immersion at all.

The halachos concerning which type of utensil requires immersion are based on two criteria: 1) The material from which the utensil is made; 2) the function of the utensil. Let us review each of these criteria individually:

1. The material from which the utensil is made

Min ha-Torah only metal utensils require immersion.<sup>5</sup> But according to Rabbinic law, utensils made out of material which, "when broken can be melted down and reformulated," such as glass, are considered like metal and require immersion.<sup>6</sup> Therefore, all utensils made from any type of metal, including brass, steel, and aluminum, or any type of glass, including Pyrex, Duralex and Corelle,<sup>7</sup> are required to be immersed and a blessing recited.<sup>8</sup>

Note: Disposable aluminum pans which are used once and then discarded do not require immersion. If they are going to be used more than once, most poskim require them to be immersed (even before using them the first time),<sup>9</sup> while others allow them to be used two or three times and then discarded.<sup>10</sup>

Utensils made out of wood,<sup>11</sup> stone,<sup>12</sup> bone or ivory,<sup>13</sup> plastic, melmac, rubber or nylon,<sup>14</sup> non-glazed earthenware (flowerpot dull finish),<sup>15</sup> paper or Styrofoam do not require immersion at all.

There are, however, utensils made from certain types of materials whose status is questionable. Many poskim recommend, therefore, that they be immersed but the blessing be omitted. These include: Earthenware utensils which are lined or coated with lead<sup>16</sup> or glass (glazed),<sup>17</sup> and porcelain (or porcelain enamel, or Corningware<sup>18</sup>), which includes most of today's "china" dishes. Although some poskim maintain that these dishes do not require immersion at all<sup>19</sup> and one may follow this view,<sup>20</sup> the custom in many communities follows the opinion of the poskim who disagree<sup>21</sup> and require such "china" to be immersed but without a blessing.<sup>22</sup>

2. The function of the utensil

Having established what type of material a utensil must be made of in order to require immersion, we must still determine some other factors before deciding whether or not the utensil must be immersed. The Talmud states that only kelei seudah, utensils used for a meal, must be immersed. This includes all utensils which have direct contact with food—either during preparation<sup>23</sup> or at mealtime. Utensils which are clearly not kelei seudah do not require immersion at all, even if they are made out of metal or glass. [Since the status of some items as kelei seudah may be undetermined or in dispute, the poskim recommend that they be immersed but the blessing omitted.] Here are some examples:

\* Bottle or can openers do not require immersion.<sup>24</sup>

\* A stove, oven rack or a blech on which pots—but not food—are normally placed does not require immersion. A grill or a toaster-oven rack, however, upon which food is placed directly, requires immersion with a blessing.<sup>25</sup>

\* Vegetable bins and refrigerator racks, even if the food touches them directly, do not require immersion.<sup>26</sup>

\* A serving tray is exempt from immersion—unless food (as opposed to plates



and dishes) is placed directly on the tray, in which case it would require immersion with a blessing.<sup>27</sup>

\* A nutcracker requires immersion. Some poskim require a blessing as well,<sup>28</sup> while others rule that a blessing should not be made.<sup>29</sup>

\* A fruit and vegetable peeler requires immersion.<sup>30</sup> If the peeler is used exclusively for vegetables which are not normally eaten raw, e.g., a peeler used exclusively for potatoes, some poskim maintain that no immersion is required.<sup>31</sup>

\* An arts and crafts knife does not require immersion, even if the knife is occasionally utilized for food preparation.<sup>32</sup>

\* Jars, bottles, or metal containers which are used to store food but are never brought to the table, require immersion without a blessing. If they are brought to the table, then they require immersion with a blessing.<sup>33</sup>

\* Any utensil which is normally used for wrapped food only, does not require immersion. But if the food is unwrapped, then even if the utensil is always lined with aluminum foil or a towel, it requires immersion.<sup>34</sup>

\* Some poskim do not require immersion for a bread toaster.<sup>35</sup> Many others require immersion with a blessing.<sup>36</sup>

Note: Many people mistakenly believe that utensils may be used one time before being immersed. This notion is wrong, and it has absolutely no basis in Halachah.<sup>37</sup>

Question: What should one do if he is served food that was cooked in pots (owned by a Jew) that were not immersed?

Discussion: The food is permitted to be eaten. While it is forbidden to cook food in pots that were not immersed, once cooked, the food does not become forbidden to eat.<sup>38</sup> This is true even if the person who did the cooking was aware that it is forbidden to cook in such pots.<sup>39</sup>

If the food is served on dishes or cutlery that was not immersed, it is forbidden—*mi-deRabanan*<sup>40</sup>—to eat from or with those utensils. The food should be removed and placed on dishes that were immersed or on dishes that do not require immersion.<sup>41</sup>

Under extenuating circumstances, if one finds himself in a situation where he is served on dishes which were definitely not immersed,<sup>42</sup> and he cannot refuse to eat,<sup>43</sup> some poskim permit eating from those dishes, particularly if the dishes are made from glass or from porcelain, which require immersion *mi-deRabanan* but not *min ha-Torah*.<sup>44</sup>

Question: Does the same halachah apply to eating in a Jewish-owned restaurant or hotel whose dishes are immersed?

Discussion: Some poskim hold that eating in a Jewish-owned restaurant or hotel where the dishes are not immersed is more lenient than doing so in a private home.<sup>45</sup> They base their reasoning on the ruling of many early authorities who maintain that utensils that were bought for business use, even if they are used for eating, are not considered *keilei seudah* and are exempt from immersion. Since a restaurant or a hotel owner buys dishes in order to serve his guests for profit, it is considered as if he bought those dishes for business use and the dishes need not be immersed at all. While this ruling is not accepted by all authorities<sup>46</sup> and it is proper to be stringent, several contemporary poskim<sup>47</sup> rule that, when necessary, there is room for leniency in this matter.<sup>48</sup>

A patient in a hospital need not be concerned as to whether or not the dishes have been immersed.<sup>49</sup>

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Most poskim hold that it is permitted to leave dishes which are not immersed around the house,<sup>50</sup> as long as they are clearly marked as “not immersed.”

If one utensil which was not immersed got mixed up with other utensils which were immersed, one should immerse the entire batch, but without reciting a blessing.<sup>51</sup> If the re-immersion will involve monetary loss or major exertion (*torach gadol*) one may use the entire batch without re-immersing them.<sup>52</sup>

1 Avodah Zarah 75b.

2 Ritva, Avodah Zarah 75b, quoting Ramban, based on Yerushalmi.

3 See Tevilas Keilim, pg. 34, for a complete list. See also Yechaveh Da'as 4:44 who maintains that most poskim hold that it is *mi-deRabanan*.

4 Our custom is to recite this text whether immersing one utensil or many; Aruch ha-Shulchan, Y.D. 120:22, quoted by Taharas Yisrael 9; *mi-Beis Levi* (Nissan 5753, pg. 49).

5 While the Torah itself mentions only six different types of metals—gold, silver, copper, iron, tin, and lead—as requiring immersion, the poskim agree that all metals are included; Aruch ha-Shulchan 120:23; *Igros Moshe*, Y.D. 3:22.

6 Y.D. 120:1. For a more detailed explanation, see Aruch ha-Shulchan 120:25 and *Emes l'Yaakov*, Y.D. 120:1.

7 *Kashrus Kurrents*.

8 *Chochmas Adam* 73:1.

9 *Chelkas Yaakov* 3:115; *Minchas Yitzchak* 5:32; *mi-Beis Levi* (Nissan

5753, pg. 47).

10 *Igros Moshe*, Y.D. 3:23.

11 Y.D. 120:6.

12 *Rambam*, *Hilchos Ma'achalot Asuros* 17:6.

13 Several poskim quoted in *Tevilas Keilim*, pg. 232. A minority opinion requires them to be immersed; see *Darchei Teshuvah* 120:14.

14 This is the view of most poskim; see *Chelkas Yaakov* 2:163; *Kisvei Rav Henkin* 2:60; *Rav M. Feinstein* (quoted in *l'Torah v'Hora'ah*, vol. 1, pg. 11; vol. 2, pg. 20 and pg. 42); *Tzitz Eliezer* 7:37; 8:26; *Be'er Moshe* 2:52; *Yabia Omer* 4:8; 10:10. A minority opinion holds that plastic dishes should be immersed without a blessing; see *Minchas Yitzchak* 3:76-78; *Shearim Metzuyanim b'Halachah* 37:4. See *Kol ha-Torah*, vol. 42, pg. 14, quoting *Rav Y.Y. Weiss*.

15 *Chochmas Adam* 73:1.

16 *Rama*, Y.D. 120:1. See *Darchei Teshuvah* 28 who rules that even if they are coated with lead on both the outside and inside, no blessing is recited.

17 See *Darchei Teshuvah* 120:19 who quotes several views on this issue.

18 *Kashrus Kurrents*.

19 *Pischei Teshuvah*, Y.D. 120:2; *Shalmas Chayim* 1:13; *Rav M. Feinstein* (quoted in *l'Torah v'Hora'ah*, vol. 2, pg. 20); *Emes l'Yaakov*, Y.D. 120, note 52.

20 *Yabia Omer* 4:8.

21 *Melamed leho'il*, Y.D. 47; *Aruch ha-Shulchan* 120:29; *Darchei Teshuvah* 120:12.

22 *Kitzur Shulchan Aruch* 37:3 and *Misgeres ha-Shulchan*.

23 Some poskim hold that only utensils which are used in the final stage of food preparation require immersion, e.g., a pot, but not utensils which are used in the preliminary stages, e.g., a cookie cutter.

24 *Shach*, Y.D. 120:11. Even if the can opener touches the food it does not require immersion; *Rav S. Vosner* (quoted in *Tevilas Keilim*, pg. 233).

25 Y.D. 120:4 and *Pri Chadash* 12.

26 *Minchas Shelomo* 2:66-8; *Ashrei ha-Ish*, Y.D. 9:32. See also *Be'er Moshe* 4:99.

27 *Tevilas Keilim*, pg. 213.

28 *Minchas Shelomo* 2:66-6.

29 *Rav M. Feinstein* (quoted in *Ohalei Yeshurun*, pg. 46); *Ashrei ha-Ish*, Y.D. 9:17; *Chelkas Binyamin* 120:35, based on *Shevet ha-Levi* 6:245-4.

30 *Tevilas Keilim*, pg. 221.

31 *Avnei Yashfei* 1:146 based on *Aruch ha-Shulchan* 120:35-36. The same halachah applies to a pocketknife, etc.

32 *Darchei Teshuvah* 120:45, quoting *Peri Chadash*; *Aruch ha-Shulchan* 120:40-45. See *Tevilas Keilim*, pg. 52.

33 *Minchas Shelomo* 2:66-7; *Rav M. Feinstein* (quoted in *Ohalei Yeshurun*, pg. 45).

34 *Minchas Shelomo* 2:66-5. See *Chelkas Binyamin* 120:34.

35 *Igros Moshe*, Y.D. 3:24.

36 See *Tevilas Keilim*, pg. 208.

37 *Minchas Shelomo* 2:66-12.

38 *Rama*, Y.D. 120:16.

39 *Igros Moshe*, Y.D. 2:41.

40 *Yeshuos Yaakov*, Y.D. 120:1; *Beir Halachah*, O.C. 323:7, s.v. *mutar*. See *Chelkas Binyamin* 120:1 for dissenting opinions.

41 *Igros Moshe*, Y.D. 3:22; *Yechaveh Da'as* 4:44.

42 In a situation where one is unsure whether or not the utensils were immersed and cannot determine their status, there is an additional argument for leniency, since the prohibition to use dishes which were not immersed is *mi-deRabanan*, and one may be lenient when in doubt of a Rabbinic prohibition (*safek d'rabanan l'kulah*); See *Minchas Yitzchak* 1:44.

43 If the food served to him is dry, such as slabs of meat, one may remove the food with his hands or with plastic cutlery and eat it; *Igros Moshe*, Y.D. 3:22.

44 *Rav S.Z. Auerbach* in *Minchas Shelomo* 2:66-11, *Shulchan Shelomo*, O.C. 323:6-4 and *Shalmei Moed*, pg. 549.

45 See *Darchei Teshuvah* 120:70, 88 and *Shevet Sofer* 67.

46 *Levushai Mordechai*, Y.D. 83; *Chazon Ish* (quoted in *Tevilas Keilim*, pg. 89); *Igros Moshe*, Y.D. 3:22; *Ashrei ha-Ish*, Y.D. 9:57.

47 *Minchas Yitzchak* 1:44; *Yechaveh Da'as* 4:44. *Rav S.Z. Auerbach* also rules leniently on this issue, although he does not agree with the logic presented above; *Minchas Shelomo* 2:66-14.

48 Concerning glass utensils there is more room for leniency, since the entire obligation to immerse them is Rabbinic in nature.

49 *Rav S.Z. Auerbach* (quoted in *Nishmas Avraham*, Y.D. 120).

50 *Beir Halachah*, O.C. 323:7, s.v. *mutar*. See *Minchas Shelomo* 2:66-14 and *Chelkas Binyamin* 120:1, *Beurim*, s.v. *ha-koneh*.

51 See *Darchei Teshuvah* 120:36, *Har Tzvi*, Y.D. 93, *Ashrei ha-Ish*, Y.D. 9:58 and *Yabia Omer* 10:10.

52 Based on Y.D. 102:3 and *Shach*.

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By Rabbi Yirmiyohu Kaganoff

*Open, Sayeth Me!!*  
By Rabbi Yirmiyohu Kaganoff

Dateline: Friday Evening, Seudah Desert:  
A Bitter Tasting Shabbos

Question #1: Daniel asks you on Monday morning, "We spent last Shabbos at a hotel bearing a proper hechsher, and the coffee was served with small packets of sugar, sweetener, and pareve 'creamer.' I always thought that one may not open these packages on Shabbos, so I drank my coffee unsweetened - a bitter experience. What was the hotel relying on?"

Dateline: Shabbos Morning, Bright and Early:  
A True Family Crisis

Question #2: The Klein family is in crisis this Shabbos morning! Someone finished the box of Sweetios before everyone ate breakfast! May they open a new box this morning, or are they condemned to a Sweetios-less Shabbos?

Dateline: Shabbos Late Afternoon:  
Forgot the Flats

Question #3: Judith knocks on the rav's door Shabbos afternoon. "I purchased very expensive disposal flatware for a sheva berachos/seudah shlishis, but forgot to open the package before Shabbos. May I open the package on Shabbos? Would it help if I recite the magic formula, nicht garet on Shabbos, before doing so?"

Answer:  
Daniel, the Kleins, and Judith are all raising very common questions regarding the opening of packaging on Shabbos. None of the scenarios above is unusual, and occasionally the entire Shabbos day is filled with such interesting predicaments. As usual, our goal is not to resolve everyone's halachic issues; that we leave for one's rav. Our purpose is to present the background material so that our readers understand the halachic issues much better. In a different article (listed on rabbikaganoff.com as Uncanny Shabbos Regulations, or available from me as an e-mail), I discussed the questions involved in opening cans on Shabbos. Since many of the subjects covered then apply here as well, let us first review some points mentioned there that are germane to today's topic.

Is making an opening permitted on Shabbos?

In that article, we discovered that the laws of Shabbos prevent making a nice opening in a vessel, such as boring a hole in a storage drum (Shabbos 146a). I noted that Rav Moshe Feinstein prohibits opening a milk or juice carton on Shabbos, since creating the spout constitutes making a nice opening (Shu"t Igros Moshe, Orach Chayim 4:78). Does opening a single serve package, a cereal box, or a package of disposable tableware constitute making a nice opening? Does it involve any other Shabbos prohibitions?

Ruining

The previous article also analyzed the law of mekalkeil, literally, ruining, and noted that an act whose direct result is destructive is prohibited only *miderabbanan*. For example, digging a hole in the ground when one needs the earth but is not interested in the hole is halachically defined as a destructive activity and is therefore prohibited only *miderabbanan*.

Razing

Razing or demolishing a building in order to renovate violates a Torah melachah called *Soseir*. As we learned in the previous article, many authorities understand that demolishing a container is included under this melachah; however, since this activity is usually mekalkeil, it will be prohibited only *miderabbanan*. For example, although smashing a barrel to obtain its contents constitutes *Soseir*, since the smashed barrel is mekalkal it is prohibited only *miderabbanan*. Some authorities permit smashing a barrel to obtain the food inside, but most prohibit this (*Bi'ur Halachah* 314:1). Some conclude that one should not admonish those who do, provided they do not make a nice opening in the process (*Aruch Hashulchan* 314:8).

All authorities agree that one may break open a mustaki to obtain the food inside. A mustaki is a barrel that was previously broken and then reconstructed in a feeble way using resin as glue. Since a mustaki is not considered a proper vessel, smashing it open to obtain the food inside is permitted, provided one does not make a nice opening in the process (*Shulchan Aruch, Orach Chayim* 314:1).

Are any of the packages that Daniel, the Kleins, and Judith asked about comparable to a mustaki, which would permit them to tear the packaging open for its contents?

"Lulav Baskets"

The previous article also cited the Gemara that permits ripping open a chosol, a type of basket made of lulav branches, in order to access the unripe dates or dried figs stored inside. Although one may not smash open containers on Shabbos, one may tear apart a chosol because it is considered an artificial peel or shell around the fruit, and not a vessel (*Kolbo*, quoted by *Beis Yosef* and *Shulchan Aruch* 314:8). Just as one may remove the natural peel or shell of a fruit on Shabbos, and it is not making or destroying a vessel, one may remove an artificial "peel" or "shell" on Shabbos. Do any of the above-mentioned packages constitute chosalos? Do non-edible items, such as paper goods, have a halachically-recognized artificial peel?

Tearing through Letters or Designs

In addition to the above questions, several other halachic concerns may arise while opening packages on Shabbos. Erasing, *Mocheik*, is one of the thirty-nine melachos of Shabbos performed in the building of the Mishkan. Each board used in constructing the walls of the Mishkan was marked in order to identify its correct place when the Mishkan was reassembled (*Shabbos* 103b; *Rashi, Shabbos* 73a). Sometimes a board was mislabeled, requiring one to erase the numbering and re-mark it. When the result of the erasing is that one can now write in its place, this erasing creates a positive result and therefore incurs a Torah violation. Thus, erasing a blackboard is prohibited *min haTorah* since the primary purpose in doing so is so that one can write anew on the board. (Some contend that this is prohibited only *miderabbanan* because the writing with chalk on a blackboard is not considered permanent. This is a topic for a different time.)

Erasing that does not create any direct positive benefit is prohibited only *miderabbanan* since it is mekalkeil. It is unclear whether erasing because one wants the board to be clean is prohibited *min haTorah* or only *miderabbanan*. Tearing through a letter is also prohibited as *Mocheik* (see *Magen Avraham* 519:4), since one obliterates the lettering. However, since tearing through the lettering does not make the communication any clearer, this latter type of *Mocheik* usually constitutes a mekalkeil and involves only a rabbinic prohibition. Thus, tearing lettering or a design on a package entails a rabbinic prohibition of *Mocheik* and must be avoided.

*Mocheik* can be avoided by tearing in a way that one is not deliberately attempting to tear lettering and that tearing of lettering or a design is not inevitable. This involves the subject of *aino miskavein*, which is beyond our current topic and will be left for a different time.

Cutting Him Down to Size

Another melachah called *Mechateich* involves cutting items to a very precise size or shape. *Mechateich* was performed in the Mishkan when a hide was trimmed to a requisite size, and is also involved when cutting leather to make shoes or when cutting material for a pattern (see *Rashi, Shabbos* 73a). If a sugar packet includes markings to advise someone how to open it, does tearing it there violate *Mechateich*?

Tearing, *Korei'a*

One of the 39 melachos of Shabbos, *Korei'a*, tearing, was incurred while weaving the Mishkan's elaborate tapestry. Artisans sometimes repaired a curtain by tearing the woven material and then re-sewing or reweaving it (*Shabbos* 75a). Thus, tearing material on Shabbos as a step in manufacturing or repairing involves a Torah prohibition. Is opening packages prohibited because of tearing?

Wine or Brine

Understanding the melachah of *Korei'a* presents us with many challenges and certainly requires an article of its own. In this article, I will simply note two cases mentioned in Talmudic sources that appear to involve tearing and yet do not violate the melachah of *Korei'a*. In one instance, the *Tosefta* permits ripping a leather cover attached to a barrel of wine or brine (*Tosefta, Shabbos* 17:9 and *Beitzah* 3:9). Also, there is a Gemara that implies that tearing a piece of papyrus in order to grill food on it does not violate *Korei'a* (*Beitzah* 32b). (The Gemara's word *niyar* means papyrus and not paper. Paper was unknown

in the Mediterranean Basin and Western Asia at the time of the Gemara.) Why does neither of these cases involve the melachah of Korei'a? Without going into all the discussion about this melachah, I will share two answers offered to this question:

Some contend that the prohibition of Korei'a applies only to woven material and therefore does not apply to paper or leather (Gra'z 340:17; Ketzos HaShulchan 145:4). This compares favorably with the source for the melachah of Korei'a in the Mishkan, which was tearing clothing that requires repair or re-sewing. Others maintain that Korei'a applies only when both sides of the ripped item will subsequently be used (Bi'ur Halachah 340:13 s.v. ein shovrin). According to either of these approaches, no prohibition of Korei'a is involved when tearing the leather cover off a barrel, either because one does not intend to use the cover or because leather is not woven, nor does it apply when tearing papyrus or paper to grill on it when one has no use for the part torn off. Similarly, one would not violate Korei'a when opening the sugar and cream packets Daniel asked about, or the Sweeties cereal box, or the package of disposable tableware. Nevertheless, there are other authorities who prohibit tearing any of these items on Shabbos (Pri Chodosh, Yoreh Deah 118:18).

Did Shabbos's Coffee need to be Bitter?

Now that we have mentioned many of the basic principles involved, let us discuss Daniel's question:

"Last Shabbos, the coffee was served accompanied by small packets of sugar, sweetener, and pareve 'creamer.' I was under the impression that one may not open these packages on Shabbos. Could I have opened the packets?"

We now know that several halachic issues must be analyzed carefully in order to resolve Daniel's question.

1. Is opening these packets equivalent either to creating or to destroying a vessel?
2. Is tearing the top of the packet comparable to creating a spout or opening?
3. Does this violate Mechateich, cutting to size, particularly since one usually opens these packages along a premarked dotted line?
4. Can there be any concern of erasing or tearing?

Sugar Bags

The authorities debate whether one may open a bag of sugar on Shabbos. Shemiras Shabbos Kehilchasah prohibits opening such a bag because it is creating a new, serviceable vessel and/or a nice opening. He permits access to the sugar only if one rips the bag in a way that destroys it and then one empties the contents into a different container. On the other hand, Rav Moshe Feinstein contends that opening a bag of sugar is not deemed creating a new vessel (Shu't Igros Moshe, Orach Chayim 1:122). In his opinion, a sugar bag is considered a chosal ("peel"), which he defines as any packaging that is not reused for any other product; once its product is used, everyone disposes of the chosal. As mentioned above, a chosal is considered to be a "peel" for its contents. Just as one may peel a fruit or vegetable without it being considered making or destroying a vessel, so too, opening a chosal is not considered making or destroying a vessel.

Single Serve Packets

Regarding single-serve packets, many authorities feel that these are considered chosalos, since they are certainly not meant for reuse after the contents are emptied, and the small packets themselves are flimsy and do not lend themselves to any type of reuse. Those who are lenient feel that there is also no problem with Mechateich even if one opens the packets along their perforations, since one is not interested in having a packet that has such a specific shape or size. The line is there simply to facilitate opening the packet without spilling sugar all over the place.

Erasing

When opening these or any other types of packets, one must be careful to try not to tear any lettering, which would involve a rabbinic prohibition of Mocheik. Should lettering tear notwithstanding one's best efforts, one need not be concerned; Shabbos was not violated.

Korei'a

In our above discussion, we noted that, according to many authorities, there is no concern of Korei'a.

However...

Despite his conclusion that no Shabbos violations are involved in opening any packaging that is disposed of when its contents are finished, Rav Moshe concludes that one should always open these packages before Shabbos, since people might misunderstand the laws and mistakenly open packaging that is prohibited (Shu't Igros Moshe 1:122:10). Many other authorities quote similar

positions (Kaf HaChayim 314:38; Minchas Shabbos 80:164:9; Minchas Yitzchak 4:82:38). However, if someone is making a sheva berachos or has invited guests and finds, to his embarrassment, that he does not have enough food to serve, Rav Moshe permits having a gentile open the packages on Shabbos (Shu't Igros Moshe 1:122; for a similar approach, see Shu't Chelkas Yaakov 3:8). Presumably, having a gentile open them under these circumstances will significantly reduce the risk of error.

Other authorities are less concerned about the human error problem and permit opening such types of packets on Shabbos (Shulchan Shelomoh). Thus, the hotel that served these condiments in unopened single-serve packages held that they could allow its guests to rely on these opinions.

The Kleins' Cereal Box

At this point, we can try to resolve the crisis at the Kleins' breakfast table. May they open the new cereal box or may they not?

Opening the box is presumably not creating a new vessel – the box existed before it was glued shut. Here, the question is whether tearing the glue that seals the box violates Shabbos.

One may not glue items together on Shabbos, and therefore, ripping apart a glued item also violates Shabbos (Rambam, Hilchos Shabbos 10:11). Thus, some authorities contend that opening the cereal box tears apart two parts glued together, as does opening the bag inside the box. This author feels that this applies only if one uses a very strong permanent paste such as that used in binding, not the type used to close the top of the box (Nimla Tal, Melechtes Korei'a #17).

On the other hand, if we consider this box and the bag inside as chosalos, whose entire purpose is to be a "peel" for the cereal, one may open them. It may be prohibited to make a nice, neat opening, but this is not a major concern for five-year-old Yanki Klein, who is only interested in accessing his Sweeties and pays no attention to the condition of the bag. Again, one should try not to tear any lettering in the process. Also again, many authorities still rule that one should avoid doing this on Shabbos, since the laws are very complicated, and people may err. I refer the Kleins to their posek to get halachic guidance on this issue.

By the way, many packages are stuck together with very light glue. My wife mentioned that this is common practice for packages of ladies' socks and disposable tableware. Many authorities feel that opening this type of glue is not considered Korei'a, and I refer the reader to his/her rav for guidance.

Sheva Berachos Flatware

At this point, I would like to look at our last question: "I forgot to open the packages of disposal flatware that I purchased for the sheva berachos I am making. May I open the package on Shabbos?"

Personally, I would consider this kind of packaging to be a chosal that is flimsy and not meant for reuse. I also think that there is no problem of Mechateich for the same reasons mentioned above. Some authorities prohibit opening this package because of Korei'a, and others contend that there is no heter to consider this a chosal, since the product is not edible. However, many authorities permit opening packages of napkins or disposables (see Shulchan Shelomoh 314:4:4; Orchos Shabbos 12:23 and footnote 37).

Nicht Garet on Shabbos

I presume that we are all aware that there is no magic formula, such as nicht garet on Shabbos, that permits doing anything on Shabbos that is otherwise prohibited.

Conclusion

We can now understand well, why after writing a very lengthy responsum on the subject, Rav Moshe Feinstein still concluded that one should not open these packages, out of concern that people will violate the laws involved. Creating a beautiful Shabbos entails much planning and organization. It is worthwhile that one's preparation list include opening packaging, perhaps even immediately when bringing the items home from the store, before placing them on the shelf. Studying all the melachos of Shabbos helps us appreciate Shabbos more, and to get the maximum joy out of this special day.