

In My Opinion PASSWORDS
Rabbi Wein's Weekly Blog

In a moment of extreme foolishness I recently attempted to pay a credit card bill online through my computer. People of my generation should avoid such risky and dangerous behavior. The computer arrogantly demanded a password in order to log into my account. It also condescendingly informed me that I already had a password and that I should really type it in to get started paying my bill.

I have no recollection whatsoever of ever having that password and I certainly cannot remember what that password was. So, I again foolishly attempted to create a new password, which would then facilitate my entry into the hallowed halls of my credit card account. However, my computer repeatedly informed me that I had a password and that I should use that password to login to the account. And, it was very reticent to allow me to create a new password since I had not as yet use up the old one.

In any event, I eventually despaired of dealing with the matter and resorted to the time honored method of actually talking to a human being and arranging the payment of my bill in that fashion. Of course there is a certain waiting time that is mandatory today when attempting to talk to a human being on the other side of the phone line. It is as though companies that service millions of customers shudder at the thought that a representative of the company should be available in a relatively few minutes to provide what is euphemistically called customer service.

Be that as it may, I was able to successfully pay my bill with the help of the human being on the other side of the line, but I realized that I was still absolutely bereft of a password.

Passwords are supposed to prevent hackers and other nefarious individuals from invading one's privacy or, worse still, stealing information and money electronically. And, as is being proven daily by the hackers amongst us, passwords are not the panacea that prevents identity and monetary theft. But they are important.

And this led me to think about the password that are central to prayer in Jewish life. The different names/appellations used in referring to God in our prayers are really different password to allow our hopes and commitments to enter the different sections of the portals of Heaven. Like all password that exist in our physical world, these password must also be accurate and correct.

The fixed order of prayer in Judaism often times may appear to be repetitive and not overly inspiring. Nevertheless, this fixed order of prayer established by Ezra and the Men of the Great Assembly, two and a half millennia ago, remains the correct and exclusive password to the Heavenly domain.

Jewish history is abundantly clear that attempting to change the password to fit all sorts of passing fancies and temporary social and political correctness fails to achieve its goal.

Simply put, the wrong password will never get you to your account, no matter how elegant and emotionally inspiring that password may be. Thinking of the texts of Jewish prayer in terms of being accurate and necessary password will help make the moments of prayer that one participates in more vital, important and real.

The password that I type on my computer keyboard, and that appears on the computer, has a physicality to it. Our computer screen gives us the illusion of reality though in effect nothing physical is present on it. We have become accustomed to treating what appears on our

computer screens as being real, even though it really is ephemeral and transitory.

Much of religious belief falls into those categories as well. To the believing Jew, these transitory words, actions and ritual symbols encompass true reality. They allow us to enter realms of the spirit and the soul that are not visible to human eyes, yet in our hearts and minds we know that they exist and we wish to enter therein.

The moments of truly committed prayer properly executed may not be constant in our lives but when they do occur we feel the surge of holiness and communication with the infinite and with our Creator. That is the connective power of having the right password and the right domain. And having these password as part of our spiritual arsenal allows us to, so to speak, pay our bills on time in Heaven, as we accomplish it on earth as well. So, let us all resolve to remember our password and use them regularly.

Shabbat shalom
Berel Wein

Weekly Parsha YITRO
YITRO

The idea of a multilayered judicial system is advanced in this week's Torah reading by Yitro, the father-in-law of Moshe. As it appears in the Torah, Moshe originally envisioned himself as being the sole judge of the Jewish people and that all matters, great and petty, should be brought before him for judgment and decision.

Yitro advises him that neither he nor the people would survive under such a system. The Jewish people by nature are argumentative and litigative. It is impossible for one human being to bear such a burden, by one's self. Therefore the result was that tens of thousands of judges and administrators were chosen to service the judicial needs of the people of Israel.

Almost one-sixth of the entire adult male population of the Jewish people at that time was engaged in a type of judicial civil service. Because of this inordinate ratio of judges to people, every ten Jews had their own local judge, so to speak. Even in later times when this ratio of judges to people was no longer maintained, it seems from the Mishna and the Talmud that there were many local courts present even in villages and towns of rather limited population.

Resolving disputes and rendering justice was always seen as a basic requirement for any Jewish community, even for those that had a very small population base. In later times throughout the Exile the local rabbi served as the arbiter of disputes and the dispenser of justice, oftentimes suffering insult and injury thereby. A Jewish community that does not have some sort of court system based on Torah law is a complete rarity in the Jewish world.

Unresolved matters that the lower courts were not able to satisfactorily handle were brought to higher courts and eventually to the great Sanhedrin. In the desert of Sinai during most of their forty years of wandering, the Jewish people recognized Moshe, by himself, as being the great Sanhedrin. It was only at the end of his life and mission that Moshe created the great Sanhedrin of seventy elders.

This court and system of justice persisted in Jewish life throughout First and Second Temple times and even for centuries after the destruction of the Second Temple. It only lapsed in about the fifth century of the Common Era when the ordination necessary to be a member of the Sanhedrin was no longer exercised and granted.

There have been attempts in Jewish history to somehow renew that ordination and create a Sanhedrin to solve outstanding judicial and halachic issues. All such attempts have failed, none of them having been able to pass the test of time. Because of this lack of central authority that would be binding on all sections of Jewry, many difficult and basic issues are still unresolved in our time.

It seems that we need another Yitro to step forward and suggest an approach to restore the essential judicial system that would operate for the benefit of all of Israel. Let us hope that such a bold and wisely charismatic person will yet emerge in our days.

Shabbat shalom
Rabbi Berel Wein

Parshat Yitro (Exodus 18:1 – 20:23)
Rabbi Shlomo Riskin

Efrat, Israel — “You shall not climb up My altar with steps, so that your nakedness will not be revealed on it.” [Ex. 20:22]

In the time when the Torah was given, all religions were intimately connected with sexuality, temple prostitutes, and orgiastic rites. One of the great moral revolutions that Judaism brought to the world is the notion that holiness requires modesty in the realm of sexual matters and, by extension, all areas of life.

The Torah forbids the use of steps in ascending the altar, instead mandating the more gradually ascending ramp, in order that the priest’s nakedness not be revealed. This underscores the lesson that worship of God and sexual immorality are incompatible.

The significance of the ramp leading up to the altar can also be understood in another way. One of my mentors, Rabbi Moshe Besdin, z”l, explained to me that with a ramp you can either go up or go down, progress or regress. However, with steps, you can rest. The Torah may well be teaching us that, when ascending God’s altar, you cannot stop to rest; you dare not fall into the trap of self-satisfaction and complacency. Judaism asks for constant examination, self-criticism and growth.

The Tzemach Tzedek, one of the great Chabad rabbis, once asked his students: Who stands higher on the ladder, the individual on the third rung or the individual on the tenth rung? The individual on the tenth rung, they all responded. Not necessarily, he qualified. If the individual on the tenth rung is going down or standing still, and the individual on the third rung is going up, the individual on the third rung stands higher than the individual on the tenth rung!

I would like to add an additional interpretation to this verse. The Torah uses the word ma’alot, usually translated as steps, but which can also be translated as “good character qualities.” So now the verse reads, “Do not climb up to My altar with your good character qualities; so that your nakedness will not be revealed on it.”

According to this reading, God warns us that if we ascend to the altar of God flashing our good qualities, proud of our achievements and self-satisfied about all that we know, then the danger is that our nakedness—our weaknesses, our vulnerabilities, our flaws—will be revealed. The altar cannot be a center for self-aggrandizement, a stage of religious worship from which we let others know how great we are; if we fall into this trap, God tells us that ultimately our nakedness—not our greatness—will be revealed.

The altar of God must be approached with a sense of humility, with full awareness of our inadequacies; it dare not become a center of self-satisfaction, religious one-upmanship, and arrogance.

The following Hassidic tale illustrates this point. In a town in pre-war Europe, there lived two Jews: One, named Reb Haim, a great scholar, and the other, also called Haim, an indigent porter who could barely read the Hebrew letters. The scholar married well: the richest man in town came looking for the most brilliant mind in the yeshiva as his son-in-law, and gladly supported him generously.

The two Haims, such very different people, crossed paths frequently. Haim the porter would pray early in the morning so that he could start working as soon as possible in order to earn his meager living. Rushing out after the service, he would invariably run into the great Reb Haim arriving early for another minyan, since he stayed up until the early hours of the morning learning Torah. In this way they “met” nearly every day.

Reb Haim the scholar would always dismissively sneer at Haim the porter, ignoring the deprivations faced by the other Haim. Haim the porter, in contrast, would look upon the scholar with yearning, feeling sad and unworthy that he couldn’t spend his life studying the holy Torah.

Many years later, both Haims died on the same day, and went to face judgment in the Heavenly Court. Haim the scholar was judged first. All of his good deeds, years of long study, and righteous acts were placed on one side of the scale, and on the other side his daily sneer of self-satisfaction. The sneer outweighed all the good deeds. Haim the porter then submitted for judgment. On one side of the scale were placed his sins, and on the other side of the scale his daily sigh of yearning. When the scales finally settled, the sigh outweighed the sins and the sneer outweighed the merits.

Ultimately, in our worship of God, humility triumphs over all.
Shabbat Shalom

Justice or Peace? (Yitro 5777)
Covenant & Conversation

The sedra of Yitro, which contains the account of the greatest Divine revelation in history, at Mount Sinai, begins on a note that is human, all too human. Yitro, priest of Midian, has come to see how his son-in-law Moses and the people he leads are faring. It begins by telling us what Yitro heard (the details of the exodus and its attendant miracles). It goes on to describe what Yitro saw, and this gave him cause for concern.

He saw Moses leading the people alone. The result was bad for Moses and bad for the people. This is what Yitro said:

“What you are doing is not good. You and these people who come to you will wear yourselves out. The work is too heavy for you; you cannot handle it alone. Listen now to me and I will give you advice, and may God be with you...Select capable men from all the people-men who fear God, trustworthy men who hate dishonest gain-and appoint them as officials over thousands, hundreds, fifties and tens. Have them serve as judges for the people at all times, but have them bring every difficult case to you; the simple cases they can decide themselves. That will make your load lighter, because they will share it with you. If you do this and God so commands, you will be able to stand the strain, and so too all these people will reach their place in peace.” (Exodus 18:17-23)

Moses must learn to delegate and share the burden of leadership. Interestingly, the sentence “What you are doing is not good (lo tov)” is one of only two places in the Torah where the phrase “not good” occurs. The other (Genesis 2:18) is “It is not good for man to be alone.” We cannot lead alone; we cannot live alone. That is one of the axioms of biblical anthropology.

The Hebrew word for life, *chayyim*, is in the plural as if to signify that life is essentially shared. Dean Inge once defined religion as “what an individual does with his own solitude”. That is not a Jewish thought. However, it was the great nineteenth century scholar the Netziv (R. Naftali Zvi Yehudah Berlin) who made an unexpected, even counter-intuitive observation on this passage. He begins by raising the following question. It is easy to understand how Yitro’s advice helped Moses. The work was too much. He was becoming exhausted. He needed help. What is less easy to understand is his final comment: if, with God’s permission, you delegate, “so too all these people will reach their place in peace”. The people were not exhausted; Moses was. How then would they gain by a system of delegation? Their case would still be heard – but not by Moses. How was this to their advantage? (Harchev Davar to Exodus 18:23).

The Netziv begins by quoting the Talmud, Sanhedrin 6a. The passage is about what the sages called *bitzua*, or what later become known as *pesharah*, compromise. This is a decision on the part of a judge in a civil case to seek a solution based on equity rather than strict application of the law. It is not wholly unlike mediation, in which the parties agree to a resolution that they both consider fair, regardless of whether or not it is based on statute or precedent. From a different perspective, it is a mode of conflict resolution in which both sides gain, rather than the pure administration of justice, in which one side wins, the other loses. The Talmud wants to know: is this good or bad? To be adopted or avoided? This is part of the debate:

Rabbi Eliezer, son of R. Jose the Galilean, said: it is forbidden to mediate . . . Instead, let the law pierce the mountain [a saying similar to: “Let the chips fall where they may”]. And so Moses’ motto was: Let the law pierce the mountain. Aaron, however, loved peace and pursued peace and made peace between people . . . R. Judah ben Korcha said: it is good to mediate, for it is written (Zechariah 8:16), “Execute the judgment of truth and peace in your gates.” Surely where there is strict justice, there is no peace, and where there is peace, there is no strict justice! What then is the justice that coexists with peace? We must say: mediation.

The law follows R. Judah ben Korcha. It is permissible, even preferable, to mediate – with one proviso, that the judge does not yet know who is right and who is wrong. It is precisely this uncertainty at the early stages of a hearing that allows an equitable resolution to be favoured over a strictly legal one. If the judge has already reached a clear verdict, it would be a suppression of justice on his part to favour a compromise solution.

Ingenuously applying this principle to the Israelites in Moses’ day, the Netziv points out that – as the Talmud says – Moses preferred strict justice to peace. He was not a man to compromise or mediate. In addition, as the greatest of the prophets, he knew almost instantly which of the parties before him was innocent and which guilty; who had right on his side and who did not. It was therefore impossible for him to mediate, since this is only permitted before the judge has reached a verdict, which in Moses’ case was almost immediately.

Hence the Netziv’s astonishing conclusion. By delegating the judicial function downward, Moses would bring ordinary people – with no special prophetic or legal gifts – into the seats of judgment. Precisely because they lacked Moses’ intuitive knowledge of law and justice, they were able to propose equitable solutions, and an equitable solution is one in which both sides feel they have been heard; both gain; both believe the result is fair. That, as the Talmud says above, is the only kind of justice that at the same time creates peace. That is why the delegation of judgment would not only help Moses avoid total exhaustion; it would also help “all these people” to “reach their place in peace.”

What a profound idea this is. Moses was the *Ish ha-Elokim* (Psalm 90:1), the supreme man of God. Yet there was, the Netziv implies, one thing he could not do, which others – less great in every other respect

– could achieve. They could bring peace between contending parties. They could create non-violent, non-coercive forms of conflict resolution. Not knowing the law with the depth that Moses did, not having his intuitive sense of truth, they had instead to exercise patience. They had to listen to both sides. They had to arrive at an equitable verdict that both parties could see as fair. A mediator has different gifts from a prophet, a liberator, a law-giver – more modest perhaps, but sometimes no less necessary.

It is not that one character type is to be preferred to another. No one – certainly not the Netziv – regarded Moses as anything less than the greatest leader and prophet Israel has ever had. It is, rather, that no one individual can embody all the virtues necessary to sustain a people. A priest is not a prophet (though a few, like Samuel and Ezekiel were both). A king needs different virtues than a saint. A military leader is not (though in later life he can become) a man of peace.

What emerges at the end of the train of thought the Netziv sets in motion is the deep significance of the idea that we can neither live nor lead alone. Judaism is not so much a faith transacted in the privacy of the believer’s soul. It is a social faith. It is about networks of relationship. It is about families, communities, and ultimately a nation, in which each of us, great or small, has a role to play. “Despise no one and disdain nothing”, said Ben Azzai (Avot 4:3), “for there is no one who does not have his hour, and nothing that does not have its place.” There was something ordinary individuals (heads of thousands, hundreds, tens) could achieve that even Moses in all his glory could not achieve. That is why a nation is greater than any individual, and why each of us has something to give.

Rav Shlomo Aviner

Ha-Rav answers hundreds of text message questions a day. Here's a sample:

Law of Return

Q: I heard a story from the Chief Rabbi, Ha-Rav David Lau, that a Jewish grandfather who lived outside of Israel enabled 78 non-Jews - his wife, children and grandchild - to make Aliyah, receive grants for absorption, reduction in buying a house, etc., under the Law of Return. The Chief Rabbi therefore said that we must change the Law of Return. Is he correct?

A: The Chief Rabbi does not require my approval, but of course he is correct.

Not Tasty Food from One's Wife

Q: If my wife occasionally cooks food that does not taste good, should I eat it without saying anything or tell her and not eat it?

A: Eat it. Nothing bad will happen to you. And thank your wife for it. In general, thank Hashem that you have a wife and food.

How Much for Etrog Mehudar

Q: How much money should a person add in order to buy an Etrog Mehudar?

A: Another third of the cost. More than this amount depends on one's ability. Furthermore, it is possible that other Mitzvot take precedence over buying an Etrog Mehudar, such as Tzedakah or kindness to your wife and children (An Avrech, a married Yeshiva student, who very particular about observing Mitzvot, bought an Etrog Mehudar for \$300 and to come to Ha-Rav Shmuel Ha-Levi Vozner, author of *Shut Shevet Ha-Levi*, to ask him about the Etrog. Rav Vozner knew the Avrech, who was a true Ben Torah who had very little money, and asked him: Did you already buy clothing and jewelry for your wife for the holiday? The Avrech answered that he does not have enough money to buy clothing and jewelry. Rav Vozner said to him: It is preferable that you use the \$300 to buy your wife a present for the holiday and purchase an inexpensive Etrog. In the book "*Ve-Lo Shevet Ha-Levi Bilvad*, p. 200).

Filming a Terrorist Attack with a Smartphone

Q: Is it permissible to film a terrorist attack in order to show the world that the Arabs are attacking us and we are only protecting ourselves? After all, based on the story of Pilegash Ba-Geva (Shoftim, Chapter 19-21), Ha-Rav Moshe Feinstein permits someone to bring organs to a rally against organ donation to shock people, since hearing is not the same as seeing (Shut Igrot Moshe, Yoreh Deah 2:150).

A: It is preferable not to publicize it. In our time it weakens the resolve of the Nation. When the terrorists see our pain, they are strengthened, as it is written in the lament of King David: "Do not relate it in Gat...lest the daughters of the Philistines rejoice" (Shmuel 2 1:20). It is only permissible when it can aid the police.

Q: In a case where it is permissible, would it be permissible also on Shabbat?

A: It is permissible, since it helps in our war against terrorism, whether in the short term or the long term, enabling us to capture and punish terrorists. And filming is a Rabbinic prohibition.

Child Who Found Money

Q: My son found 50 shekels in school. What should he do?

A: Ask his teacher what to do.

Q: Can I trust the teacher?

A: You trust him with your son's education for an entire year and you're not sure you can trust him with 50 shekels?!

Tefillin and Desecrating Shabbat

Q: My friend is leaving Israel on Shabbat and asked if he should take his Tefillin with him?

A: No. It is performing a Mitzvah through a transgression.

Knit Kipa

Q: What is the source for a Knit Kipa?

A: There is no source and it has no importance. During the course of the generations, there were hundreds, if not thousands, of different types of head coverings. The essence is that one's head is covered, i.e. really covered.

Mesorah

By Rabbi Yirmiyohu Kaganoff

The Relationship between the Written and Oral Torah

I will begin our discussion by quoting the beautiful words of Rav Hirsch, explaining the relationship between the words of our written Torah and the laws of our Gemara:

The relationship between the Written Torah and the Oral Torah is like that between brief written notes taken on a scientific lecture, and the lecture itself. Students who attended the oral lecture require only their brief notes to recall at any time the entire lecture. They often find that a word, a question mark, an exclamation mark, a period, or the underscoring of a word is sufficient to bring to mind a whole series of ideas, observations, qualifications, and so forth. But for those who did not attend the instructor's lecture, these notes are not of much use. If they try to reconstruct the lecture solely from these notes, they will of necessity make many errors. Words, marks, and so forth, that serve the students who listened to the lecture as most instructive guiding stars for the retention of the truths expounded by the lecturer appear completely meaningless to the uninitiated. The non-initiate who will attempt to use these same notes in order to construct (as opposed to reconstruct) for himself the lecture he did not attend will dismiss what seems unclear as baseless mental gymnastics and idle speculations leading nowhere.[i]

Thus, we see that the Oral Torah is indispensable for a proper understanding of the Written Torah.

The Rambam[ii] divides all the myriad laws of the Torah into three basic categories:

1. Those that we know on the basis of mesorah, that is, we have a direct tradition from each generation's greatest Torah leaders to its teachers of the previous generation, and this tradition can be traced directly back to Moshe Rabbeinu, who, in turn, was taught these laws by Hashem during his sojourn on Har Sinai. For this reason, the Rambam, both in the Introduction to his Mishneh Torah and in the Introduction to his Commentary to the Mishnah, lists the entire chain of the mesorah from Moshe Rabbeinu until the completion of the Talmud. Every law included in this first category was, itself, transmitted by the leaders of each generation to the next in an unbroken chain.

2. Those laws that are derived from the Written Torah on the basis of rules that we were given at Har Sinai. In this instance, we were provided with the Written Torah as the lecture notes described above by Rav Hirsch, and accompanied by a detailed explanation of how to apply logic to derive and understand more details of these mitzvos. Any laws derived this way qualify as min haTorah.

3. Those laws that were introduced by the Sages of each generation in fulfilling their role, as mandated by the Torah, to safeguard the observing of its commandments. This category includes also completely new mitzvos that Chazal introduced, such as kindling the Chanukah menorah, the various observances of Purim and washing one's hands before partaking of bread.

The Rambam notes that there is a very sharp distinction between the first two categories, notwithstanding the fact that the laws of both are min haTorah. There cannot be any dispute about the veracity of any law that is in the first category, since all laws are based on mesorah. To quote the Rambam, *divrei kabbalah lo naflah bahem machlokes le'olam*, there can never be a dispute regarding concepts that are based on our Oral Tradition.

On the other hand, as the second category is based on logic, there will, of necessity, be differing opinions as to how to interpret and understand halachic concepts. As our Sages teach, just as no two people look the same, no two people think the same.[iii] Therefore, any time we discover a dispute between sages of the Mishnah or Gemara, the law being debated must fall under either the second category or the third, but it can never belong to the first.

A related difference between the two categories is that a Beis Din Hagadol of a later generation has the right and ability to overturn the ruling that is of the second category, but it cannot overturn a law that is based on mesorah from Har Sinai.

In the Introduction to his Commentary to the Mishnah, the Rambam divides the first category into two different subcategories, both of which include only laws that we were taught by mesorah. The Rambam calls the first subcategory *peirushim hamekubalim*, explanations of the verse that we know to be true on the basis of our mesorah. The second subcategory includes all laws that we know exclusively from mesorah without any allusion at all in the "lecture notes" – that is, the Written Torah.

Allow me to explain the difference between these two subcategories: The Torah instructs us to take on Sukkos the fruit of a beautiful tree, branches of date palms, twigs of a plaited tree and willows of a stream. In these two instances -- the fruit of a beautiful tree and the twigs of a plaited tree -- the notes provided by the Torah are insufficient on their own to identify which items are intended. However, those who attended the original "lecture" were told that the fruit of a beautiful tree means an esrog, and that the twigs of a plaited tree refers to hadasim. The mesorah explaining these oral lecture notes was transmitted by Moshe to Yeshoshua and the other great leaders of his era. They then transmitted this to the leaders of the next generation, and so on, until they were codified in the Mishnah and later in the Gemara. This subcategory is called *peirushim hamekubalim*.

On the other hand, there are concepts that are not alluded to in the lecture notes of the Written Torah. These were supplied completely via mesorah. For example, the laws of sukkah, or, more accurately, of the construction of “walls,” include concepts called gud and lavud. These laws have no basis in the Written Torah. This means that there is no mention whatsoever in the lecture notes and they therefore comprise the second subcategory. Chazal call this latter subcategory halacha leMoshe miSinai, meaning laws that are known only because of the mesorah of what Moshe was taught at Har Sinai.

Again, both of these two subcategories are laws that we know on the basis of mesorah, and whose veracity is never disputed, in the Rambam’s opinion. The difference between the two subcategories is that what is included under peirushim hamekubalim is something that we may have understood without mesorah on the basis of logic and the Written Torah, whereas we would never have known about a halacha leMoshe miSinai without our mesorah. Thus, the Gemara^[iv] demonstrates several ways in which one may derive that the “fruit of a beautiful tree” is indeed an esrog, even had we not been provided this information in our mesorah. However, we would never have known the laws of gud and lavud without a mesorah.

Nisuch Hamayim

The mitzvah to pour water on the altar on Sukkos provides insight into another curiosity. The Gemara^[v] cites approaches that derive this mitzvah by means of lecture notes in the Written Torah. Rabbi Yehudah ben Beseirah derives the mitzvah from the otherwise unnecessary letters mem, yud and mem (spelling mayim, water) in the words describing the wine libations on the second, sixth and seventh days of Sukkos. A different opinion, that of Rabbi Nechunya, says that this mitzvah is completely halacha leMoshe miSinai. ^[vi]

According to both opinions, the law is the same, and it was taught via a mesorah from Sinai. The dispute between the two opinions is under which subcategory this mitzvah should be included. Is it similar to esrog and hadas, in that a careful reading of Written Torah will teach the existence of this mitzvah, or is it like gud and lavud, that even the most careful reading of the Written Torah would not teach this law without our oral mesorah?

What if we forget a mesorah?

The Gemara^[vii] states that thousands of laws were forgotten during the days that the Jewish people mourned Moshe Rabbeinu’s passing. However, the majority were restored through the brilliant analysis of Asniel ben Kenaz. Are these now mesorah, or based on logic? The answer is that although they were originally mesorah, they are now based on logic, notwithstanding the fact that there is no dispute about them.

None of us is as brilliant as Asniel. We accept that this is part of the halacha because we know that the Beis Din Hagadol accepted Asniel’s logic. This concept will become important in the rest of our discussion.

So far, we have explained the two subcategories, both of which are aspects of the first category – laws that are part of the mesorah that we were taught at Har Sinai. As I mentioned above, the second category of the Torah’s laws are laws that are derived from the notes of the written Torah on the basis of the principles that the Torah taught. Since these laws are interpreted through logic, there will be disputes that occur. Whenever we find a dispute recorded in the Mishnah and the Gemara, it can only be regarding a law that falls under either the second or third of the Rambam’s three categories. If a dispute regards a Torah law, it will always be in regard to a law that is part of the second category, and the dispute will be based either on two differing interpretations of a verse, on two differing interpretations of a halacha leMoshe miSinai,^[viii] or on a dispute how to apply one of the rules that the Torah provided for interpreting the Written Torah. According

to the Rambam, there is never a dispute with a position that is based on mesorah.

It occasionally happened that a great Torah leader received the mesorah of a halacha and a different leader was aware of the halacha but had not received the mesorah upon which it is based. In such an instance, the opinion that cites a mesorah as the source becomes the halachic basis for the law.^[ix]

Who Decides?

When there is a dispute among gedolei Yisrael concerning how to interpret the words or concepts of the Torah, it is the duty of the Beis Din Hagadol, also known as the Sanhedrin, to decide which approach is the final halacha that Klal Yisrael will follow. In the era that the Beis Din Hagadol functioned, all disputed matters were brought to its attention for a ruling. Unfortunately, the Beis Din Hagadol has not functioned for many hundreds of years, and that is why, today, we are often left with unresolved disputes.^[x]

The Torah teaches that a great scholar who refuses to follow the ruling of the Sanhedrin and persists in ruling differently from their decision is guilty of a capital offense and is called a zakein mamrei.^[xi] The reason why the Torah treats this offense so seriously is that otherwise Klal Yisrael would become divided into many divergent groups, and we would lose our unified Torah.^[xii]

The Story of Akavya

Let us digress to explain an often misunderstood Mishnah. The Mishnah^[xiii] teaches that Akavya ben Mahalallel, considered perhaps the greatest Torah scholar of his generation, disagreed with the other Torah leaders of his generation and was a minority of one in four different disputes. The other Sages recognized Akavya’s tremendous scholarship and offered to make him the Av Beis Din, the head of the Sanhedrin, on the condition that he simply recant his position in these four areas. He rejected this offer because he considered it tantamount to falsifying the Torah.^[xiv] Yet, when Akavya lay dying, he instructed his son to reject his positions on all four issues in favor of those of the other Sages. When his son asked him why Akavya, himself, would not withdraw his opinion, yet instructed his son to do so, Akavya answered: The opinion that I hold is because I heard this from the majority of Sages of an earlier generation, and therefore I am bound by what I heard. However, you heard this position only from me, and I am now a minority. You are bound by what you heard to be the majority position, which disagrees with me, and you should therefore follow the position of the majority.^[xv]

It is apparent that the dispute between Akavya and the other Sages was not over a question of mesorah, for then there could have been no dispute. The dispute between them was based originally on a position that had been arrived at through logic. Akavya and the other Sages disputed what was the conclusion of the earlier generation. Since this was a position based on logic, they were freely able to do so.^[xvi]

Was Akavyah a zakein mamrei?

Since Akavyah refused to accept the authority of the rest of the Sanhedrin, why did he not qualify as a zakein mamrei? The Gemara^[xvii] asks this question and cites a dispute on the subject. The approach that is accepted is that, notwithstanding the fact that Akavyah opposed the decision of the Sanhedrin, he refrained from ruling for people. Although he would explain that he disagreed with the ruling of the members of the Sanhedrin, he would never tell someone to follow his position against theirs.

Can the Transmission be Faulty?

The Rambam emphasizes the vast difference that exists between these two categories: laws that are based on mesorah and those that are arrived at by logically applying the rules of halachic interpretation. To quote him:

Some think that there could be a dispute that is based on an error in the transmission of the laws or based on forgetfulness or because one

scholar received the mesorah truthfully whereas a different scholar erred or forgot or simply never heard all that he should have heard... this is an improper approach and these are words of someone who is without common sense and is missing the basics. He is defaming the great men from whom we received the commandments. This entire approach is null and void. What caused people to make this terrible error is insufficient examination of the words of the Sages that are found in the Talmud. They found that every peirush hamekubal [the first category] that originates from Moshe is true, and they did not realize that there is a difference between the basics [laws in the first category] and those that are derived by logical analysis [the second category].[xviii]

Notwithstanding the sternness with which the Rambam presents this position, we will see that not all Rishonim accepted his premise. In other words, other Rishonim understood that there could be a dispute among great gedolei Yisrael in which both sides claim that they received the halachic information as a mesorah.

Here is one case where we see this. On Pesach, the Torah prohibits consuming either chometz or sourdough, the inedible yeast-like product that develops when one allows dough to over-leaven. One who consumes an olive-sized quantity of chometz on Pesach is liable for the punishment of kareis. The Mishnah[xix] records a dispute between Beis Hillel and Beis Shammai concerning the minimum quantity for a person to be legally responsible for consuming sourdough on Pesach -- is it the size of an olive or the size of a date? In two different places, the Gemara debates at length what is the basis for the dispute, concluding that it is contingent on how one interprets the germane verses. However, Tosafos[xx] asks why the Gemara did not present a simpler approach: Since we have a general statement that the sizes of the measurements of the Torah are generally derived as halacha leMoshe miSinai, why did the Gemara not simply explain the dispute between Beis Hillel and Beis Shammai as being what the original mesorah from Sinai had been, Beis Shammai accepting the mesorah to have been the size of a date, and Beis Hillel the size of an olive. Regardless of how Tosafos answers this question, obviously Tosafos accepts the possibility that two disputing authorities could have disagreeing traditions concerning what we were taught at Sinai, and that it is not anathema to say that someone's mesorah on a halacha leMoshe miSinai is wrong.

Kicking Pebbles

We will now explore another halachic discussion where we see the predominantly accepted approach does not agree with the Rambam. Here is the background to the subject:

The Torah[xxi] rules that if an animal trespasses into private property, its owner must compensate for the damage it caused. The discussion that concerns us is about damage that resulted from an animal kicking pebbles or moving some other item that, as a result, damaged property. The Mishnah[xxii] rules that the owner of the animal is obligated to pay for only half the damage caused when this happens, a concept called chatzi nezek tzeroros, half of the damage caused by pebbles.

What is the basis for this ruling? The Gemara[xxiii] states hilchesa gemira la, it is a law that we know from tradition, which Rashi[xxiv] explains to mean that it is a halacha leMoshe miSinai.[xxv]

The Gemara[xxvi] mentions that there is one Tanna, Sumchus, who disagrees with the concept of chatzi nezek tzeroros, and requires the owner to pay full damages.[xxvii] This, of course, leads us to a question. Once the Rambam has ruled that there can be no dispute regarding a halacha leMoshe miSinai, how could there be a dispute between Sumchus and the other Sages regarding the concept of chatzi nezek tzeroros?

The Netziv[xxviii] answers this question by noting that the Gemara never says that chatzi nezek tzeroros is a halacha leMoshe miSinai.

Rather, the words of the Gemara are hilchesa gemira la, a law that we know from tradition. He explains that, in the Rambam's opinion, there was never a halacha leMoshe miSinai concerning chatzi nezek tzeroros. An earlier generation's Beis Din Hagadol had ruled that when an animal damages through tzeroros the owner is required to compensate for only half the damage. This earlier ruling was based on reason, although we are no longer aware of the logical basis. This could perhaps be compared to the type of analysis with which Asniel restored thousands of forgotten laws, and upon which the elders that Akavya quoted had ruled.

Sumchus disputed the ruling of the earlier Beis Din. The Sages, who held that the owner should pay half damages, held this opinion because of an old tradition that they had received from earlier generations -- but no one claimed that this tradition's source was from Moshe Rabbeinu at Har Sinai.

This approach resolves how the Rambam would explain this Gemara, but leads us to a new, interesting conclusion. Although the Rambam feels very strongly that there can be no argument regarding anything claimed to be a halacha leMoshe miSinai, Rashi here disagrees with this assumption, since he understands the leniency of tzeroros to be a halacha leMoshe miSinai, yet Sumchus denies that this leniency exists. This dispute means that although one authority claims that he knows a certain law to be a tradition from Sinai, a different sage could question whether this tradition is accurate.

An early acharon, Rav Yair Chayim Bachrach,[xxix] goes to great length to dispute the Rambam's position that divrei kabbalah lo naflah bahem machlokes, rallying many sources that he feels prove that this principle is not accurate. On the other hand, the Maharatz Chayes[xxx] devotes an essay to proving that the Rambam's principle is correct, despite the fact that he, himself, notes that there are other Rishonim who disagree with the Rambam.

Perhaps one can suggest the following approach to minimize the dispute among the Rishonim. Let us assume, for a moment, that the great Tanna'im knew that a certain halacha is observed, but no longer remembered its source. Would it be wrong to say that someone suggested that its source might have been a halacha leMoshe miSinai, that was since forgotten? If so, perhaps we could explain that both Rashi and the Rambam understood the case of tzeroros in a similar way. The Sages knew that an earlier generation had ruled that the owner is obligated to pay for only half the damages, but they no longer remembered the reason. The Sages suggested that, perhaps, this had originally been taught as a now-forgotten halacha leMoshe miSinai, a position that Sumchus rejected.

The Mesorah and the Esrog

An observant Jew does not need proof that our mesorah is correct. Nevertheless, we often feel some satisfaction when we discover that a secular source verifies our mesorah. The esrog with which most Ashkenazim are familiar looks quite different, both inside and outside, from the esrogim that the Moroccan and the Yemenite communities use, and the Moroccan and Yemenite esrogim look very different from one another. Several years ago, research teams from the University of Catania, Italy, and the Hebrew University conducted a joint study of twelve varieties of esrog, including the standard Moroccan, Yemenite, Italian, Chazon Ish, and other varieties, to see whether they were indeed consistently one species, or whether the DNA indicated that they were of different species and origins. Their pre-research assumption was that these were unrelated species and that Jews had simply used a native available citrus.

The study concluded that the DNA proves that all twelve varieties are in fact one species -- and that they are all genetically separate from all other citrus fruits. To quote the study:[xxxi] "The results obtained are very clear and might be regarded as somewhat surprising. Notwithstanding diverse geographical origin and the considerable morphological variation, especially in fruit size and shape, presence of

pulp and persistence of style, all the citron types examined revealed a high degree of similarity. There was no sign of introgression of lemon or other citrus genomes into any of the citrons examined.”[xxxii]

Conclusion

The mesorah is our link to the past and our guidance regarding how to perform our mitzvos. It is very reassuring to realize that the esrog and the other three species we pick up on Sukkos are the same species that the Jews used in the Desert, in the days of Shlomo Hamelech and in the days of Rabbi Akiva. It would be fascinating to watch a video of Jews in those eras holding their arba'ah minim while standing in their sukkos. Since we can't watch that video, we can only reconstruct the vision in our minds and thank the mesorah that has kept us identified as Jews in so many different places and eras.

Perceptions

By Rabbi Pinchas Winston

Been There, Done That

“I, your father in law Yisro, am coming to you . . .” (Shemos 18:6)

HISTORY IS CONVOLUTED, something we can appreciate more today. A lot of it has been straightforward, but a lot of it has not. Sometimes, though, events can be demystified somewhat on a different, or rather, a deeper level of understanding.

Yisro is a good example of this. He is famous as Moshe Rabbeinu's father-in-law, a merit he earned, we are told, by rejecting every form of idol worship in his time. Like Avraham Avinu before him, he seems to have been a truth seeker, the reward for which was to find THE Truth Itself.

The story behind the story? It's more complicated. It is also built upon a pre-existing relationship between Yisro and his famous son-in-law going back in time all the way to the beginning of history. Yisro alludes to this when he says:

“I, your father in law Yisro, am coming to you . . .” (Shemos 18:6)

According to the Arizal, the first letters of the three Hebrew words for, “your father-in-law, Yisro”—Aleph-Ches-Yud—spell “ahchee,” which means “my brother.” On a Pshat level, Yisro referred to Moshe as his son-in-law. On a Sod level, he called him his brother. This is why:

Since the Nefesh of Kayin is one to which the impurity of the snake greatly latches on, and the evil within it overcomes its good, [the Nefesh of Kayin] reincarnated into the Egyptian . . . Moshe, who was [the reincarnation of] Hevel, wanted to rectify him by killing him using the “Ineffable Name,” i.e., the 42-letter Name [of God], to separate out the evil out from within him and bring it to the level of good and holiness. On the day that [Moshe] killed the Egyptian, it entered Yisro . . . and he converted. (Sha'ar HaGilgulim, Introduction 36)

Though Moshe Rabbeinu and Yisro were son-in-law and father-in-law in their current lifetime, they had been Kayin and Hevel in a previous one. Thus, when Yisro, previously Kayin, brought Moshe, previously Hevel, into his family, he atoned for his murder of his brother back at the beginning of history.

Furthermore, explains the Arizal, Tzipporah, Yisro's daughter and Moshe's wife, was part of the atonement process. The Midrash says that Kayin's jealousy of Hevel stemmed from the fact that Hevel was born with two twin sisters, while he had only been born with one. Since at that time sisters became their brother's wives, Hevel had two wives while Kayin only had one. This made Kayin jealous enough to murder his brother.

Apparently, the Arizal reveals, Tzipporah was the reincarnation of Hevel's second twin sister. When Yisro gave her to Moshe Rabbeinu as a wife, this was really Kayin giving her back to Hevel. Quite bizarre, given that there is nary a hint of any of this anywhere in the story.

It does show how multi-layered history is. It reveals how ancient forces can drive modern day events and people. It illustrates how

current events may only be modern day versions of older and far more significant ones.

Does it really make a difference to know such hidden information about people and history? No doubt knowing past reincarnations does fill in some important blanks in history, but aren't they blanks we had already learned to live with?

Sometimes, but not always. Sometimes the blanks being filled are current, and the missing information provides important insight into events of the day. They frame current history in a far more relevant manner, and may even allow for life-saving preparations. This example is from the Zohar on last week's parsha:

Rebi Abba said in the name of Rav Yeisa Elder: “This is what Rebi Shimon said: ‘In the future, The Holy One, Blessed is He, will revive all the kings who caused suffering to the Jewish people and Jerusalem: Landrionis, Lelupinos, Nevuchadnetzar, Sancheriv, and the rest of the kings that destroyed His House. They will rule as before, and they will gather other nations with them. In the future, The Holy One, Blessed is He, will pay them back in a revealed manner around Jerusalem’” (Zohar, Beshalach 58b)

Ancient kings, modern times. The future being referred to is the Messianic time, OUR time. The souls are from the past, but they will be brought back thousands of years later for a return engagement at the end of history. It will be payback time for past destructions and anti-Semitism, but in a modern setting.

Putting that interesting Kabbalistic detail about history aside, we can open our newspapers and read about current events. The big topic: Israel and the so-called Two-State Solution.

Twenty-five years ago most people, including many Arab countries, did not care much about the Palestinians, even if they did not like the Jews. The world had other more pressing issues to deal with at the time. Life was a lot calmer in those days, and many Westerners were mostly intent on climbing the social ladder and improving their material level of comfort.

The UN was more in the background back then. But, made up of many representatives from Muslim or anti-Semitic countries, resolution after resolution was put forward to sanction what they called the “Zionist State.” The only reason why it did not get much publicity then was because the resolutions kept getting shot down by the few friends Israel had in “high places” in the UN.

The winds of change began to blow back in 1991, after the Persian Gulf War. They did not pick up significant speed, however, until President Obama's time in office. All of a sudden, Israel's most valued friend at the UN became less so, and the UN became emboldened in its anti-Israel, pro-Palestinian approach to Middle-East politics.

Obama and the UN have not looked back since. One of his last acts before leaving office was to abstain from an anti-Israel resolution for the first time in American history since the founding of the State. Many believe it was Obama and Kerry who pushed the UN from behind the scenes.

Many also believe that Obama, et al, will continue to push the UN to push Israel towards the two-state solution, even after leaving office. And, as the nations GATHER under the banner of the UN AGAINST ISRAEL, one might wonder if it is even possible to put aside that interesting Kabbalistic detail about history. On the contrary, it seems as if OUR period is becoming that interesting Kabbalistic detail about history.

If so, we may not be watching only a gathering of modern leaders and enemies ganging up against the Jewish state. We may be watching a gathering of Biblical enemies in the bodies of modern leaders ganging up against the Jewish state. Clearly this would transform current events into something bigger than any headline can address.

It would also beg the question: Historical payback time may be at hand. Are we ready?

Helping Us Speak to Hashen: A Full and Complete Soul
by Jonathan Rosenblum
Mishpacha Magazine

Helping Us Speak to Hashem

Regular readers have probably discerned that I have a special place in my heart for passionate people – for all those filled with a sense of mission and the determination to complete that mission.

Sometimes that passion loudly proclaims itself. Other times, it is not immediately evident. Only as the person in question starts speaking about his project does it burble to the surface and then burst through from deep recesses within.

Reb Yitzchok Bell's passion is definitely of the latter sort. One's first impression is of an understated, soft-spoken Englishman of impeccable manners. As he starts speaking about his passion – Tehillim -- however, his speech remains soft, but takes on a certain urgent tone, and he is fairly pleading that the listener should comprehend what moves him.

Reb Yitzchok has produced a new, non-literal translation of Tehillim: Psalms That Speak To You. No expense has been spared to make the volume as beautiful as possible so that one's immediate impulse is to take it in hand. The arresting cover is by Ben Gasner. And like every cover by Gasner, it is absolutely unique and instantly recognizable as a cover that only he could have done. The special off-white Bible paper is at once thin and opaque for easy reading.

Reb Yitzchok secured sponsors for every psalm and for each day of the week – mostly from those who have attended his classes over the years in London and Manchester, and now Jerusalem.

The pages are absolutely clean, unencumbered by any scholarly apparatus – only the words of David HaMelech in Hebrew and the facing English translation. It is easy to cast one's eyes back and forth from the Hebrew to the precise phrase in English as necessary.

The decision not to include introductions to various psalms concerning the circumstances of King Dovid's life that gave expression to the particular psalm was deliberate. Reb Yitzchok's message is: Tehillim speak to each of us in the circumstances of our own lives, today.

And the purpose of the translation is that Tehillim be spoken, not just recited, spoken and not just studied. (The translation itself draws heavily on the commentaries of Rashi and Radak and other classical commentators.)

Reb Yitzchok describes his mother as a woman who "spoke to the Ribbono shel Olam," and doing so is his deepest desire as well. One of his first published translations was a volume entitled *Between me and You*, a selection of prayers written by Rabbi Noson Sternharz with the aim of putting the concepts of Rebbe Nachman of Breslav's Likutei Moharan into tefillos.

Tehillim always seemed to Reb Yitzchok the logical medium for speaking to Hashem – the connecting point between "the Torah and my personal tefillah." But for that to happen he had to understand what the words meant, and too often he found the Lashon HaKodesh impenetrable and the English translations archaic. Like so many others, he could read the words of Tehillim, as a religious duty or for the merit of someone who was sick, but not as an expression of his own soul.

Psalms That Speak To You began as a personal attempt to make Tehillim accessible and relevant to him. But the more he became involved with Tehillim over decades the greater his feeling of their power and desire to help others access that power as well.

Prior to making aliyah, Reb Yitzchok was a successful commercial lawyer in England. But with every promotion, including to partner in a large law firm, he took his pay raise not in money but in more days off from work, until he was working only three days a work by the end of his career.

Besides his Torah learning and translation, he also trained as a marriage counselor and helped an exclusively Jewish clientele without fee. That counseling opened him up to ways in which the words of Tehillim speak to the full range of human emotion and can provide the hope and direction that we too often lack by enhancing our closeness to Hashem.

I am unqualified to evaluate *Psalms That Speak To You* as a translation, except to say that the psalms read fluently and are easily comprehended. But others who have reviewed the volume and are qualified to pass judgment on the translation and its author have

written effusively of both. Dayan Yitzchok Berger, the senior dayan of the Manchester Beth Din, wrote, "I am confident that it will become the standard translation in the English-speaking world." And Dayan Yonason Abraham predicted the work will "revolutionize the Tehillim experience for the English-speaking community." (A series of translations of the translation into other languages is in progress.)

Now that I know the author and have had the pleasure of saying Tehillim using his translation, I'm confident that Tehillim will occupy a much larger place in my own spiritual/emotional universe. As Rabbi Eytan Feiner puts it, Reb Yitzchok "is a unique individual who warmly invites the reader to join him on his quest for spiritual growth," and has in the process opened up the world of "our greatest king and master poet."

A Full and Complete Spiritual Being

The late Oliver Sacks was a man of science – a neurologist by profession. But he was also a great humanist. As it becomes ever more increasingly fashionable to talk about the quality of life and to assign different values to human beings according to the assumed quality of their lives, Sacks provides an invaluable corrective.

In his most famous collection of essays, *The Man Who Mistook His Wife for a Hat*, Sacks includes a number of moving portraits of the simple. One of those is Rebecca, an Orthodox Jewish girl being raised by her grandmother, after the death of her parents when she was three.

At 19, Rebecca has never learned to dress herself, without mixing up front and back, left and right, etc. She has never learned to read and is hopelessly uncoordinated. She does not know how to read, and her IQ tests around 60. "[Rebecca] was painfully shy and withdrawn, feeling that she was, and had always been, a figure of fun," writes Dr. Sacks.

Yet there another side of Rebecca to which Sacks is acutely sensitive. Though she cannot read, she loves to listen to stories and even poetry, and she has little difficulty following the metaphors and symbols of even deep poems. And she herself is something of a "natural poet": "Metaphors, figures of speech, rather striking similitudes, would come naturally to her, though unpredictably as sudden poetic ejaculations or allusions." As clumsy as she normally is, when she dances, she is filled with grace.

She loves going to shul, "where she too was loved (and seen as a child of G-d . . .)" And she "fully understood the liturgy, the chants, rites and symbols of which the Orthodox service consists. When her beloved grandmother, passes away, she sits shivah and "conducts herself with great dignity," despite being devastated. "Grannie's all right," she tells Dr. Sacks, "she's going to the Long Home." But as for herself, "I'm so cold. It's not outside, its winter inside. She was part of me. Part of me died with her."

In her mourning, she was "tragic and complete. There was absolutely no sense then of her being 'mental defective.'" After a half an hour, this young woman, whom Dr. Sacks has come to think of as "an idiot Ecclesiastes," gathers herself, and tells him: "It's winter. I feel dead. But I know the spring will come again."

Rebecca understands herself and her needs. She rejects the remedial classes offered to improve her cognitive functioning: "I want no more classes, no more workshops. They do nothing for me. They do nothing to bring me together." To explain herself, she looks down at Dr. Sacks' rug, and offers this arresting metaphor: "I'm like a sort of living carpet. I need a pattern, a design, like you have on a carpet. I come apart, I unravel, unless there is a design." When offered a drama class instead, she leaps at the opportunity, and excels.

Dr. Sacks comes to question the utility of all the remedial classes, which drive his clients "full-tilt upon their limitations, . . . often to the point of cruelty." He realizes that he and his colleagues pay far too much attention to their defects and too little to what is intact or preserved.

True, at one level, Rebecca is a "mass of handicaps and incapacities, with the intense frustrations and anxieties attendant on these." "At that level, she was, and felt herself to be, a mental cripple."

"But at some deeper level there was no sense of incapacity, but a feeling of calm and completeness, of being fully alive, of being a soul,

deep and high, and equal to all others. Intellectually, then Rebecca felt a cripple; spiritually she felt herself a full and complete being."

Parsha Break and Insights - Parshas Yisro Shevat 5777

Insights Parshas Yisro from Yeshiva Beis Moshe Chaim/Talmudic University

Based on the Torah of our Rosh HaYeshiva HaRav Yochanan Zweig

This week's Insights is dedicated in loving memory of Malka bas Rav Kalman. - "May her Neshama have an Aliya!"

In-laws and Outlaws

And her two sons: whom the name of one was Gershom, for he had said, 'I was a stranger in a strange land'; and the name of the other was Eliezer, for 'the God of my father came to my aid and he saved me from the sword of Pharaoh' (18:4-5).

Moshe named his two sons after experiences in his life. Presumably, his son Gershom was named for the events of his life in Midian; having arrived as an Egyptian immigrant and settling there to marry Tziporah the daughter of Yisro - one of the chieftains of Midian. His second son, Eliezer, was named after the miraculous event sparing him from Pharaoh's decree and the resulting executioner's sword (see Rashi ad loc).

Many of the commentators are bothered by the fact that according to the chronological order of events in Moshe's life, he should have named his first child Eliezer, because being saved from Pharaoh's sword came many years prior to his arrival as an immigrant to Midian. So why did he choose to name his first son after events that took place later in his life?

In addition, the name Gershom itself is rather perplexing; it definitely seems to slant toward the negative. Why should he express that he felt as a stranger in a strange land after being so warmly welcomed (albeit years later) by Yisro and his family? What kind of appreciation is this to his wife, father in law, and extended family who gave him a home and family in Midian?

Targum Yonasan ben Uziel (18:4) translates the verse similarly, but with a subtle addition; "I was a stranger in a strange land, that was not mine." Why does the Targum add those words to the end of this verse? Remarkably, with those few words, Targum Yonasan ben Uziel refocuses our attention and tells us what Moshe Rabbeinu is really saying.

In the Bris Bein Habesarim, the covenant that Hashem made with Avraham Avinu, Hashem decrees that Bnei Yisroel will have to go down and be "strangers in a land that is not theirs" (Bereshis 15:13). Of course, we later learn that this land is Egypt. According to the Targum, Moshe, in naming his first Gershom, is not referring to Midian but rather to how he felt growing up in Egypt! Even though he grew up as a prince in Pharaoh's house, knowing who he really was caused him to feel like an undocumented Mexican living next door to the Trumps.

With this understanding, the questions raised by the commentators fade away. Moshe named his children specifically in chronological order: his first child describes his life growing up in Egypt, and his second child describes his exit from Egypt. Moreover, he was letting his new adopted family know that he didn't pine for the land or home in which he grew up.

Perhaps most significantly, we learn from Moshe Rabbeinu that growing up in a place with many privileges and comforts shouldn't obscure the vision of living in our own land and on our own terms. If history has taught us anything, it has taught us this: We can never

confuse being comfortable in a country with actually being in our own country.

Seeing is Believing

...Hashem shall descend before the eyes of all the people on Mount Sinai (19:11).

Rashi (ad loc) tells us a fascinating occurrence that took place prior to the giving of the Torah on Mount Sinai: Everyone was miraculously healed. In other words, all the sick and infirm and handicapped were cured at Mount Sinai. Obviously, this explains why almost every Jewish community with a hospital names it "Mount Sinai."

Yet, we must wonder why Hashem saw it necessary to perform such an incredible miracle. What was the purpose in healing everyone? What was the message that we were meant to take away from this incredible revelation of Hashem's power and the departure from the physical norm?

In a famous paraphrasing of Karl Marx, critics have called religion "the opiate of the masses." Marx believed that religion had certain practical functions in society that were similar to the function of opium in a sick or injured person. Opiates reduce people's immediate suffering and provides them with pleasant illusions, but no meaningful long term benefits. By the way, Marx was referring to religion as an opiate for the sickness and suffering brought on by the soulless and heartless suffering caused by rampant capitalism.

We all know how well his philosophy worked out for the communists; and yet, Marx's criticism of religion persists even after his ideas for a new world order have been shown to be abject failures.

This is the message that Hashem wanted us to learn at Mount Sinai: Everyone was cured to teach us that the optimal way to receive the Torah is when we are in perfect health, both physically and emotionally. Of course the Torah also has the answers when we are suffering and/or not operating at our ideal level, but we can only fully appreciate all that the Torah has to offer on a personal and communal level when we are completely healthy.

When a person is ill or otherwise distracted by pain for physical or emotional issues, one's focus becomes distracted by the personal issues at hand. Of course the Torah can be helpful in addressing those issues, but at that moment all that one can see is a very limited perspective of what the truths of Torah contain. This is because a person in a state of pain sees everything through the lens of that suffering.

But when one is at 100% strength, both physically and emotionally, the Torah can be seen for what it is really meant to be; a blueprint of Hashem's wisdom for the world and a guide for having the most fulfilling life that Hashem has bestowed upon us. Hashem cured everyone at Mount Sinai so that each person could fully appreciate the infinite wisdom that the Torah offers and connect to Hashem's truths contained therein without the slightest distraction.

Ohr Somayach :: Torah Weekly :: Parshat Yitro
Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com
For the week ending 18 February 2017 / 22 Shevat 5777

Insights

The Servant of Two Masters

"And now, if you will surely listen to My voice..." (19:5)

Why is it only now after all the plagues and the Exodus that G-d asks the Jewish People to listen to His voice?

The Talmud Yerushalmi explains that a Canaanite slave is exempt from the mitzvah of saying "Shma" because he cannot honestly accept

the yoke of Heaven (the purpose of this mitzvah) since he already has another yoke — that of his master.

A true servant cannot serve two masters. To the extent that he serves one, his dedicated service to the other is lacking.

Only now, after breaking the enslavement of Egypt, bringing the Children of Israel out of Egypt and raising them far above the Egyptians on eagles' wings, G-d is the undisputed Master of the Jewish People; and thus only now does G-d seek from the Jewish People their acceptance of the Kingdom of Heaven.

This should give us pause.

How much of our own lives are spent serving “other masters”? The masters of honor, of wealth and prestige, of frivolous entertainment and needless worry?

To fly with the eagles a Jew can have no other master than G-d.

Sources: based on the Shem MiShmuel in Mayana shel Torah
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OU Torah

Fathers-in-Law

Rabbi Dr. Tzvi Hersh Weinreb

Very much has been written about most family relationships. There are books about fathers and sons, fathers and daughters, and mothers and sons and daughters. Many volumes have been written about relationships, typically rivalrous, between siblings.

But comparatively, little has been written about the relationship between father-in-law and son-in-law. Often, admittedly, there is little or no relationship between them. But just as often the relationship is an important and rewarding one.

I know that I personally have benefited immeasurably from my relationship with my father-in-law, of blessed memory. As is most often the case, I did not know him at all until my young adulthood, when I began to date his daughter. Unlike the father-son relationship, the relationship between father-in-law and son-in-law usually begins in maturity and is, therefore, more of a relationship between equals, more man to man.

My father-in-law modeled his relationship to me after the precious relationship he had with his father-in-law. He would often joke that whereas a father couldn't choose his son, he could choose a son-in-law, to which I would usually respond, “Yes, true, and a son cannot choose his father, but a son-in-law can choose his father-in-law.”

In this week's Torah portion, Yitro, we read of a very rich relationship between a son-in-law, Moses, and his father-in-law, Yitro. Of course, we first read of their connection much earlier on in the book of Exodus. But in this week's portion, the relationship begins to sound much more familiar to those of us who have “been there”.

Yitro travels to meet Moses and is the one who reunites Moses with his wife and children. They converse with animation and in great detail, each one narrating his story to the other. Moses narrates the story of the Exodus, of the splitting of the sea, and of the war with Amalek.

Yitro too tells a story, but it is a very different one. He tells of his religious quest, of his search for a God he can believe in. He informs Moses that he has dabbled in every conceivable type of idol worship. He has seen it all. And “now he knows” who the true God is.

Every son-in-law tells his father-in-law his story, although I suspect that often some of that story is suppressed. And every father-in-law,

that is every father-in-law worth his salt, shares his narrative with the young man who requests his daughter's hand.

I remember telling my father-in-law some of my story. I remember some of the questions he asked me, and his disappointment when he discovered that I did not share his fascination with the game of chess.

But I can never forget the story he told me; not once, but throughout the more than forty years that we knew each other. His was a story of pre-Holocaust Eastern Europe, of a culture that is no more, a culture that he never ceased to mourn.

It is no wonder that the Torah characterizes the dialogue between Moses and Yitro by the word “vayesaper”, which means to tell a story. Most relationships consist of stories told by one party to the other. In the case of the father-in-law and son-in-law relationship, these stories become essential and, at least in my case, were lifelong narratives.

Yitro models another essential aspect of this unique relationship: He offers counsel, he gives advice. Not that Moses asked for Yitro's opinion as to how he should conduct the judiciary system for his people. But Yitro assumed that it was his prerogative as a father-in-law to gently and constructively find fault in his son-in-law's approach to things and offer reasonable alternatives.

I number myself among those fortunate sons-in-law whose father-in-law did not hesitate to occasionally criticize him, but who did so lovingly. He offered wise and practical suggestions which indeed were often drawn from his own past and sad, personal experiences.

It has been pointed out that the Hebrew word for a son-in-law is chatan, a bridegroom. I am convinced that this is because in the relationship between son-in-law and father-in-law, the former always remains the young bridegroom and the latter, the sage elder.

In the end, Moses asks Yitro to remain with him, the ultimate tribute that a son-in-law can pay to his father-in-law.

I would like to close with an original thought, and if it is theologically daring, or in some other way off the mark, I beg the reader to forgive me.

It is a truism that God is our Father, and we are his sons and daughters. It strikes me that, in a certain way, God is also our Father-in-Law.

God as Father is the God with whom we began a relationship in our infancy. God as Father-in-Law is the God whom we freely choose, sometimes repeatedly, at later stages of our lives.

God is also our Father-in-Law because we have taken, so to speak, His daughter as our bride. The Torah has been described, by prophets and rabbis, as God's daughter. And we, who have accepted the Torah, are betrothed to the daughter of God Himself. He entrusted His beloved princess to our inadequate and unreliable care.

But we asked for her hand. We accepted the Torah and committed ourselves to “doing and listening” to her words. If we are faithful to the Torah, we are demonstrating to our “Father-in-Law” that we deserve his daughter.

Only then we can claim a close relationship to him, closer even than the relationship I had with my father-in-law, may he rest in peace.

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Rabbi Yissocher - Frand Parshas Yisro

Don't Just Complain; Provide a Solution! / Tzelem Elokim Deserves Respect

Yisro Did More Than Just Point Out The Problem

The pasuk in the beginning of Parshas Yisro says, “And Yisro the minister of Midian, the father-in-law of Moshe, heard all that G-d did to Moshe and to Israel, His people — that Hashem took Israel out of Egypt.” [Shmos 18:1] Rashi tells us that Yisro had seven names: Reuel, Yeser, Yisro, Hovav, Hever, Keini, and Putiel. The reason he is called Yeser (meaning extra) is that an extra portion was added to the Torah because of him — namely the portion beginning with the words “And you see...” [Shmos 18:21-23] where he gave Moshe the advice to set up a hierarchical system of judges to relieve him of having to personally hear and rule on everyone’s disputes.

I saw an interesting observation in a Sefer called Yismach Yehudah from a Rabbi Jacobowitz in Lakewood. Why does Rashi say that the section Yisro was responsible for adding to the Torah was the pasukim beginning with the words “And you shall see...” which introduces Yisro’s proposed solution to the problem of inefficiency caused by Moshe personally having to hear all the cases? Rashi should have said that the section Yisro was responsible for adding were the pasukim appearing 7 pesukim earlier starting with the words “What is this thing that you do to the people? Why do you sit alone with all the people standing by you from morning to evening?” [Shmos 18:14]

The Yismach Yehudah answers that we see from here that many times we encounter situations where things are not right and people complain. Anyone can point out problems. The trick is to provide a solution, to offer sage counsel that solves the problem. The kuntz is not to find problems; the kuntz is to solve them!

Yisro did not only point out the problem. He did not only say, “This is not right.” He also said, “I will tell you what to do about it.” This is the suggestion of “And you shall see from among the entire people, men of means, G-d-fearing people, men of truth, people who despise money, and you shall appoint them leaders of thousands, leaders of hundreds, leaders of fifties, and leaders of tens...” That is why Rashi said that the section that was added to the Torah in the merit of Yisro was the section beginning with the words “And you shall see...” Yisro does not receive this credit and merit an extra portion in the Torah for pointing out a problem. He receives this credit specifically for proposing a good solution.

Everyone can complain. What’s the proof? Come to shul. Everybody has what to complain about. Everyone sees what is not right. But how many people have solutions? It is meritorious to come up with the solution, not merely to come up with the problem.

There Is A Certain Basic Honor Due To Any Tzelem Elokim

The pasuk states: Yisro, the father-in-law of Moshe, came to Moshe with his sons and wife, to the wilderness where he was encamped, by the Mountain of G-d. He said to Moshe, ‘I, your father-in-law Yisro, have come to you with your wife and her two sons with her.’ [Shmos 18:5-6]

Rashi points out that Yisro’s statement appears to be obvious. Clearly Moshe would recognize his father-in-law, wife, and children. Yisro and family had no need to identify themselves to Moshe. Rashi explains that Yisro’s statement was delivered to Moshe by a messenger, ahead of his arrival in the camp. Rashi continues that the message delivered by Yisro’s agent had the following nuance: If you do not come out to greet us in my honor, come out in honor of your wife, and if you do not come out in honor of your wife, at least come out in honor of your two sons.

The Maharal in the Gur Aryeh notes: “There are those who ask —” (it is in fact the Chizkuni that asks this question), “Are we to assume that Yisro, who was a great personality, was an honor seeker who demanded a welcoming reception in his honor?” The Maharal answers with a very important principle. He says the question is not a

question. This is not a matter of running after honor — it is simply an attempt by Yisro to avoid insult and humiliation.

Every person — even a righteous and pious person — is particular about not being offended. A person has a legitimate right to protect his humanity and his integrity. A person has an obligation to ensure that he is not humiliated. Since it is normal protocol to honor a guest and certainly that is so in the case of a father-in-law, if Moshe would not personally come out to greet him, it would be a matter of great shame and embarrassment.

Yisro merely requested the respect that was due to him. Not providing a person such as Yisro with that respect would be a slap in his face. No person no matter how great should ever subject himself to shame and humiliation. This is not called chasing after honor.

Rabbi Yehoshua Hartman, who writes an insightful commentary on many of the works of the Maharal, cross-references this idea with a second Rashi at the end of this week’s parsha. In the very last pasuk of Parshas Yisro, the Torah says, “You shall not ascend with steps upon My Altar, so that your nakedness will not be uncovered upon it.” [Yisro 20:23] Rashi writes there that the reason for this prohibition is that when someone is climbing steps, it is necessary to spread his legs (as opposed to climbing a ramp where he can take small steps without spreading his legs). “And even though this is not actual exposure of nakedness, for it is written, ‘And make for them linen pants,’ [Shmos 28:42] nonetheless, taking wide steps is close to exposing nakedness and if you take wide steps you are treating the stones of the Altar in a humiliating manner. These words imply a kal vachomer. If regarding these inanimate stones, which do not have the perception to care about their humiliation, the Torah says, ‘Since there is need for them, do not treat them in a humiliating manner,’ in the case of your fellow man, who is in the image of your Creator and cares about his humiliation, how much more so must you treat him with respect.”

We see that someone who “cares about his humiliation” does not possess a character defect — it is an obligation. A person should care about his humiliation because every person is created in the Image of G-d (Tzelem Elokim). When someone humiliates someone else and does not give him his proper due, this is not only a slap in the face of the person; it is a slap in the Face of the Almighty who created him.

Rav Hutner writes in a letter to a student that a Talmid Chochom is due certain respect and when he is not given the honor due him, it is a dishonor to him and he has a right to object. Sometimes we see Talmidei Chachomim who object that they were not treated properly. People might be taken aback — is it appropriate for a Talmid Chochom to be so particular about his kavod? The answer is yes. People need to be treated in a certain way. Not providing people with their due respect is equivalent to shaming them. Shaming a person affects his Tzelem Elokim.

Personally, I try not to do this, but often times I go to a bank and somebody will be talking on his cell phone as he walks into the bank. He is waiting in line for the teller and he is still on the cell phone. He gets up to the window and gives his deposit slip to the teller and he is still on his cell phone. The teller makes the transaction for him, he takes the receipt and he is still on the cell phone the entire time. This is grossly disrespectful to the bank teller. If you want to talk on your cell phone while you do your banking — then go to an ATM machine. At least say “Excuse me, do you mind? I am on an important call.” However, to come in and totally ignore the person who is providing you with service is shameful.

A student told me that one of the people on the kitchen staff at the Yeshiva is a woman named Beverly. A boy came into the kitchen while on his cell phone and stuck out his plate toward Beverly expecting that she would put food on it for him. She refused. She told him “If you do not have the decency to put your call on hold and ask me nicely for your portion, I am insulted and will not give you any

food!” This applies to all people, regardless of religion and race. We are created in the Image of G-d and we deserve courtesy and respect.

Rashi over here is telling us that certain people require greater respect and when one fails to provide that respect, this is called an insult. It is called humiliating the person. A person has the right and obligation to demand that he not be humiliated. In such circumstances, he is merely demanding the honor of the Almighty who created him in the Image of G-d.

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The Times of Israel

The Blogs :: Ben-Tzion Spitz

Yitro: Extra-terrestrial Law

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Written laws are like spider's webs; they will catch, it is true, the weak and the poor, but would be torn in pieces by the rich and powerful. –Anacharsis

Man-made law has an inherent danger. It is fallible. They are created by men with a limited view and perception of reality, with no way to see all the repercussions and unintended consequences of their legislative efforts. Even judges who interpret the law and officers who enforce the law are likewise liable to make egregious mistakes. All of this is in addition to the tendency for laws to mirror and be an outgrowth of whatever values and moral standards tend to be popular in the host civilization of that era.

Not so the Torah. It is a fundamental belief of Judaism, that the laws of the Torah as written and as transmitted thereafter through the chain of tradition originated from God Himself.

Rabbi Hirsch in Exodus Chapter 19 elaborates:

“Jewish law is the only system of laws that did not emanate from the people whose constitution it was intended to be. Judaism is the only “religion” that did not emanate from the human beings who find in it the spiritual basis for their lives. It is precisely this “objective” quality of Jewish Law and of the Jewish “religion” that makes them both unique, setting them apart clearly and explicitly from all else on earth that goes by the name of law or religion.

“All other “religions” and codes of law have originated only in the human minds of a given era; they merely express the conceptions of God, of human destiny, and of their relationship to God and to one another held by a given society at a specified period in history. Hence all these man-made religions and codes, like all other aspects of human civilization – science, art and folkways – are subject to change with the passing of time. For by their very nature and origin they are nothing but expressions of levels reached by civilization at various stages in human development.”

“Not so the Jewish “religion” and Jewish Law. They do not stem from beliefs held by human beings at one period or another. They do not represent time-bound human concepts of God, of things human and Divine. They are God-given; they contain ideas that, by the will of God, should mold the concepts of men for all time with regard to God and to things Divine, but above all with regard to man and human affairs. From the very outset the Law of God stood in opposition to the people in whose midst it was to make its first appearance on earth. It was to prove its power first of all upon this people, who opposed it because they were “a stiff-necked people.” But precisely the resistance which this Law encountered among the people in whose midst it obtained its first dwelling place on earth is the most convincing proof of the Divine origin of this Law, a law which did not arise from within the people but came to the people from the outside and required centuries of struggle to win this people for itself so that they would become bearers of the Laws of God through the ages.”

“All this (unique preparations at the foot of Mount Sinai) is done in order to make clear that this law originates from a source outside the earth and outside mankind.”

The Torah is God’s rulebook for life on Earth. May we remember to take His laws seriously.

*Shabbat Shalom
Dedication - Congratulations to Shlomo Neeman on his election as the new Mayor of Gush Etzion.
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The Jerusalem Post

Parashat Yitro: What is God offering us?

Rabbi Shmuel Rabinowitz

We’ve reached the central point, the pinnacle of the story. This week, we read the main story that is the focus of the Torah and of the Jewish nation’s life throughout the generations – the revelation at Mount Sinai.

The Torah describes the event itself in great detail.

It was so magnificent and captivating that no human could calmly observe it. It was a public revelation, unprecedented and one of a kind in human history.

The entire nation, women and men, adults and children, underwent the most intense experience a person could have. They stood at the foot of Mount Sinai and heard God say to them, “I am the Lord your God Who brought you out of the land of Egypt.”

This transcendent event did not happen suddenly.

It required spiritual preparation of three days, during which the nation worked on purifying itself.

But before that, a different amazing event took place: God offered the “goods” to the nation and gave it the option of choosing or rejecting it. God was not interested in coercion but, rather, in a full partnership, a mutual process of leading the entire world toward a complete tikkun, or repair. For a partnership to work, both sides have to desire it.

Let us pay attention to what God said to Moses: “So shall you say to the House of Jacob and tell the sons of Israel: ... if you obey Me and keep My covenant... And you shall be to Me a kingdom of kohanim and a holy nation” (Exodus 19:3-6).

This proposal demands an explanation. What is a “kingdom of kohanim” and how is this connected to the parallel term “a holy nation”? The great Jewish thinker of the Middle Ages, the Rambam (Maimonides), explained these terms beautifully.

A kohen, says the Rambam, is a term that exists in every social group. A person we call a “kohen” has unique qualities that lead the rest of the group to look at him as a role model who actualizes their hidden aspirations.

Even modern societies have “kohanim” – though they are not defined as such – who act as role models of success and self-actualization. We might look at someone who started his own successful company and made a fortune using his talents, and aspire to be like him.

Someone else might look at an intellectual as someone who has reached a level worthy of striving for.

At the revelation at Sinai, the entire people of Israel became a nation of kohanim, meaning that it is meant to serve as a role model of a nation that conducts its life in an exemplary fashion, a nation that

other nations will look toward and say to themselves “This is how we want to be.”

And how can the people of Israel become a “kingdom of kohanim”? If it takes upon itself the trait of a “holy nation.”

Holiness is not abstinence from life; it is not sitting alone on the top of a mountain. Holiness is the ability to adopt a life that is not based on petty interests of petty people, but, rather, is based on values of truth and justice, on a profound perspective on the purpose of life, on ceaseless contemplation of the significance of human existence. This leads to a national life that can serve as a role model to others, in this case to other nations.

The people of Israel heard this proposal and decided to answer in the affirmative: “All that the Lord has spoken we shall do!” Accepting the Torah, more than a one-time event, was accepting the role for generations of Jews to feel obligated to be different, to conduct themselves sacredly, to see reality from a perspective of truth and justice and not one of interests based on needs alone.

Indeed, the people of Israel responded to the proposal and took upon itself this lofty role. But this obligation is ultimately a personal one. Each and every one of us must see himself or herself as someone who stood at the foot of the mountain and was faced with the following proposal: “Do you see yourself becoming a ‘kohen’ of humanity? Do you have the inner desire to be holy?” This is the proposal. The answer given by so many generations, with great determination, has been: “All that the Lord has spoken, we shall do!” We join the response as well. “All that the Lord has spoken, we shall do.”

The writer is the rabbi of the Western Wall and holy sites.

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Rav Kook Torah

Yitro: Breaking Bread with Scholars A Meal Before God

When Moses’ father-in-law Jethro met the Israelites in the desert, he rejoiced when he heard about the rescue of the Jewish people from Pharaoh’s hand, and he brought offerings to God.

“And Aaron and all the elders of Israel came to share the meal with Moses’ father-in-law before God.” (Ex. 18:12)

The expression “before God” appears out of place here. In what way was this particular feast in God’s presence?

The Talmudic sage Rabbi Avin explained:

“To partake of a meal where a Torah scholar is present is like enjoying the splendor of God’s Divine Presence. After all, did Jethro, Aaron, and the elders of Israel eat before God? They ate before Moses! Rather, this verse teaches us that sharing a meal with a scholar [such as Moses] is like enjoying the splendor of God’s Presence.” (Berachot 64a)

Rabbi Avin’s statement needs to be clarified. What is so wonderful about eating with a Torah scholar? Wouldn’t studying Torah with him be a much greater spiritual experience? And in what way is such a meal similar to “enjoying the splendor of God’s Presence”?

Common Denominator

The human soul, for all its greatness, is limited in its ability to grasp and enjoy God’s infinite wisdom. Whatever degree of pleasure we are able to derive from God’s Presence is a function of our spiritual attainments. The greater our spiritual awareness, the greater the pleasure we feel in God’s Presence. But while we will never gain complete mastery of Divine wisdom, even the small measure of comprehension that is possible is sufficient to fill the soul with tremendous light and joy.

A Torah scholar whose holiness is great, whose wisdom is profound, and whose conduct is lofty cannot be properly appreciated by the masses. Common folk will not understand his wisdom and may not be able to relate to his holiness. In what way can they connect with such a lofty scholar?

A scholar’s greatest influence takes place in those spheres where others can best relate to him. Most people will be unable to follow his erudite lectures, but a meal forms a common bond between the most illustrious and the most ordinary. This connection allows everyone to experience some aspect of a great scholar’s path in Torah and service of God.

When a Torah scholar reveals his great wisdom and holiness, the average person will be overcome by a sense of unbridgeable distance from such sublime attainments. He may despair of ever reaching a level so far beyond his own limited capabilities. But when sharing a meal with a scholar, the common physical connection enables people to be more receptive to the scholar’s noble traits and holy conduct.

Of course, those who are able to understand the scholar’s wisdom can more fully appreciate his greatness. Those individuals will derive greater benefit and pleasure from him. This is precisely Rabbi Avin’s point: just as the degree of pleasure gained from God’s Presence depends on the soul’s spiritual state, so too, the benefit we derive from a great scholar depends on our spiritual level and erudition.

(Sapphire from the Land of Israel. Adapted from Ein Eyah vol. II, pp. 395-6)

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The Dating / Davening Dilemma Rabbi Yehuda Spitz

Many are familiar with the Mishna[1] that declares that there was no day of rejoicing in Israel like Tu B’Av due to the unique manner of attaining shidduchim on that day. Yet, for many single girls of marriageable age in the Greater New York area nowadays, the day of greatest joy might actually be Tu B’Shvat. On that day annually, the largest Yeshiva in America, Lakewood New Jersey’s B.M.G., “opens its freezer”, and hundreds, if not thousands, of Bochorim are now permitted to date.

These Bochorim rent cars, drive into New York, and seek out their future life partner. Lounges across the city (Brooklyn Marriot, anyone?) are taken up by black-hatted and jacketed young men and their dressed-up date. After dropping their date back off at home, many of our earnest young men rush to catch Maariv at Boro Park’s landmark “minyán factory”, the Shomrei Shabbos Shul (Maariv Minyanim at least up until 2:30 A.M.), before grabbing a bite to eat at Amnon’s up the block (before he closes at 2 A.M.) and ultimately heading back to Lakewood.

But the question is not necessarily if there is a Maariv Minyan that late; the question is whether one should daven Maariv that late. It turns out, as with many issues in halacha, that there is no simple answer. But first, some background is necessary.

Back to Basics

The very first Mishna in Shas[2] records a 3-Way halachic dispute about the final time one is allowed to daven Maariv. R’ Eliezer ruled until the “end of the first watch”, meaning either a third or a quarter of the night. The Chachamim ruled until “Chatzos”, referring to halachic midnight, while Rabban Gamliel ruled until amud hashachar, daybreak. The Mishna then relates a story about Rabban Gamliel’s sons who came home from a Simcha after midnight and told their father that they had not yet davened Maariv (Krias Shma). He replied that since it was not yet daybreak, they were still required to daven Maariv. He added that the Chachamim only ruled that one may not pray after midnight in order to “distance people from transgression”

and ensure that they pray at the proper time and not be preoccupied and possibly fall asleep without davening.

The Gemara later rules[3] that the halacha follows Rabban Gamliel's opinion. This seems to imply that one may daven Maariv all night long. However, in practice, this is not so straightforward, as there is a huge machlokes Rishonim as to the Gemara's proper intent with its ruling.

Rulings of the Rishonim

The Rambam[4], as well as many other Rishonim including the Rif, Ramban, and SMAg[5], rule that one must daven Maariv before Chatzos. If for some reason one did not, he still has until daybreak to fulfill his obligation for the evening prayer. Although this seems to sharply contrast with the Gemara's conclusion, the Beis Yosef[6] explains that this is truly the Gemara's intent. Although the halacha follows Rabban Gamliel's shitta, this is only b'dieved, when for some reason or another one did not end up davening Maariv before midnight. Yet, he maintains that l'chatchila, Rabban Gamliel would agree to the Chachamim that one needs to daven before Chatzos. In fact, this is how he himself codifies the halacha in the Shulchan Aruch[7].

Yet, other Rishonim, including the Rashba, Rosh, Sefer HaChinuch and the Tur[8], all maintain that the Gemara's intent follows its basic understanding. Meaning that the Chachamim were of the opinion that Maariv must be prayed before midnight while Rabban Gamliel disagrees, maintaining that one has until daybreak to do so. Since the Gemara concludes that Rabban Gamliel's opinion was the correct one, they rule that one may therefore daven Maariv l'chatchila any time he wants, all night long.

There is even a third minority opinion, that of the Talmidei Rabbeinu Yona[9]. They maintain that one is prohibited to daven Maariv after Chatzos. They explain that since a related Gemara states that one who transgresses the words of the Chachamim is 'chayav missa', worthy of the death penalty, the Gemara intended to change the bottom line[10]. Although me'ikar hadin one may technically daven afterward, once the Chachamim ruled that one may only do so until halachic midnight, they aver that that has since become the new halacha. So...What Do We Do?

Many later authorities, most notably the famed Shaagas Aryeh[11], question the Beis Yosef's understanding of the Gemara, due to a variety of concerns. Chief among their issues is that if the Gemara explicitly concluded that the halacha follows Rabban Gamliel's opinion, then one should be able to daven all night long. The ruling that one needs to daven before Chatzos (even if b'dieved one may still do so later) is essentially the Chachamim's opinion. They argue that if that is truly the Gemara's intent, it would have concluded simply that the halacha follows the Chachamim! The Shaagas Aryeh therefore rules that the psak of the Tur and Rosh is the correct one and one may daven Maariv up until Alos HaShachar. Other halachic decisors, however, defend the Shulchan Aruch's position and rule accordingly[12], while several, including the Chayei Adam and the Kitzur Shulchan Aruch, simply and straightforwardly rule like the Shulchan Aruch.

The Mishna Berura[13] cites many Rishonim on both sides of the dispute, and concludes that if at all possible, one must follow the ruling of the Shulchan Aruch and daven before Chatzos. Yet, under extenuating circumstances, for example one who is busy teaching others Torah (perhaps a late night Daf Yomi shiur) may rely on the lenient opinion and daven Maariv after midnight.

Contemporary Rule

So with so many differing opinions to follow, how do contemporary poskim rule?

Well, the Yalkut Yosef [14] understandably follows the Shulchan Aruch's ruling. In fact, Rav Ben Tzion Abba Shaul rules that since Bnei Sefard follow the Shulchan Aruch's ruling ('ain lanu elah divrei HaShulchan Aruch'), one should rather daven Maariv b'yechidus (in private) before Chatzos than with a minyan after Chatzos!

But that psak is not reserved for Sefardim. Indeed, Rav Shlomo Zalman Auerbach is quoted as holding similarly. The Ishei Yisrael also rules this way, quoting Rav Chaim Kanievsky, as does the Avnei Yashpei[15], maintaining that it is preferable to daven Maariv b'yechidus before Chatzos than with a minyan after Chatzos. They cite proof from the Elyah Rabba (Orach Chaim 235, 4) and Derech HaChaim (Hilchos Tashlumin 5) who write that the zeman for all of Maariv follows the zeman of Krias Shema, and only up until Chatzos is considered the zeman for all of Tefillas Maariv[16]. Additionally, if one delays his davening Maariv until after Chatzos he is "transgressing the divrei Chachamim"[17]; therefore they maintain that one must daven Maariv l'chatchila before Chatzos, even b'yechidus if need be.

On the other hand, Rav Yosef Shalom Elyashiv[18] is quoted as ruling that if the only minyan applicable is after Chatzos, then one should make sure to recite Krias Shema before Chatzos (as that was main issue in the Mishna in the first place). Once one does that he may then daven the full Maariv with the minyan after Chatzos. This was also the opinion of Rav Yehuda Tirnauer, long time rabbi of the aforementioned Shomrei Shabbos Shul. There is a sign posted there that one who wishes to daven Maariv after Chatzos should l'chatchila recite Krias Shema before Chatzos[19].

Back to our baffled and befuddled Bochor. Although some may argue that a date (especially a bad one) would be considered an extenuating circumstance, nevertheless, it just might be worthwhile for him to end the date a tad early and try to manage Maariv before midnight. Undoubtedly, his morning chavrusa will thank him too.

This article was written L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga and Reb Chaim Baruch Yehuda ben Dovid Tzvi, L'Refuah Sheleimah for R' Shlomo Yoel ben Chaya Leah and l'zechus for Shira Yaffa bas Rochel Miriam v'chol yotzei chalatzeha for a yeshua teikif umiyad!

For any questions, comments or for the full Mareh Mekomos / sources, please email the author: yspitz@ohr.edu.

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[1] Mishna Taanis Ch. 4, 8; 26b.

[2] Brachos Ch. 1, 1; 2a.

[3] Brachos 9a; statement of Shmuel.

[4] Rambam (Hilchos Krias Shema Ch. 1, 9).

[5] Rif (Brachos 2a), Ramban (Brachos 2a), SMAg (Positive Commandments 18). Other Rishonim who rule this way include the SMAK (Mitzva 104), Rabbeinu Yerucham (Sefer HaAdam Nesiv 3 Ch. 2) and the AbuDraham (Hilchos Krias Shema). Rav Ovadiah M'Bartenura and the Tosafos Yom Tov in their commentaries on the first Mishna in Brachos imply this way as well.

[6] Beis Yosef (Orach Chaim 235 s.v. aval & umashma).

[7] Shulchan Aruch (Orach Chaim 235, 3).

[8] Rashba (Brachos 2a s.v. Masnisin), Rosh (Brachos Ch. 1, 9), Sefer HaChinuch (Parshas Eikev, Mitzva 433 s.v. uzmanei), and the Tur (Orach Chaim 235, 3).

[9] Talmidei Rabbeinu Yona (Brachos 2a s.v. vkol ha'over). What this author finds interesting is that earlier Rabbeinu Yona (1a s.v. v'chachamim) is quoted as ruling similarly to the Rambam (although he maintained that both Rabban Gamliel and the Chachamim held that one must daven Maariv immediately after Tzeis HaKochavim). Yet, one daf later, he later qualified the ruling and effectively changed the halacha. It must be stressed that this opinion is a 'daas yachid' and many later authorities, including the poskim mentioned in footnote 11, argue quite vehemently against it. The halacha does not follow this opinion.

[10] Brachos 4a.

[11] Shu"t Shaagas Aryeh (4). Others who question the Shulchan Aruch's ruling include the Bach (Orach Chaim 235, end 3), Pnei Yehoshua (Brachos

9a s.v. *sham b'Gemara*), *Sfas Emes* (*Brachos 2a s.v. ad*), and the *Beis HaLevi* (*Shu"t Beis HaLevi* vol. 1, 34, 4). Although none of them seem to actively rule against the *Shulchan Aruch* (as opposed to the *Shaagas Aryeh* who does quite vigorously), it is interesting to note that the *Torah Temima*, in his autobiographical *Mekor Baruch* (cited in *Shu"t Moadim U'Zmanim* vol. 4, 269 footnote 1), tells a story about the *Beis HaLevi* where he claimed that he ruled that one may daven *Maariv l'chatchila* all night long. *Rav Moshe Sternbuch* in his *sefer Hilchos HaGr"a U'Minragav* (120, pg. 134) cites this as proof that the *Beis HaLevi* did indeed rule like the *Shaagas Aryeh*. *Rav Yitzchak Isaac Chaver*, in his *Seder HaZmanim* (2) defends the *Shaagas Aryeh's* *shittah* at length and concludes that he is indeed correct. Obviously, the *poskim* mentioned in this article offer much more halachic rationale and proofs to their opinions. However, the main thrusts of their views are presented here.

[12] See *Shu"t Pri Yitzchak* (vol. 2, 2), who attacks the *Shaagas Aryeh's* position at length, and concludes that the *Shulchan Aruch* was correct in his ruling. Other later authorities including the *Chayei Adam* (vol. 1, 34, 5) and the *Kitzur Shulchan Aruch* (70, 2) simply and straightforwardly rule like the *Shulchan Aruch*. The *Aruch Hashulchan* (*Orach Chaim* 235, 18) writes that it was the *Shulchan Aruch's* prerogative to rule like the *Rambam* and *SMAg* without even mentioning the dissenting opinion of the *Rashba*, *Rosh*, and *Tur*, as apparently that *shitta* is the "ikar one according to his great knowledge". [Although he does disagree with the *Shulchan Aruch's* ruling like the minority opinion of the *Talmidei Rabbeinu Yonah* that one should ideally daven immediately after *Tzeis HaKochavim*, and concluding that perhaps this why we find that many are not too 'medakdek' with this.] Oddly, this author did not find the *Shulchan Aruch HaRav*, *Ben Ish Chai* or *Kaf Hachaim* discussing this issue.

[13] *Biur Halacha* (235 s.v. *uzmana*). The *Divrei Chamudos* (*Brachos* Ch. 1, 45) and *Shaarei Teshuva* (*ad loc.* 7) rule this way as well. See also *Shu"t Tzitz Eliezer* (vol. 6, 2, 3) who proves from the *Rambam* (see also *Rema* (*Orach Chaim* 106, 3) that one who is involved with *Tzorchei Tzibbur* has equal dispensation to one who is teaching Torah publicly.

[14] *Yalkut Yosef* (on *Hilchos Brachos* pg. 753 & *Kitzur Shulchan Aruch - Orach Chaim* 235, 3) and *Shu"t Ohr L'Tzion* (vol. 2, Ch. 15, 9).

[15] *Halichos Shlomo* on *Tefillah* (Ch. 13, footnote 51), *Ishei Yisrael* (Ch. 28, 15), and *Avnei Yashpei* (on *Hilchos Tefilla* Ch. 11, 11, pg. 158).

[16] However, it must be noted that the *Pri Megadim* (*Orach Chaim* 108, end *Mishbetzos Zahav* 3) does not accept this. See also *Mishna Berura* (*ad loc.* 15).

[17] See *Elyah Rabba* (*Orach Chaim* 275, 11), *Mishna Berura* (*ad loc.* 27), and *Kaf Hachaim* (*ad loc.* 25). However, the *Butchatcher Rav* (*Eshel Avraham ad loc.* *Tinyana*) proves that starting *Maariv* before *Chatzos* is sufficient not to transgress this.

[18] *Ashrei HaIsh* (*Orach Chaim* vol. 1, Ch. 42, 21).

[19] Thanks are due to R' *Yoel Rosenfeld* for pointing this out and sending this author a picture of the sign.

Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

L'iluy Nishmas the Rosh HaYeshiva - Rav Chonoh Menachem Mendel ben R' Yechezkel Shraga, Rav Yaakov Yeshaya ben R' Boruch Yehuda, and l'zchus for Shira Yaffa bas Rochel Miriam and her children for a yeshua teikef u'miyad!

Ohr Somayach :: Talmud Tips :: Bava Batra 25 - 31
Rabbi Moshe Newman
For the week ending 18 February 2017 / 22 Shevat 5777

Rabbi Yitzchak said, "One who wants to have wisdom should turn to the south; and if he wants wealth he should turn to the north." *Bava Batra* 25b

In addition to this statement on our *daf*, our *gemara* also teaches a "siman", or "memory device", in order not to mix up which direction is advised for wisdom and which direction for wealth. The *Shulchan* (Table; i.e. source of material sustenance and wealth) was in the northern side of the *Mishkan* and *Batei Mikdash*, whereas the *Menorah* (symbolizing the light of wisdom of the Torah) was in the south.

It is interesting to note that despite Rabbi Yitzchak's statement which offers a choice between praying in a manner either fortuitous for wisdom or for wealth — but not for both simultaneously — Rabbi Yehoshua ben Levi teaches otherwise. He states that one should

always face the south, and in this way will be better positioned not only for wisdom but also for wealth. Rabbi Yehoshua ben Levi claims that when one has the wisdom of the Torah he also has great wealth, as the verse teaches: "Long life is on its (the Torah's) right, while wealth and honor are on its left." (*Proverbs* 3:16)

As beautiful as this teaching may sound, this opinion is not codified in *Shulchan Aruch*, and is also not our *minhag* (custom).

Rashi explains that the directional words of advice in our *gemara* refer to "turning one's head" (not body) south or north when praying. And "praying" refers to the "standing prayer" that we often call "the *amida*" or "the *Shmoneh Esrei*". Turning only one's head south or north is consistent with the *gemara* elsewhere (*Masechet Berachot* 30a), which teaches that the main direction for prayer is toward the Land of Israel, Jerusalem and site where the Temples stood, as taught by King Solomon when he dedicated the First Temple (*Kings* I ch. 8). Therefore, according to Rashi, one would position his body towards the east (towards the Land of Israel), and angle his head to the south or north, depending upon his objective.

The *Rema*, however, seems to prefer to explain our *gemara* as speaking about the position of one's entire body for wisdom or wealth, and not only the head. In *Shulchan Aruch Orach Chaim* 94:2 the *Rema* states: "And one who wants to fulfill the words of our Sages to turn to the south for wisdom and to the north for wealth should do so; however, he should turn his face towards the east."

The *Mishneh Berurah* (*ibid* 94:2:12) writes that this implies that one should stand with his body towards the south or north, and angle only his head toward the east (in the *Askenazic* countries in Eastern Europe that require prayer towards the east in order to be praying in the direction of the Land of Israel). The *Mishneh Berurah*, however, points out that Rashi explains our *gemara* differently: that one's body should face the Land of Israel and that only the head should be angled to the side — south for wisdom or north for wealth. He concludes that it is correct to pray according to Rashi's explanation, and that this is in fact our widespread *minhag* — to position our bodies towards the Land of Israel (in the east when we are west of Israel), and angle our heads sideways, to the south or north, if so desired, in prayer for increased wisdom and wealth.

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In dedication of Mr. Emilio Goldstein ע"ה