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Home Weekly Parsha YITRO Rabbi Wein's Weekly Blog

The fact that the Torah has seen fit to provide such a detailed narrative about the visit of the father-in-law of Moshe to the camp of Israel at the beginning of their sojourn in the desert of Sinai, teaches us a valuable lesson in life and human behavior. The truth is that all of us want to be validated by others. It is not enough that we believe in our cause or that we know what type of person or nation we want to be – it is necessary that others recognize this as well and express it to us and validate our emotions, policies and life values.

This is expressed in all areas of human endeavor. The validation from others is a form of emotional therapy and conviction reinforcement that human beings desire and seek. It is the key as to why so many people pursue publicity, even publicity that is questionable and not necessarily positive. People desire to be recognized. Simply being ignored leads to depression and other severe consequences.

One of the problems that schools often encounter is that they are rarely able to validate the feelings and accomplishments of all their students. There is only one valedictorian and not everyone can get an 'A' in every subject. Resentment often results, and insecurities can lead to rebellion and even violence from this lack of validation. There was once a school of psychology that simply had the therapist repeat everything the client said. This was supposed to bring about a feeling of validation that would bring the patient to a more stable view of one's self and of the world generally.

The Jewish people have witnessed great and powerful miracles. They had been delivered from centuries of Egyptian bondage and from experiencing the waters of the sea split before them. They were eating 'manna' that fell from heaven daily, which was enough to sustain them physically and spiritually. They have the greatest leader in the history of mankind, our teacher Moshe, as their leader. Yet, Jewish tradition teaches us that they did not really feel comfortable with themselves until a person from the outside – the very outside, a former idolater – came and confirmed to them the godly powers that they had witnessed and the correctness of their belief in the universal God of Israel.

It has always been that the Jewish people craved validation from the outside world for principles and beliefs that we know to be valid and correct but with which we feel uncomfortable unless others are willing to agree with us on these matters. Moshe realizes this and therefore he will plead with Yitro to remain with the Jewish people and enter the land of Israel with them. Moshe says to him that he will be the eye of Israel. If he validates the land of Israel as a Jewish homeland, the Jews will do so as well. So deep was their need for validation from the outside. We should think about these matters when considering our own pursuit of validation from the non-Jewish world.

Shabbat shalom
Rabbi Berel Wein

Mount Sinai and the Birth of Freedom (Yitro 5779) Covenant & Conversation Judaism & Torah

The revelation at Mount Sinai – the central episode not only of the parsha of Yitro, but of Judaism as a whole – was unique in the religious history of mankind. Other faiths (Christianity and Islam) call themselves religions of revelation, but in both cases the revelation of which they spoke was to an individual ("the son of God," "the prophet of God"). Only in Judaism was God's self-disclosure not to an individual (a prophet) or a group (the elders) but to an entire nation, young and old, men, women and children, the righteous and not-yet-righteous alike. From the very outset, the people of Israel knew something unprecedented had happened at Sinai. Moses had no doubt that it was an event without parallel:

"Ask now about the former days, long before your time, from the day God created man on earth; ask from one end of the heavens to the other. Has anything so great as this ever happened, or has anything like it ever been heard of? Has any other people heard the voice of God speaking out of fire, as you have, and lived?" (Deut. 4:32–33).

For the great Jewish thinkers of the Middle Ages, its significance was primarily epistemological. It created certainty and removed doubt. The authenticity of a revelation experienced by one person could be questioned. One witnessed by millions could not. God disclosed His presence in public to remove any possible suspicion that the presence felt, and the voice heard, were not genuine.

Looking at the history of mankind since those days, it is clear that there was another significance also – one that had to do not with religious knowledge, but with politics. At Sinai a new kind of nation was being formed, and a new kind of society – one that would be an antithesis of Egypt, in which the few had power and the many were enslaved. It was to be, in Abraham Lincoln's words in the Gettysburg Address, "a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal." Indeed without the covenant at Mount Sinai, Lincoln's words might have been inconceivable. For nowhere else do we find anything like the politics of Mount Sinai, with its radical vision of a society held together not by power but by the free consent of its citizens to be bound, individually and collectively, by a moral code and by a covenant with God.[1]

Standard works on the history of the politics of freedom trace it back through Marx, Rousseau and Hobbes to Plato's Republic, Aristotle's Politics, and the Greek city states (Athens in particular) of the fifth century BCE. This is a serious error. To be sure, words like "democracy" (rule by the people) are Greek in origin. The Greeks were gifted at abstract nouns and systematic thought. However, if we look at the "birth of the modern" – at figures like Milton, Hobbes and Locke in England, and the founding fathers of America – the book with which they were in dialogue was not Plato or Aristotle but the Hebrew Bible. Hobbes quotes it 657 times in *The Leviathan* alone. Long before the Greek philosophers, and far more profoundly, at Mount Sinai the concept of a free society was born.

Three things about that moment were to prove crucial. The first is that long before Israel entered the land and acquired their own system of government (first by judges, later by kings), they had entered into an overarching covenant with God. That covenant (Brit Sinai) set moral limits to the exercise of power. The code we call Torah established for the first time the primacy of right over might. Any king who behaved contrarily to Torah was acting *ultra vires* (beyond legitimate authority), and could be challenged. This is the single most important fact about biblical politics.

Democracy on the Greek model always had one fatal weakness. Alexis de Tocqueville and John Stuart Mill called it "the tyranny of the majority." [2] J.L. Talmon called it "totalitarian democracy." [3] The rule of the majority contains no guarantee of the rights of minorities. As Lord Acton rightly noted, it was this that led to the downfall of Athens: "There was no law superior to that of the state. The lawgiver was above the law." [4] In Judaism, by contrast, prophets were mandated to challenge the authority of the king if he acted against the terms of the Torah. The classic example is the accusation God tells Elijah to make to King Ahab for seizing Naboth's vineyard: "Thus says the Lord: Would you murder and take possession?" (Kings 21:19).

Individuals were empowered to disobey illegal or immoral orders. The first example was the Hebrew midwives who "feared God and did not do what the Egyptian king had commanded" (Ex. 1:17). Another key moment was when King Saul ordered his servants to kill the priests of Nob, who had given shelter to David, "But the king's servants would not raise a hand to strike down the priests of the Lord" (Samuel 22:17). [5] It was on this tradition that Calvin – inspiration of the seventeenth-century Puritan radicals in England and America – drew, when he said "prophets and teachers may take courage and thus boldly set themselves against kings and nations." [6] It was on the same tradition that Thomas Paine based his pamphlet *Common Sense* (1776), widely credited at the time as the inspiration that led to the American revolution. [7] Historically, it was the covenant at Sinai and all that flowed from it, not the Greek political tradition, that inspired the birth of freedom in Britain and America, the first people to take that road in the modern age.

The second key element lies in the prologue to the covenant.

God tells Moses:

“This is what you are to say to the house of Jacob and tell the people of Israel. ‘You yourselves have seen what I did to Egypt and how I carried you on eagles’ wings and brought you to Me. Now, if you obey Me fully and keep My covenant, you will be My treasured possession, for the whole earth is Mine. You will be for Me a kingdom of priests and a holy nation...’” (Ex. 19:3–6)

Moses tells this to the people, who reply: “We will do everything the Lord has said” (Ex. 19:8). Until the people had signified their consent, the revelation could not proceed. The principle at stake was that there is no legitimate government without the consent of the governed,[8] even if the governor is Creator of heaven and earth. I know of few more radical ideas anywhere.

To be sure, there were sages in the Talmudic period who questioned whether the acceptance of the covenant at Sinai was completely free. There is a famous statement in the Talmud:

“And they stood under [normally translated as, “at the foot of”] the mountain” (Ex. 19:17) – this teaches that the Holy One, blessed be He, overturned the mountain above them like a cask and said to them, “If you accept the Torah, it is well, but if not, this will be your burial place.”[9]

What the sages are doing here is to question whether the Israelites really had a free choice at Sinai. They had not yet entered the land. They were dependent on God for their food, water and protection. Where could they go, and to whom could they turn, if they said no to God?

The Talmud itself says that “Nonetheless, they re-accepted it in the days of Ahasuerus,”[10] that is, at the time described in the book of Esther – one of the only two books in the Bible that does not contain the name of God.[11] In that context there could be no question of divine coercion. However, at the simplest level, this is the significance of the two covenant renewal ceremonies, one at the end of Moses’ life, as the Israelites were about to enter the land (Deut. 29–31), the other at the end of Joshua’s life, when the people had conquered the land (Joshua 24). The covenant was renewed precisely so that no one could say that it had been entered into coercively when there was no alternative.

At the heart of Judaism is the idea – way ahead of its time, and not always fully realised – that the free God desires the free worship of free human beings. God, said the rabbis, does not act tyrannically with His creatures.[12]

The third, equally ahead of its time, was that the partners to the covenant were to be “all the people” – men, women and children. This fact is emphasised later on in the Torah in the mitzvah of Hak-hel, the septennial covenant renewal ceremony. The Torah states specifically that the entire people is to be gathered together for this ceremony, “men, women and children” (Deut. 31:10–13). A thousand years later, when Athens experimented with democracy, only a limited section of society had political rights. Women, children, slaves and foreigners were excluded. In many respects this held true until very recently. In Britain, women did not get the vote until 1918. In America, women’s suffrage was complete only in 1920, though some states had enacted it earlier.

According to the sages, when God was about to give the Torah at Sinai, He told Moses to consult first with the women and only then with the men. This is the meaning of the verse “This is what you are to say to the house of Jacob and tell the people of Israel” (Ex. 19:3). The house of Jacob, our sages tell us, refers to the women.[13] The Torah, Israel’s “constitution of liberty,” includes everyone. It is the first moment, by thousands of years, that citizenship is conceived as being universal.

Perhaps the greatest testimony to the politics of the Hebrew Bible was given by Jean-Jacques Rousseau, in an unpublished manuscript discovered after his death:

The Jews provide us with an astonishing spectacle: the laws of Numa, Lycurgus, Solon are dead; the very much older laws of Moses are still alive. Athens, Sparta, Rome have perished and no longer have children left on earth; Zion, destroyed, has not lost its children.... What must be the strength of legislation capable of working such wonders, capable of braving conquests, dispersions, revolutions, exiles, capable of surviving the customs, laws, empire of all the

nations...to last as long as the world?...any man whosoever he is, must acknowledge this as a unique marvel, the causes of which, divine or human, certainly deserve the study and admiration of the sages, in preference to all that Greece and Rome offer.[14]

With the revelation at Sinai, something unprecedented entered the human horizon, though it would take centuries, millennia, before its full implications were understood. At Sinai, the politics of freedom was born.

Shabbat shalom

Rabbi Jonathan Sacks

[1] “The government of the Israelites was a Federation, held together by no political authority, but by the unity of race and faith, and founded, not on physical force, but on a voluntary covenant.” Lord Acton, *Essays in the History of Liberty* (Liberty Press, 1985), 7

[2] Alexis de Tocqueville, *Democracy in America*, bk. 1, chap. 15; John Stuart Mill, introduction to *On Liberty*

[3] J.L. Talmon, *The Origins of Totalitarian Democracy* (Secker and Warburg, 1955)

[4] Lord Acton, *Essays in the History of Liberty*, 13

[5] On civil disobedience in Judaism, see the essays by Moshe Greenberg, Maurice Lamm and Milton Konvitz in *Contemporary Jewish Ethics*, ed. Menachem Kellner (Sanhedrin Press, 1978), 211–254; and Harold Schulweis, *Conscience: The Duty to Obey and the Duty to Disobey* (Jewish Lights, 2008)

[6] Calvin, *Jeremiah*, lecture 2: r.44. Cited in Michael Walzer, *The Revolution of the Saints: A Study in the Origins of Radical Politics* (New York: Atheneum, 1972), 63

[7] Reprinted in Thomas Paine, *Political Writings* (Cambridge University Press, 1989), 3–38. The pamphlet sold 100,000 copies in 1776 alone. Paine drew entirely on the anti-monarchical passages in the Hebrew Bible

[8] The phrase comes from the American Declaration of Independence

[9] Shabbat 88a

[10] Shabbat 88a

[11] The other is Shir HaShirim, the Song of Songs.

[12] Avoda Zara 3a

[13] Mekhilta, ad loc

Shabbat Shalom: Parshat Yitro (Exodus 18:1-20:23)

By Rabbi Shlomo Riskin

Efrat, Israel – “And Jethro the Priest of Midian, the father-in-law of Moses, heard all that God had done for Moses and his people; that He had taken Israel out of Egypt.” (Exodus 18:1)

This Torah portion records how Jethro, Moses’ Midianite father-in-law, heard of God’s great wonders in redeeming the Israelites from Egypt and came to Moses amidst great praise to the Lord. Upon witnessing Moses’ difficult workload in rendering judgments from dawn to night, Jethro gave sage advice in organizing and delegating a graduated judicial system, with only the most complex cases to come before Moses. One of the issues dealt with by the biblical commentaries is the exact time when Jethro arrived on the scene: Was it before or after the Sinaitic revelation?

In terms of the chronological sequence of the biblical account, it would appear that Jethro came to Moses immediately after the splitting of the Reed Sea and before the commandments were given at Sinai.

However, both Nahmanides and Ibn Ezra point out that since Moses could not have been occupied to the point of exhaustion with rendering biblical rulings before the Bible had been given, logic dictates that Jethro arrived and made his wise suggestion after the revelation at Sinai. But if so, why does the Torah record the advent and advice of Jethro before the account of the revelation, and why name the portion which includes the content of the divine words after a Midianite priest, especially since he came on the scene after that revelation took place!

Ibn Ezra explains:

Since the Bible has just mentioned the evil which Amalek did to the Israelites [at the end of Exodus Chapter 17 as the conclusion of the previous portion of Beshallah], the Bible must [immediately thereafter] mention in contrast the good advice which Jethro gave to the Israelites [at the beginning of Chapter 18 in the opening of the portion of Yitro].

I would add that the Bible is contrasting two very opposite reactions to the miracle of the Exodus. In general, the nations of the world heard of the stunning rebellion of the Hebrews and became terrified:

Nations heard and shuddered; terror gripped the inhabitants of Philistia...Fear and dread fell upon them; at the greatness of Your Arm they fell silent as stone. (Exodus 15:14-16)

Two peoples, however, do not merely respond by panicking. Amalek, "first among the gentiles" (Num. 24:20), set out to make war against this emerging new star with the intent of heading them off at the pass. And Amalek played "dirty":

Remember what Amalek did to you...when they encountered you...when you were tired and exhausted, and they cut off those who were lagging to your rear [the old, the young and the infirm]. (Deut. 25:17, 18)

Jethro, on the other hand, is filled with admiration and praise: "And Jethro was overjoyed at all of the good which the Lord accomplished for the Israelites in saving them from the hand of Egypt. And Jethro said, 'Praised be the Lord who has saved you from the hand of Egypt and the hand of Pharaoh...Now I know that the Lord is the greatest of all of the gods...'" (Ex. 18:9-11). In effect, the biblical juxtaposition is teaching us that all gentiles should not be seen in the same light: there is the gentile who is jealous and aggressive (Amalek), but there is also the gentile who is admiring and willing to be of help (Jethro).

We are still left with the question as to why the biblical portion of the divine revelation should be referred to by the name of a Midianite priest – and I believe that herein lies one of the most profound truths of the Jewish faith. Undoubtedly the Torah was given to the Jewish people, as Maimonides teaches, "Moses our Teacher bequeathed the Torah and the commandments only to Israel, as it is written, 'a heritage to the congregation of Jacob,' as well as to anyone who may wish to convert [to Judaism]..."

But in the very same breath Maimonides continues to legislate:

And similarly Moses was commanded by the Almighty to enforce upon the gentile world for everyone to accept the seven Noahide laws of morality. (Laws of Governments 8:10)

Maimonides concludes his religio-legal magnum opus Mishneh Torah with the "Laws of Governments," which climax in an optimistic description of the messianic age, a period of unusual peace and harmony when "nation will not lift up sword against nation and humanity will not learn war anymore" (Laws of Governments, Chapters 11, 12). Jewish redemption is seen within the context of world redemption; the God of justice, compassion and peace must rule the world, with Israel accepting the 613 commandments and every nation accepting His seven commandments of morality, especially "Thou shalt not murder."

The paradigm for redemption, indeed the first example of Israel's liberation, was our exodus from Egypt. There are a number of lessons which must be extracted from this prototype. First of all, the Israelites must win the war against oppression; the God of Israel will only be respected if His people succeed. Second, the message of Israel must be a moral one: "I am the Lord thy God who took you out of the Land of Egypt, the house of bondage." Israel is entitled to live in freedom – and must be willing to wage battle against autocratic, Amalek-like governments which themselves utilize terrorism against innocent citizens and which harbor, aid and abet terrorists. And Israel must establish Jethro-like partnerships with those who – although they may still follow their individual religions – recognize the over-arching rule of the God of justice, compassion and peace.

The portion of the revelation at Sinai is called Yitro (Jethro); only if the Jethros of the nations of the world accept fealty to the God of peace will the ultimate vision of Torah become a reality for Israel and will the world as we know it be able to survive and prosper.

Shabbat Shalom!

Yitro: Coercion at Sinai

Rav Kook Torah

The Torah describes the remarkable events that preceded the Torah's revelation at Mount Sinai:

"Moses led the people out of the camp toward God and they stood at the bottom of the mountain." (Ex. 19:17)

The Midrash interprets the phrase "bottom of the mountain" quite literally: the people were standing, not at the foot of the mountain, but underneath it.

"The Holy One held the mountain over them like a bucket and warned them: If you accept the Torah - good. And if not - here you will be buried." (Shabbat 88a)

Would it not have been preferable for the Jewish people to accept the Torah willingly? Why does the Midrash teach that they were forced to accept it?

Limits to Free Will

It is essential that we have the ability to choose between right and wrong. It is through our free will that we develop spiritually and refine our ethical faculties. There are, however, limitations to our free will.

Not everything is subject to freedom of choice. Free will itself is an integral part of life and is beyond our control. We are not free to decide whether to choose or not. We must make an ethical choice. We decide what to choose, where to go, which path to take. But the necessity to choose, like life itself, is forced upon us.

If the Torah was simply a manual on how to make good ethical decisions, it would be appropriate for Israel to be free to accept or reject the Torah. The Torah would belong to the realm of free will, and the fundamental decision whether to accept and follow the Torah would need to be made freely, without coercion.

But the Torah is much more than a moral guidebook. The Torah expresses our inner essence. When we violate the Torah's teachings, we become estranged from our own true selves. For this reason, the Torah needed to be given to Israel in a compulsory act, just as free will is an inherent aspect of our spiritual makeup and was imposed upon us without our consent.

Supporting the World

The corollary to this truth is that the Torah is not the private possession of the Jewish people. Within the inner realm of creation, all is interconnected and interrelated. The universe mandates the existence of the Torah and its acceptance by Israel.

Why did the Midrash use the image of an immense mountain dangling overhead as a metaphor for the inevitability of Matan Torah?

Mount Sinai merited a unique role on that decisive day. The mountain represented all of creation; it became the universe's center of gravity. Mount Sinai absorbed the quality of universality and was permeated with the force of inevitable destiny. It represented the impossibility of life, or any aspect of existence, without Israel accepting the Torah.

The Jewish people made their stand under the mountain. Like Atlas, they supported the entire universe - a universe that was concentrated within the mountain held over their heads. "If you accept the Torah, good" - for then you will have been faithful to your true essence, the truth of your very existence. "And if not, here you will be buried." The entire universe will rise up against you, just as you have rebelled against your true selves.

Carrying in Public and the Use of an Eruv II

By Rabbi Yirmiyohu Kaganoff

Last week, I began discussing many of the background issues germane to whether one can erect an eruv to permit carrying in a city. We discovered that the Torah prohibits carrying an object from one's house or any other enclosed area (halachically called a *reshus hayachid*), to an area available to the general public, a *reshus harabim*, or vice versa; or to carry an item four amos (about seven feet) or more within a *reshus harabim*. Even when there is no Torah prohibition involved in carrying the item, there may still be a rabbinic violation.

As we noted there, with reference to the *melacha* of carrying on Shabbos, the terms *reshus hayachid* and *reshus harabim* do not relate to the ownership of the respective areas, but are determined by the extent that the areas are enclosed and how they are used. A *reshus hayachid* could certainly be public property, and there are ways whereby an individual could own a *reshus harabim*. I also mentioned that the construction of an eruv consisting of poles and wire cannot permit carrying in an area that is prohibited *min haTorah*. In addition, we learned that a *reshus harabim* must meet very specific and complex requirements, including:

(A) It must be unroofed (Shabbos 5a).

(B) It must be meant for public use or thoroughfare (Shabbos 6a).

(C) It must be at least sixteen amos (about twenty-eight feet) wide (Shabbos 99a).

(D) According to most authorities, it cannot be inside an enclosed area (cf., however, Be'er Heiteiv 345:7, quoting Rashba; and Baal HaMaor, Eruvin 22a, quoting Rabbeinu Efrayim). The exact definition of an "enclosed area" is the subject of a major dispute that I will discuss.

(E) According to many authorities, it must be used by at least 600,000 people daily (Rashi, Eruvin 59a, but see Rashi ad loc. 6a where he requires only that the city has this many residents). This is derived from the Torah's description of carrying into the encampment in the desert, which we know was populated by 600,000 people

(F) Many authorities require that it be a through street, or a gathering area that connects to a through street (Rashi, Eruvin 6a).

Some authorities add additional requirements.

We explained that an area that does not meet the Torah's definition of a reshus harabim, yet is not enclosed, is called a karmelis. One may not carry into, from or within a karmelis, following the same basic rules that prohibit carrying into a reshus harabim. However, since the prohibition not to carry in a karmelis is rabbinic in origin, Chazal allowed a more lenient method of "enclosing" it.

At this point, let us continue our discussion.

600,000 People

An early dispute among Rishonim was whether one of the requirements of a reshus harabim is that it be accessible to 600,000 people, the number of male Jews over twenty the Torah tells us left Egypt (see Tosafos, Eruvin 6a s.v. keitzad). According to Rashi and others who follow this approach, one may enclose any metropolis with a population smaller than 600,000 with tzuros hapesach to permit carrying. (In some places Rashi describes the city as having 600,000 residents, and in others describes it as having 600,000 people using the area constantly. The exact definition is the subject of much literature; see, for example, Shu"t Mishkenos Yaakov #120 s.v. hinci harishon; and Shu"t Igros Moshe, Orach Chayim 1:139:5.)

However, other early authorities contend that an area with less than 600,000 people still qualifies as a reshus harabim, if it fulfills the other requirements that I listed above. In their opinion, such an area cannot be enclosed with tzuros hapesach. Although many authorities hold this way, the accepted practice in Ashkenazic communities was to follow the lenient interpretation and construct eruv in places with less than 600,000 people (see, for example, Aruch Hashulchan 345:18). Nevertheless, the Mishnah Berurah discourages carrying in such an eruv, since many Rishonim hold that an eruv in such a place is not acceptable (364:8; Bi'ur Halacha to 345:7 and to 364:2). There are different opinions as to whether Sefardim may follow this leniency, although the prevalent practice today is for them to be lenient.

Modern City

Most large, metropolitan areas today are populated by more than 600,000 people. Some authorities still define many of our metropolitan areas as a karmelis, based on the following definition: Any area less concentrated than the Jews' encampment in the desert is considered a karmelis. Since this encampment covered approximately 50 square miles (or approximately 130 sq km), these authorities permit an eruv in any place where the population density is less than 600,000 people per 50 square miles (Shu"t Igros Moshe, Orach Chayim 4:87). However, other authorities consider any metropolitan area or megalopolis containing 600,000 people to be a reshus harabim, regardless of its population density. Does this mean that there is no heter with which to construct an eruv in a large city? Indeed, many authorities contend this (Shu"t Mishnas Rav Aharon 1:2).

A Large Breach

Nevertheless, the Chazon Ish presented a different approach to permit construction of an eruv in a large contemporary city. His approach requires an introduction.

In general, an area enclosed by three or four full walls cannot be a reshus harabim (Eruvin 22a). What is the halacha if each of the three sides of an area is enclosed for most of its length – however, there are large gaps in the middle of the enclosure? For example, if walls or buildings enclose most of an area – however, there are gaps in the middle of the area between the buildings, where streets cross the city blocks. Does the area in the middle, surrounded by buildings and other structures, still qualify as a reshus harabim, or has it lost this status, because it is mostly "enclosed"?

The basis for the question is the following: There is a general halachic principle that an area that is mostly enclosed is considered enclosed, even in its breached areas (Eruvin 5b, et al.). For example, a yard enclosed by hedges tall enough to qualify as halachic walls may be considered enclosed, despite open areas between the hedges, since each side is predominantly enclosed by either hedges or a house.

On the other hand, a breach wider than ten amos (about 17 feet, or about 5 meters) invalidates the area from being considered enclosed. Therefore, one may not carry within a fenced-in area that has a 20-foot opening, without enclosing the opening in some way.

The issue that affects the modern city is the following: Granted that a large breach needs to be enclosed to permit carrying within the area, is this required min haTorah or only rabbinically? If one encloses a large area with walls that run for miles but have large gaps, is this area considered enclosed min haTorah on the basis of its walls, or is it considered open because of its gaps?

This question was debated by two great nineteenth-century authorities, Rav Efrayim Zalman Margoliyos of Brody, known as the Beis Efrayim, and Rav Yaakov of Karlin, the Mishkenos Yaakov. The Beis Efrayim contended that a breach invalidates an enclosure only because of a rabbinic prohibition and the area is considered enclosed min haTorah, whereas the Mishkenos Yaakov held that the breach renders the area as a reshus harabim min haTorah. The lengthy correspondence between these two authorities covers a host of other eruv-related issues (Shu"t Beis Efrayim, Orach Chayim # 25, 26; Shu"t Mishkenos Yaakov, Orach Chayim, #120- 122).

What difference does it make whether this area is considered open min haTorah or midrabbanan, since either way one must enclose the area?

The difference is highly significant. If we follow the lenient approach, then even if the area in the middle meets all the other requirements of a reshus harabim, the Beis Efrayim contends that it loses its status as a reshus harabim because of its surrounding walls, notwithstanding their large gaps – in which case it may be possible to construct an eruv.

On the other hand, the Mishkenos Yaakov contends that this area is considered a reshus harabim because of the gaps, and we ignore the walls. According to the Mishkenos Yaakov, it is impossible to construct an eruv around this area.

How one rules in this dispute between these two gedolim affects the issue of constructing an eruv in a contemporary city. Most modern cities contain city blocks that consist predominantly of large buildings with small areas between the buildings, and streets that are much narrower than the blocks. One can easily envision that both sides of the street are considered enclosed min haTorah, according to the Beis Efrayim's analysis. This, itself, does not sufficiently enclose our area, because the street is open at both ends. However, at certain points of the city, the street dead-ends into a street that is predominantly enclosed with buildings, fences, walls or something else. The result is that this section of the city can now be considered min haTorah as enclosed on three sides by virtue of the parallel buildings along both sides of the street and those at its dead end. Since, according to the Beis Efrayim, this area now qualifies as an enclosed area min haTorah, he also holds that the entire area is considered a reshus hayachid min haTorah.

The Chazon Ish now notes the following: Once you have established that this part of the city qualifies as a reshus hayachid min haTorah, this area is now considered completely enclosed halachically. For this reason, other city blocks that are predominantly enclosed on both sides of the street that intersect with this first area are now also considered to be enclosed areas min haTorah. As a result, a large section of most cities is considered min haTorah enclosed on at least three sides, according to this calculation. Although one cannot carry in these areas midrabbanan because of the "breaches" in their "enclosures," they are no longer reshus harabim min haTorah, and one can, therefore, enclose the entire area with tzuros hapesach (Chazon Ish, Orach Chayim 107:5). As a result of this calculation, the Chazon Ish concludes that many large cities today qualify as a karmelis, and therefore one may construct tzuros hapesach to permit carrying there.

However, other authorities reject this calculation for a variety of reasons. Some contend, as explained above, that the gaps between the buildings invalidate the enclosure, thus leaving the area a reshus

harabim, which cannot be enclosed (Shu"t Mishkenos Yaakov; Shu"t Mishnas Rav Aharon).

In conclusion, we see that a dispute among poskim over eruv is not a recent phenomena. In practice, what should an individual do? The solution proposed by Chazal for all such issues is "Aseh lecha rav, vehistaleik min hasafek – Choose someone to be your rav, and remove yourself from doubt." Your rav, or your halachic authority, can guide you as to whether it is appropriate to carry within a certain eruv, after considering the halachic basis for the specific eruv's construction, the level of eruv maintenance, and family factors. Never underestimate the psak and advice of your rav!

Are You Making a Kiddush Hashem?; Ears Open at a Shiva Call Mishpacha Magazine Yonoson Rosenblum

Orchos Chaim: Ben Torah for Life by Rav Aaron Lopiansky, which I highlighted last week, is first and foremost an extended argument for the potential religious significance of the time a Jew spends earning his or her daily bread. For instance, there will often be more opportunities for kiddush Hashem outside the sheltered walls of the beis medrash.

In his discussion of kiddush Hashem, Rav Lopiansky brings the well-known story of Chiune (Sempo) Sugihara, the Japanese vice-consul in Kovno, who issued thousands of Japanese transit visas to desperate Jews seeking any escape route possible.

The problem was that Sugihara had been ordered by his superiors to leave Kovno, and even working 18 hours a day, he did not have enough time to complete all the transit visas. Rabbi Moshe Zupnik, a Mirrer Yeshivah talmid, persuaded Sugihara to allow him to help with filling out the documents.

That much is fairly well known. Less well known is that there was a third party who then joined filling out the transit visas, a German Gestapo agent, Wolfgang Gudze. The latter had been assigned to help the consul of Germany's wartime ally, Japan. Gudze actually volunteered to assist in the processing of the visas, at the potential risk of his life. He explained his extraordinary action to Moshe Zupnik: "I have great respect for your kind [i.e., Orthodox Jews]."

At some point in his life, Rav Lopiansky speculates, the integrity, friendliness, or dignity of an Orthodox Jew or Jews had made an impression on Gudze, and as a result, hundreds of Jewish lives were saved many years later.

Nor is Gudze's action the only one of its kind. One Shabbos evening in winter 1940, a telegram arrived at the home of Mike Tress from Rav Aharon Kotler. Rav Aharon wrote that the expected emergency visa had not been waiting for him at the US consulate in Moscow and he had only 24 hours to leave the city or be arrested. Tress, together with Rav Gedalia Schorr, worked through the night reconstructing Rav Aharon's entire visa dossier. Tress then took a train to Washington, D.C., early Shabbos morning.

Arriving at the State Department, he found one office light on — that of Assistant Secretary of State Breckinridge Long, the architect of much of America's wartime immigration policy. Long was an extreme nativist, who had been accused, with justice, of being an anti-Semite by Treasury Secretary Henry Morgenthau. Yet on that occasion, he responded to Mike's pleas and cabled the required documents to Moscow. He even ordered an embassy car to be sent for Rav Aharon. Despite his hostility to Jewish immigration, Long had cordial, even friendly relations with Mike Tress and other Orthodox rescue activists. He had testified to Congress in favor of the admission to the US of Torah scholars under the Special Emergency Visas program.

SADLY, HOWEVER, just as the exemplary behavior of some Jews has benefited other Jews and even the community as a whole, so has the opposite type of behavior brought much harm. My chavrusa Ari Wasserman shared with me an interview he conducted in preparing his forthcoming Making It All Work on women in the workplace. One interviewee described how she had built an excellent reputation over nine years working for a particular employer. When she left the firm, her employer was only too happy to hire other Orthodox Jews.

But sometime later, she received a call from her former boss. An Orthodox man he had hired had been caught making up non-existent Jewish holidays and moving the time for candle-lighting on Shabbos

significantly earlier than necessary. "We will never hire another Orthodox Jew," her former boss told her.

And in communal affairs, the rule "one bad apple spoils the whole bunch" often applies. Thus Rav Yosef Shalom Elyashiv used to say that those who improperly claim an army deferment on the grounds of Toraso umanoso are rodef after tens of thousands of bochurim and avreichim sincerely immersed in Torah learning.

During the Pell Grant scandals of the 1990s, Rabbi Moshe Sherer was informed by New York state educational authorities that they could no longer rely on his say-so to determine the legitimacy of an institution (even though not one institution he vouched for had ever been implicated in the scandals.)

Rabbi Sherer viewed that loss of trust — the attainment of which was his proudest achievement — as the low point of his long public career. The Ran (Drashos HaRan 9) enunciates a rule that each one of us owes it to both our fellow Jews and HaKadosh Baruch Hu to keep always before us. Whenever our gentile neighbors observe us behaving with absolute integrity — i.e., being scrupulous about the mishpatim of the Torah — they will attribute great wisdom to the chukim as well. But when we behave dishonestly, they will be filled with contempt for the chukim, the Torah's unique ritual laws, and thus the Torah itself.

Ears Open at a Shiva Call

I'm often amazed by how much one can learn at a shivah house, especially if the entire discussion is not taken up with pointless talk of the medical details of the final weeks or days of a long life.

I recently went to the shivah house of a longtime friend. I had no great expectations. I had not known his mother. And this particular friend is extremely self-effacing. His sense of humor runs to the self-deprecatory, and he studiously shies away from the limelight. As a baal teshuvah, he would be the only one sitting shivah, and I could not imagine how he would handle it.

Yet once there, I found myself transfixed. My friend held the floor, as if he had been waiting his entire life for this opportunity to be heard. He described in great detail the family history going back four generations in West Virginia and other points off the beaten Jewish track.

And he brought his mother to life with great tenderness and respect: her attachment to Judaism, despite not being fully mitzvah observant; her strength of character and firm sense of right and wrong. He did so in such a way that his own decision to take on a life of Torah and mitzvos seemed like a logical continuation of his mother's principles. (That, I find, is true of many baalei teshuvah.)

When I left after almost an hour, I felt a tinge of regret that it took my friend sitting shivah for me to fully appreciate his depth. But then I consoled myself that at least now I have a grasp of who he really is.

SOMETIMES one picks up important insights from the life of the niftar. At another recent shivah house, one of the niftar's sons related that his father had been in the brutal Janowska work camp on the outskirts of Lvov, together with the Bluzhover Rebbe and Simon Wiesenthal, and had lost nearly his entire family in the Holocaust.

I remarked to this son that it was impossible to discern what his father had suffered from observing him at a distance. He appeared every bit the distinguished lawyer that he was, and his three sons, each a highly successful frum professional, seem to bear no scars.

My friend replied that his father had, as an act of will, simply closed off his mind to all that had been before the war. As a child, my friend instinctively knew not to ask his father about his life growing up or anything beyond the barest outlines of his wartime experiences. That steel barrier in his father's mind between prewar and afterward was so firm that he could not even speak languages in which he had been fluent before the war.

The Gemara (Sanhedrin 93a) asks what became of Chananyah, Azariah, and Mishael, who were miraculously saved from the fiery furnace after refusing to bow down to a statute of Nevuchadnetzar. Rabi Yochanan answers: They went up to Eretz Yisrael, married women, and fathered children.

The Gemara reminds us that these are not mundane achievements. They were purchased at a high price by the survivors, who did so much to rebuild world Jewry after the horrors they had experienced.

Insights

Going Halfway to Others

“Moshe brought the people forth from the camp towards G-d.....” (19:17)

I got into a taxicab the other day and sat next to the driver. From his outward appearance it was impossible to tell whether he was religious or not. He was clean shaven and wore a khaki forage cap. We started to talk. “I give rides to soldiers and I give lifts to yeshiva students,” he said. “I’m not prejudiced. Come on, tell me. Am I religious or Chiloni (secular)?” “No Jew is Chiloni,” I replied. “He just hasn’t connected yet to his heritage.” “Very good!” he said. “I can see you are a student of the Berdichever.” (The Berdichever Rebbe’s love of every Jew and the lengths to which he would go to justify even the most egregious Torah transgressions are legion.) I replied, “Halevai! (I only wish!)” “No, but why are people so nosy?” he continued. “The other day I was coming back from Tiberius, and I stopped to pick up some yeshiva students. Anyway, they’d been in the car for about five minutes and the one in the front says to me, ‘Where do you live?’ ‘Jerusalem’ I say. ‘So you just finished a job taking someone to Tiberius?’ he asked. I didn’t answer. ‘It must be quite expensive to go from Jerusalem to Tiberius by car.’ ‘Yes, it is.’ ‘How much is that then?’ ‘500 Shekels’ I replied. I felt like saying to him, ‘Would you like a printout of my bank account?’ But I just kept silent.”

I suggested to the taxi driver, “Maybe he wanted to know what it cost so he would have an idea of the how much gratitude he owes you.” He smiled and said, “I knew you were a Berdichever!” He carried on and said, “Then he started to ask me where I lived in Jerusalem. I practically said ‘Would you like to know how many square meters my apartment is?’ ” So I said back to the taxi driver, “Maybe he just wanted to know what sort of a person you were. After all, if you’re someone who lives in a rich neighborhood, so maybe you’re more than just an average taxi driver, and he should show you even more gratitude and honor than before!”

“Okay! You are a Berdichever! I caught you! But you know something? That’s the only way to live. When you look for the good in people, you create a power of good in this world.”

Ever since Korach, the Jewish People have often been plagued by machloket (rancorous dispute). And, in our own times we have preserved this “custom” in all its minutiae. Dissent and disapproval dog the heels of our efforts to bring Mashiah. We are too divided and divisive. On one end of the spectrum, efforts to turn the Orthodox world into a hermetic bastion and the wholesale rejection of the modern world have caused many youngsters to flee their homes and their religion as from a prison. And at the other end of the spectrum even the Orthodox world seems to bend over backwards to accommodate the latest fads in gender identification — behavior the Torah explicitly condemns as abomination.

Where do we go from here? Love our neighbor as ourselves, and hate the sin, not the sinner. As it says: “As I live, says G-d, I have no pleasure in the death of the wicked one, but that the wicked one should turn from his way and live.” (Yechezkel 33:11)

“Moshe brought the people forth from the camp towards G-d...”

At the recent royal wedding, some enthusiasts camped out for six days before the event to get a prime spot to see the procession. Rashi says that it is the way of the world -that first the crowd gathers and then the monarch appears, but such was G-d’s love for His people that He came first to Mount Sinai and then waited for us.

If G-d is prepared to come all the way to us, shouldn’t we be prepared to at least go half way to others?

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Drasha Parshas Yisro - What's News

Rabbi Mordechai Kamenetzky

Though the marquee event of this week’s portion surrounds the epic event of Matan Torah, the giving of the Torah on Mount Sinai, there are still many lessons to be learned from every pasuk of the parsha, even the seemingly innocuous ones. Rabbi Mordechai Rogov, of

blessed memory, points out a fascinating insight from the following verses that discuss the naming of Moshe’s children.

“Yisro, the father-in-law of Moses, took Zipporah, the wife of Moses, after she had been sent away, and her two sons – of whom the name of one was Gershom, for he had said, ‘I was a sojourner 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.” (Exodus 18:2-4).

After Moshe killed the Egyptian taskmaster who had hit the Hebrew slave, Pharaoh put a price on Moshe’s head. The Medrash tells us that Moshe’s head was actually on the chopping block but he was miraculously saved. He immediately fled from Egypt to Midian. In Midian, he met his wife Zipporah and there had two sons.

The question posed is simple and straightforward: Moshe was first saved from Pharaoh and only then did he flee to Midian and become a “sojourner in a strange land.” Why did he name his first child after the events in exile his second son in honor of the miraculous salvation from Pharaoh’s sword?

Rav Rogov points out a certain human nature about how events, even the most notable ones, are viewed and appreciated through the prospect of time.

Chris Matthews in his classic book *Hardball, An Inside Look at How Politics is Played* by one who knows the Game, tells how Senator Alben W. Barkley of Kentucky, who would later serve as Harry Truman’s vice president, related a story that is reflective of human nature and memory. In 1938, Barkley had been challenged for reelection to the Senate by Governor A. B. “Happy” Chandler, who later made his name as Commissioner of Baseball.

During that campaign, Barkley liked to tell the story of a certain rural constituent on whom he had called in the weeks before the election, only to discover that he was thinking of voting for Governor Chandler. Barkley reminded the man of the many things he had done for him as a prosecuting attorney, as a county judge, and as a congressman and as a senator.

“I recalled how I had helped get an access road built to his farm, how I had visited him in a military hospital in France when he was wounded in World War I, how I had assisted him in securing his veteran’s benefits, how I had arranged his loan from the Farm Credit Administration, and how I had got him a disaster loan when the flood destroyed his home.”

“How can you think of voting for Happy?” Barkley cried. “Surely you remember all these things I have done for you!”

“Sure,” the fellow said, “I remember. But what in the world have you done for me lately?”

Though this story in no way reflects upon the great personage of Moshe, the lessons we can garner from it as well as they apply to all of us.

Rabbi Rogov explains that though the Moshe’s fleeing Pharaoh was notably miraculous it was still an event of the past. Now he was in Midian. The pressure of exile from his parents, his immediate family, his brother Ahron and sister Miriam, and his people, was a constant test of faith. Therefore, the name of Moshe’s first son commemorated his current crisis as opposed to his prior, albeit more miraculous and traumatic one.

Sometimes appreciating the minor issues of life take precedence over even the most eventful – if that is what is currently sitting on the table.

Good Shabbos

Dedicated in memory of Rose Horn (Rachel bas Shraga Faivel) Felig by Dr. & Mrs. Philip Felig – 17 Shevat

Dedicated by Michael & Rikki Charnowitz in memory of Ephraim (Ephraim Yitzhak ben R’ Avraham) Spinner – 17 Shevat

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Rabbi Yissocher Frand - Parshas Yisro

The Path in Which They Should Go...

At the beginning of our parsha, Yisro advises his son-in-law, Moshe Rabbeinu, to establish a court system: “You shall caution them regarding the decrees and the teachings, and you shall make known to

them the path in which they should go and the deeds that they should do.” [Shemos 18:20]

I saw an insight in the sefer Tiferes Shlomo by Rav Shlomo HaKohen Rabinowitz, the first Rebbe of the Radomsk Chassidic dynasty in 19th century Poland. The Tiferes Shlomo wonders — Yisro already said, “You shall caution them regarding the decrees and the teaching.” This seems to be an all-inclusive statement. So what is added by this extra phrase “and you shall make known to them the path in which they should go”?

The Tiferes Shlomo writes that there is a lot more to being an Erliche Yid (literally ‘an honest Jew’) than merely keeping the chukim and mishpatim [the decrees and the teachings]. There is another concept called “the path by which they should go” — meaning, every person has a certain path in which he should serve the Ribono shel Olam. The tefilin that I wear and the tefilin that you wear are exactly the same. The shofar that I hear and the shofar that you hear is exactly the same mitzvah. However, that does not necessarily mean that my approach to Avodas Hashem [Divine Service] is right for you, or that your approach to Avodas Hashem is right for me.

People’s personalities are varied. Every person must find his own niche in Avodas Hashem. A person must become aware of how he can apply his unique personality traits to excel in his personal Avodas Hashem. Of course, Yisro advised Moshe, you must advise them regarding the decrees and the teachings that apply uniformly across the board — but that is not sufficient. You also need to inform them of the parameters of the appropriate paths that each person should seek out for himself as appropriate to their unique personalities.

This is not only the Chiddush of the Tiferes Shlomo. The Vilna Gaon expresses the same idea in his commentary to Mishlei. The Gaon writes it explicitly: “Every person has a (spiritual) path on which he should travel, because people’s inner thoughts and personalities are different from one another. Just as no two people look alike, no two people think alike. Their natures and reaction to various situations differ.” The Gaon explains that in the time of the Neviim, people consulted with prophets to seek out the customized spiritual tasks they should undertake or not undertake in order to get closer with Hashem. People have these shaylos [questions] all the time. “How should I prioritize my efforts? Shall I take on this project or not? Shall I get involved in this activity or in another activity?” In prophetic times, such questions could be presented to the Navi who would determine a person’s inner nature and his natural inclinations, and prophetically give him the appropriate personalized recipe for his Avodas Hashem based on the root essence of his soul (shoresh nishmaso) and the nature of his body (teva gufo). “This is who you are. This is what you need to do.”

We do not fully appreciate the tragedy that confronts us spiritually today because we lack a Beis HaMikdash and we lack prophets and prophecy. We walk around confused because we do not know which way to go. There is no one to give us the customized spiritual direction we seek and we need.

The Gaon also writes a similar idea on the pasuk in Mishlei, “Educate a child according to his way; also when he grows old he will not depart from it.” [Mishlei 22:6]. Parents and teachers need to look at every child and try to figure out and ascertain the child’s essence. Curriculum instruction should be customized to individualized needs. Only such Chinuch [education] will be lasting and effective.

The Gaon continues in his Mishlei commentary: “However, when you force him to study in a way which is opposite to his nature, when he is young he will listen to you out of fear, but later when your yoke is removed from his neck, he will reject your teaching, for it is impossible to go against his inborn nature (mazalo).

This is a lesson both in Chinuch and in Avodas Hashem. A person needs to figure out who he is, determine an approach that is appropriate to his nature, and follow that approach. Thus far, I have been citing the words of the Tiferes Shlomo on our parsha and the words of the Vilna Gaon in Mishlei.

I also saw a related thought from the Rebbe Reb Bunim in the sefer Bei Chiya written by Rav Elisha Horowitz (son-in-law of the Noveminsker Rebbe).

The Gemara in Maseches Gittin [58a] relates that following the destruction of the Second Bais Hamikdash, Rav Yehoshua ben Chananya travelled to the great city of Rome where he saw a beautiful

child, a Jewish captive from the Destruction of Jerusalem, who was being held in prison. Rav Yehoshua ben Chananya stood outside the prison wall and when he saw this poor beautiful Jewish child, quoted to him the first half of a pasuk from Sefer Yeshaya [42:24] “Who delivered Jacob to plunder and Israel to looters?” The young child replied by quoting the end of that pasuk: “Was it not Hashem, He against Whom we have sinned? They did not wish to go in His ways and did not listen to His Torah.”

The Gemara then says that Rav Yehoshua ben Chananya proclaimed, “I am confident that this child will grow up to become a great Rabbinic personality in Israel.” He then took an oath “I will not move from here until I ransom him for whatever amount his captors demand for him.” In fact, the Gemara relates he did not leave there until he ransomed him for a tremendous sum. As he predicted, within a few short years, the child grew up to become a great Rabbinic personality (moreh hora’ah b’Yisrael) — Rabbi Yishmael ben Elisha.

The question must be asked — granted that the child knew Sefer Yeshaya, by heart. He knew how to finish a pasuk. However, why did the child’s ability to finish a pasuk (which may even have been standard among children in those days) cause Rav Yehoshua ben Chananya to become so confident that the child would become a great leader? What motivated him to raise huge sums of money to ransom this particular little child?

The Rebbe Reb Bunim in the sefer Sod Siach Sarfei Kodesh writes an amazing thing. He says it was not because the boy finished the pasuk. This is what happened here: In the time of the Churban, one of the problems was that people were spiritually confused — they did not know which path to take. Everyone copied each other and Judaism became a one size fits all religion.

People were so confused about what path to take that whatever someone else did, the attitude was “I need to do that as well.” The end of the pasuk, the child’s quote was — “Was it not Hashem, He against Whom we have sinned? They did not wish to go in His ways and did not listen to His Torah.” The child was saying to Rav Yehoshua ben Chananya, “Your mission at this point in time is not to sit there and cry; your mission at this point is to write a check. You are wealthy. Stop crying and get me out of here.”

The child was not merely finishing a pasuk; he had the perception to look at Rav Yehoshua ben Chananya and to give him mussar based on a deeper explanation of this pasuk. The child was able to tell him that, in effect, by just moaning about the situation, “You are barking up the wrong tree”. This is not the time and place and this is not your spiritual challenge to merely pray at this moment, you must become an activist and do something. This is the time and place to use the riches that HaKadosh Baruch Hu gave you and to use them for this purpose.

This is why the Gemara said that Rav Yehoshua ben Chananya not only concluded that the child would be a great personage, but that he will be a Moreh HoRa’ah b’Yisrael — a person who gives spiritual direction and halachic guidance in Israel. A Moreh HoRa’ah is not just a person who can pasken a shaylah, it is a person who shows the way, who directs someone on the proper path he should take in life at any given time. That was the greatness of this child and this is what impressed Rav Yehoshua ben Chananya about him.

Because of the multitude of our sins, we are unworthy nowadays to have prophets amongst us; but Israel is not totally orphaned. Every generation has its Moray HoRa’ah, those people qualified to point us in the proper paths and show us the proper road to take. We need to go to people who know these things, who are perceptive, who can look at us and tell us what individual direction is correct for each of us.

This is part of the job of a Dayan. He is not only supposed to guide us in application of the “laws and the decrees” (es haChukim v’es haToros), he is also charged with “showing them the path on which they shall walk.” They must realize that just as our faces are not like one another, so too our spiritual DNA is not like one another and each of us needs to be properly directed on the spiritual path that is most suited to our nature.

Just to imitate what everyone else does is NOT the correct approach, we must each find our own spiritual niche and worship the Ribono shel Olam in that fashion.

Transcribed by David Twersky; Jerusalem DavidATwersky@gmail.com

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Kibud Av ve-Eim: A Core Foundation of Torah Life

Rabbi Michael Rosensweig

The experience of maamad Har Sinai and the transmission of the Aseret ha-Dibrot constitute a pivotal moment in world and Jewish history and is the centerpiece of Parshat Yitro. The gemara (Berachot 5a), commenting on the pasuk in Mishpatim (24:12) - "vi-etenah lecha et luchot ha-even ve-haTorah ve-hamitzvah asher katavti ledorotam"- establishes the aseret hadiberot (luchot ha-even, the first on the list) as a distinct genre of Torah, alongside mikra, mishneh, Talmud and Nach, notwithstanding the fact that it is also part of mikra! The fact that this special section is also sometimes read be-taam elyon (as dibrot rather than pesukim, see also Magen Avraham's comments in the beginning of Hilchot Shavuot), and that according to Rav Saadia Gaon and Ramban it encapsulates all taryag mitzvot reinforces this conclusion. Hence, the content and order of the dibrot demands scrutiny even beyond the regular microscopic reading of mikra.

While the list begins with self-evident, core theological principles and spiritual imperatives- belief in Hashem's existence and sovereignty, an emphatic rejection of idolatry, the demand that one relate respectfully to Sheim Hashem (ki lo yenakeh Hashem eit asher yisa et shemo la-shav) and Shabbat observance (see Chulin 5a- mumar lechalel et ha-Shabbat mumar le-kol ha-Torah kulah, and Rashi's comment ad loc, and Ramban's stirring conclusion of Hilchot Shabbat), the inclusion of kibud horim (reverence for parents), is less obvious. While proper execution promises long life, violation does not trigger a severe punishment. Moreover, kabad et avicha is followed by another series of crucial and consequential violations - lo tizrach (shefichat damim-murder), lo tinaf (marital betrayal-gilui arayot) etc. that seemingly eclipse the importance of kabad et avicha.

Ramban, following the midrash, suggests that kabad et avicha plays a transitional role in the dibrot, a bridge between bein adam la-makom and bein adam lechaveiro. He notes that this transition to a human focus begins with parents because on a human plane they parallel Hashem's role as a creator- "ki Hashem avinu ha-rishon' ve-hamolid avinu ha-acharon." Implicit in the Ramban's sustained analysis of this transition, it becomes evident that beyond the parallel, kibud av also overlaps into the first group, and integrates both bein adam lechaveiro and bein adam la-makom. He posits that the reference employed in the Devarim version of aseret ha-dibrot-"kasher tzivcha Hashem Elokecha"- actually refers to the obligation to revere and exhibit respect to Hashem ("kaasher tziviticha be-kevodi kein anochi metzavecha be-kevod hamishtatef imi be-yitziratecha"), even suggesting that there is no need to explicate the details or methodology this reverence entails inasmuch as the components can be applied from the Divine model! He concludes his assessment by invoking the gemara's (Kiddushin 30b) formulation that "hukash kevodo lekevod ha-Makom". While the overriding halachic importance of hakarat ha-tov (gratitude) explains much of this parallel and overlap [I hope to expand upon the multiple implications of this ubiquitous halachic-hashkafic concept elsewhere], the equation to Divine respect strains theological and religious propriety, and certainly consists of a significant expansion that requires further justification and clarification. A better understanding of the scope and nature of the kibud av imperative will also likely further explain its strategic placement in the aseret ha-dibrot among the cardinal doctrines of Jewish life.

Two interrelated dimensions of kibud av are relevant to the issues we have identified [each of which demands extensive analysis that I hope to pursue, iy"h, in another context].

Kibud av ve-eim appropriately parallels and models kevod Kono precisely because in the formative stages of human development, parental authority, influence, and admiration is the most effective paradigm and thus, also the proper halachic vehicle for cultivating the capacity for belief, faith, idealism, and a sense of confident dependence and reliance upon a more powerful being. These elemental impulses are indispensable for basic cognitive, psychological and spiritual human development. It is the chinuch

obligation of parents to pave the way for a transference of kibud, morehand the other features associated with the aforementioned values to the omnipotent, omniscient, transcendent Creator. Thus, Kibud av ve-eim, beyond hakarat ha-tov, is a critical mechanism to facilitate halachic commitment that stems from emunah peshutah. The fact that Rambam codifies these laws in Hilchot Mamrim underscores that parental authority is a paradigm of rabbinic and even Divine authority, certainly not a competing or detracting force. This perspective explains why kibud av ve-eim overlaps both bein adam lechavero and bein adam la-Makom, and serves as the point of transition in the luchot between these two motifs.

Moreover, Rav Chasdei Crescas links (Or Hashem) kibud av ve-eim's halachic prominence to the fact that parental authority, teaching, conduct, and orientation are the primary basis for mesorah, an indispensable factor in halachic life. "Sheal avicha ve-yagedcha' zekeinecha ve-yomru lach" begins with what every child imbibes through osmosis in their parental home, and continues with more formal parental guidance, instruction and inspiration. Halachic values and perspective that transcend but stem from halachic behavior is firmly rooted in one's family core.

The striking and severe laws of the incorrigible rebellious child, the ben sorer u-moreh (who is nidon al sheim sofo), reflect the importance of the reverential parental bond in Jewish life. Although the circumstances are either exceedingly rare or, according to one Talmudic position, entirely hypothetical and abstract (lo hayah velo nivra...derosh ve-kabel sechar), these laws are extensively codified and the violation is singled out in the Torah as requiring a formal national hachrazah (Sanhedrin 89a). This is undoubtedly because of the absolute incompatibility of this egregious conduct with any semblance of avodat Hashem- bein adam la-makom or bein adam lechavero.

According to Chazal (see Mechilta, Rashi and Maharal in Gur Aryeh on Shemot 15:25, Sanhedrin 56b), kibud av ve-eim was already included with the select imperatives of Shabbat, dinim, and parah adumah at Marah (Shemot 15:25) as an educational (see Rashi and Ramban, Shemot ad loc) prequel to maamad har Sinai. Ramban (Devarim 5;16) notes that while Rashi reflects this view in Devarim, he surprisingly omits kibud av when he enumerates the Marah additions in Shemot. Maharal posits that kibud av may have been included in this elite grouping but not explicated (by remez) in the pesukim. Perhaps, Rashi's view was that kibud av precisely played a coordinating rather than an intrinsic role in this prequel. Kibud av ve-eim contributed a crucial reinforcement of the fundamental halachic concepts of belief, authority, and mesorah that required immediate national attention and focus. For the same reason, kibud av ve-eim, a halachic linchpin that promotes long quantitative and meaningful qualitative spiritual existence (see also Ramban Yitro ad loc on "Ieman yaarichun") bridges and integrates the two components of avodat Hashem in the aseret ha-dibrot.

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The Jewish people brought the concept of freedom to humanity

Rabbi Yosef Mendelevich

This past Shabbat's Torah portion, which relates the escape of the Israelites from Egyptian slavery, resonates with many of our brethren from the USSR, and prompted this reflection from Rabbi Yosef Mendelevich. It's translated from the Hebrew by Rabbi David Stahl

Due to the Exodus freedom became a living concept, and thus, for every person and nation, each according to its capacity, the option of freedom now existed, something which had not been possible previously.

The redemption of Israel is inextricably tied to the world's redemption.

"When Israel left Egypt...the Sea looked out and fled, the River Jordan turned back, the mountains danced like rams, the hills like young sheep". (Psalms, 114)

It is stated that the Exodus from Egypt took place under the influence of Hashem's special four-letter Name, that Name which contains the essence of the world, and not under the name Sha-dai, which denotes a constriction of existing systems. Just as the sixth day of Creation

was not completed until the sixth day of Sivan, the day of our receiving the Torah, similarly, the Exodus from Egypt marked a new creation in this world.

Not only the Jewish people went forth from slavery to freedom, but, in addition, a state of freedom was created worldwide whereby one person could no longer enslave his fellow man at his will. This meant that freedom became a living concept, and thus, for every person and nation, each according to its capacity, the option of freedom now existed, something which had not been possible previously.

From that moment on, the Jewish people have brought the concept of freedom to humanity.

With the renewal of Israel's independence in 1948, the British Empire began to crumble. In place of colonies, many independent countries arose, each according to its own unique values and understanding.

The 1967 Six-Day war brought the message to those captured nations who were under the yoke of the Soviet Empire since World War II. The Six Day War was not only a salvation for Israel, but, in addition, a sign that that it was indeed possible to be victorious over Soviet weapons, and, indeed, over the Soviet Union itself. Perhaps, here in Israel, a proper appreciation of what had transpired in 1967 was absent, but among other nations there was a true understanding. The "Prague Spring", and the rise of the "Solidarity" workers' movement in Poland were the direct result of Israel's lightning victory in 1967. I recall how we activists in the Jewish underground movement in the USSR, listened to the broadcasts describing the revolutionary process transpiring in Czechoslovakia, with the leaders of the uprising there reportedly appearing before their public in the uniform of the Israeli army.

Even our enemies understood this well. My cousin, Dr. Menachem Gordon, told me that on the day that the Soviets invaded Czechoslovakia, he was summoned to the KGB for questioning. According to Gordon, the KGB headquarters in Riga was a hotspot of action. The interrogator had no time to "deal with" my cousin, so that when one of the officers entered the interrogation room, where Dr. Gordon was being held, he blurted out, "Our forces have invaded Czechoslovakia". The officer waited for my cousin's reaction, stating: "We'll first finish off the Czech nationalists and then, deal with Jewish nationalists in Russia."

Gordon saw the connection. So did I. When he returned and filled me in on the details of the interrogation, I clenched my fists and told myself: "They won't bring us down, we'll win". "You employ force, we will also utilize force". All this took place close to the initial planning for "Operation Wedding": an attempt to overpower a Soviet airplane, bringing about unrest all over the world, and thereby, breach the "Iron Curtain". Despite the fact that our main objective was to bring redemption to the Jewish people in our exile in Russia, some part of our struggle was an act of revenge against the violence perpetrated against the Czech people, and a way to avenge this despicable act.

Our Jewish struggle brought about redemption for those nations living under Soviet occupation. For them it was a sign that it was possible to wage war against the Soviets

After the "Leningrad Trial", in December-January 1971, my late sister Eva returned from the trial to Riga. She reported to her workplace as a midwife in the largest hospital in Latvia. She personally apologized to the head nurse for her work absences. The nurse answered her: "My dear Eva, what are you talking about? What apology? We're proud of you!"

A strange phenomenon took place where Latvians, who were under Soviet occupation, took pride in Jews who risked their lives in the struggle against the Soviet dictatorship. The same Latvians, who participated in the murder of all its Jews during the Holocaust, were now proud of us, for they saw a ray of light to the return of their independence.

While sitting in the punishment cell, I was told by a leader of the then Ukrainian nationalist movement, Alex Lukenenko: "You Jews serve as a symbol of hope in the struggle for Ukrainian independence". We, Prisoners for Zion, received a great amount of support from young Ukrainians and others in Siberian prisons, where Ukrainians constituted the majority of prisoners in these locales.

Sovietologists, experts on the Soviet Union, concede in their studies, that the struggle for emigration of Soviet Jews to Israel, was one of the decisive factors resulting in the fall of the evil Soviet Union

Thus, we the Jewish people, have brought redemption to the oppressed nations of the Soviet Union. The Berlin Wall did not fall before my friends and I arrived at the Western Wall in Jerusalem.

The people of Israel are "a light unto the nations". The prophet Isaiah spoke about this over 2,800 years ago. It is worthwhile for us sometimes to remind ourselves of this, in order to be aware of the tremendous responsibility that Hashem has placed upon us.

G-d took the Jewish people out of Egyptian bondage to achieve eternal redemption.

The author, former Soviet refusenik and Prisoner of Zion, a leader of Soviet Jewry, was imprisoned for 11 years in the Gulag for attempting to hijack a plane to reach Israel. His autobiography, Operation Wedding, describes the story and his release in 1981.

חדשות ערוץ 7 © Arutz Sheva

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Ben-Tzion Spitz

Yitro: Contemporary Ancient Transmission

The farther backward you can look, the farther forward you are likely to see. -Sir Winston Churchill

The people of Israel had been freed from the slavery of Egypt. They crossed the sea and the desert to stand at the foot of Mount Sinai, where they heard the voice of God Himself. At that Revelation, we received the commandments. We received the Tablets of the Law containing the famed Ten Commandments. That was the historic meeting, what Kabbalists considered the wedding ceremony of sorts, between God and the Jewish people.

This is all documented in our Torah, in the Written Torah, that the Jewish people believe was dictated by God to Moses. There is an equally unshakeable, foundational belief that at that same divine encounter God also shared the Oral Torah with Moses. The Oral Torah is vaster, deeper and more complex than we can ever hope to grasp within a mortal lifespan. The Oral Torah, as the name implies, has been transmitted orally, from father to son, from teacher to student, since Moses until our very day.

The Berdichever adds another dimension to explaining the transmission of the Oral Torah, that would seem to be counterintuitive and defy logic. His statement turns our conventional notions of timelines and cause-and-effect on its head. He explains that the Oral Torah that was given to us back then is based on the explanations and interpretations of our sages and righteous men of our own generations. In a way that only God, who is independent of time, can accomplish, He is able to avoid any time-travel paradoxes or what we might consider physical impossibilities. God saw how the Jewish Halachic leadership of each generation would interpret and judge the Oral Law, and he took those formulations, principles and laws and transmitted it in some prototypical form, some kernel of basic truths to Moses, who then transmitted it through an unbroken chain through all of the generations since. It is then neither surprising nor contradictory when the sages develop and expand the Oral Torah in a way that adheres to the fundamental principles transmitted to Moses at Mount Sinai.

The Berdichever goes on to demonstrate the power of the sages of each generation, that not only are they somehow the intrinsic source of the Oral Law that God gives us, but that their power in the divine realm is so great that in many cases, a truly righteous sage has the ability to actually veto God's decrees. If God issues a harsh decree, a righteous sage has the power to annul God's decree. That's the power God has granted them.

The Oral Torah is real, divine, unbrokenly transmitted, yet with an important and vital human component that interacts with and affects it on a daily and evolving basis. May we take it seriously.

Dedication - To Koren Publishing, on their new Spanish-language Torah transmission efforts. Shabbat Shalom

Shema Yisrael Torah Network

Peninim on the Torah - Parshas Yisro

פרשת יתרו תשע"ט

אשר שם האחד גרשם... ושם האחד אליעזר

And the name of one was Gershom... and the name of one (the other) was Eliezer. (18:3,4)

The *Baalei Mussar*, Ethicists, exhort us to live on the bare minimum in terms of material needs. The *Tanna* in *Pirkei Avos* teaches us the recipe for Torah living: *Pas ba'melech tochal, u'mayim ba'meshureh tishite*, "Bread dipped in salt, and measured water"; *v'al haaretz tishan*, "and sleep on the floor." We can do without luxuries. When it comes to spiritual benefits, Torah achievements, one should not be *mistapek b'muat*, suffice with a little. We should be filled with a passion to achieve greater and even greater levels of erudition in Torah. *Horav Reuven Karlinstein, zl*, applies this rule to explain what seemed to be an inconsistency in Moshe *Rabbeinu's* behavior.

The Torah relates the names of Moshe's sons, listing them as "the name of one was Gershom – the name of one was Eliezer." Once it lists the name of the first one (the name of one), it should follow with, "the name of the second one"; rather, the Torah continues with "the name of one." Why? *Chazal (Midrash Tanchuma Parashas Chukas 8)* relate that when Moshe ascended to Heaven, he heard the voice of Hashem studying the *parsha* of *Parah Adumah*. Hashem was recalling a *halachah* in the name of Rabbi Eliezer: "Eliezer, *bni*, My son, says an *eglah*, calf (referring to *eglah arufah*, the axed heifer), is one year old, and a cow (referring to the *Parah Adumah*) is two years old."

Moshe asked Hashem, "The Heavens and earth are all Yours; yet, You relate a *halachah* in the name of a flesh and blood creation?" (Moshe was astounded that the Almighty would mention a *halachah* from a human source, if the entire Torah is all from Him). Hashem replied, "A righteous person (Rabbi Eliezer) will one day rise in My world and commence his lecture on *Parah Adumah* with these words" (distinguishing *Parah Adumah* from *Eglah Arufah* in their ages). When Moshe heard this, his reaction was: "Master of the world, may it be Your will that this *tzaddik* shall be one of my descendants." Hashem responded, "By your life (the language of an oath), he will be from your descendants". Thus, the name of that "one" is Eliezer, a reference to Rabbi Eliezer of the *Talmud* whom Moshe pleaded should be one of his descendants. This is the meaning of, "And the name of the 'one' – the specific one – for whom Moshe prayed".

Rav Karlinstein questions this *Midrash*. There is nary an individual in all of history who has greater *zechuyos*, merits, than Moshe. The entire Torah – written and oral – is attributed to his merit. For thousands of years we Jews have devoted ourselves to studying the Torah which he brought down from *Sinai*. Moshe has a portion in every *Yid's* Torah learning. Yet, this was insufficient for him. He insisted that he wanted one more merit: *Yehi ratzon sheyihai zeh meichalatzai*, "May it be Your will that Eliezer, who teaches the law concerning *Parah Adumah*, should descend from me." Is there no such thing as enough?

Rav Karlinstein derives a powerful lesson here – one that would serve us well to apply to our own Torah endeavor. Our quintessential *Rabban Shel Kol Yisrael, Rebbe* of the entire Jewish nation, was never satisfied when it came to spiritual merit, to Torah achievement. Regardless of what he had accrued, if he could achieve more – then he wanted it, and he would do anything in order to garner for himself this added opportunity. Every bit of added honor for Hashem is an unparalleled opportunity. Who can say "enough"? We certainly would not want Hashem to say "enough" with regard to us.

Why would a person shy away from challenge, if, in fact, it could earn for him incredible merit? How many of us could have gone that "extra mile," but, for various reasons which we suddenly cannot seem to remember, we have stopped short of our goals? How many of us have been satisfied with mediocrity, refusing to put forth the effort to go to the next level? I recently saw a profound thought attributed to *Horav Tzadok HaKohen, zl, m'Lublin*. He says: "Just as one must believe in Hashem, so, too, one must believe in himself. Hashem wants us to believe in our strengths, capabilities, ability to overcome evil and achieve greatness."

We shy away from challenge because many of us do not believe in our ability to succeed. To serve Hashem properly, one must constantly traverse challenges. A fool gives up before he even starts. A bigger fool gives up midway. If he could make it this far, he can make it the rest of the way. Every achievement is ultimately the work

of Hashem. He blesses our endeavor. If we do not bother to endeavor, however, what is He going to bless?

Furthermore, it is not all about reaching our goal. In the journey of life, even if we do not reach our intended goal, the mere fact that we "made the trip" earns for us immense reward. I read about a special woman, the mother of five children, who was tragically struck with a brain tumor in her early forties. She did not survive into old age, but she accepted the challenge with extreme courage. She fought valiantly, her deep and abiding faith never wavering for a moment. Her outlook remained positive, regardless of the doom and gloom voiced by her doctors. She had a family to attend to, children to raise, a G-d-given vocation from which she would not shirk. As long as she was physically able, she cared for each and every child individually, as well as her family collectively. Shortly before she left this world for her just reward in *Olam Habba*, World to Come, she asked her sister, "Do you think I will make it?" Her sister replied, "You already have." Entering the race is already a win.

We all have challenges, and we all have reasons – some rational, others utterly foolish – for not learning Torah to a greater, more optimum, level. I try to learn from individuals who, despite being challenged by adversity, have risen to enormous spiritual levels, simply because they have refused to give up. Orlando (yes, he is Jewish) will probably live out his life as a "guest" of the state of Pennsylvania. Earlier in life, he lived a hard, fast life, filled with drugs, etc. As a result, he has a total of a few life sentences without possibility of parole. When I met him, his memory of Judaism was vague – something about a *bar-mitzvah* in a northern New Jersey synagogue. This was the extent of his *Yahadus*. He told me, "I have not lived as a Jew. I would like to die as a Jew." Over the years, he has developed a strong Jewish identity. Despite being incarcerated in an institution that is home to 37 hate groups – with Jews being on top of their hate list – Orlando wears a large black velvet *yarmulke* – all of the time. His *tzitzis* hang out. This is his Jewish uniform. He puts on *Tefillin* every day and maintains a strictly kosher diet, which consists of raw vegetables, bread, crackers, peanut butter (on a good day) and, once in a while, a hard boiled egg or cheese. These are his challenges, but his *simchas hachaim*, joy of life, with which he serves Hashem, his absolute pride in his Jewish identity, is enviable and worthy of emulation. Like I said, we all have our challenges, but what does one not do for *Kavod Shomayim*, the Glory of Heaven?

וְהָרָא סִינֵי עֶשֶׂן כָּלֹּ מִפְּנֵי אֲשֶׁר יָרַד עָלָיו ד' בֵּאֵשׁ

All of Har Sinai was smoking, because Hashem had descended upon it in the fire. (19:18)

The most awesome, momentous moment in the history of mankind was the Revelation, during which Hashem descended upon *Har Sinai* amid an unprecedented display of thunder, smoke, lightning and fire. The background "music" was the accompaniment of *shofar* blasts. In *Derech Eitz Chaim*, the *Ramchal* addresses the idea that the essence of Torah is *eish*, fire: "Behold! With great precision, it (the Torah) was compared to fire. When one uses an ember which does not flame (not noticeable), but the energy of the flame is concealed inside, until that moment when one blows (stokes) on it. Then the flame will spread out and go forth. That flame is visible in many colors – which had previously not been visible and are now revealed. (In other words, an ember is a coal that on the outside appears to have no flame, but, deep within it, there is a small flame waiting to be stoked. It will produce a powerful fire/flame that will manifest a number of colors). So, too, is the Torah which is before us: all of its words and letters are like embers which when ignited (initially) all appear the same. One sees before him only embers which are almost dim. When he exerts himself and expends effort and toil to work on the ember/words of the Torah, every letter produces/reveals a mighty multi-colored flame which comprises the knowledge which is concealed within each letter."

Studying Torah is unlike any other discipline. Torah study is transformative. It requires intense effort to plumb its depths, to extract its profundities. It is multifaceted, thus able to penetrate and reach different people on different levels. The more one stokes the ember, the greater the flame and the greater the number of colors that emanate from it.

Horav Reuven Karlinstein, zl, relates an incident that took place concerning the *Chasam Sofer*, which demonstrates his amazing

insight and perspective on Torah. Undisputedly, the *Chasam Sofer* possessed *Ruach HaKodesh*. He was the recipient of Divine Inspiration, allowing him to see beyond and deeper than the average person. The *Maskillim*, members of the Enlightenment, sought every venue to undermine and ultimately destroy traditional Judaism. They sought every opportunity to denigrate and humiliate Torah leadership, conjecturing that if they succeed in belittling the Torah leaders, the people will lose their respect for and faith in them. They took it upon themselves to prove to the Orthodox followers of the *Chasam Sofer* that he was not imbued with Divine Inspiration.

The *Chasam Sofer* had the practice of testing the young students in *yeshivah* every few weeks. Prior to the next scheduled *bechinah*, test, they took a young, gentile boy, shaved his head, left over *payos*, and placed a large black *yarmulke* on his head. Next, they taught him a few *Mishnayos*, until he had memorized them perfectly. To the unsuspecting, he looked and sounded like just any other Jewish *cheder* student.

Judgment day arrived, and the boys entered the room to be tested by the saintly *Chasam Sofer*. When the turn for the gentile student came, the boy began to recite the *Mishnah* perfectly – until the *Chasam Sofer* told him to stop and asked that the little *goy*, gentile, be removed from the room. All who were present stood dumbfounded. How could the *Chasam Sofer* have known? The boy appeared no different than any Jewish boy. They asked the *Chasam Sofer* how he knew. He said, “Did you see the difference between the *goy* and the other children? When asked to read the *Mishnah*, every other child accompanied his recital with back and forth movement. He *shuckled* when he recited words of Torah. That is how a Jew learns. He gets “all into it.” His entire body is one with the Torah. The gentile knew nothing about Torah. To him, it was just another test. When Torah enters a person, he becomes enflamed. Is it any wonder that he *shuckles*? He is all fired up.”

אנכי ד' אלוקיך אשר הוצאתיך מארץ מצרים

I am Hashem, Your G-d, Who has taken you out of the land of Egypt. (20:2)

So begin the *Aseres HaDibros*, Ten Commandments, the Decalogue, the basis upon which our Torah stands. Indeed, when we depict the Torah, it is through the medium of the Two Tablets upon which the Ten Commandments are inscribed. *Chazal* (*Shabbos* 88b) relate the dialogue that ensued between Moshe *Rabbeinu* and the Ministering Angels concerning the Torah. The Ministering Angels said to Hashem, “The Torah is a hidden treasure that had been concealed for 974 generations prior to the creation of the world. Yet, You want to give it to a mortal of flesh and blood.” Hashem asked Moshe to respond to the angels. Moshe’s reply is classic, “Hashem,” he began, “in the Torah it is written, ‘I am Hashem, Your G-d, Who took you out of Egypt.’ Were you (angels) enslaved by Pharaoh? Were you exposed to the pagans – that you need to be enjoined not to worship idols? Do you work – so that rest on *Shabbos* is applicable to you? Do you have parents whom you must honor? Does envy apply to you, such that it would be necessary to command you not to covet, steal, commit adultery or murder?” In other words, Moshe showed them that the Torah does not apply to them.

Horav Yechezkel Abramsky, *zl*, questions *Chazal*. Veritably, Moshe succeeded in explaining to the Angels that *mitzvos* are not relevant to them. How does *mitzvah* observance weigh in on the discussion concerning keeping the Torah in Heaven as the sole property of the angels? Just because they are unable to observe and carry out *mitzvos* does not mean that they should be denied from reveling in *chochmas haTorah*, its extraordinary wisdom. No wisdom is like the wisdom of the Torah, since Hashem authored it. Why should the Angels be deprived of Divine wisdom, simply because they are unable to observe *mitzvos*?

Dayan Abramsky explains, borrowing a principle from his *Rebbe*, *Horav Chaim Soloveitchik*, *zl*. *Chochmas HaTorah* can be grasped and internalized only by a person who is observant. One who does not observe/carry out *mitzvos* is unable to understand the Torah’s unique wisdom. Thus, there is no purpose in giving the Torah to the Angels, to whom *mitzvos* are not relevant. *Mitzvos maasios* – practical, active *mitzvos* – form the foundation of Torah observance. They comprise the *shoresh*, roots, that stabilize the tree of life, the *eitz chaim*, which is the Torah. *Lomdus*, analytic Torah dialectic,

plumbing the depths of Torah’s profundities, has no lasting meaning or effect on a person who is not observant. Hashem’s Divine wisdom “works” for a person who himself is prepared to “work” at observance.

Furthermore, one who does not possess *yiraas Shomayim*, fear of Heaven, does not possess the “container” for maintaining Torah within himself. I think this is evident from the early founders of the *Haskalah*/German Reform movement, specifically Moses Mendelsohn, who was a student of the *Korban Ha’Eidah*. He wrote a commentary on *Chumash*, his famous *Biur*, which demonstrated his level of erudition. Yet, as a committed Jew, he was a dismal failure, with every one of his children marrying out of the faith. Torah must be held in an appropriate vessel. One who is not G-d-fearing lacks that vessel. Whatever he learns will be superficial and unenduring.

Rav Abramsky was *Rav* and *Dayan* in London for many years before immigrating to *Eretz Yisrael*. While in London, he was visited by a Jew who was erudite in *Chumash* and *Gemorah*. Nonetheless, he remained *chofshi min ha’mitzvos*, totally non-observant. The man said to the *Rav*, “I am now prepared to begin putting on *Tefillin*. First, however, I want the *Rav* to explain the underlying concept, the meaning and purpose of *Tefillin*, to me. You understand that it is difficult to do something which one does not understand.”

Rav Abramsky replied, “Fine. I will be happy to explain anything you ask concerning *Tefillin*, but, I have one condition: I will give you a pair of *Tefillin*. I will demonstrate to you how you put them on. One month must pass whereby you put on *Tefillin* every day – one month – no questions – no answers. Only then, after you have completed performing the *mitzvah* for one month, will I teach you everything there is to know about *Tefillin*.”

The man was no pushover, and he felt that *Rav Abramsky* was playing a game with him: “Why should I have to wait a month to learn the reasons for *Tefillin*? What if, after a month, your reasoning does not satisfy my curiosity? I will have wasted a month putting on *Tefillin*.” The *Rav* said, “Do not fret over it. After a month, I am certain that my explanation will leave you completely satisfied.” The man acquiesced, agreeing to put on *Tefillin* for a month. Two weeks later, the man returned to the *Rav*. “Why are you here?” *Rav Abramsky* asked. “We agreed that you would wait a full month before returning.”

The man said, “I know I agreed to a month, and it has only been two weeks. I came to inform you of the decisions I have made. First, I am not returning the *Tefillin*. I will pay full price for these. I want to keep them. Second, I no longer require an explanation for the *Tefillin*. Now that I have put them on consistently for two weeks, I have become attached to them. I will never desist from performing this *mitzvah*.”

לא תחמד בית רעך... וכל אשר לרעך

Do not covet your friend’s house... and everything that belongs to your friend. (20:14)

The question is obvious. Why delineate various items that belong (so to speak) to your friend (which you covet) and then conclude the *pasuk* with, *V’chol asher l’reiecha*, “And everything that belongs to your friend”? The aforementioned items also belong to your friend. Why not simply write: “Do not covet anything that belongs to your friend”? The simple answer to this question is that a person covets because he sees something that his neighbor has, and this drives him into a frenzy. Why not me? I also want that. Envy is the driving force behind *chemdah*, coveting, what belongs to someone else. We often forget that everything comes with a price. If my friend has something that I do not have – he is paying for it with something in his life – a hardship, adversity, or he may have to forgo something later in his life, because he is receiving his reward now. There is a balance. If my friend has something – I should take a step back and ask myself: Do I want to trade my life for his – despite all of the luxuries that he enjoys? Am I prepared to pay the price of, *v’chol asher l’reiecha*, “everything that belongs to your friend”?

Horav Bentzion Abba Shaul, *zl*, explains that one of the primary reasons that one does not rise up to the level of sharing his friend’s joy is the jealousy that gnaws at him. Why did my neighbor make a killing in the market, when I lost half of my investment? Why did his son get into *yeshivah*, and my son was told to come back next

year? Why did his daughter get into her first seminary choice, while my daughter was relegated to waiting until mid-August to get into her third seminary choice? Why is his daughter engaged to a “top guy,” while my daughter has yet to have a date? The list goes on, and we would be guilty of self-prevarication if we did not concede that we all harbor such feelings of envy.

Unfortunately, envy is intrinsic to human nature. Therefore, we either live with it and learn how to transcend it, or we become its captive and drive ourselves into a miserable existence. Veritably, even one who is fully committed to the observance of the *mitzvah*, *V’ahavta l’reiacha kamocha*, “Love your fellow as yourself,” still has hurdles that occasionally challenge him. A classic example is when two G-d-fearing men have a monetary dispute between them. As observant Jews, they go to the *bais din*, Jewish court, to adjudicate their dispute. Inevitably, one wins and one loses. Now, the one who has lost undoubtedly still feels that he should have emerged the victor. The fact that he lost causes him grief. After all, he was right. Why did he lose? Why did his antagonist win? The scenario for the scourge of envy to fester and grow into full-scale discord is fertile.

The *Chacham* explains that envy is unrealistic. Every individual is sent to this world with a mission to fulfill. Each person has his own unique personal mission which only he can achieve. He is granted the tools with which to navigate and execute his mission successfully. Thus, when we see our neighbor blessed with material bounty, physical talents, spiritual proclivities, etc., it is because these are the tools he needs in order to fulfill his mission/purpose in life. It is almost as if Reuven is jealous that his friend has a wide array of tools. It just so happens that Shimon is a carpenter and requires tools to do his work. Likewise, the fellow whose mission it is to be a great *baal chesed/baal tzedakah* is blessed with the wherewithal for success. Is that a reason for his friend to be jealous of him? Each has his own mission.

Va’ani Tefillah

משען ומבטח לצדיקים – *Mishan u’Mivtach latzaddikim*. Mainstay and Assurance of the righteous.

A prayer is effective to the degree that the supplicant truly believes in – and relies upon – Hashem. If his faith in Hashem’s power to resolve his problems is faulty, so, too, is his prayer. The response will likely coincide with his prayer. Hashem is the *Mivtach*, Assurance, of the righteous. They rest assured that their faith in Him will be qualified and that they will see His salvation. What are they to do, however, about the suffering which they are experiencing? It does not seem to go away despite their assurances. Hashem is also their *Mishan*, Mainstay, upon Whom they rely when times are tough. He gives them the strength to endure. *Horav Avraham ben HaGra* explains that this is how the righteous are able to look travail in the eye and continue believing, through their faith in Hashem, that soon the problem will be resolved. Salvation is near. Hashem is their mainstay. We must remember that in order for Hashem to be our mainstay, we must have faith in His being our *Mivtach*, Assurance. One cannot expect Hashem to be his tower of support if he does not believe that He will be his salvation. *Mishan* and *Mivtach* go hand in hand with one another.

Dedicated in loving memory of our dear mother and grandmother,

Leona Genshaft לאה בת רפאל הכהן ע"ה נפטרה לזו שבט תשע

by her family Neil and Marie Genshaft Isaac and Naomi

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prepared and edited by Rabbi L. Scheinbaum

Weekly Halacha :: Parshas Yisro

Hagalah: A Koshering Process

Rabbi Doniel Neustadt

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

As the Biblical verse above states, not all utensils which become non-kosher by absorbing the taste of non-kosher food can be purged, or koshered. For instance, it is impossible to purge “taste” from earthenware. Once an earthenware utensil is rendered non-kosher, it must be shattered and thrown away. On the other hand, metal vessels can be purged of their absorbed taste through a procedure called *hagalah*, purging. The halachos of *hagalah* are complicated, and what follows is merely an outline of its basic principles. [Unless otherwise

noted, the following halachos apply to the Pesach koshering process as well.] Our discussion here refers only to the process of *hagalah*, not to be confused with other types of koshering such as *libun kal* and *libun chamur*, which have different rules altogether.

WHICH MATERIALS CAN BE KOSHERED BY HAGALAH?

Utensils made from any type of metal(1), stone(2), wood(3), bone(4), leather(5), or natural rubber(6) may be koshered by *hagalah*. Earthenware(7), china, porcelain(8), glassware(9) and paper(10) utensils cannot be koshered by *hagalah*(11.)

The *poskim*(12) differ as to whether *hagalah* applies to utensils made out of the following materials: Plastic, melmac, nylon, corningware, corolle, pyrex, duralex, enamel, formica, teflon and silverstone. When possible, these utensils should not be koshered by *hagalah*. In cases of absolute necessity or great financial loss, there are *poskim* who permit these items to be koshered. A *rav* must be consulted.

Any utensil which may get ruined during the *hagalah* process may not be koshered, since we are concerned that its owner will not kosher the utensil properly for fear of damaging it(13.) If one koshered such a utensil anyway, it should not be used(14.) However, if it was used, the food that was placed or cooked in it does not become forbidden to eat(15.)

WHICH UTENSILS CAN BE KOSHERED BY HAGALAH?

A utensil becomes non-kosher (or meat or dairy) if it comes into contact with a non-kosher food item in one of the following ways(16:) Direct fire: A utensil which is placed directly on the fire with no liquid or minimal oil, butter or shortening added (such as baking pans or parts of a barbecue grill), cannot be koshered by *hagalah*(17.) A frying pan(18,) too, should preferably not be koshered by *hagalah*.

Indirect fire: A utensil which contains liquid and is placed directly on the fire (such as a pot used for cooking on a range or a spoon used for stirring food in a pot on a burner) can be koshered by *hagalah*.

Heat contact: Utensils which come into direct contact with hot, non-kosher food, such as a plate onto which hot non-kosher food is placed, a fork with which it is eaten, or a cup into which it is poured, etc. These utensils may be koshered by *hagalah*. Included in this category are dairy dishes which were inadvertently washed together with meat dishes or vice versa.

Cold Contact: Utensils which come in direct contact with cold non-kosher food must be thoroughly washed with cold water(19.) *Hagalah* is not required. If the non-kosher food was a liquid and it remained in the utensil for a period of 24 hours or more, however, *hagalah* is required(20.)

Cold “Sharp” Contact: In the case of a cold but “sharp” non-kosher solid food that was cut with a knife(21,) the knife requires *hagalah*(22.) Whenever a utensil needs to be koshered, its cover(23) and handles(24) need to be koshered as well.

HOW DOES ONE PREPARE A UTENSIL FOR HAGALAH?

Hagalah purges the “taste” of non-kosher food which is absorbed into the walls of the utensil, but has no effect on actual food, residue or dirt which may be on the surface of the utensil. Accordingly, it is imperative that before the *hagalah* process begins, the utensil be scrubbed clean of any actual residue or dirt. Rust spots(25,) too, must be removed, since it is possible that particles of food are trapped between the rust and the utensil. One need not be concerned with rust stains, however, since no food particles can be trapped there(26.)

Because of this prerequisite, there are several utensils which should not be koshered by *hagalah* since they cannot be cleaned properly and thoroughly(27:) Utensils which have crevices or cracks where food may be trapped, a pot that has a cover which is attached by hinges(28,) a mixer, food processor, blender(29,) thermos bottle(30,) sieve, strainer(31,) grater, grinder, rolling pin, kneading boards(32,) and anything else which cannot be scrubbed thoroughly and cleaned in every spot where food may possibly be trapped. If *hagalah* is performed on a utensil which was not completely cleaned, it is not valid even *b’dieved* and the *hagalah* process must be repeated.

Handles and covers must be cleaned as well as the utensils themselves. Any handle which is attached with screws should be removed and the area cleaned from food that may possibly be trapped before *hagalah* takes place. If the space between the handles and the utensil cannot be cleaned, the vessel may not undergo *hagalah*(33.)

Our custom (based on several halachic factors) does not allow a utensil to be koshered by *hagalah* if it was used for non-kosher food

within the previous 24 hours(34.) B'dieved, or in a situation where it is difficult to wait 24 hours, a rav may permit hagalah even within 24 hours under certain specific conditions(35.)

IN WHAT TYPE OF POT IS THE KOSHERING DONE?

When koshering for Pesach, it is preferable that the vessel used for the koshering process be either brand new or kosher for Pesach. It is also permitted to use a vessel which was previously used for chametz, provided that 24 hours have passed since it was last used(36.) The custom is to kosher the vessel itself by hagalah before using it as a receptacle for koshering the other utensils(37.) After the hagalah, the koshering pot should be put away. If it is needed for Pesach, it should be koshered again(38.)

When koshering from non-kosher to kosher, the non-kosher utensil should be koshered in a kosher pot(39.)

When koshering a meat utensil which became non-kosher through contact with dairy or vice versa, the koshering pot may be either meat or dairy. Neither the utensils being koshered nor the vessel in which the koshering is being done should be used for the previous 24 hours.

THE KOSHERING PROCESS:

The following is the correct, l'chatchilah procedure for koshering utensils by hagalah(40):

A pot with clean(41)water is placed on the fire and the water heated to a rolling boil. Care must be taken that the water continues to bubble throughout the koshering process. In certain cases(42,) the hagalah is invalid if the water was not bubbling at the time of koshering.

The entire non-kosher utensil, including its handles, is placed inside the bubbling water. It should not be withdrawn immediately nor should it be left in too long(43.) A few seconds is the right amount of time for the utensil to be immersed in the bubbling water(44.)

If a utensil is too large to be inserted all at once into the koshering pot, it may be put in part by part(45.) L'chatchilah, care should be taken that no part be put in twice(46.)

Immediately upon removing the utensil from the koshering pot, it should be rinsed with cold water. B'dieved, if it is not, the hagalah is still valid(47.) Although halachically anyone is permitted to kosher utensils, nevertheless, since the halachos are numerous and complex, hagalah should not be performed without the supervision of a talmid chacham who is knowledgeable in this area. No blessing is recited over the koshering process(48.)

FOOTNOTES:

1 Gold, silver, copper, steel, aluminum, etc.

2 O.C. 451:8. However, what is known today as "stoneware" is not made from stone. It cannot be koshered; *ha-Mesivta*, 1998, pg. 424.

3 O.C. 451:8.

4 Rama, *ibid*. See Mishnah Berurah 57 who rules that utensils fashioned out of a horn may not be koshered, since they may get ruined during the hagalah process.

5 Pri Megadim M.Z., end of 451.

6 Igros Moshe O.C. 2:92.

7 O.C. 451:1.

8 Mishnah Berurah 451:163.

9 Rama O.C. 451:26, regarding Pesach. Year-round, some poskim hold that glass never becomes non-kosher; see Igros Moshe O.C. 5:32.

10 Pri Megadim O.C. 451 quoted in Kaf ha-Chayim 126.

11 In certain cases some of these types of utensils may be koshered if 12 months have elapsed since they were last used. This can be done only under the supervision of a rav, since there are several factors involved.

12 There are basically 3 groups of opinions in the poskim regarding koshering these materials: Some allow them to be koshered from non-kosher to kosher but not for Pesach; others allow them to be koshered for Pesach as well, while others do not allow koshering them at all. If at all possible, therefore, koshering these items by hagalah is not recommended. In extenuating circumstances, however, a rav has leeway to permit koshering these materials. It is important to mention to the rav the manner in which these utensils were rendered non-kosher, since many poskim allow these materials to be koshered if they were not in direct contact with fire.

13 Mishnah Berurah 451:23 and 57.

14 See Aruch ha-Shulchan 451:20 who maintains that once done it may be used, but other poskim imply that even b'dieved the hagalah should not be relied upon.

15 Pri Megadim 451:19.

16 There are also other issues which need to be explored before declaring a utensil non-kosher, such as the type of food, the amount of food, the degree of heat, etc. All the facts must be presented to a rav for a decision.

17 Mishnah Berurah 451:27.

18 Rama O.C. 451:11 and Mishnah Berurah 67 and Beir Halachah.

19 Y.D. 121:1.

20 O.C. 451:21.

21 Mishnah Berurah 447:86.

22 There are conflicting opinions concerning vinegar, etc., that was in a utensil longer than 18 minutes; see Tiferes Yisrael, Pesachim 2:4 and Mishnah Berurah 447:42 and 71; 451:124. A rav should be consulted.

23 O.C. 451:14, since the cover is rendered non-kosher through steam, etc.

24 O.C. 451:12. Even the poskim who object to koshering plastic by hagalah will agree that plastic handles may be koshered; see Shearim Metzuyanim b'Halachah 116:10.

25 We are primarily concerned with rust spots inside the utensil. Rust spots on the outside of the utensil which rarely come into contact with food need not be removed; see Mishnah Berurah 451:43.

26 Mishnah Berurah 451:22.

27 See O.C. 451:3 and Mishnah Berurah 22.

28 Mishnah Berurah 451:44.

29 Rama O.C. 451:18. See Mishnah Berurah 102 that these utensils pose other problems as well.

30 Mishnah Berurah 451:120 and 156.

31 Rama O.C. 451:18.

32 Rama 451:16 and Mishnah Berurah 94. See also Beir Halachah.

33 O.C. 451:3 and Mishnah Berurah 23.

34 Rama O.C. 452:2; Y.D. 121:2. Some poskim require that the utensil not be used at all in the previous 24 hours, even for kosher items. Accordingly, the utensil should be scrubbed clean before the 24 hours begin; see Mishnah Berurah 452:20 and Sha'ar ha-Tziyun 25.

35 See Igros Moshe Y.D. 2:31. See also Chazon Ish O.C. 122:6 and Y.D. 23:1.

36 Mishnah Berurah 452:13. See Hagalah Keilim, pg. 221.

37 Sha'ar ha-Tziyun 452:15.

38 Mishnah Berurah 452:10. If the volume of the water in the koshering pot was sixty times greater than the volume of the non-kosher utensil, then the koshering pot need not undergo hagalah, but this is difficult to calculate.

39 Mishnah Berurah 452:13 and Sha'ar ha-Tziyun 16-17.

40 Unless otherwise noted, all the halachos are based on O.C. 452 and Mishnah Berurah.

41 The water should not be dirty or filled with detergents and cleaners. Even if, during the koshering process, the water becomes dirty or tainted, it should be changed before continuing with the hagalah.

42 It depends whether the utensils became non-kosher by being placed directly on the fire or by coming into contact with heat. A rav must be consulted.

43 Sha'ar ha-Tziyun 452:28.

44 Sha'ar ha-Tziyun 452:3.

45 O.C. 451:11. See Hagalah Keilim, pg. 460.

46 Sha'ar ha-Tziyun 452:28.

47 Mishnah Berurah 452:34.

48 See Darkei Teshuvah Y.D. 121:2; Kaf ha-Chayim O.C. 451:200.

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Ohr Somayach :: Insights Into Halacha

For the week ending 26 January 2019 / 20 Shevat 5779

Common Kiddush Questions

Rabbi Yehuda Spitz

One of, if not the most pivotal event in Jewish history, Mattan Torah, is prominently featured in this week's parasha, Parashas Yisro. The fourth of the Aseres HaDibros, is the exhortation to remember and keep the Shabbos properly. In fact, the Gemara (Pesachim 106a) teaches us that 'Zachor es Yom HaShabbos lekadsho'[1] is not only the basis of our obligation to make Kiddush upon Shabbos's entrance on Friday night, but also a support for making Kiddush on Shabbos day.

Yet, it seems that this is one of the most common halachic realms where we actively see different minhagim manifested. One family stands when making Kiddush, another sits, while a third does some sort of combination.[2] Additionally, another's "minhag" preference might just depend on how tired or hungry one is. However, aside for the proper postural preferences on how to make Kiddush, there are actual variations inherent in the words and actions of the Kiddush itself.

Kiddush Commencement

Although everyone agrees that the Friday night Kiddush starts with the passage describing Hashem's resting on the Seventh day after completing Creation,[3] on the other hand, the Shabbos day Kiddush, is not so clear cut. Some start Kiddush with 'V'Shomru Bnei Yisrael es HaShabbos,'[4] the Biblical passage detailing how the Bnei Yisrael kept Shabbos in the wilderness, while others start with 'Zachor es Yom HaShabbos lekadsho', since, as mentioned, is part of the Aseres HaDibros and the source teaching us to make Kiddush on Shabbos day. Yet, others start with the last pasuk of that passage, 'Ki Sheishes Yamim', and others from that verse's midpoint, 'Al Kein Beirach'. In fact, the Kabbalists cite an entire lineup of passages to be recited as part of the Shabbos morning Kiddush, replete with twelve challos, two bundles of hadassim, and circling the table.[5]

The Great Kiddush?

The answer is an interesting one; one that is alluded to by the way the Gemara refers to the Shabbos Day Kiddush: "Kiddusha Rabba", 'the Great Kiddush'.[6] This nickname actually is a seemingly mystifying misnomer for a Kiddush that is merely a rabbinic enactment to honor

the Shabbos. As the Rashbam, citing the Sheiltos D'Rav Achai Gaon, explains, the reason why we make Kiddush on Shabbos day is in order to show honor to the day, by drinking wine, which showcases the difference between weekday and Shabbos.[7]

Shouldn't such a weighty title of significance rather be exercised on the Biblically mandated Friday night Kiddush?[8]

Although there are other rationales to explain this puzzling moniker,[9] the accepted reason is that it is simply 'lashon sagi nahar', or a euphemism.[10] In other words, the Shabbos Day Kiddush is called 'Great' because it actually is not as important as the Friday night Kiddush.

This understanding affects various halachos and nuances of the Shabbos Day Kiddush. The most important distinction, as detailed in the Gemara and later implied by the Shulchan Aruch as well, is that the only part of this Kiddush that is halachically required is the bracha of 'Borei Pri HaGafen' on the wine.

This means that the various passages people customarily say before this Kiddush are not actually part and parcel of the Kiddush itself, rather merely serving as the preamble. In fact, it is known that many Gedolim did not say any pesukim before Shabbos Day Kiddush, and only recited the bracha of 'HaGafen'. [11]

Divided Verses

The Aruch Hashulchan [12] takes this a step further. He explains that there is a well known Talmudic dictum that we may not stop at any posuk at which Moshe Rabbeinu himself did not stop. This means that we may not recite half pesukim. [13]

However, by the Shabbos day Kiddush, since the pesukim are simply meant to be an introduction to give extra honor to the Shabbos day and are not actually a requirement of the Kiddush, this is an exception to the rule and we are allowed to do so. Therefore, he maintains that one may start with 'Al Kein Beirach', even though it technically is in the middle of a pasuk. Several other authorities, including the Maharam Shik, the Ben Ish Chai, and more recently, Rav Ben Tzion Abba Shaul, rule similarly; the Ben Ish Chai even refers to starting Kiddush with 'Al Kein Beirach' as 'minhag ha'olam'. [14]

However, this logic is not universally accepted. In fact, the Mishna Berura argues, and states that even though he acknowledges that many start Kiddush from 'Al Kein Beirach', all the same, in his opinion, it is incorrect to do so, as the rule of not reciting half-pesukim should still apply by Kiddush. Other authorities who ruled this way include Rav Yaakov Emden (referring to Friday night Kiddush), the Chessed L'Alafim, the Ohr Chodosh, Rav Chaim Palaji, and Rav Ovadia Yosef. [15] Rav Ovadia adds that although Rav Eliyahu Gutmacher posits that since the rule of not stopping in the middle of pasuk is not mentioned by the Rambam nor Shulchan Aruch, one may be lenient with the application of this dictum, [16] nonetheless, Rav Ovadia cites many other Acharonim who did not agree and accept this rule as halacha. [17]

This is why many are makpid to start their Kiddush from the beginning of that pasuk: 'Ki Sheishes Yamim'.

Either way, whatever one's Kiddush custom, he definitely has on what to rely. However, if one does not have a specific custom, it seems preferable not to start mid-pasuk, and rather choose a different starting point for Kiddush.

A Brisker Twist

A consequence of the basis of this machlokes is that it has become the starting point of another. The famed Brisker Rav, Rav Yitzchok Zev Soloveitchik, was bothered by one of the halachos of Kiddush. If, as previously explained, the Shabbos day Kiddush is intrinsically just a bracha of 'Borei Pri HaGafen' on the wine in order to honor the Shabbos, then shouldn't it be in the category of 'Birchos HaNehenin' (referring to blessings recited on items we derive pleasure from, i.e. food) where halachically one must partake of the item he recited a bracha on? If so, one must at least taste the Kiddush wine, otherwise, how can he fulfill his obligation? [18]

Although he acknowledged that this is not normative halacha, [19] as the Shulchan Aruch, Rema, and later, the Mishna Berura and Kaf Hachaim (who adds "v'chain hu da'as ha'acharonim"), [20] quoting several Rishonim, including Tosafos, the Rif, Ran, Rosh, and Tur, [21] explicitly rule that one does not have to partake of the Kiddush wine on Shabbos day to fulfill his Kiddush obligation, nevertheless, the

Brisker Rav maintained that lechatchila one should strive to at least get a taste of the Kiddush wine.

That is why at many a Kiddush you will usually find at least several people waiting to get some Kiddush wine before joining the rest of the crowd in digging into their coveted Mezonos. [22] This just goes to show that when it comes to properly honoring Shabbos by making Kiddush, even a small drop goes a long way.

Postscript: Interestingly, the Ben Ish Chai actually advances a different reason for allowing one to start the Shabbos day Kiddush from "Al Kein"; one that affects the Friday night Kiddush as well.

He writes that the Arizal is quoted as allowing one to start in the middle of a pasuk by Kiddush, and even though the sefer that quotes him - Pri Etz Chaim, is riddled with mistakes [including that Lag B'Omer is actual the yahrtzeit of Rabi Shimon Bar Yochai (as mentioned in a previous article titled: "The 'Unknown' Days of the Jewish Calendar"), nonetheless, this ruling is correct. He explains that the Chasam Sofer, citing the Magen Giborim and Yachin U'Boaz, writes that one may stop and start reciting a pasuk by an esnachta (a half-stop; generally akin to a pasuk's midpoint), which would be the case by 'Al Kein Beirach'. [23] He further cites (quoting several different poskim) several different exceptions to the rule of not reciting half-pesukim - that it does not apply to Kesuvim, pesukim recited 'derech techina, tefilla, or bakasha', [24] or if only reciting two words of a pasuk.

The situation the Chasam Sofer and Ben Ish Chai were referring to is the Friday night Kiddush, which starts with "Yom HaShishi" (as the first letters of both words allude to the name of Hashem), which are actually the last two words of the passuk, and therefore should have the same issues of mid-verse commencement as the Shabbos day Kiddush. The Ben Ish Chai's second solution is that since "Yom HaShishi" is only two words, and not half a pasuk, it is not problematic.

The Chasam Sofer, however, takes a Kabbalistic approach, explaining that since the beginning of that pasuk refers to the creating of the Satan, it should not be mentioned as part of Kiddush, and so one should simply start with "Yom HaShishi". Rav Yaakov Emden, in his Siddur Ya'avetz, rejects this, and maintains that instead one should simply say the first parts of the pasuk quietly and loudly only "Yom HaShishi"; in that way one should be able to fulfill all opinions. Likewise, regarding the Friday night Kiddush, the Aruch Hashulchan and the Levushei Mordechai [25] write that this solution is the proper one to follow.

In the final analysis, whatever one's Kiddush custom, he certainly has 'yesh al mi lismoch'. Now at least we know the method and mekor behind the minhag.

[1] Although this exact quote is in Parshas Yisro (Shemos Ch. 20, 7 - 11), as opposed to 'Shamor es Yom HaShabbos Lekadsho' in Parshas Va'eschanan (Devarim Ch. 5, verse 12), nevertheless, we know that 'Shamor V'Zachor B'Dibbur Echad' (as mentioned in Rav Shlomo Alkabetz's timeless 'Lecha Dodi'). In fact, it is precisely this nuance that teaches us the joint obligations of positive and negative commandments (Zachor V'Shamor) on Shabbos, which obligates women the same as men. For more on this, see previous article titled 'Facts and Formulae for the Forgetful'.

[2] See Shulchan Aruch, Rema and their main commentaries to Orach Chaim (271, 10).

[3] See Tur, Shulchan Aruch, Rema and their main commentaries to Orach Chaim (271, 10).

[4] Shemos (Parshas Ki Sisa Ch. 31, 16 -17). See Kol Bo (39), Elya Rabba (Orach Chaim 289, 2), and Mishna Berura (ad loc. 2).

[5] See Kaf Hachaim (Orach Chaim 262, 2 and 289, 4) at length.

[6] Gemara Pesachim (106a), regarding the story about Rav Ashi, Rambam (Hilchos Shabbos Ch. 29, 10), and Shulchan Aruch (Orach Chaim 289, 1).

[7] Rashbam (Pesachim 106a s.v. amar) citing the Sheiltos D'Rav Achai Gaon (Parshas Yisro, 54). Similar sevaros are given by other Rishonim, including the Meiri and Tosafos Ri'd in their commentaries (Pesachim ad loc.). See also Shulchan Aruch HaRav (Orach Chaim 289, 2) and Aruch Hashulchan (ad loc. 3).

[8] See Gemara Brachos (20b and 27b), Rambam (Hilchos Shabbos Ch. 29, 1 & 4), Sefer Hachinuch (Parshas Yisro, Mitzva 31), Tur & Shulchan Aruch and main commentaries (Orach Chaim 271) at length, and Kitzur Shulchan Aruch (77, 1).

[9] For example, Rashi and the Rashbam (Pesachim ad loc. s.v. kiddusha rabba) maintain that the Shabbos day Kiddush, which technically is made up of only the bracha of 'Borei Pri HaGafen', is called 'Great' because every Kiddush contains the bracha of 'Borei Pri HaGafen'. Rav Moshe Sternbuch (Shu"t Teshuvos V'Hanagos vol. 1, 164 s.v. v'taam) further explains that Chazal wanted people to realize that the whole of Shabbos day Kiddush is the bracha of 'Borei Pri HaGafen', and they can fulfill their mitzvah of Kiddush exclusively through this bracha. Therefore, they called it 'the Great Kiddush' so that everyone should realize the bracha's importance in fulfilling their chiyuv of Kiddush. On the other hand, Rav Yaakov Kamenetsky (Emes L'Yaakov al HaTorah, Parshas Bo Ch. 12, verse 1, pg. 280 s.v. v'al) maintains that the reason Shabbos day Kiddush is called this is due to that this Kiddush was considered the more important one prior to Mattan Torah.

[10] Ran (Pesachim 22a in the Rif's pages s.v. zachruhu), Maggid Mishna (Hilchos Shabbos Ch. 29, 10), Siddur Ya'avetz (Bais Yaakov, vol. 1, Bais HaYayin footnote 14, pg.

390), Aruch Hashulchan (Orach Chaim 289, 3), Mishna Berura (ad loc. 3 and Shaar HaTziyun ad loc. 1), Kaf Hachaim (ad loc. 7). For an explanation how 'lashon sagi nahar' is used, see Ibn Ezra's commentary to Bamidbar (Parshas Beha'alo'secha Ch. 12, 1).

[11] See Aruch Hashulchan (Orach Chaim 289, end 3), who writes that when he was younger he saw many Gedolim only saying 'Borei Pri HaGafen' for the Shabbos day Kiddush, and Shu"t Teshuvos V'Hanhagos (vol. 1, 164) who writes that this was also the custom of Rav Chaim Brisker and the Chazon Ish. Similarly, Rav Yosef Elyahu Henkin wrote (in his Ezras Torah Luach, Minhagei Beis HaKenesses and in his posthumously published Shu"t Gevuros Elyahu vol. 1, 82, 9 s.v. baboker) that regarding the Shabbos Day Kiddush 'v'omrim rak Borei Pri HaGafen'.

[12] Aruch Hashulchan (ibid.).

[13] See Gemara Brachos (14a-b), Taanis (27b), and Megillah (22a).

[14] Shu"t Maharam Shik (Orach Chaim 124), Shu"t Rav Pe'alim (vol. 1, Orach Chaim 11), Shu"t Torah LeShma (374), and Shu"t Ohr L'Tzion (vol. 2, Ch. 20, 16).

[15] Mishna Berura (289, 2), Siddur Ya'avetz (vol. 1, Mittas Zahav, footnote 14, pg. 346; referring to Friday night Kiddush), Chessed L'Alafim (Orach Chaim 289), Ohr Chodosh (on Maaseh Rav 122), Rav Chaim Palaji's Kaf Hachaim (36, 38), and Shu"t Yabea Omer (vol. 9, Orach Chaim 108, 133).

[16] Shu"t Mahar" E Gutmacher (Orach Chaim, end 57).

[17] In a similar vein, Rav Chaim Volozhiner is quoted (see the Miluim of the recent Weinreb edition of Maaseh Rav, pg. 345: 135) as maintaining that one should not recite the commonly-cited 'V'zos HaTorah' during hagbah, as it is a conglomeration of two separate pesukim.

[18] Cited in Shu"t Teshuvos V'Hanhagos (vol. 1, 264 s.v. v'daas) and Shemiras Shabbos Kehilchasa (vol. 2, 50: 9, foot note 17). A similar ruling is given in Chiddushei Rabbeinu Dov on Pesachim (105).

[19] It is said that although the Brisker Rav's father, Rav Chaim, did not accept his son's chiddush publicly, nevertheless, lechumrah he privately adhered to it as well. See Shu"t Teshuvos V'Hanhagos (vol. 1, 264 s.v. annam, in the brackets). Rav Yisrael Yaakov Fischer (Halichos Even Yisrael, Shabbos vol. 1, Ch. 25: 8 and footnote 9) argued that drinking wine at the Shabbos day Kiddush is not necessary, as the main importance of this Kiddush is that it allows the tzibbur to eat (as eating is prohibited until after Kiddush), and not that it be considered a full Seudah. Hence, this requirement is fulfilled by hearing Kiddush from another, even if one does not actually taste the wine.

[20] Shulchan Aruch (Orach Chaim 167, 20 and Beis Yosef - Orach Chaim 273 s.v. u'ma'sh d'afa"g), Rema (Orach Chaim 273, 4), Mishna Berura (ad loc. 19), and Kaf Hachaim (ad loc. 34).

[21] Tosafos (Pesachim 105a s.v. b'ain), Rif (Pesachim 27b in his pagination), Ran (ad loc.), Rosh (ad loc. Ch. 10, 36), and Tur (Orach Chaim 284).

[22] Whether or not one should be making Kiddush on Mezonos, as well as other common Kiddush questions, is addressed in an article titled 'More Common Kiddush Questions'.

[23] Shu"t Rav Pe'alim (Orach Chaim vol. 1, 11), Pri Eitz Chaim (beg. Ch. 7, pg. 89), Shu"t Chasam Sofer (Orach Chaim 10).

[24] The Chayei Adam (Nishmas Adam vol. 1, 5: 2) held similarly, that one may split pesukim 'derech techina, tefilla, or bakasha'. The Steipler Gaon is quoted (Orchos Rabbeinu, 5775 edition; vol. 1, pg. 176, Hilchos Brachos 33) as explaining this shittah in the following manner: since the Gemara states that 'we may not stop at any posuk at which Moshe Rabbeinu himself did not stop', implies that this rule is only applicable to actual pesukim in the Torah, as Moshe received them Mipi HaGevurah. This would exclude all other inyanim, including pesukim in Neviim and Kesuvim. This understanding would also seemingly explain the permissibility of common custom of splitting the pasuk of 'Yehalelu' when taking out the Torah, as aside for being sourced from Tehillim, and not Chumash, in that milieu, it is also 'derech tefilla'. For an interesting discussion on other aspects of possible exceptions to the half-pasuk rule (including by 'Kor'im' on Yom Kippur), see Shu"t Minchas Yitzchak (vol. 7, 41). In a similar vein, regarding pesukim in Kiddush Levana and Az Yashir, see Magen Avraham (422, 8 and 426, 10; also citing the Rokeach, 426), as well as the Biurim of Rav Naftali Hertz Halevi on sefer Maaseh Rav (161). Rav Chaim Volozhiner is quoted (see the Miluim of the recent Weinreb edition of Maaseh Rav: 135; pg. 345) as maintaining that one should not recite the commonly-cited 'V'zos HaTorah' during hagbah as it is a conglomeration of two separate pesukim. For more on this topic and parameters when this rule is invoked, see Shu"t Seridei Aish (new print, vol. 1, O.C. 49).

[25] Siddur Ya'avetz (Bais Yaakov, vol. 1, Mittas Zahav, footnote 14, pg. 346), Aruch Hashulchan (Orach Chaim 271, end 25) and Shu"t Levushei Mordechai (Tinyana Orach Chaim 50).

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

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

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In My Opinion THE CURSE OF HABITUAL POVERTY

Rabbi Wein's Weekly Blog

A recent report broadcast on Israeli radio detailed the fact that approximately 50% of all of those who declared bankruptcy and were eventually freed from the clutches of the creditors to whom they owed money, within a few years found themselves once again heavily in debt and living a life of moderate to abject poverty.

The sociologists and economists who prepared this report had many reasons as to why this should occur. Partly, it is simply human nature and the fact that human beings continue to repeat past errors of judgment and behavior no matter how dire the consequences may be. Another reason advanced was that living in Israel above the poverty line requires a moderate degree of wealth. The cost of living here is high, even as far as the necessities of food, clothing and shelter – approaching the levels of certain EU countries. Also, it becomes apparent that someone who has declared bankruptcy is unlikely to be able to obtain the credit that would allow the breathing space to begin again.

And finally, there are people who apparently simply glorify in poverty. It has become a way of life for them and they spend their energy and time scheming, begging, borrowing, and pursuing welfare agencies instead of turning their time and efforts towards productive work, education or career. Whatever the reasons, and without casting blame or aspersion on anyone concerned, this is a serious personal and national problem that creates tragic consequences for society.

There are those who for reasons of their own – lack of energy, skills, social graces or even religious conviction – refuse to enter the labor market seriously to improve their financial and living conditions. I have only anecdotal experience with such people but, over six decades in the rabbinate I trust that you will believe me that I have met many such individuals. And very early on, in my experience, I realize that in many cases, no matter what I would do for them – aside from giving them money – would ever change them or bring them to try to be self-sufficient.

I am not a psychologist and certainly not a financial counselor, so I've pretty much given up on trying to reform such individuals. I have put them in contact with organizations that would help train them for employment and how to manage budgets and finances. But, in a relatively short time, most of them reverted back to a beggar's life and the crushing psychology of constant debt.

I have noticed that people raised in poverty and penury finds it very difficult to raise themselves from that type of society. I am reminded of a true incident, that of a father who, for all his life, came to people to beg for money. And when he passed away, the only asset that he left for his sons was a list of the people who had given him money. The sons could not agree as to how to divide this asset amongst themselves and the manner eventually was adjudicated in a rabbinic court. The tragedy of this situation masks the ironic humor that lies behind it.

The Torah contains two versus that, on the surface, seemingly contradict each other. On one hand it promises us that there will be no destitute person amongst all the Jewish people in the land of Israel. On the other hand, it assures us that there always will be such people that exist in Jewish society. Over the centuries there been many theories advanced as to how it is possible, or even if it is possible, to reconcile these two verses. Many have advanced the idea that the elimination of poverty is a goal and that the Torah commands us to pursue this goal just as it does so for other moral goals it espouses, even though it is improbable that the goal will ever be achieved.

The way poverty statistics are reckoned today, there will always be people below the poverty line even if they have substantial wealth and are living a comfortable life. Relative to those above the poverty line who are, in truth, very wealthy, they are designated as impoverished. However, regarding habitual poverty, we are talking about those who have trouble providing the daily necessities for themselves and their families. This is a very difficult problem for our society and will require an enormous change of attitude, education and societal structure to make headway in this area. We hope and pray that somehow this radical change will occur.

Shabbat shalom

Berel Wein

לע"נ

משה בת ר' יעקב אליעזר ע"ה