

INTERNET PARSHA SHEET
ON ACHREI - KEDOSHIM - 5758

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Friday evening, May 8, will begin day 28, which is 4 weeks of the omer. Project Genesis

parsha-insights@torah.org Parshas Acharei Mos - Kedoshim

The second parsha that we read - Kedoshim - enjoins us to reach this holiness. "Dabare el kol adas Bnei Yisroel v'amarta aleihem kedoshim tih'yu (Speak to the whole congregation of the children of Yisroel and say to them: you shall be holy) [19:2]." Rashi explains this holiness to mean separation - separation from the forbidden. Rav Isaac Sher offers another understanding: chashivus (importance) - recognition of our chashivus. In truth, these two understandings are intertwined. Our recognition of who we are gives us the strength to withstand temptations, enabling us to separate from the forbidden. What is this chashivus that we must feel? Hashem stressed to Moshe that this message must be given to kol adas Bnei Yisroel - to the entire congregation. Every single one of us is eternal. We were created at the time of the creation and will exist eternally, basking in the pleasure of closeness with that Creator. That to which we attach so much importance - the time that our neshama (soul) spends down here in this physical world - is really a short aberration from our authentic, genuine state. When a person recognizes that he is a son who stands before his Father, a son who, to a certain degree, carries upon himself the Holiness of the Father, he recognizes that he must act in a manner befitting a prince. This must affect our actions when we are alone, when we are with our families and when we are at school or work. It is also each individuals responsibility to help bring the collective group of Klal Yisroel up to this level. Parshas Kedoshim, amongst its fifty one mitzvos, includes the mitzvah of tochacha (giving caring, constructive rebuke) [19:17]. Shlomo HaMelech instructs us in Mishley: "Don't rebuke a letz (scoffer) lest he will hate you, rebuke a chochom (wise person) and he will love you [9:8]". The Shla"h learns from this a fundamental concept in tochacha (rebuke) and in chinuch (education) in general. When giving rebuke, don't just point out faults, thereby making the person feel like a letz. Also emphasize the positive qualities, make the person feel like a chochom, and he will accept your rebuke and love you.

The Chofetz Chaim was once staying at an inn in Vilna when a very animalistic man entered and pounded on the table demanding roast duck and booze. When the food was brought he grabbed it and, without making a bracha (blessing), began wolfing it down. The whole time, he was directing lewd comments toward the waitress. The Chofetz Chaim stood afar, shocked by the spectacle, and began to plan a way to approach and censure this individual. The innkeeper rushed to the Chofetz Chaim to try to prevent him from such an attempt. He was simply afraid what the man might do to the Chofetz Chaim should he approach him. "Rebbe, please leave him be - he never learned any other way. At the age of seven he was drafted into the Czar's army and was taken to Siberia for training. He trained there for eleven years and then, at the age of eighteen, he served in the Czar's for twenty five years. That was the chinuch that he received. All of those years he never learned a word of Torah and never even saw a Jewish face." A smile spread over the holy face of the Chofetz Chaim as he heard the words of the innkeeper. He approached the individual, greeting him with a warm 'shalom aleichem' (greetings). "Is what I've heard about you true?", asked the Chofetz Chaim with awe in his voice. "That you were around non-Jews for so many years, that you weren't able to learn even a word of the Torah, that they tried to pry you away from the religion of your fathers, tried to force you to eat pig, and you remained a Jew?!?! You wouldn't convert! Your place in the world to come will be amongst the greatest tzadikim (righteous people)! You passed an incredibly difficult test that lasted thirty years!" Tears filled the weary eyes of the ex-soldier. Never before had such words reached his ears.

B'S'D' When he realized who it was that had spoken them to him, he broke out into a wailing cry and began to kiss the Chofetz Chaim. The Chofetz Chaim continued with his warm words. "A person such as you, who has merited to be counted amongst those who were willing to give up their lives for Hashem, if you'd decide to continue your life in a mitzva-abiding manner, you'd be amongst the 'wealthiest' in the world!" This man remained in close contact with the Chofetz Chaim, his newfound Rebbe, until he had become fully observant and a true tzaddik.

"Rebuke a chochom and he will love you." Good Shabbos, Yisroel Ciner

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Peninim Ahl HaTorah Parshas Acharei-Mos, Kedoshim by Rabbi A. Leib Scheinbaum Hebrew Academy of Cleveland

"Do not perform the practice of the land of Egypt where you dwelled; and do not perform the practice of the land of Canaan to which I bring you." (18:3) Why are these two nations singled out from among the other nations of the world? The prohibition against following the immoral practices of the nations applies to all of the nations. Rav Itzele Voloshiner, zl, explains that people tend to justify their environment. The Jews might have thought they could follow the practices of the Egyptians because they lived in Egypt. After all, "When in Rome do as the Romans." It is especially difficult to live in a country and act "different" from everybody else. Perhaps, the Jews thought that since Hashem was bringing them to Canaan, it might be acceptable to follow in their "traditions". The Torah responds that although it is particularly difficult to ignore the lures of one's environment, a Jew should rise above his surroundings. Rav Moshe Feinstein, zl, notes that these two nations were the paradigms of immorality and obscenity. Their behavior was viewed as abominable even by their gentile neighbors. Yet, the Torah particularly mentions these two nations as providing an important lesson to us. We might think that, indeed, it is wrong to emulate the practices of those evil nations which are steeped in vulgarity and licentiousness. What about those nations who are not by nature evil, who simply desire to have a "good time"? Are we permitted to act "permissively," emulating the way of life of much of contemporary society? Are we allowed to "relax" the restraints put upon us? By emphasizing the two worst nations, the Torah implies that sin is a gradual process. The first error, the slightest deviation from a Torah lifestyle, sets in motion a course of sinful behavior which can ultimately lead to a complete spiritual and moral degeneration as was manifest in Egyptian and Canaanite culture. The Jew must always be on guard, for today's error can develop into tomorrow's sin.

"You shall observe My decrees and My laws, which man shall carry out and by which he shall live." (18:5) The mitzvos of the Torah were given for the sake of life not death. We generally accept that the concept of mesiras nefesh, self-sacrifice, is a reference to one who is prepared to give up his life for Hashem. Rav Elazar Menachem Schach, Shlita, posits that this is not the Torah's intent. Rather, mesiras nefesh is defined by man's devotion to "live" as a Jew despite challenging situations. The Torah values human life, demanding that we maintain a lifestyle of Torah and mitzvos throughout our lifetime. People are frequently prepared to go to war to risk their lives for an ideal or a religion which has been created by human beings. At the same time these people cannot withstand the pressures of their base desires. Hashem does not want us to die for Him. He demands that we live for Him with mesiras nefesh for mitzvos! We find that during his last moments, as they were scraping off the skin of his body with metal combs, Rabbi Akiva, the great martyred Tannah, accepted upon himself the yoke of Malchus Shomayim, the kingdom of Heaven. Indeed, he prolonged the recitation of the word "echod," which proclaims the unity of Hashem, until his soul's departure from his body coincided with his utterance of this word. This was all done so that he could perform the mitzvah with remarkable mesiras nefesh. One would think that Rabbi Akiva was demonstrating the importance of giving up one's life for the sake of Heaven. Horav Schach

feels that Chazal convey a different message. They state, "When Rabbi Akiva was taken out to be executed, it happened to be the time for Krias Shma, reciting the Shma." Rabbi Akiva refused to permit the debilitating pain and anguish to deter him from reciting Krias Shma. Thus, he recited the Shma despite the cruel torture which he was undergoing. Hence, we infer that Rabbi Akiva's pre-eminence was not a result of the fact that he gave up his life to perform a mitzvah. Rather, his greatness was that he continued to observe the mitzvos despite the terrible conditions and pain to which he was subjected. A Jew's obligation is to serve Hashem and observe the Torah his entire life, even under the most desperate situations. Even in his last moments on this world, he was alive and consequently mandated to serve Hashem! Rabbi Akiva did not die with mesiras nefesh, he lived with mesiras nefesh. Horav Schach illuminates for us the focus and perspective that a Torah Jew must demonstrate. This writer remembers that when his Rosh Yeshivah, Rav Boruch Sorotzkin, zl, was in the hospital prior to his petirah, he was undergoing treatments for the disease which ravaged his body. He was subjected to the most excruciating pain. Yet, he remained undaunted and continued to study Torah. On a day shortly before his death, his son, Rav Yitzchak Sorotzkin, Shlita, met him as he was hunched over in his wheelchair, studying from a sefer. One look at his shriveled body and the lines of pain on his face told him that his father was in excruciating agony. "Why are you learning now?" his son asked him. "When else will I be able to learn?" answered the Rosh Yeshiva. This response characterizes the true essence of a gadol b'Torah. We are committed to Hashem's Torah and mitzvos every minute of our lives. This is the essence of mesiras nefesh.

PARASHAS KEDOSHIM "Love your neighbor as yourself." (19:18)

This comprehensive dictum of morality, the golden rule of human conduct, originated in the Torah. Chazal relate an incident between Hillel and a gentile who asked him to condense the entire Torah into its briefest possible form. Hillel answered, "What is hateful unto you, do not do unto your friend." This statement has become the accepted interpretation of "Love your neighbor as yourself." We may wonder why Hillel rephrased the pasuk into a negative form. Indeed, it would seem implied that Hillel focused only on negative morality which definitely does not present a Torah perspective. Rav Yisrael Salanter, zl, raised this question in response to an incident which involved two Jews. A Maggid, preacher whose livelihood was derived from the mussar lectures he gave in various towns, once came to a shul in Kovne that belonged to a noted wealthy merchant. The maggid asked permission to deliver his drashah that afternoon. The merchant replied in the negative, since the hours coincided with his Talmud shiur. The maggid's retort, that he needed the money he would earn from the lecture, did not seem to move the merchant. Rav Yisrael Salanter, who was studying in the shul at the time, overheard the dialogue between the two. He turned to the merchant and asked, "Why does Hillel emphasize the negative in interpreting the phrase, 'Love your neighbor as yourself?'" Why did he not simply say, "What is good for you do also for your friend?" "The reason," offered Rav Yisrael, "is that to demand that one do for others what is good for him is not necessarily correct. That which is good for one is not always good for another. For instance, let us examine our present situation. For you, it is good to study your shiur right now. The maggid, however, who is starving and in need of his meager earnings, must deliver his drashah right now. What are we to do? Shall we do what is good for you, or what is good for the maggid? Hillel responds with his interpretation of the Torah's message, 'What is not good for you, do not do unto others.' Consequently, my friend, put aside your Talmud and permit the maggid to deliver his drashah."

"Love your neighbor as yourself, I am Hashem." (19:18) Rav Yosef Leib Bloch, zl, comments that the last two words of this pasuk, "Ani Hashem," "I am Hashem," represent more than the conclusion of the pasuk. They actually define the essence of one's obligation to be sensitive to his friend's needs. He cites the Talmud in Sukah 53a which quotes Hillel Ha'Zakein's famous exclamation during the Simchas Bais Ha'Shoeivah. "Im ani kaan, hakol kaan," "If I am here, then everyone is here." This statement contradicts everything we have been taught regarding Hillel's character. He

was known to be the paradigm of humility. How could he make such a statement? Horav Bloch explains that Hillel was referring to a completely different "ani." He first questioned the need for the two words, "Ani Hashem," to be placed at the end of the mitzvah which defines our obligation to our fellow man. He said that the Torah was teaching us that love for our fellow man was to be predicated upon the "Ani Hashem." The Almighty determines what is love, whom to love, and the extent of this obligation. If the basic principles of the "V'ohavta" are founded upon the "Ani Hashem," they will be pure and not tainted by ulterior motives and politics. "V'ohavta" will reflect true love for a human being created by Hashem. Similarly, upon noticing the joy and gaiety displayed during the Simchas Bais Ha'Shoeivah, Hillel commented, "Im Ani kaan," if the 'Ani' referring to the 'Ani Hashem' is here, if Hashem's Presence permeates the proceedings, then "hakol kaan," then, and only then, are we ensured that everyone is included in this simchah. Only when the foundation of a given endeavor is rooted in Torah, if the underlying principles are guided by the word of Hashem, will it grow and thrive spiritually. Consequently, the joy experienced in his project will be pure. Yated-usa@ttec.com

"RavFrاند" List - Rabbi Frاند on Parshas Acharei Mos - Kedoshim - The Nature of the Prayer of the Kohen Gadol

In the Parsha of Acharei Mos, we learn the entire Order of the Service of the Day of Atonement. At the time of the Temple -- and with G-d's help it will again speedily be rebuilt -- the Kohen Gadol spent the entire day of Yom Kippur occupied with the procedures of offering the various sacrifices to bring atonement for the Jewish people. Among the services was the offering of the incense (Ketores) inside the Holy of Holies (Kodesh haKodoshim). We all know that this was the only day of the year that anyone was permitted to enter the Holy of Holies, and on Yom Kippur the Kohen Gadol went in a number of times. The Mishneh tells us that upon leaving the Holy of Holies, the Kohen Gadol would utter a brief prayer in the outer chamber. The Talmud [Yoma 53b] elaborates on the text of this prayer: "May it be Your Will that if this was supposed to be a hot, dry year -- let it be a wet, rainy year which is good for the crops. May the Jewish people not lose dominion over their own destiny and may they not be subject to the domination of other nations. May no Jew have to rely on financial support from another Jew -- let each Jew be financially independent and secure. And may You not accept the prayers of the travelers." (The travelers would hate the rain, because the roads became muddy, so they would pray that it should not rain.)

This was the prayer of the Kohen Gadol on Yom Kippur, just outside the confines of the Holy of Holies. I have always been bothered by the prosaic nature of this prayer. For if I had been in the Holy of Holies on Yom Kippur -- the holiest place in the universe and the holiest day of the year -- and I had my 35 seconds with G-d, then asking for livelihood (as important as that is for me and everyone else) would not be on the top of my list. There are more important things in my life! Here the High Priest is in the Holy of Holies on the holiest day of the year and what does he pray for? Three out of the four things have to do with parnassah -- making a living! I know that it is important -- we do have to pay the bills. But that this should be the Kohen Gadol's prayer on this occasion, in behalf of all of Klal Yisroel, is troublesome.

Recently, I saw an answer in the Sefer Beis Av, by Rav Elyakim Schlessinger. He suggests that the Kohen Gadol is not praying for parnassah. He is praying for the spiritual well-being of the Jewish people. But there are two things that always get in the way of our spirituality -- the distractions of making a livelihood and the distractions of foreign domination (shi'bud malchiyus). If we would all be financially secure, if each of us would win the lottery and would have unlimited time on our hands and would not have to work, it would be a great pleasure. We could learn in the morning, we could learn in the afternoon, we could go visit sick people, we could occupy ourselves with helping others. We could have a life

that was entirely spiritual! Except what? We have to make a living. We need to pay the rent. We must pay the mortgage. So we get up in the morning, we 'chap' a davening ([morning] prayer), we run to work, we work like a horse, running around, busy the whole day. We come home at night, tired and exhausted. Maybe we spend a little time with the kids, perhaps we open up a Sefer (Jewish book), and that is the day. What would it be like if we would not have the yoke of earning a living and the yoke of foreign domination? We, thank G-d, live in a compassionate county (malchus shel chessed); but Jews for so many years lived under the boot -- whether it was the boot of the Czars, or whether it was the boot of the Cossacks, whoever it was -- they were always under the boot. It is hard to think about spirituality, when one does not know what is going to be with one's life the next day.

The Rambam writes [Hilchos Melachim 12:4-5] that the prophets' desire for the Messianic Days was because there would be unlimited opportunity for spiritual growth at that time, and the ultimate purpose of Creation is "to know G-d" as the verse states "... for the entire world will be filled with the knowledge of G-d, like the water fills the sea" [Yeshaya 11:9]. That was the prayer of the Kohen Gadol. Not affluence; not luxury; but spirituality. Master of the World, take away all those things that disturb us and derail us from the larger and more important questions in life. Give us abundant sustenance and freedom from the yoke of nations. Why? Because then we can do the things that really matter in life. We can learn. We can do Mitzvos. We sit and think and contemplate about G-d and His Torah.

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yhe-sichot@jer1.co.il YESHIVAT HAR ETZION ISRAEL KOSCHITZKY VIRTUAL BEIT MIDRASH STUDENT SUMMARIES OF SICHOT DELIVERED BY THE ROSHEI YESHIVA In memory of Rabbi Moshe Korn, father of Mrs. Debby Friedman and father-in-law of Rabbi Mordechai Friedman, who rebuilt his family after the horrors of the Shoah and, in the process, demonstrated his unquenchable faith in the Rebono Shel Olam, Am Yisrael and Torat Yisrael. From his loving cousins, Abram and Ruth, David and Marcia, Tammy and Moshe Jacobowitz and Adina, Brian and Shoshana Galbut. Lezaycher olam yehieh tzadik. On Yom Ha-zikaron, we dedicate our shiurim to the memory of Israel's fallen soldiers and terror victims, including the twenty students of Yeshivat Har Etzion who fell in the line of duty. Yehi zikhram barukh.

PARASHAT KEDOSHIM SICHA OF HARAV AMITAL SHLIT"A The Dangers of Hatred and Punishment Summarized by Dov Karoll In Parashat Kedoshim (19:17) we read, "You shall not hate your neighbor in your heart." The gemara in Pesachim (113b) notes an apparent contradiction to the absolute nature of this prohibition. Shemot 23:5 states, "When you see YOUR ENEMY's donkey collapsing under its burden, and you hesitate to help him [your enemy], you should be sure to help him." This verse seems to imply that it is permissible to consider someone as "your enemy." The gemara first attempts to resolve the contradiction by assuming that the verse in Shemot is speaking of a person who was convicted by a court and therefore is to be considered as wicked. However, the gemara rejects this suggestion, since such a person would not be considered "your enemy," but rather everyone's enemy. Rather, the gemara concludes that the verse must be speaking of a person who committed a wrongdoing which you alone witnessed. Only the witness is permitted to hate such a person (according to Rav Nachman bar Yitzchak, it is not only permissible to hate such a person, but it is even a mitzva to do so). The gemara takes for granted that the Torah cannot be referring to a case of illegitimate hatred. Tosafot (s.v. "She-ra'a bo devar aveira") juxtapose this interpretation of the verse in Shemot with that of the gemara in Bava Metzia (32b), which discusses the mitzvot of perika and te'ina - helping to unload a burdened donkey and to reload it. The gemara there rules that if one must choose between these two obligations, one should help with perika (unloading) because of the suffering caused to the animal while it is collapsing. It then cites a Tosefta which stipulates that if the person who needs help reloading his donkey is an enemy, it is preferable to help him. The gemara explains that this ruling was issued in order to force the person to overcome his hatred, and help his enemy. Tosafot ask: if it is justified to consider the

person as your "enemy" (as explained by the gemara in Pesachim), why does the gemara in Bava Metzia demand that the "hater" overcome his evil desire to hate? Is his hate not justified (or even demanded)?! Tosafot reply that even though the dislike is justified, the witness (the "hater") cannot show outright hatred toward the sinner. For if he does so, the sinner will hate the witness in return, and the two will come to forbidden, personal hatred. This is the reason that the gemara in Bava Metzia rules that even a justified enemy must overcome his hatred and help his fellow Jew in need. The principle which Tosafot seems to be emphasizing is that hatred must be carefully utilized, even when technically permissible (or even mandated), and cannot be allowed to grow and thrive. The Torah, including our parasha (Chapter 20), metes out capital punishment for various sins. However, it is clear from the gemara that in reality it was very difficult to carry out these punishments; the necessary conditions were almost impossible to come by. For example, the gemara (Sanhedrin 40b) rules that one can only be killed if he is forewarned that his action will cause his death, he responds that he is doing so anyway (or "for that very reason," according to Rashi s.v. Hitir), and then he carries out the action within the next 3 seconds. No normal person would do such a thing! The difficulty in reaching a death sentence is also clear from the Mishna in Makkot (7a), which cites differing views regarding the definition of "a murderous court." According to the first opinion of the Mishna, one death sentence issued every seven years defines a "murderous court." Rabbi Elazar ben Azaria says that one death sentence issued every seventy years satisfies this definition, and Rabbi Tarfon and Rabbi Akiva state that they would never kill anyone if they were on the court. Thus, it is clear that through the rabbinic court system it is extremely difficult to reach a death sentence. There are certain extralegal methods of putting someone to death which the court can utilize in extreme situations. Regarding these punishments, the Chazon Ish rules (Yoreh De'a 2:16 s.v. Ve-nir'eh) that they can only be carried out at a time when God's providence is clearly felt by all. He explains that only during such a period would people appreciate that the punishment of the wicked is a means of correcting the evil in the world. However, in a period when clear Divine intervention is lacking, such punishments are perceived as violence and aggression. As a result, he rules that they are counterproductive, and therefore forbidden. These two elements - being wary of hatred even when permitted, and instituting punishments only when they are perceived as corrective measures - bear important ramifications for our own society. For example, there are countless matters of dispute between the religious and secular communities in Israel today. It is important to understand the perspective and background of the secular groups in order to improve relations with them. Large segments of the religious community reject this approach, claiming that if they try to understand the other viewpoint, they will be influenced by it. However, in order to have any positive relationship with other Jews, it is important to recognize where they are coming from. It is impossible to judge people based solely upon their religious observance now. I am observant, but who knows what would have happened if I had grown up in a thoroughly secular environment? Does any one of us know or understand how God judges a person? Does anyone know that he will be rewarded simply by declaring himself religious? One must be wary of passing judgment on others, as you do not know what factors led to the person's current situation. Beyond the issue of not judging, it is also important to approach issues which concern the secular community with an understanding of its perspective. For example, in the recent controversy regarding the closing of Bar Ilan Street in Jerusalem on Shabbat, I was asked to speak to the advisory committee. I told them that I thought that the road should be closed on Shabbat, but not because of the prohibition of people driving on Shabbat. I know full well that if this street is closed, the people will simply drive on another street. Nonetheless, I think that this is a reasonable demand - to ask people to modify their travel plans on Shabbat in order not to impose upon the atmosphere of a religious neighborhood. However, I explained that in the same vein I would not protest if those same

Jews who do not keep Shabbat wanted to have theaters open on Shabbat.

People complained to me that such a statement implies recognition of non-observance of Shabbat. I responded that the secular Jews of Jerusalem live under constant pressures from the religious Jews, and that it is important that they feel able to continue living their lives. While it would certainly be ideal for them to be keeping Shabbat (and all other mitzvot), the way to change that is not through legislation with an iron fist. Meaningful change can only be effected through more pleasant means. There is often a desire and a need within the secular community for more Judaism. This need can be tapped into, but only through positive, corrective means (along the lines of what the Chazon Ish said), and not through punishments which are not accepted in the desired way. (Originally delivered at , Shabbat Parashat 5757.)

drasha@torah.org EMPTY NEST -- PARSHAS ACHAREI
MOS-KEDOSHIM Rabbi Mordechai Kamenetzky

Respect of parents is a universal concept. It is as universal as the concept of a day of rest. And this week in the portion of Kedoshim, both concepts are taught to us in one single verse. "Every man: You shall revere your mother and father and with reverence my Shabbos you shall observe, I am Hashem, your G-d" (Leviticus 19:3). Two commandments, the Sabbath and parental honor are placed together. They are not only juxtaposed for their universality or importance; the Talmud derives an important halachic ruling from the positioning. The Talmud explains that the honor of parents goes up to a point. It may not override Torah observance. Thus, if a parent commands a child to desecrate a Torah law, such as the observance of Shabbos, in that instance the child is no longer commanded to heed them. So the caveat of Shabbos is clearly understood in relationship to parental obedience. The words that follow, however, seem superfluous. "I am Hashem." Why did the Torah add that? Those words, "I am Hashem", are usually placed in conjunction with commandments that deal with secret intentions. Cheating, lying, and falsifying weights and measures are prime examples. Those are instances where the victim is fooled yet only Hashem knows the truth. It is in Deuteronomy where the Torah admonishes us to keep proper weights and measures and then adds, "I am Hashem." Dishonoring parents seems different. The victims are well aware of the sin of dishonor. After all, they are the clear recipients of the disrespect. Why then, must the Torah add "I am Hashem" in relationship to parental honor? Perhaps the Torah is giving us a new perspective in parental honor? Recently, at a family simcha, Rabbi Moshe Chopp (not to be confused with Rabbi Czopnik) told the following story (in the name of Rabbi Avi Fishoff). An old Jew was sitting on a bench on a sweltering July day in Central Park. When he noticed two workers getting off a truck parked on the great lawn. Each had a shovel in hand, and a variety of gardening tools were strapped to heavy leather belts that held up their thick, grass-stained, dungarees. The workers surveyed the area. Then, as if on cue, one of them began to dig furiously. He dug and dug while the other worker looked on, almost indifferent. Finally, the digger lifted his sweaty head from the ground and smiled. By his feet, a large hole was formed. Then the two workers looked at each other, stood back, and waited. Nothing, however, was happening. After about ten minutes the first fellow looked at his watch, shrugged his shoulders, and nodded to the second man. As if on cue, the second fellow began filling the hole with the earth that was just removed. He patted the now-filled hole firmly and nodded to the first fellow who nodded his approval. With smug smiles of great accomplishment, they walked about 12 feet from their first location and began the procedure again. While the filler-man watched, the first worker dug a hole. Upon its completion, he stopped. Then both workers waited exactly ten minutes. The nod came, and while the first fellow watched, the second fellow repacked the hole until it was firm and neat. After six repeats of the bizarre episode, the elderly man on the bench could no longer contain himself. "What in the world are you guys doing?" he exclaimed. "What have you accomplished? Are you digging or filling? What's going on here?" "Take it easy!" boomed the first worker. "We're planting trees here!

I dig the hole then the next guy puts the tree in and finally, him, over here," he said pointing to the second worker, "fills the hole and packs it real neat. This way the tree has strong support." Before the gentleman could open his mouth the second fellow chimed in. "We're union workers and the guy who plants the trees didn't show up today! But we are here doin' our jobs. 'Cause, Oh No! We ain't missin' a day's pay 'cause he didn't show!" The Torah tells us that there is more to honoring parents than a commitment to only them. There is one partner who must always be taken into account. "I am Hashem." Fear and respect of parents are an integral part of the puzzle, but without affording the proper recognition to the Creator, it's as if you are digging and filling without planting. The fact that mitzvot supercede the laws of respect has an underlying meaning. It means that the third partner holds the key to the first two. And without Hashem we can dig and fill but, at the end of the day we will have nothing to show for all our efforts. Good Shabbos (c) 1998 Rabbi Mordechai Kamenetzky Dedicated in memory of Joseph Michael by Dr. and Mrs. Ernest S. Goldman Drasha, Copyright (c) 1998 by Rabbi M. Kamenetzky and Project Genesis, Inc. Rabbi Mordechai Kamenetzky is the Rosh Mesivta at Mesivta Ateres Yaakov, the High School Division of Yeshiva of South Shore, <http://www.yoss.org/> Project Genesis: Torah on the Information Superhighway learn@torah.org <http://www.torah.org/>

yhe-halak@jer1.co.il May 05, 1998 Halakha 21 - Erasing Torah from computer screens
YESHIVAT HAR ETZION ISRAEL KOSCHITZKY VBM-
THE SANCTITY OF GOD'S NAME, PART 1: ERASING SACRED TEXTS FROM A
COMPUTER SCREEN by Rav Mordechai Friedman

Over the past decade, the personal computer has found its way into our daily routine. Its potential to enhance our ability to perform even the most basic tasks has yet to be fully appreciated. The use of the PC in Torah study, whose benefits are still being discovered, poses certain halachic issues. Among them is the question of mechikai Shem Hashem - the erasure of God's name as well as parts of Torah and its commentaries. In truth, this problem is not a new one. People have had to deal with erasing Shem Hashem from the time that the first scroll was rendered unusable by an ink spill. Even with the appearance of the printing press as well as the photocopier, the option of geniza (or "sheimos") - proper permanent storage - was always available for situations that were unavoidable. The computer screen, however, poses a seemingly unique challenge. If it is prohibited to erase God's name as well as Torah commentaries, we can not entertain the idea of retaining the name in its position for eternity. I say "in its position" because even a one - line scroll, when the text on the screen appears to shift position, is actually erasing the text from one area and re-writing it in another. Theoretically, we are therefore faced with two practical possibilities - either it is halachically permissible to scroll, or we must exclude computer use from all areas of Torah study.

As God-fearing Jews, we can never dismiss, with a wave of our hand, such an astoundingly prohibitive situation and proclaim, "This couldn't be what the Torah 'wants'!" In areas of issur ve-heter, our window into the Will of God is found within the "dalet amot shel Halakha." To properly deal with this question, we must explore the following areas: - the nature and details of the prohibition of erasure; - the characteristics of the computer screen (its cathode ray tube or flat screen and pixels), as well as the working of its program. The Nature of "Lo Ta'asun Ken" The Torah states (Devarim 12:2-3): "You shall utterly destroy all the places in which the nations whom you are to dispossess served their gods... and you shall overthrow their altars, and break their pillars... and destroy their name out of that place." This is followed by "lo ta'asun ken la-Hashem Elokeikhem" - "you shall not do so to the Lord your God." The Sifri explains that we are thus enjoined not to rub out the name of God, nor to break off any stones from the altar or the azara (Temple courtyard).

Based on the wording of the verse, we can now organize our investigation: a. "La -Hashem Elokeikhem" - the written name of God: what is the object which it is the prohibition to destroy? b. "Lo ta'asun ken" - how do we define the destructive act?

a) The Halachic Definition of the Object The Rambam defines the prohibition in his Sefer Ha-mitzvot (lo ta'aseh 65): "One must not destroy [any part of] the Temple or synagogues or study halls. Likewise, one must not erase the holy names. And one must not destroy the holy writings. As it is written, 'You shall surely destroy ...'" While the midrash halakha (Sifri ibid.) mentions only the holy names, the Rambam expands the list to include the Beit Ha-mikdash, synagogues, study halls, as well as all of Torah, Nevi'im and Ketuvim. His source seems to be the parallel in the pesukim between the various objects of idolatry that must be destroyed and the concluding phrase of "You shall not do so to Hashem." It would appear that this is the ruling of the Rema (OC 152:1), who quotes the Mordechai. The Maharik (#61) explains: "For the beit ha-midrash is called a lesser Beit Ha-mikdash (mikdash me'at) and therefore it is prohibited to break any object of the beit ha-midrash, as it is taught in the Sifri: From where do we know that breaking a stone of the Temple or the altar or the courtyard is a negative commandment, etc." Bi'ur ha-Gra on the Rema quotes this Sifri as his source.] Later commentaries (such as the Peri Megadim, ibid., and Rav Yitzchak Elchanan Spector in Ein Yitzchak, #5) question the possibility that the Rambam in Sefer Ha-mitzvot rules that destruction of a part of a beit midrash or beit kneset would be de-oraita - a Torah-based prohibition. Is the sanctity of our modern-day structures on the same level as the Beit Ha-mikdash? [Laws of hekdesh and me'ila - sanctification and misuse of sacred objects - clearly apply only to the Beit Ha-mikdash and not to a shul or beit midrash!] In fact, the Ran states explicitly that the sanctity of a shul is de-rabbanan (of rabbinic origin). Thus, many Acharonim conclude that the Sefer Ha-mitzvot must be explained contrary to its simple reading and we are forced to conclude that the prohibition of destroying parts of a shul or beit midrash is only mi-derabbanan. It appears to me that the Rambam's Sefer Ha-mitzvot can be explained as is. And with this explanation, we will

be touching on one of the main facets of the issue at hand. The nature of the prohibition can be understood in two ways: 1. It is possible that the prohibition applies only to objects which have physical sanctity, such as the structure of the Temple or God's written name. All of these carry a halakchic status of physical sanctity. This would seem to be the understanding of Rav Yit zchak Elchanan and others. (It is further possible to explain the Rema and his sources to have felt that there IS some physical sanctity mi-deoraita to a shul or beit midrash without the higher level of sanctity of the Temple.) 2. It is possible, however, to understand the nature of the prohibition in a completely different light. We are not concerned merely with the resultant destruction caused by one's actions; rather, one is forbidden to display contempt or disrespect towards symbols of holiness.

In this case, we must include in the prohibition all objects which symbolize God - not only the technically sanctified but the purely symbolic as well. Thus, the destruction of a shul or beit midrash would be an issur de-oraita as the Rambam stated in the Sefer Ha-mitzvot. Interestingly enough, the Rambam seems to be taking the first direction in his Mishneh Torah (Hilkhot Yesodei ha-Torah 6:8): "It is forbidden to burn or destroy the Holy Scriptures - including their explanations and commentaries... When does this apply? Only to Scriptures written by a Jew in sanctity. However, a sefer Torah written by an apikoros (heretic) must be burnt, including the names of God which appear therein..."

The name of God when written by an apikoros has the appearance of any name and is therefore no less symbolic. Yet, since it has no sanctity, it may be destroyed. This indicates that the Rambam changed his original view in the Sefer Ha-mitzvot of the issur being a symbolic act of degradation, to that of an issur cheftza, a prohibition pivoting around a physical object with a specific halakchic status. An additional indication of this change can be noted by the fact that the halakha of beit ha-kneset or beit ha-midrash mentioned in the Sefer Ha-mitzvot is nowhere to be found in the Mishneh Torah. Even according to those who would explain that the Sefer Ha-mitzvot refers to an issur de-rabanan, the Rambam should have cited it in the Mishneh Torah! According to the understanding of issur cheftza, the Mishneh Torah is clear - only physical objects which are technically sanctified carry a prohibition of destruction.

These two basic possibilities have equal validity when we look at the pesukim themselves. The mitzva to eradicate objects of idolatry when entering Israel is result-oriented, in that the focus is on the end destruction. However, "Lo ta'asun ken la-Hashem Elokeikhem" can mean either: a) the required eradication of the objects of idolatry should never be performed on objects of sanctity; or b) the mitzva to destroy idolatry entails degrading it - and one shnot similarly degrade God. Thus far, we have seen two cases which hinge on our understanding of the nature of the issur: 1) The destruction of a beit ha-midrash - can be prohibited mi-deoraita; - prohibited mi-derabanan; - or carry no specific prohibition of "lo ta'asun;" 2) God's name written accurately but lacking inherent sanctity (e.g. if written with inappropriate attention to its meaning or without intention to sanctify) - is forbidden to erase if the issur is not to degrade God's name (because this is an accurate symbolic representation); - or can be erased since it lacks inherent sanctity. This halakha is of central importance to our main question. How do the poskim rule? The Shakh (YD 276:12) rules that if God's name is written with inappropriate attention to its meaning or without intention to sanctify, it can be erased and rewritten. The Peri Chadash (as quoted by the Machaneh Efraim, YD, Hilkhot Sefer Torah) disagrees with the Shakh and feels that any name is prohibited to erase. It would seem that they argue exactly about the issue we raised above. Following the same pesak of the Shakh are Rav Shlomo Kluger (Shenot Chayim, Hilkhot Stam, #5), the Noda Bi-yehuda (first edition, YD #150) and Yabi'a Omer. The Peri Chadash seems to be a minority opinion. Along these lines, since the time of the printing press many poskim have dealt with the question of galleys, pages printed solely for the purpose of proof-reading. Some allowed the disposal through burning, on the basis that there was no intent to sanctifying these sheets (see the Netziv, Meishiv Da'at, 2:80). Others added the additional requirement, if possible, of having negative intent - specifically intending not to impart sanctity at the time of printing (Rav Yitzchak Elchanan Spector, Ein Yitzchak, OC 5). Still others allowed the above if no name of God appears.

Computer Screens One responsum which is strikingly relevant to computer screens is that of Rav Yitzchak Elchanan Spector (Rav of Kovno from 1896 to 1917) dealing with the issue of galleys. He quotes the gemara in Megilla (32a): "Rav Matna said: The 'luchot' and the podium do not have any sanctity." Some Rishonim translate "luchot" to be the blank margins of a sefer Torah. However, the Rambam (Hilkhot Sefer Torah 10:4) and the Mordekhai translate it to mean chalk boards used to teach children. Rav Spector proves from this that if there is no positive intent for permanent writing - then this renders the writing devoid of sanctity. How much more so with a computer screen - with any use, it will "scroll" and "erase" the writing from its original position! There are poskim (Tashbetz, responsum 2), however, who felt that the writing on chalk boards, although not permanent, had sanctity. Many other halakhot depend on our question of the nature of the issur of "lo ta'asun ken." Here are some that are relevant to our halakchic query: 1a) Does the written name need to be the style of Ashurit, the type required for a sefer Torah, in order to proscribe erasure? (See Orchot Chaim, YD, page 29.) 1b) Chak tokhot - a holy name formed by removing ink from a surface so that the remaining ink forms letters: does such writing prohibit erasure? (The Beit Shelomo [YD 2:134] claims that the majority of poskim allow erasure in this case.) 2) When Hashem's name is translated into another language, such as "God" - can it be erased? This, too, would depend on our dilemma. The majority of poskim feel it can be erased (Shakh YD 179:11; Kesef Ha-sofer, chapt. 11, in Lishkat ha-sefer s.k. 5; Yabia Omer, YD 4:20).

This last point is helpful for all non-Hebrew languages and extends to the issue of computer generated print-outs, rendering them devoid of the sanctity of God's name. But do they have another form of sanctity? The Sanctity of the Written Torah This brings us to the last halakha which may hinge on our question of the nature of the issur. If the issur is not to degrade anything which symbolizes God, it would include shuls, names written without proper intent, names written not in accordance with the various laws of Torah writing, as well as the word "God." Now that it appears that the accepted pesak follows the other understanding (namely, that the issur applies only to destroying objects with a status of sanctity), would it then follow that pesukim or written Torah insights are devoid of such sanctity? Would outright destruction be permissible? This issue, with the help of God, will be dealt with in a future shiur.

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May 1998) ... THE WAY IT HAPPENED: Independence Came Eight Hours Earlier The British Mandate in Eretz Yisrael was scheduled to end at midnight on the night of 15 May 1948. This mandate had lasted for 30 years. According to international law, a country cannot declare its independence before it becomes free from any other sovereignty. However, midnight of 15 May that year was 6 Iyar, on Shabbat. This was not the only problem that the leaders of the fledgling country had before them at that time. The main question was whether to declare a state at all. In spite of the fact that the United States applied pressure to delay the declaration, the national authority (which served as a government before the state was declared) voted by a majority of 6 against 4 with 3 abstentions to accept Ben Gurion's position: It is now or never! And now the question was the exact wording of the Declaration of Independence. At a later date, Rabbi Y.L. Maimon and Moshe Chaim Shapira told of their disappointment that they did not win a controversy with the representatives of the far left, who refused to include any references to religion or Jewish tradition. In the end, the phrase that was used was "with our trust in 'tzur Yisrael.'" Luckily, the only valid translation of the word "tzur" is "rock," and the English translation of the declaration therefore mentions G-d's name explicitly: "with faith in the G-d of Yisrael." There was no choice where to hold the ceremony, since Jerusalem was under a blockade, and the only remaining place was in Tel Aviv, at the museum. But the problem of taking possession of the land on Shabbat remained. The religious representatives were adamant: "It is inconceivable that the Jewish State will be declared and begin its existence by an act of violation of the sanctity of the Shabbat." Everyone therefore agreed, and the ceremony was moved forward by eight hours. On Friday, 5 Iyar, at exactly 4:00 pm, Ben Gurion's gavel rapped for quiet, those gathered in the hall sang Hatikva, and during the next 15 minutes Ben Gurion read the text of the Declaration of Independence. The members of the national authority signed the prepared form, and Rabbi Maimon preceded his name with the letters bet-ayin-heh, an abbreviation for the words, "with the help of G-d," so that the Hebrew text would still have a reference to the name of G-d. Reference: M. Naor, "Sefer Hamei'a" and Yona Cohen, "Hapinkas Hapatuach"

hamaayan@torah.org Hamaayan / The Torah Spring Edited by Shlomo Katz Acharei-Kedoshim In Israel: Emor 13 Iyar 5758 May 9, 1998 Sponsored by the Goodman family in memory of Yehuda Zvi ben R' Shlomo Halevi a"h The Vogel family on the yahrzeit of mother and grandmother Bluma bat Shabtai Hakohen (Blanche Vogel) a"h

This coming Thursday is Lag Ba'Omer - the 33rd day of the Omer. This day is significant in a number of ways, among them, that it is the yahrzeit of the Tanna/Sage of the mishnah, Rabbi Shimon bar Yochai. The gemara (Shabbat 33) relates that R' Shimon was forced to hide in a cave for 12 years because he had criticized the Roman Empire. The gemara relates how R' Shimon and his son studied Torah during that time, free of all material concerns. The gemara relates that when R' Shimon was finally able to leave the cave, he was far more brilliant than he had been before. R' Shimon himself told his son-in-law that he (R' Shimon) was as great as he was only because of his experience in the cave. R' Elyakim Schlesinger shlita (a rosh yeshiva in London, England) observes that R' Shimon was already among the leading sages before he fled to the cave. What aspect of the cave experience made him greater than he could have become otherwise? R' Schlesinger explains that being able to study Torah for 12 years with no interruptions, no material concerns, and no domestic or societal obligations made R' Shimon what he was. If two people study Torah for the same number of minutes, but one does so without interruption and the other divides those minutes into several sessions, the former student will inevitably accomplish more. Of course, R' Schlesinger writes, we cannot study Torah all of the time without stop because we do have material concerns and domestic and societal obligations. Nevertheless, we can strive that the study periods which we do have should be uninterrupted. Also, even when we must leave the formal texts, we should try to continue our study sessions by reviewing in our minds what we have learned. (Bet Av: Parashat Emor) Hamaayan, Copyright (c) 1998 by Shlomo Katz and Project Genesis, Inc. Posted by Alan Broder, ajb@torah.org - http://www.acoast.com/~sehch/hamaayan/. Project Genesis: learn@torah.org 6810 Park Heights Ave. http://www.torah.org/ Baltimore, MD 21215 (410) 358-9800

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weekly-halacha@torah.org Weekly-halacha Parshas Acharei Mos-Kedsohim By Rabbi Doniel Neustadt A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav. QUESTIONS AND ANSWERS ON HILCHOS CHALLAH [Follow-up from Parashas Shemini] QUESTION: Must challah be separated from all types of flour? ANSWER: Flour derived from the five species of grain - wheat, barley, spelt, rye and oats - requires the separation of challah. Rice, corn and soy flour are exempt. QUESTION: Does the type of liquid used when making the dough have any affect on the obligation to separate challah? ANSWER: When flour is mixed with any amount of water, one is obligated to separate challah with a blessing according to all poskim(1). Flour mixed with fruit juice or with eggs only, requires hafroschas challah without a blessing(2). When flour is mixed with olive oil, wine or bee's honey there is a difference of opinion. Some require separating challah with a blessing(3) while others require separating challah without a blessing(4). QUESTION: Must challah be separated only when baking bread, or when baking other items as well? ANSWER: Thick dough from which cake or cookies will be baked requires challah separation if a minimum of 10 cups of flour are used. If a minimum of 16 cups of flour are used, the blessing is recited when separating the challah. [Other ingredients do not count towards the minimum amount of flour.] Thick dough which will be fried or cooked requires hafroschas challah without a blessing(5). A liquid batter which will be fried or cooked is exempt from challah. If it will be baked, it requires hafroschas challah with a blessing(6). QUESTION: May the designated piece of challah be removed with a fork or a knife? ANSWER: It is permitted to remove the designated piece of challah with any utensil but it is not recommended. As previously explained, the piece of challah is forbidden to be eaten. Since dough tends to stick, some crumbs may remain on the utensil and possibly render it [or other dishes washed along with it] non-kosher when washed with hot water later on. When the hot, burned piece of challah is removed from the oven, it should definitely not be removed with a utensil(7). QUESTION: While sitting at the Shabbos table, a woman realizes that she forgot to separate challah from her challah loaves. What should she do? ANSWER: It is prohibited to separate challah on Shabbos or Yom Tov(8) unless the dough was made on Yom Tov(9). Accordingly, there is nothing that can be done(10) and the challah loaves may not be eaten(11). [If she realizes her oversight during Erev Shabbos, and neither she nor the shul where her husband is davening has recited kabbolas Shabbos, she may still separate challah [even if she has already lit Shabbos candles], as long as the family has no other challah loaves for Shabbos(12).] If this oversight occurred outside of Eretz Yisrael, however, the challah loaves could be eaten so long as the lady intends to separate challah after Shabbos from whatever will remain of the challah loaves she had baked. She must follow this procedure(13): She must make sure that a small piece [e.g., one slice] remains from the loaves she had baked; Separate a designated piece from that remaining slice after Shabbos or Yom Tov is over(14). That piece is then burned like any other separated challah. No blessing is recited over this type of challah separation(15). QUESTION: What can be done if the designated piece of challah, after being separated - regardless of whether a blessing was recited or not - gets mixed in with the rest of the dough? ANSWER: If the designated piece of challah is mixed in with dough which is 101 times greater in volume than the designated piece, then the entire dough may be baked and eaten(16). If the dough is not 101 times bigger than the designated piece, the dough may still be eaten - but only after the challah piece, which is forbidden to eat, is "removed" from the dough. This is done by halachically annulling the piece of challah so that the dough no longer contains the forbidden challah piece. The woman [or her husband(17)] recites the following in the presence of a bais din of any three adult males(18): "I regret that I designated that piece of dough as challah, and had I known that I would regret it, I would not have designated it for challah." The bais din can then repeat her designation as they do with any other vow(19). Another piece of dough is then separated for challah. The same procedure would apply if the woman realized after baking her challah loaves that she mistakenly baked the designated piece of challah with them, or if somehow the designated piece got mixed up with any other food. When the challah loaves or other food are needed, this procedure may be followed on Shabbos or Yom Tov as well(20). QUESTION: Is flushing the designated piece of challah down the toilet the same as burning it? ANSWER: No(21). The proper method for disposing of the challah is to burn it. [We have previously explained that under extenuating circumstances only, some poskim permit wrapping it and throwing it in the garbage]. It is prohibited to feed it to one's pet or to derive any benefit from it(22). QUESTION: Is it a mitzvah for ladies to bake challos on erev Yom Tov as it is on erev Shabbos? ANSWER: Yes. It is considered a form of honoring the Yom Tov(23). QUESTION: A woman prepares dough with the required amount of flour [16 cups] in order to recite the blessing, then divides the dough in two - half she bakes immediately while the other half is frozen to be baked at a later time. Does she separate challah? ANSWER: This issue is debated in the poskim(24). It is recommended, therefore, to separate challah but not to recite the blessing(25). FOOTNOTES: 1 Y.D. 329:8. 2 Taz Y.D. 329:9. In practice, however, a dough should not be prepared unless it contains either water, wine, olive oil, milk or bee's honey. 3 Pischei Teshuvah 329:2; Aruch ha-Shulchan 329:3. 4 Oral ruling heard from Harav M. Feinstein (quoted in Oholei Yeshurun, pg. 58) based on Bais Hillel Y.D. 329:9. 5 Shach Y.D. 329:4. 6 Y.D. 329:2. 7

Harav S. Shapiro. 8 Mishnah Berurah 339:26. B'dieved, if she mistakenly separated challah on Shabbos or Yom Tov, the food may be eaten. If however, she was aware that it is forbidden to do so and she did so anyway, the food is forbidden to be eaten - Sha'ar ha-Tziyun 339:26. 9 If the dough was prepared on Yom Tov, challah is separated with a blessing but the dough is not burned until after Yom Tov is over. Once the piece is set aside, it may no longer be moved, since it is muktzeh - Mishnah Berurah 506:29. 10 If this occurred on the first night of Pesach or Sukkos when it is a Biblical obligation to eat a k'zayis of matzah or bread, a solution can be found. A rav must be consulted. 11 A possible solution is to prepare on Yom Tov another batch of dough and then separate challah from the new dough for both. See Rama O.C. 506:3 and Mishnah Berurah for the details. 12 Mishnah Berurah 261:4 and 28. Outside of Eretz Yisrael, though, this should not be done, since in the Diaspora it is permitted to separate challah after Shabbos, as detailed in the next paragraph. 13 Rama O.C. 506:3. 14 Rama Y.D. 323:1. If she forgot to separate challah from more than one dough, she must follow the same procedure with each dough. 15 Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 42, note 57). 16 Rama Y.D. 323:1. 17 Aruch ha-shulchan 323:14. 18 While her husband may not be one of the three, her children, her father and other relatives may - Y.D. 334:57. 19 Rama Y.D. 323:1. While some poskim do not agree with this procedure (see Taz 323:2), most poskim concur with the Rama's ruling, see Chochmas Adam - Sha'arei Tzedek 14:6; Pischei Teshuvah 3; Aruch ha-Shulchan 14. 20 Sha'arei Teshuvah O.C. 341:1. 21 Chochmas Adam - Sha'arei Tzedek 14:34. 22 Rama Y.D. 322:5. A kohen, however, may derive benefit from it while burning it - Rama Y.D. 331:19. 23 Rama O.C. 242:1; 529:1. 24 See Y.D. 326:2. Beir ha-Gra 7 and Pischei Teshuvah 2; Chazon Ish Y.D. 198:3. 25 Leket ha-Omer 7:3; Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasah 42, note 45). Weekly-Halacha, Copyright (c) 1998 by Rabbi Neustadt, Dr. Jeffrey Gross and Project Genesis, Inc. The Weekly-Halacha Series is distributed L'zchus Haya'el Doniel Meir ben Hinda. Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215

dafyomi@jer1.co.il Insights into Daf Yomi from Ohr Somayach The Weekly Daf What Luck? Do Jews have mazal? Mazal, loosely translated as luck, literally means the events in a person's life that are predetermined according to the hour or day of his birth. Whether or not a Jew is prey to the determination of the "stars" which dominate the time of his birth, we seem to receive conflicting signals from our Sages. "Children, life and livelihood," says the Sage Rava in Mesecha Moed Katan (28a) "are not the result of merit but of mazal." This position is echoed in our own gemara by Rabbi Chanina. But Rabbi Yochanan seems to categorically reject the idea that Jews are subject to mazal, in apparent conflict with Rava's statement. Tosefos, however, reconciles the two opinions. For Jews, as for everyone else, "children, life and livelihood" are predetermined as Rava states. But Jews, unlike others, have the ability to overcome this predetermination through an extraordinary merit. (The motto of a famous contemporary astrologer that "the stars impel but do not compel" certainly fits the Jews!) Two examples of extraordinary merit beating the stars are offered in our gemara. The non-Jewish astrologer Avlat pointed out a man, headed for the meadow with his comrades to chop some reeds, as a predetermined victim of a deadly snake. Shmuel told Avlat that if the man was Jewish, he was capable of surviving. The man was indeed a Jew and returned safely. A surprised Avlat examined his pack of reeds and found a deadly snake, which the man had unknowingly cut in two. To Shmuel, this survivor related that it was his group's custom that each day, every member placed some food in a communal basket whose contents would then be shared by all. On this particular day, one of them had no food to contribute. To save him from embarrassment, our hero undertook the job of collection, and when he came to his poor comrade he pretended that he received food from him, while actually contributing some of his own. The other incident involved Rabbi Akiva. Rabbi Akiva was told by the stargazers that his daughter would be killed by a snake on the day of her wedding. On that fateful day, she unknowingly pierced the eye of a snake with an ornament she put into the wall. When the dead snake was discovered the next morning, she explained to her father that a poor man called at the door on the wedding day, and since everyone was too preoccupied with preparations to even notice him, she gave him a precious item she had received from Rabbi Akiva. In both cases the sages publicly proclaimed that the miracle they had observed was a demonstration that "charity rescues from death" (Mishlei 10:1). Shabbos 156b

Some Like it Hot, Some Like it Cold "The pot of partners is neither hot nor cold." This commonly quoted saying is usually understood as a comment on the futility of trying to achieve communal consensus. Since there will always be some who want the food hot while others want it cold, the result will be that the pot will end up neither hot nor cold. A closer look at the application of this folk wisdom in our gemara, however, indicates a different understanding. In two cases we find the limitation of 20 cubits height. A korah beam placed across the entrance to a mavoi (an alleyway into which courtyard traffic empties) in order to permit carrying within its precincts on Shabbos cannot be more than 20 cubits above street level. The schach covering a sukkah that is more than twenty cubits above the floor of the sukkah is not considered kosher. What if the korah and the schach are partially within the 20 cubit limit and partially above it? There is a difference of opinion amongst the Sages on this point. We shall focus here only on the point of view put forth by Rabbi Ada bar Masneh in the name of the Sage Rabbah. In the case of the sukkah, he contends, the schach which is thus situated will be kosher, but in the case of the korah beam it will be considered invalid. The central consideration in both cases, explains the Sage Rava of Parzeka, is whether we must be concerned lest the lower half of the schach or korah become detached or eroded, leaving only the part which is higher than the legal limit. In the case of the sukkah the responsibility for maintaining a kosher sukkah is that of the individual. We can therefore rely on him to keep his eye on his schach, take notice if the lower portion of it became detached and take the proper steps to amend the situation. In the case of the korah, however, responsibility is shared by all the residents of the homes and courtyards leading into the mavoi. There is, therefore, a concern that each one will rely on the other to watch what happens with the korah, and no one will notice that the lower part eroded and left only the part above twenty cubits intact. As an illustration of this point the gemara cites the above mentioned adage about the communal kettle. This compels us, points out Maharsha, to reexamine this folksy bit of counsel. When partners or a community are involved in the management of a kettle, even if there is a

consensus that it should be hot or a consensus that it should be cold, there is reason to suspect that the agreed upon result will not be achieved, because each member of the collective group will rely on someone else watching the kettle, with the result that no one will do so. Eiruvin 3a Written and Compiled by Rabbi Mendel Weinbach General Editor: Rabbi Moshe Newman Production Design: Eli Ballon Prepared by the Jewish Learning Exchange of Ohr Somayach International 22 Shimon Hatzadik Street <http://www.ohr.org.il> (C) 1998 Ohr Somayach International -

daf-insights@shemayisrael.com Monday, May 04, 1998 6:13 AM Insights to the Daf: Shabbos 156-157 INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyud Hadaf of Har Nof Rosh Kollel: Rabbi Mordecai Kornfeld daf@shemayisrael.co.il

Shabbos 156 1) FOLLOWING ASTROLOGICAL PREDICTIONS QUESTION: The Tana'im and Amora'im discuss the effects of the Mazalos (constellations) on human behavior and destiny. The Gemara describes how certain Tana'im and Amora'im were concerned about the effects of the Mazalos. This Gemara seems difficult in light of the Gemara in Pesachim (113b). The Gemara there says that it is forbidden to ask a "Kalda'ei" for advice, because the verse says "Tamim Tihyeh Im Hashem Elokecha" -- "You shall be completely faithful to Hashem your G-d" (Devarim 18:13). Our Gemara describes a "Kalda'ei" as a gentile astrologer who gazes at the constellations and predicts future events based on them. Why, then, does our Gemara describe this discipline as something which is trustworthy, when the Gemara in Pesachim says that we are not allowed to have any trust or faith in it at all? ANSWERS: (a) RASHI in Pesachim (ibid.) translates "Kalda'ei" as Ba'alei Ovos, those who divine with bones and commune with dead people. Everywhere else in Shas, though, Rashi defines "Kalda'ei" as astrologers. Apparently Rashi maintained that the Sugya in Pesachim cannot be referring to astrologers, because -- as our Sugya makes clear -- there is nothing wrong with consulting with astrologers. (TOSFOS and the RAMBAM there take issue with Rashi's definition of "Kalda'ei" as Ba'alei Ovos.) (b) The RAMBAN (in Teshuvos ha'Meyuchasos #243) and the NIMUKEI YOSEF (Sanhedrin 65b) write that the Gemara in Pesachim is not teaching that there is an Isur d'Oraisa to consult astrologers. If there was such an Isur d'Oraisa, the Gemara would have cited as the source the negative commandment (Devarim 18:10) commanding us not to be involved in any type of divination. It must be that consulting astrologers is not included in that prohibition. Rather, there is indeed some veracity to the science of astrological prediction. Consequently, says the Ramban, if a person is told his astrological forecast, he must not attempt to defy it because he might thereby be placing himself in danger. Rather, he should heed the warning and avoid the situation which his forecast says is dangerous for him. When the Gemara in Pesachim says that one may not consult with astrologers, it means that the *Rabanan advise* that one should not look into astrology in the first place. Instead one should place his trust in Hashem and acknowledge that his prayers to Hashem can be effective in altering his fate. The reason why the Tana'im and Amora'im of our Sugya were concerned over their astrological forecasts was not because they went to *consult* with astrologers, but because they *happened* to find out about their forecasts. To defy what they heard in such a manner would require relying on a miracle to save them, and one may not rely on a miracle. (c) The RAMBAM (Hilchos Avodah Zarah 11:8) rules that it is an Isur d'Oraisa to look into one's astrological horoscope. What, then, does the Rambam do with our Gemara? When the Gemara lists each Mazal and its effects on one who was born in it, that does not tell the person anything about how he should act in the future, i.e. what day will be a good one and what day will be a bad one. It is just telling us the facts about what that person's tendency will be. Apparently, that does not fall into the prohibition against divining. Similarly, when Rabbi Akiva was concerned for the astrological prediction that was said about the fate of his daughter, he was merely worried, but he did not *act* on the prediction of the astrologer.

However, the Rambam writes later (11:16) that anyone who believes that there is any truth in these predictions is foolish and childish. How, then, could Rabbi Akiva and the Amora'im be concerned for the predictions of astrologers? The Rambam, in his Introduction to Perush ha'Mishnayos, intimates that the predictions of astrologers contain truth, but they are not *exact* in their predictions. He may mean that a person's fate, as seen by astrological prediction, is liable to change based on the performance of good deeds, exactly as our Sugya concludes. In Hilchos Avodah Zarah, when he writes that anyone who believes in astrological predictions is foolish, he means that one must put his faith only in Hashem and acknowledge that Tefilah and Yiras Shamayim can entirely change one's fate and therefore it is futile to put one's trust in the Mazalos, as our Gemara concludes. When Rabbi Akiva was worried about the prediction of the astrologer, he was worried for someone else (his daughter), since *she* might not be G-d-fearing enough to merit having a good future. Similarly, the mother of Rav Nachman bar Yitzchak was worried for the prediction said about Rav Nachman, because she was worried that *her son* might not have enough merit to save him from the fate that the astrologer predicted. About one's self, though, a person need not fear; let him simply place his trust in Hashem and perform Mitzvos and the dreaded outcome will not come to pass. (M. Kornfeld)

Shabbos 157 1) HALACHAH: MUKTZAH The Gemara discusses the final ruling with regard to Muktzah. (a) Muktzah Machmas Mi'us (the object is repulsive): We rule in accordance with Rabbi Shimon that such objects are permitted and are not Muktzah. (b) Muktzah Machmas Isur (the object could not be handled at Bein ha'Shemashos without the person transgressing a prohibition of Shabbos): TOSFOS (19b and here) says that we are also lenient like Rabbi Shimon with regard to this type of object *unless* the person *actively* put the object in a situation in which it could not be handled Bein ha'Shemashos. The ROSH and TUR, however, do not mention such a condition, and simply rule that Muktzah Machmas Isur is forbidden in accordance with Rabbi Yehudah. (c) Muktzah Machmas Chisaron Kis, and Grogeros v'Tzimukin (objects that a person actively put into a situation where they would be unfit to be used for Shabbos): Even Rabbi Shimon agrees that these objects are Muktzah. ...

Shabbos 137a: Mishnayos applicable to Eretz Yisrael Efraim Goldstein <efraimg@aol.com> asked: Regarding the second teretz dealing with the two days of ROSH HASHANA, we were wondering if there are other places where a Mishnah is exclusively speaking about Eretz Yisrael as opposed to a more general intent, as you state: "because the Mishnah was written in Eretz Yisrael, where there no other Yom Tov was two days long". It just seems a little strange - generally the Mishnayos will be more specific as to intent and applicability. The Kollel replies: We find a number of Mishnayos which speak from a perspective of being in Eretz Yisrael -- for example, the

Mishnayos at the beginning of Megilah and Gitin. We do find, however, in the eighth perek of Gittin (79b), a Mishnah speaking from a perspective of Bavel. Commenting on the Mishnah there, Rashi says that the Mishnah is discussing someone who was in Bavel (even though it does not say so explicitly in the Mishnah). The Mishnayos, actually, are particularly *non-specific* with regard to intent and applicability (as we see from learning the Gemara on the Mishnayos). All the best, Y. Shaw

daf-discuss@shemayisrael.com Shabbos 128a: Tza'ar Ba'alay Chayim Shabbos 128a: Tza'ar Ba'alay Chayim Rabbi Eli Shulman <shulman@ymail.yu.edu> commented: >> Jeff Ram <jeffram@netvision.net.il> asked: It seems that this (and other) actions of helping an animal in the birth process would be permissible because of tza'ar ba'alay chaim. However, we don't find the idea of "tza'ar ba'alay chaim" in our mishna...<<<>> The Kollel replied: The reason for our Mishnah, though, does not seem to be to prevent the animal from having Tza'ar, because if so, it should be permitted to be "Meyaled" and not just to assist in the birth. Rather, we are not concerned with preventing the Tza'ar Leidah that an animal will experience when giving birth; we may not be "Meyaled" because that is a Tircha Yeseirah, as Rashi states.<< Regarding why the mitzvah of tzaar baalei chayim does not warrant helping the animal give birth, it seems to me that the answer is that the mitzvah only relates to tzaar that people cause to animals (such as loading it with a heavy burden). But there is no mitzvah to go out and prevent animals at large from experiencing pain; nature is "red in tooth and claw" and there is no mitzvah to change that. Therefore, since the pain of the animal in childbirth is not caused by humans the issue of tzaar baalei chayim does not apply. Eli Shulman The Kollel replies: Thank you for your insight. It seems, though, that there is a requirement to prevent animals from experiencing pain, because at the beginning of this Amud it states clearly that we help save an animal that fell into a pit because of Tza'ar Ba'alay Chayim -- even if the animal fell by itself into the pit.

Shabbos 145b: Pouring hot water on certain foods on Shabbos Chaim Shulman <cshulman@cahill.com> asked: The Mishna says Kol Shelo Ba B'Chamin Mei'Erev Shabbos Medichin BiChamin BiShabbos. Query: If it is referring to Kalei Bishul even Iru'i Kli Sheni is not allowed and if it is referring to non-Kalei Bishul even to cook inside a Kli Sheini itself (Shoreh) should be allowed, so why single out Medichin which implies that only Iru'i is allowed? The Kollel replies: TOSFOS (39a, DH Kol she'Ba) asks your question. Tosfos cites the RI who answers that even though a Kli Sheni does not cook, nevertheless we may not be Shoreh a food in a Kli Sheni because it *looks* like one is cooking. We may only place spices into a Kli Sheni because that does not look like the act of cooking. Alternatively, suggests Tosfos, it is permitted even to be Shoreh in a Kli Sheni. The Mishnah mentions Medichin only to teach that when it comes to the Kulyas ha'Aspanin fish, even Madichin is forbidden. Yours, Mordecai Kornfeld [Email: kornfeld@netmedia.co.il] Tel:(02)6522633 P.O.B. 43087