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INTERNET PARSHA SHEET ON BECHUKOSAI - 5768

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From <sefira@torah.org> Tonight, the evening of Friday, May 23, will be day 34, which is 4 weeks and 6 days of the omer.

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Rabbi Yaakov Neuburger

Torah Study for the Over-Committed

To the young men in their yeshiva years, it would be a sure bet that this Rashi would be the central text for the weekly words of inspiration and guidance. For one who is in a later stage of life, the same Rashi will bring on a smile and nostalgic moments of talks that were inspiring and ambitious in equal measure. I am referring to the opening Rashi of this week's parsha, which concludes with "shetiyu ameilim baTorah", words that have challenged every bais hamedrash to use all of our G-d given energies and faculties, without any reservation at all, in plumbing the depth of Torah.

Rashi is commenting on the first precondition of several, which we must meet as a people in order to earn the promises of goodness that follow. To concretize what would otherwise be an ambiguous and abstract text, Rashi interprets the first phrase of the parhsa, "im bechukoisai teleichu - if you will follow in my laws" as if to say, if you will tirelessly and single mindedly engage in Torah, its wisdom and perhaps its many varied challenges. Thus this very first phrase can be distinguished from the one that follows which simply demands our adherence to all mitzvos.

Many commentaries question why Rashi chose, of all the dimensions of our lifestyle, exclusive dedication to and focus on our studies to be the elucidation of a rather general phrase. I have often wondered why Hashem

gave this demand the highest priority over all the many mitzvos and attitudes that we are enjoined to practice and master.

Moreover the call to "ameilus" is puzzling. To study without distraction may readily be within grasp of those whose entire life is enacted within the physical four walls of the bais hamedrash. There, it is a call for more hours inside and fewer outside, or for greater care in one's thinking or for a quicker pace with an eye for greater breadth. However, how does Rashi intend to challenge the winemakers, those who are stretched thin between the noble efforts to support one's wife and children all the while tending to their various needs and carving out time to study in fulfillment of the mitzvah, "vohegeso bo yomem voleilo". After all, the blessings of our parsha are addressed to and through the farmers and their community more than anyone else.

All that being said, we do know that when under pressure to present our work, we naturally seclude ourselves, putting up all the "do not disturb" in all forms available to us. It is then that we not only block any absolutely unnecessary disturbance but block out time as well, creating a new space that did not exist before and that cannot be trespassed if we are to succeed. We therefore well understand that distractions will not only dilute the powerful drive of curiosity and the problem solver within us that we usually find so engaging, but will also disturb any contiguous time that would allow us to immerse ourselves in our work.

Perhaps Rashi wants us to consider that we who are already over-committed will find the strength to block out time and space for Torah study - "kove'a itim latorah" if we can see that every mitzvah and passage contains a "chok" - an almost impenetrable idea - in some way or to some measure. "Im bechukoisai telechu"! Thus "ameilus" is borne out of an appreciation of the "chok" of every mitzvah and the extent of focus that it will demand of us. It has to be this way. Coming from on High, every Torah idea must have a range of insights that cover the full gamut of human reasoning to uncover. Appreciating a mitzvah for what it indeed is requires that we accord it the same undivided attention that many projects and challenges get from us from time to time. Thus realizing that Torah study will require its own space in time and thought is an expression of our understanding of the great gift and opportunity that it is, and it indeed is a good place to start earning the many berachos that Hashem wishes to give us.

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The Inverted Sequence of the Patriarchs

Towards the end of the Tochacha [chastisement], the Torah says, "And I will remember My Covenant with Yaakov and even my Covenant with Yitzchak, and even My Covenant with Avraham will I remember, and the Land I will remember" [Vayikra 26:42]. Rashi comments on the inverted chronological order of the Patriarchs. Rashi explains: "Yaakov by himself would be worthy of this merit (that I will remember and redeem you), and if he is not worthy, adding Yitzchak's merit will tip the balance, and if that is not sufficient, Avraham's merit will be added to the combination."

Rav Meir Shapiro addresses this same question with a different insight. Chazal teach us that each of the three Patriarchs symbolized a certain character trait. Avraham's attribute is Chessed [kindness]. Yitzchak personifies the attribute of Avodah [Divine Service]. Yaakov Avinu represents Torah. Rav Meir Shapiro noted that there was a time that Jews, despite the exile and its distractions, were meticulous not only in kindness and not only in prayer, but they were meticulous in Torah study as well. The study houses were full of learning.

The Torah is teaching that when the Jews are in exile, G-d will remember that they perpetuate the attribute of Yaakov Avinu -- they cling to Torah study; it is learned and it is spread throughout the nation. If in such a historical period, G-d will be ready to redeem us then our redemption will come in the merit of Yaakov Avinu — the zechus of Torah.

But as the exile has persisted, Torah study has become less and less a factor in the lives of Klal Yisrael. Fewer and fewer people learn. The burden of persecution and the toil of everyday living precluded Torah education beyond a very tender age. People went to Cheder until Bar Mitzvah and then had to leave school and make a living to help the family make ends meet. Only the select few continued on beyond "Yeshiva Ketana" [elementary school]. But even in such a period, where Torah was not widely learned, Jews still always davened. Avodah persisted with much deeper roots than the intellectually challenging dedication to Torah study. If redemption were to take place in such an era, then it would be credited to the merit of the Patriarch Yitzchak.

And then, continued, Rav Meir Shapiro, the exile persisted such that Torah learning was weakened and even shul attendance diminished. But there still remained an attribute amongst the Jewish people that would stay with them forever — the characteristic of the Patriarch Avraham — the attribute of Chessed.

We see there are Jews who have no connection to Torah or to Avodah. They are never seen in the Beis Medrash [study hall] or even the Beis Kenesses [synagogue]. But they do take leadership roles in establishing hospitals, orphanages, and all kinds of social welfare organizations.

This, Rav Meir Shapiro says, is the interpretation of the pasuk [verse] in Parshas Bechukosai: I hope to redeem Klal Yisrael for the merit of their Torah study (the attribute of Yaakov); if not that then for the merit of their dedication to prayer (the attribute of Yitzchak); but if not that then at least I will redeem them for their dedication to Chessed (the attribute of Avraham).

Rav Ruderman, the late Ner Israel Rosh Yeshiva, once quoted to me a teaching from Rav Elchanan Wasserman. The Talmud [Pesachim 107b] expounds on the pasuk at the beginning of Parshas Lech Lecha: "I will make you into a great nation and I will bless you and I will magnify your name and you will be a blessing." [Bereshis 12:2]. The Gemara explains: "I

will make you a great nation" — this refers to the fact that we say "G-d of Avraham". "I will bless you" — this refers to the fact that we say "G-d of Yitzchak". "I will magnify your name" — this refers to the fact that we say "G-d of Yaakov."

The Gemara continues: "I might think that we should mention all of them in the conclusion of the Blessing?" (Magen Avraham, Yitzchak, v'Yaakov). To counter this notion, the pasuk concludes "and you will be a blessing" — meaning with your name (Avraham) they will conclude, not with a combination of all the names.

Rav Elchanan interprets the words of the Talmud "becha chosmim" (with you will be the conclusion) homiletically: At the end of time, at the conclusion of all generations of history, the final redemption will not come about through Torah or through Avodah but "becha chosmim" — with your attribute of Chessed will your children merit their final redemption.

For Deeds Surpassing Wisdom, Have Faith

The following insight is found in the sefer Moser Derech on the Haftorah of Parshas Bechukosai.

Rav Elazar ben Azariah states [Avos 3:17]: "One whose wisdom exceeds his deeds can be compared to a tree with many branches and few roots. Such a tree is easily uprooted by the wind." The Mishna supports this statement by quoting a pasuk from our Haftorah: "He will be like a lone tree in the wilderness and will not see when goodness comes" [Yirmiyahu 17:6].

The Mishna continues, "However, one whose deeds exceed his wisdom may be compared to a tree with few branches and many roots. Even all the winds in the world will not topple such a tree. As it is written, 'He will be like a tree that is planted near water, which will spread its roots alongside brooks, and will not see when heat comes, whose foliage will be ever fresh, who will not worry in years of drought and will never stop producing fruit.'" (another metaphor from our Haftorah) [Yirmiyahu 17:8].

In the context of the chapter in Yirmiyahu, these two pasukim refer to neither wisdom nor deeds. The context is set in the 5th pasuk: "So says Hashem — 'Cursed is the man who trusts in people and makes mortals his strength, and turns his heart away from Hashem.'" The prophet chastises the people and warns that adversity will strike the man who trusts in man. It is such a person who is like "a solitary man in the wilderness".

Then in the 7th pasuk, the prophet issues the contrasting statement: "Blessed is the man who trusts in Hashem and in Hashem he places his trust." It is such a person who is compared in the next pasuk to the tree planted by the water.

Why then does Rav Elazar ben Azariah marshal the pasuk in Yirmiyah to support his teachings regarding one whose wisdom is superior or inferior to his deeds? There seems to be no connection, based on the context of the pasukim in the Haftorah?

Rabbeinu Yonah in Avos asks a simple question: How is it possible for a person's deeds exceed his learning? If one has never learned and does not know what to do, on what basis is he able to perform meritorious deeds?

Rabbeinu Yonah answers that if a person accepts upon himself to do mitzvos, he gets credit as if he has done already them. There is an analogy to this in connection with the acceptance of Torah at Sinai. When Klal Yisrael uttered the famous words "We will do and we will hear" (naaseh v'nishma), they received credit as if they already fulfilled the entire Torah. Such people's deeds surpass their knowledge. They do not know anything yet. Nevertheless, they are credited with having done great deeds.

The nations of the world mocked the Jews as a hasty people (amma peziza). But the Jews answered that they have faith in the Almighty. "If He commands it, it must be worth observing. We know that He will not give us more than we can handle." When one has that implicit faith in the Almighty, one is willing to accept.

This is the connection between the teaching of Rav Elazar ben Azariah and the pasukim in Yirmiyahu that speak about one who has faith in Hashem. Bitachon [faith in the Almighty] equates with one whose deeds exceed his wisdom.

This write-up is adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Torah Tapes on the weekly Torah Portion.

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Rabbi Yonason Sacks -

The Relationship Between Yetziyas Mitzrayim and Kabbalas Ha'Torah

Rabbi Yonason Sacks The Relationship Between Yetziyas Mitzrayim and Kabbalas Ha'OTorah In linking Chag ha'OPesach to Chag ha'OShavuos, the days of sefiras ha'omer underscore the fundamental relationship that exists between yetziyas Mitzrayim and kabbalas ha'OTorah. Indeed, a plethora of Midrashic and Rabbinic writings seem to place particular emphasis on this critical connection. The Ran (Pesachim 28a in Rif), for example, quotes the Midrash, which traces the current practice of sefiras ha'omer back to the original counting done by Bnei Yisroel in anticipation of kabbalas ha'OTorah as they left Mitzrayim. Similarly, the Sefer ha'Chinuch (306) posits that the counting of the omer reflects our insatiable yearning for kabbalas ha'OTorah, like a slave counting the days until he is freed. By counting in ascending order from day one to forty nine, we reflect that our ^Oevery longing and yearning is to arrive at this day.^O The Ramban (23:36) also stresses this relationship, explaining that the Torah^Os reference to Chag ha'OShavuos as ^OAtzeres^O analogizes the days of sefiras ha'omer to chol ha'omoed, thereby connecting yetzias mitzrayim to kabbalas ha'OTorah. The Ramban adds (Introduction to sefer Shemos) that the redemption from Mitzrayim of Pesach was incomplete until Bnei Yisroel received the Torah on Shavuos, as only kabbalas ha'OTorah could return Bnei Yisroel to the exalted status of their forefathers.

Furthermore, perhaps one could suggest that the connection between Pesach and Shavuos may account for the Torah^Os omission of any explicit mitzvah of ^Osimcha^O on Pesach itself. While the mitzvah of simcha certainly applies to Pesach halachically, the Torah does not particularly specify so. The conspicuous absence of the mitzvah of simcha may suggest that true simcha can only be experienced in the context of complete freedom, which comes from the kabbalas ha'OTorah of Shavuos. As the mishnah (Avos 6:2) states, ^OThere is no free man except one who involves himself in the study of Torah.^O Thus, the role of sefiras ha'omer in connecting the Yetziyas Mitzrayim of Pesach to the kabbalas ha'OTorah of Shavuos cannot be overstated.

This hashkafic role of sefiras ha'omer may bear halachic ramifications as well. Rav Ovadiah Yosef (Yechaveh Da'as I:24) adduces support for his opinion that one may recite a birchas shehechiyanu on new items purchased during sefirah from the Ramban^Os analogy of sefiras ha'omer to chol ha'omoed. Rav Ovadiah explains that although the three weeks between the seventeenth of Tamuz and the ninth of Av mark a time of collective national tragedy accompanied by practices of mourning, the period of sefiras ha'omer is quite different. These days are not considered days of collective misfortune for the entire nation (although isolated practices of mourning are maintained in order to commemorate the tragic deaths of the 24,000 students of Rabbi Akiva). Rather, the days of sefirah resemble a festive chol ha'omoed Pesach and Shavuos, and thus birchas shehechiyanu may certainly be recited between

The role of sefiras ha'omer as a connection between Pesach and Shavuos may also be halachically significant in explaining the status of sefirah bizman ha'ozeh. Many rishonim assume that in the absence of the Beis HaMikdash, sefiras ha'omer is mandated only mid^Orabanan (see Tosafos Menachos 66a s.v. ^Ozecher,^O Rosh and Ran at end of maseches Pesachim). Their rationale may be based on the Torah^Os apparent linkage of the korban omer to the counting of the omer within the same pasuk (Vayikra 23:15): ^OAnd you shall count for yourselves, from the morrow after the Sabbath, from the day you bring the waved omer offering, seven complete weeks^A^O This juxtaposition suggests a relationship between the korban and the counting, implying that if the korban omer can no longer be offered, counting the omer must also be inapplicable Mid^Ooraisa. The Rambam, however, maintains that sefiras ha'omer always remains a Biblical obligation, unequivocally stating that the mitzvah applies ^Oto every man of Israel, in every place and every time^O (Hilchos Temidin U'Musafin 7:22-24). The Aruch HaShulchan (489:3) explains that the Rambam^Os opinion is rooted in his understanding of the hashkafic Pesach and Shavuos. Even if the korban omer is no longer brought in our times, sefiras ha'omer must still be performed Mid^Ooraisa in order to symbolize our ardent anticipation of kabbalas ha'OTorah ^O a sentiment which is as relevant after the churban as it was before. The Aruch HaShulchan adds that the korban omer itself further reflects this relationship. Brought from barley, the fodder of animals, the korban omer symbolizes man^Os animal-like status when he is without Torah. Only upon receiving the Torah on Shavuos may the wheat flour shlei ha'olechem be brought, thereby symbolizing man^Os elevated status above the animal world. relationship between

The hashkafic significance of sefiras ha'omer may also account for the lack of a birchas shehechiyanu on the mitzvah of sefirah. The Ba'Al HaMaor (Pesachim 28a in Rif) attributes the absence of shehechiyanu to the fact that shehechiyanu is recited only on mitzvos which produce some type of benefit or joy. Sefiras ha'omer, however, is a source of distress, calling to mind doleful memories of the destruction of the holy Mikdash. The Meiri (Pesachim 7b) adopts a different approach, explaining that the birchas shehechiyanu recited on the first night of Pesach actually covers the mitzvah of sefiras ha'omer. Rabbeinu Yerucham (Nesiv 4, Chelek 5), however, suggests almost the opposite possibility: the birchas shehechiyanu of Shavuos retroactively covers the mitzvah of sefiras ha'omer. Perhaps Rabbeinu Yerucham^Os explanation may relate to the aforementioned relationship between Pesach and Shavuos. While most mitzvos require a birchas shehechiyanu prior to the performance of the mitzvah, sefiras ha'omer is quite different. Since the purpose of sefiras ha'omer is to bring Bnei Yisroel from the incomplete redemption of Pesach to the kabbalas ha'OTorah of Shavuos, sefirah does not constitute an end unto itself. Rather, it is a means towards the desired end of Shavuos. Thus the birchas shehechiyanu of Shavuos, which marks the culmination and goal of the mitzvah of sefirah, may retroactively apply to the sefirah as well, despite the general preference for reciting a shehechiyanu before the performance of a mitzvah.

One other explanation for the lack of a birchas shehechiyanu on the mitzvah of sefirah is suggested by the Levush. Like the aforementioned rishonim, the Levush (Hilchos Pesach 489) emphasizes sefirah^Os role as a connector between Pesach and Shavuos. The Levush explains that sefirah is counted ^Olike a man expecting and waiting for a particular day upon which he will receive a great gift or other item which will bring joy to his heart.^O In expressing one^Os unbridled anticipation for kabbalas ha'OTorah, one demonstrates that receiving the Torah is of greater value than the physical redemption from Egypt. Hence, argues the Levush, if the entire purpose of sefirah is to direct one^Os gaze away from the present towards the anticipated ends of kabbalas ha'OTorah, how could one possibly make a blessing on the present zman? Because Bnei Yisroel hope

to pass through the period of sefirah as rapidly as possible in order to reach the period of Shavuos, no birchas shehechiyanu is recited.

The physical freedom from Mitzrayim is thus incomplete without the spiritual freedom engendered by kabbalas ha^OTorah. While physical redemption bears the simulacrum of freedom, true redemption can only be attained through Talmud Torah and yiras Shamayim. Ye^Ohi ratzon that we should merit to continue to learn and exert ourselves constantly in talmud Torah, so that we will greet Mashiach tzidkeinu bimheira b^Oyameinu.

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Prologue: Fertility and freshness are certainly seen as desirous traits in the world. Even in our own religion, we ask Hashem "Chadeish Yameinu" to renew our days with vitality and freshness.

Which is why, when one examines the Berachos at the beginning of Bechukosai, one is struck by the contrast of a promise of continuity. Why does Hashem promise to bring things on a regular cycle. Why not allow the food to fall from heaven as was the case in the Midbar?

Rav Dovid Feinstein Shlita explains that Hashem created the world with rules of nature built in. Deviation from these rules, although sometimes necessary, is actually a deviation from Hashem's desire which is the revelation of Hashem's control of this world through the rules of nature and his desire to be served from it based on those laws as well.

And, while in regard to the rules of nature as things don't change we tire of them, in regard to our relationship with Hashem, the opposite is true. That is, the more we devote ourselves to Hashem, the closer we come to him and the further from rejecting him we become. This, explains Rav Dovid, is not a contradiction. Rather, while Shlomo Hamelech declared Ein Chadash TACHAS HaShemesh – that there is nothing new under the sun, in regard to Torah study which is a world above the sun, there is always room for growth and the ability and desire to do it.

Thus, Hashem promises us – if we listen to him and follow his words – we will live in a world of nature and continually seek Hashem within it while growing closer and stronger to Him each step of the way.

***** Seeking (Medical) guidance *****

The Ramban (VaYikra 26:11) notes that when things are good and the Jewish nation is acting appropriately, G-d will allow their existence to supersede any rules of nature that stand in their way, allowing them to be well to the point where they will not even need doctors. In fact, Ramban adds that the Tzaddikim of previous generations, and even kings (Asa, Chizkiyah) did not seek medical advice from medical professionals. Rather, they sought guidance from the prophets making the job of doctor in their days obsolete.

Many have approached these words of Ramban and declared that a G-d fearing Jew shouldn't seek the advice of a doctor. The Avnei Nezer quoted his father (old edition Choshen Mishpat 193 – left out of current editions) who noted that a patient can override the orders of a doctor in regard to an order to eat forbidden foods for his health. The opinion of Ramban is utilized in order to sanction this practice of refusal.

However, one must question whether these words are an accurate portrayal of the Ramban's intent. Did Ramban mean to tell us that the righteous ignore doctors?

Certainly, ignoring doctors is not within the purview of the Ramban's comments. For he himself notes (Toras HaAdam, Shaar Hasakana) that it is a Mitzva for a sick person to get well and seek medical attention. He

includes this in the realm of Pikuach Nefesh. Moreover in his commentary to Sanhedrin (Milchamos, 74) Ramban notes that one who limits the desecration of Shabbos in order to save his life is liable to pay for that desecration with his life. Clearly, Ramban holds that one MUST go to lengths to seek medical attention. How then, are we to understand his comments in Parshas Bechukosai?

HaGaon HaRav Osher Weiss Shlita(Minchas Asher) noted that there is no contradiction. That Ramban's comments at the beginning of Bechukosai are really just assumptions for a generation where doctors will be phased out themselves as a result of the Jews living on a celestial sphere themselves. Until that point, one must go to doctors and live in the real world.

The Rashba (Shut HaRashba I:413) too, notes that going to a doctor is not antithetical to having faith. Rather, Rashba demands that we believe that G-d will send healing power through the hands of the doctor. He adds that even the pious of pious must work with this framework and go to doctors.

Similarly, the Taz (Yoreh Deah 336:1) notes that real health comes from Hashem and through davening to him one experiences it. Since we are not worthy, we must seek natural manifestations and intermediaries in achieving his Refuah. Ergo, concludes the Taz, we are obligated to go to doctors. He even adds that this is the intent of Ramban in Bechukosai though, as previously noted, this seems to be the opposite of Ramban's comments there. Rav Osher explains that this must be a proof that unless one is part of the selected minority, he should go to the doctor.

Similarly, the Shach (Yoreh Deah, 228:5) notes that if one takes an oath to avoid Neivailah when he is a Choleh SheYeish Bo Sakana, that Shevua is actually not a valid one since he is already Mushba M'Har Sinai to keep Pikuach Nefesh.

In the end, Rav Osher Shlita maintains the obvious position, namely that a person must seek medical attention should the need arise. He adds that there is no dispute or doubt on this point.

Shabbat Shalom

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The Latest Time for Mincha and the Earliest Time for Ma'ariv Rabbi Joshua Flug

It is not uncommon to wonder why certain times are chosen for the synagogue's Mincha and Ma'ariv services and what they correspond to. In this week's issue we will discuss the various opinions regarding the proper time for Mincha and Ma'ariv both on weekdays and on Shabbat.

The Dispute between R. Yehuda and Chachamim

The Mishna, Berachot 26a, records a dispute between R. Yehuda and Chachamim regarding the latest time for Mincha. Chachamim are of the opinion that the latest time for Mincha is the evening (erev, the exact parameters of evening will be defined later in the article). R. Yehuda is of the opinion that the latest time for Mincha is p'lag haMincha. [P'lag haMincha is one and one-quarter hours before the end of the day when calculated in halachic hours. Halachic hours are calculated by dividing the day (from morning until evening) into twelve hours.]

The Gemara, Berachot 27a, notes that the dispute between R. Yehuda and Chachamim is not resolved and therefore, one may follow either opinion. Rabbeinu Asher, Berachot 4:3, explains that this means that one must choose one of the opinions and stay consistent with that opinion forever. Therefore, if one chooses R. Yehuda's opinion, he must always recite Mincha prior to p'lag HaMincha, but he may recite Ma'ariv after p'lag HaMincha. If one chooses the opinion of Chachamim, he may recite Mincha until the evening, but he may never recite Ma'ariv before that time.

Rabbeinu Asher's ruling is codified by Shulchan Aruch, Orach Chaim 233:1. Nevertheless, there are a number of exceptions to this ruling. First, Rabbeinu Yonah, Berachot 18b, s.v. D'Avad, rules that if one accepted the opinion of Chachamim, but accidentally recited Ma'ariv before the evening, he is not required to repeat Ma'ariv in the evening. This ruling is codified by Shulchan Aruch, op. cit.

Second, R. Shmuel ben Meshulam, Ohel Mo'ed, Sha'ar HaTefillah 2:2, rules that in a pressing situation one may adopt the position one does not normally follow as long as he does not contradict himself in the same day. For example, if one normally follows the opinion of Chachamim, but a pressing situation arises that does not allow him to recite Ma'ariv in the evening, he may recite Ma'ariv on that day after p'lag HaMincha. However, on that day he must be consistent with R. Yehuda's opinion and recite Mincha before p'lag HaMincha. Ohel Mo'ed's ruling is codified by Shulchan Aruch, op. cit., and Mishna Berurah 233:11.

Third, Beit Yosef, Orach Chaim no. 233, notes the practice of many congregations to recite both Mincha and Ma'ariv between p'lag HaMincha and the evening. Beit Yosef notes that although this practice is internally inconsistent, one can justify this practice based on the fact that it is too difficult to gather the congregation for services twice. Therefore, these congregations recite both prayers together. Magen Avraham 233:7, cites this leniency. However, Mishna Berurah, Bi'ur Halacha 267:1, s.v. U'BePlag, rejects this leniency.

Fourth, Magen Avraham 267:1, rules that one who normally follows the opinion of Chachamim may follow the opinion of R. Yehuda in order to fulfill the mitzvah of tosefet Shabbat, the mitzvah of accepting Shabbat early. What this means practically is that one who normally recites Mincha until the evening may recite Ma'ariv before the evening in order accept Shabbat early.

R. Yaakov of Lisa, Derech HaChaim 66:1, combines the third and fourth leniency. He notes that although one cannot normally allow the third leniency (to recite both Mincha and Ma'ariv between p'lag HaMincha), a congregation may rely on this leniency on Friday in order to allow the congregation to accept Shabbat early. Therefore, the congregation may recite the Friday Mincha after p'lag HaMincha and immediately recite Kabbalat Shabbat and Ma'ariv. Mishna Berurah 267:2, rules that one should not rely on this leniency. Rather, one should either recite Mincha before p'lag haMincha or recite Ma'ariv in the evening.

What Constitutes Evening?

There are two issues that must be addressed in defining the parameters of the opinion of Chachamim that the latest time for Mincha and the earliest time for Ma'ariv is the evening. First, when Chachamim name evening as the critical moment, it can refer to sunset (shekiah hachama) or to nightfall (tzeit hakochavim). Second, there is a dispute between Rabbeinu Tam (cited in Tosafot, Pesachim 94a s.v. R. Yehuda) and the Vilna Gaon, Biur HaGra, Orach Chaim 261:2, regarding the actual time of tzeit hakochavim. A major point of contention is Rabbeinu Tam's position that the primary shekiah hachama does not correspond to astronomical sunset, but rather to a later point in time. The Vilna Gaon disagrees and maintains that shekiah hachama corresponds to astronomical sunset.

Rabbeinu Yonah, Berachot op. cit., rules that the latest time to recite Mincha and the earliest time to recite Ma'ariv occurs at shekiah hachama. However, Rashi, Berachot 26a, s.v. Ad HaErev, implies that "erev" (evening) refers to tzeit hakochavim. Rama, Orach Chaim 233:1, states that the latest time to recite Mincha is at tzeit hakochavim and Magen Avraham 233:5, rules that the earliest time to recite Ma'ariv is at tzeit hakochavim.

Mishna Berurah, Sha'ar HaTziun 233:18, notes that the dispute as to whether shekiah hachama or tzeit hakochavim is the start of evening is itself contingent on the dispute between Rabbeinu Tam and the Vilna Gaon. According to the Vilna Gaon, the evening starts at shekiah hachama, and according to Rabbeinu Tam, it begins at tzeit hakochavim. [The logic of Mishna Berurah's idea is alluded to in another of his comments, Sha'ar

HaTziun 233:10, where he notes that the issue whether evening is shekiah hachama or tzeit hakochavim is directly related to how one calculates halachic hours. If one calculates halachic hours from sunrise to sunset, the latest time to recite Mincha is sunset. If one calculates halachic hours from dawn until nightfall, the latest time to recite Mincha is nightfall. This question directly relates to the dispute between the Vilna Gaon and Rabbeinu Tam regarding the time of shekiah hachama. The Vilna Gaon, Orach Chaim 459:2, calculates halachic hours from sunrise to sunset and Magen Avraham 58:1, calculates halachic hours from dawn until nightfall, basing himself on Rabbeinu Tam's position (See Magen Avraham 233:3). Therefore, both are consistent in their opinions regarding the latest time to recite Mincha.]

Mishna Berurah 233:14, limits the leniency to recite Mincha until tzeit hakochavim. He cites the opinion of P'r Megadim, Eshel Avraham 233:7, who rules that one cannot actually recite Mincha until tzeit hakochavim, but rather until Rabbeinu Tam's shekiah hachama which is a few minutes before tzeit hakochavim. [R. Ovadia Yosef, Yechaveh Da'at 5:22, cites numerous Acharonim who disagree with P'r Megadim and maintain that according to Rabbeinu Tam, one may recite Mincha until tzeit hakochavim.] Mishna Berurah then notes that even those who normally follow the opinion of Rabbeinu Tam should nevertheless show deference to the opinion of the Vilna Gaon and recite Mincha before astronomical sunset. [See also Mishna Berurah, Sha'ar HaTziun 233:10, who discusses a comment of Rabbeinu Yonah (Berachot 18a, s.v. Tefillat HaMincha) that indicates that perhaps Rabbeinu Tam agrees that one should recite Mincha before astronomical sunset.]

For those who follow the opinion of the Vilna Gaon, is there any leniency to recite Mincha after sunset? The Vilna Gaon himself (op. cit.) states explicitly that one cannot recite Mincha after sunset. Nevertheless, Mishna Berurah, Sha'ar HaTziun 233:21, rules that even according to the Vilna Gaon, there is room for leniency in a pressing situation. R. Ovadia Yosef, op. cit., notes that although the Vilna Gaon himself does not allow one to recite Mincha after shekiah hachama, one can argue that within the opinion that shekiah hachama occurs at astronomical sunset (i.e. the Vilna Gaon's opinion) one can still maintain that latest time for Mincha is at tzeit hakochavim. According to R. Ovadia Yosef, the question of whether evening (for the purpose of Mincha) begins at shekiah hachama or tzeit hakochavim is not necessarily connected to the question of whether one follows Rabbeinu Tam or the Vilna Gaon. R. Joshua Flug is the Rosh Kollel of the Boca Raton Community Kollel, a member of the YU Kollel Initiative and senior editor for the Marcos and Adina Katz YUTorah.org, a division of Yeshiva University's Center for the Jewish Future. To access the archives of the Weekly Halacha Overview click here. To unsubscribe from this list, please click here.

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PARSHAS BECHUKOSAI

I will place My Sanctuary among you; and My spirit shall not reject you. (26:11) Hashem assures the people that the Divine Presence will rest among them wherever they are. We wonder why, after detailing the many blessings that we will experience as a result of observing Hashem's mitzvos, that the Torah adds that Hashem will not become disgusted with us. Is this a "necessary" blessing? It is obvious! Horav Yosef Yoizel Horwitz, zl, the Alter m'Novardok, derives from here that it is natural for the nefesh, soul, which descends from on High into the body of a Jew, to recoil from its new home. It does not belong here, so it should not feel comfortable here. It craves a spiritual environment. The fact that it is not totally repulsed by the physical circumstances in which it has been placed is

due solely to the blessing, "My spirit shall not reject you." Indeed, it is specifically due to this blessing that the body, when it acts in accordance with Hashem's dictate, integrates with the soul, becoming a single essence.

The flip side to this blessing occurs, regrettably, when the individual does not follow Hashem's command. Then, explains Horav David Povarsky, zl, the body—which is physical and has a natural abhorrence to the spiritual—will strongly vilify anything spiritual. This is why there is often an innate lack of love between the secular Jew by choice and the chareidi Jew - a phenomenon which is not reciprocated. Without the Torah's blessing, if man allows himself to succumb to the laws of nature, his body feels a sense of negativity toward his neshamah, and his secular tendencies become uncomfortable with his observant tendencies. If we think about it, this process works to our benefit, so that the neshamah can influence the body, and the observant can reach out to those who are not yet observant – and not vice versa.

If you behave casually with Me and refuse to heed Me. (26:21)

Rashi interprets keri, casually, as an attitude. This means that, despite the punishments which are Heavenly messages, we are likely to continue performing mitzvos in a haphazard, lackadaisical manner, demonstrating that we view mitzvos as a matter of convenience, not a Heavenly dictate. In his Sefer HaMitzvos, the Rambam defines the mitzvah of yiraas Hashem, fear of Hashem, as a person's belief in Hashem to the point of fear. He fears the punishment he will receive for improper performance of His mitzvos. This is unlike the apostates who go about their merry way, uncaring, unfeeling, and unafraid. They walk with keri, nonchalance, casually—without fear of retribution. As Horav Matisyahu Solomon, Shlita, notes, the Rambam does not say that yirah, fear, is only tied to belief in Hashem. It is much more than that. Fear of Hashem means that one is acutely aware that he will pay for his mistakes and that he will be punished for his transgressions. He understands that for every word of lashon hara, slanderous speech, that exits his mouth, for every penny that he takes from another person without permission, he will be punished. In his commentary to Sefer Devarim 13:5, the Ramban writes that the mitzvah of yirah is a consciousness that one believes: that the soul of every living creature is in Hashem's hands; that He has the power to continue life or to end it - at any time; and that He remembers every infraction of man and will pay him commensurately.

The fact that the Rambam refers to one who lacks yiras ha'onesh, fear of retribution, as an apostate is quite startling and should serve as a wake-up call. The inclusion of the word keri, casually, which coincides with Rashi's interpretation of the word, indicates that we are referring to an individual who does perform mitzvos and understands their value. It is just that he fails to recognize that each and every mitzvah can be performed b'tachlis ha'hidur, with utmost beautification, and that one should distance himself from every aveirah, sin, with the utmost care and urgency. It is all in his attitude: if he is "in the mood," he davens well, performs mitzvos well and is very careful not to fall into the abyss of transgression. If he is not "in the mood," he just acts casually, carelessly, almost nonchalantly, as if mitzvos and aveiros are the last thing on his mind - which they, regrettably, are. This is whom the Rambam calls an apostate!

Rav Matisyahu quotes Horav Shlomo Wolbe, zl, from a shmuess, ethical discourse, which he delivered to a group of Kollel fellows in Yerushalayim. The Mashgiach was sharply decrying the fine, upstanding bnei Torah who study Torah all day, but are seemingly too selective in their mitzvah performance. For example, purchasing a beautiful Esrog is very important – even compelling for some. They devote so much time to picking out the perfect specimen. Even during davening, when they should be concentrating on their devotion to Hashem, one obsessive thought courses through their minds: My Esrog. The reason for this obsession is simple. They measure the individual's level of yiraas Shomayim by his Esrog: how much he pays for it; how beautiful it is; how much time and effort he expended in acquiring it. Everything revolves around the Esrog.

Yet, the owner of a grocery in the same neighborhood, which is home to hundreds of bnei Torah who are extremely devoted to Hashem and meticulously observant of His mitzvos, was forced to close his store and claim bankruptcy as a result of the credit he had extended to these families. He could not pay his bills, because too many people owed him too much money.

This bespeaks a "casual" attitude to mitzvos. The Esrog is certainly important and should remain so, but not at the expense of other mitzvos. The individual who is concerned with purchasing a beautiful, expensive Esrog—but loses no sleep concerning the money he owes the poor store keeper—has a serious deficiency in his yiraas Shomayim. He will have to explain why he used the money that he owed the store keeper to purchase an Esrog. There are appropriate priorities in mitzvah observance. One who fears Hashem knows what they are.

If despite these you will not be chastised toward Me, and you behave casually with Me, then I, too, will behave toward you with casualness. (26:24)

The Ohr HaChaim HaKadosh interprets this pasuk to teach us a powerful message: Even if one does not actually sin anew, the mere fact that he has not learned from Hashem's punishment is considered as if he is carrying out new sins. The Talmud in Pesachim 34a states that seven things are hidden from man, meaning that they are beyond his ability to comprehend. One of them is omek ha'din, the depth of justice. Horav Chaim Zaitchik, zl, explains that with eyes of flesh and blood, one's ability to see is limited. He certainly cannot delve into that which eludes his practical vision. We see a sin in its visual context, as an isolated infraction - and nothing more. Hashem has a completely different perspective on this "infraction." As Creator and Ruler of the world, the all-knowing G-d has a penetrating insight into man's actions in such a manner that the sinful activity reflects many frames of reference and, thus, becomes much more than one isolated sin.

To develop a deeper understanding of Hashem's visual perception, we might suggest an analogy with an MRI scan, which presents us with multiple shots and frames from various positions and perspectives. Thus, one has a more profound perception of the object that he is viewing. Sin is not much different. It is also subdivided into different frames from varied vantage points: motivation, intention, habit, consistency, background, environment, with the list of contributing factors continuing on. Hashem takes all of this into account and, therefore, one sin can be magnified many, many times.

The relationship between sin and virtue, merit and demerit, is also measured on a completely different scale. A z'chus, merit, created by one's positive action can also have great effect in mitigating the effects of a transgression. Alternatively, it can go vice versa, with one sin erasing much merit. It all is calculated on a scale whose weights do not correspond with our system of assessment. It is quantified in accordance with the Heavenly standard of measurement, which has a different set of criteria.

I will remember My covenant Yaakov, and also My covenant Yitzchak, and also My covenant Avraham. I will remember, and I will remember the land. (26:42)

After describing the wonderful blessings in store for the individual who observes the Torah, the parsha elaborates the curses that will befall he who does not. As the curses reach their painful nadir, the Torah interrupts with a promise of remembrance. The Midrash cites a dispute between Bais Shamai and Bais Hillel that is worth noting. "I will remember My covenant Yaakov." This is consistent with the pasuk in Tehillim 102:26, "From of old, You set the foundations of the earth, and the heavens are the work of Your hands." As the Shem MiShmuel explains, the connection between these pesukim is the order of the subject. In our pasuk, the Avos, Patriarchs, are listed in reverse order. In the pasuk in Tehillim, the earth

precedes the heavens, which is in contrast to the order stated in Sefer Bereishis. The Midrash addresses the order and its specific purpose.

Bais Shammai contends that the heavens were created first, followed by the earth. They support this with the first pasuk in the Torah, "In the beginning, G-d created the heavens and the earth." Bais Hillel disagree, comparing the world's creation to that of a palace. The king will certainly erect the lower level prior to topping it off with the upper level. So, too, the pasuk (*ibid* 2:4) continued, "On the day which Hashem created earth and heaven." Rabbi Yochanan seems to offer a compromise when he suggests, "With respect to initial creation, the heavens were first, but with respect to completion, the earth was first." Rabbi Elazar ben Rabbi Shimon adds, "In every place, we find heaven mentioned before earth, except for one. This teaches us that each was equal to the other - meaning that they are interdependent upon one another. Likewise, Avraham is always mentioned before the other Avos, except in the above pasuk, in which Yaakov is mentioned first. This teaches us that they were all equal."

At first glance, the presentation in the Midrash of the dispute between Bais Shammai and Bais Hillel, followed by the order of Creation and the order of the Avos, seems to be an academic discourse, with little relevance for us today. The Shem MiShmuel feels that, after delving into the meaning of the dispute, we may glean a profound, timeless message from their words.

The Sifrei Kabbalah teach that each human being is an olam katan, microcosm of the world. All of the features of the world are manifest within each of us in some form or another. Thus, for every significant occurrence in the greater world, there is a smaller, corresponding one within the human personality. Consequently, the precise order of creation affects the nature of human life. Since heaven and earth are the two primary constituents of the universe, they correspond with the two primary features of the human being. As such, the heavens, which are the "higher" part of creation, coincide with the intellect of man; and the earth, representing the "lower" element of creation, corresponds with his emotions.

With this in mind, we must also take into consideration the varied foci of each of these two attributes within the framework of Judaism. The nature of the intellect is to strive to develop a greater and deeper understanding of the Creator, working to appreciate the complexity of Creation through the prism of Hashem's Torah. Man's emotional component, however, must focus on self-development, contrition and humility.

The complete, properly developed human being manifests both traits: an elevated striving of the intellect fused with a profound emotional contrition. There is one mitigating factor, however; it is very difficult to experience these two distinct aspects of life at the same time, because each of them demands a different mood and context. It, therefore, behooves us to begin our spiritual development with only one of these concepts, speculating that at a later time we will have the opportunity to integrate the second one into our personality. Something has to be first. The question is: Which one? This, suggests the Shem Mishmuel, is the basis of the dispute between Bais Shammai and Bais Hillel. Their point of contention is: should the intellect or emotion come first?

Whereas each of these approaches is important and necessary, each also has drawbacks which can undermine the successful spiritual development of the human being. If one begins with contrition, constantly working on his humility and self-effacement, there is always the risk that he might get carried away and reach the point of total self-abnegation. In an extreme case, this can lead to despair and hopelessness. Consequently, it makes sense to begin one's spiritual ascent by concentrating on intellectual striving. This approach will lead him to a greater and more profound appreciation of Hashem's grandeur and majesty, which will, in turn, enable him to move on to emotional development within the proper framework. This is why Bais Shammai state that the heavens were created first. On the individual level, they are telling us that the intellect should precede the emotions.

Bais Hillel take a contrasting view, recommending the reverse approach. When one begins his quest on the foundation of intellectual development, "sailing" through the heavens and contemplating the Divine, there is the risk of developing an inappropriate feeling of superiority, elitism and arrogance. This will actually prevent the emotions from taking hold. The individual's overblown confidence will prevent humility and contrition from finding a foothold. When one flies through the heavens, it is difficult to plant his feet on the ground. Thus, Bais Hillel contend that the earth was created first, which intimates that man must prioritize his emotional development before he turns to intellectual progress.

Rabbi Yochanan seems to compromise between the two, suggesting that the creation of heaven was commenced before that of the earth, but the earth was actually completed before the heavens. This conjunction of the two opinions plays itself out in the human condition in the following manner. He is in agreement with Bais Shammai that the intellectual development should be the first priority. Once this has begun, the individual should switch his focus to the development of humility and other emotional traits, which will complement his intellectual growth, allowing it to develop unhindered by the dangers of arrogance. In this way, the pitfalls encountered by following either Bais Shammai or Bais Hillel exclusively, will not materialize.

We now see that the Midrash is not talking in the past, but actually focusing on the present by providing us with a recipe for a successful approach to life. Each of the views presents an opinion concerning the best way to juggle the soaring goals of the intellect with the appropriate level of emotional humility, while simultaneously circumventing the stumbling block that each one alone presents.

The Midrash concentrates on the order of creation only in comparison with the pasuk which cited the Avos in reverse order. We can now address the unusual order of their appearance in this pasuk. While they are usually listed chronologically, here the focus seems to be on something else altogether.

Avraham Avinu was a man of great humility, for of himself it is said, "I am but dust and ashes" (*Bereishis* 18:17). Yaakov, his grandson, represented intellectual perfection. As a synthesis of his father, Yitzchak, and grandfather, Avraham, he combined everything for which they stood. The achievements of the Patriarchs were so outstanding that the Torah views them as the conclusion of creation, "These are the products of heaven and earth, b'hibaram, when they were created" (*ibid* 2:4). The Zohar Hakadosh adds, "Do not read the word b'hibaram (when they were created), but rather Avraham, which is an anagram of b'hibaram. Thus, the conclusion of creation was Avraham Avinu."

As the first of the Avos, he represented the commencement of their combined endeavor. He epitomized self effacement, which, in turn, is symbolized by the earth in the scheme of Creation. Apart from the obvious chronological reason for presenting Avraham before the other Avos, he also teaches us the priority of emotion over intellect. This is the story throughout the Torah.

Our pasuk, however, describes Klal Yisrael's position in galus, exile, when their spiritual life is at its nadir. In galus, we are plagued by depression, despair and hopelessness. We do not know our role in the world, only that it is not very promising. The physical circumstances that abound only adds to our uncertainty and feeling of failure and nothingness. We have descended so low that we no longer believe in the efficacy of our prayer and Torah study. We have given up hope, thinking that we have lost our chances for reconciliation with the Almighty. Indeed, the future looks quite dim. This was the scenario in Egypt when Moshe Rabbeinu came to greet Klal Yisrael with a message of hope: "And they did not listen to Moshe due to shortness of spirit and the hard work" (*Shemos* 6:9). They were simply out of it, having plunged to the nadir of depravity and the abyss of despair.

They could neither listen to--nor have the presence of mind to appreciate--Moshe's message of hope. This has been the case throughout our

prevailing exiles. We reach a point of emotional hopelessness. In such a state, it is best that we focus on intellectual development and strive for a deeper understanding of, and connection with Hashem's majesty. This is why in our parsha, Yaakov is mentioned first. He represents the intellectual striving more so than the other Avos. His clarity and closeness to Hashem inspire our own personal growth to the point that we are able to overcome the clutches of despair that seem to hold us down.

Sponsored in memory of Mrs. Seliga Ahuva (Schur) Mandelbaum
Seliga Ahuva bas HaRav Daniel a"h 26 Iyar 5751

"tenu la meprei yadeha vehaleluha bashe'arim ma'asehah"
by her family HoRav Doniel z"l & Shoshana Schur
