

INTERNET PARSHA SHEET
ON BEHAR - 5760

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From: Don't Forget [SMTP:sefira@torah.org] genesis@torah.org
Subject: Day 30 / 4 weeks and 2 days
Tonight, the evening of Friday, May 19, will be day 30, which is 4 weeks and 2 days of the omer.
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Parshat Behar KI LI HA'ARETZ - For the Land is Mine
Rosh Hayeshiva HARAV MORDECHAI GREENBERG, SHLITA

Parshat Behar contains many halachot regarding Eretz Yisrael. It contains the laws of Shmitah and Yovel, as well as the laws relating to the selling and repurchase of fields and houses in Israel. The reason given in the pasuk for these laws, which are all unique to the Land of Israel, is the fact that "the land is Mine" (Vayikra 25:23). This is not merely a statement of legal ownership, but one attesting to the inherent value of Israel. The Ramban writes in parshat Acharei Mot (Vayikra 18:25), "The Land of Israel is the Nachala [heritage] of G-d." Similarly, R. Yehuda HaLevi speaks at length about the significance of Israel as "the land before G-d" (Kuzari 2:9-24).

In the second paragraph of Birkat HaMazon [grace after meals], we thank G-d for giving us the good Land of Israel and for taking us out of Egypt. This order, though, seems backwards. After all, G-d first took us out of Egypt, and only later gave us the Land of Israel. R. Yaakov Emden, in his siddur, explains that although Israel was second chronologically, it is primary in importance. The entire exodus was oriented toward reaching Israel, as is evident from the four phrases of redemption: "I will free you ... I will save you ... I will redeem you ... I will take you...." all for the purpose of "I will bring you to the land" (Shemot 6:6-8).

Although it appears that the exodus had another goal, to "worship G-d on this mountain [of Sinai]" (Shemot 3:12), the two goals are not at all contradictory, and in fact complement one another. R. Yaakov Emden explains (introduction to his Beit Yaakov siddur) that both the nation of Israel and the Land of Israel are referred to as the heritage of G-d. Just as the Torah says regarding the land, "The land is Mine," so too it says regarding the nation, "the Israelites are My servants" (Vayikra 25:55). The glory of the Torah depends on the linkage of the two - the nation of Israel in the Land of Israel. Conversely, the greatest cause of Bittul Torah is the exile of Israel from their land. (Hagiga 5b)

The connection between the Nation of Israel and their land is spiritual, and is unlike that of all other nations and their lands. History teaches that a nation becomes attached to its land through a three-stage process. First, a large group of people gathers in a certain place to settle in a permanent manner. Then, over the course of time, they jointly experience many events. This creates within them a historical love for the area, and thereby an emotional bond is formed to their country. This is not the case, however, regarding the Nation of Israel, who forged a

B'S'Dbond with their land even before becoming a nation. Our forefathers went to Egypt as only seventy people. They settled there for merely three generations, and even there they were only foreigners. Still, they left Egypt with their eyes and hearts set on the Land of Israel.

Israel's uniqueness is not limited to spiritual matters, but even applies to physical activities, in that everything that is done in it is holy. For this reason the Gra (the Vilna Gaon) used to pray, "May G-d grant me the merit to plant with my own hands fruit trees around Jerusalem, to fulfill the mitzvah of, "When you enter the land and plant fruit trees" (Vayikra 19:23). Similarly, the Chatam Sofer writes that manual labor in Israel is included in the Mitzvah of settling the land and bringing forth its holy fruit. The Torah therefore commands, "Gather your grain" (Devarim 11:14). Even Boaz winnows his grain at night as a Mitzvah (Ruth 3:2). Just as one would not say, "I will not lay Tefillin because I am learning Torah," so too one should not say, "I will not gather my grain because of involvement in Torah." It is even possible that other professions that have a societal value are included in this mitzvah. (see Hiddushim of Chatam Sofer to Sukkah, s.v. Etrog hakushi)

This importance of the Land of Israel in the worship of G-d is highlighted in the conclusion of our parsha, "I am the Lord, your G-d, who took you out of the land of Egypt, to give you the land of Canaan, to be your G-d" (25:38). Rashi comments, "Anyone who lives in the land of Israel - I will be his G-d. Anyone who leaves it - is like one who worships idols!"

From: Yated USA[SMTP:yated-usa@ttec.com]

PENINIM AHL HATORAH: Parshas Behar
by RABBI A. LEIB SCHEINBAUM Hebrew Academy of Cleveland

If your brother becomes impoverished and his means falter in your proximity, you shall strengthen him (25:35)

Rashi says, do not wait until he has fallen and must be picked up. It is difficult to raise up someone who is down-completely. Rather, one should support him, trying to catch him when he is faltering. Give him sustenance; lend him a helping hand, give him the courage to continue. Horav E. M. Shach, Shlita, comments that chesed, kindness, begins with understanding and forethought. We should look around and study the plight of those around us, and with an intelligent eye try to see what it is our friend needs and how we can be of assistance. First we look, then think, and afterwards act. Our acts of chesed should be the result of "seeing" and "thinking", not simply acting. One who thinks before he acts has a more clear appreciation of his act of kindness.

Horav Schach explains that this is the reason we find the word "vayaar", and he saw; regarding Avraham Avinu's noticing the three "wayfarers", repeated twice. First Avraham saw three men, then he saw once again and ran to greet them. Avraham did not act hastily-he saw, it registered in his mind, and he acted. His act of chesed was not a spontaneous or impulsive act. It was well thought out and planned.

This is the meaning of Chazals' dictum, "He who closes his eyes from charity". One who does not see does not give. The reason/excuse he has for not helping is that because he did not see, he did not know about it, etc. Obviously, if one wears blinders or shelters himself from exposure to other people's tzaros, problems, he will be unaware.

How many of us can say that we do not look away when we see a poor, dirty man in need, or a child that is physically or mentally challenged. We think that if we do not look it will go away. Unfortunately, the only thing that will go away is our opportunity to perform a deed of kindness, to help another person in need.

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"RavFrاند" List - Rabbi Frاند on Parshas Behar

These divrei Torah were adapted from the hashkafa portion of Rabbi Yissochar Frاند's Commuter Chavrusah Torah Tapes on the weekly Torah portion: Tape # 238, Onoas D'vorim: Snide Remarks. Good Shabbos!

THE CONNECTION BETWEEN SHMITAH AND ONA'AH -- BOTH MONETARY AND VERBAL

This week's parsha contains two prohibitions which are called "Ona'ah" [cheating]. There is "Ona'ah" in monetary matters [Vayikra 25:14] and there is "Ona'ah" in verbal matters [Vayikra 25:17].

The Sefer Beis Av comments on the Torah's placement of the prohibition of Ona'ah in the middle of the laws of the Shmitah [Sabbatical Year].

The lesson of the Sabbatical Year is the lesson of belief in G-d. Every seven years, Shmitah reminds us that it is the Master of the World who is really in charge.

When we go to school, receive an education, go into business, earn money, become successful and receive a paycheck every week, we can very easily begin to think that WE are earning the money. We all know that this is not the case. A person's financial allotment is predetermined on Rosh HaShannah [Beitzah 16a]. We need to go through the motions, we must perform the hishtadlus -- the necessary activities, but in the final analysis, it is G-d who gives us the paycheck.

The most dramatic living example of this concept is the command of Shmitah. Shmitah is a tremendous trial. A farmer knows that without planting and harvesting, there will be no food. And yet somehow, the Jewish people continue to exist. This is the lesson of Belief in G-d -- that one's livelihood is dependent on the one 'Who opens His Hand and gives to all living creatures that which they desire' [Tehillim 145:16].

When a person cheats someone else, it is apparent that he thinks that he is the one who controls his own livelihood. If he thinks he can go ahead and get an extra \$100, or \$200, or \$1000 out of the deal -- then he has an incentive to cheat. But if a person firmly believes that it is G-d who provides the livelihood -- and if it is not mere lip service -- then there is absolutely no reason in the world to cheat. He might get an extra \$500 now, but if 3 weeks from now his car transmission goes bad and it costs him \$500, he will not be \$500 ahead of the game. G-d has His ways.

Therefore, it is very appropriate that the prohibition of cheating other people in monetary dealings is located right here in the middle of the section of Shmitah, which teaches that it is G-d who provides all livelihoods.

But let us go one step further and also explain why the prohibition of Speech Ona'ah is located in the Shmitah portion.

What does the snide, cutting, and insulting remark have to do with Shmitah? Such remarks have nothing to do with livelihood or paychecks. Offhand, we would assume that such remarks have nothing to do with Faith or Trust in G-d. Why are the laws of Speech Ona'ah located in the midst of the portion relating to the Sabbatical Year?

I once heard from the Rosh Yeshiva, Rav Yaakov Weinberg, ZT"L, that the root cause of snide and cutting remarks ultimately is related to the lesson of Shmitah. When we put someone down and insult him, the underlying attitude that is always behind our action is that "He does not belong; he should not be getting so much honor; I am smarter than him; I am better than him". The motivation behind the snide remark is a lack of satisfaction with one's own portion in life. It demonstrates a lack of belief that G-d put me where He wants me to be -- that where I am, how much money I make, and the position that I occupy in the community is based upon what G-d feels is best for me. If one truly believed all those things, there would be no room for jealousy or unreasoned hatred. If I would believe that everything was part of the Grand Plan, I would accept it much more readily. There would be no room for insults or snide remarks.

Verbal Ona'ah stems from the fact that I do not truly believe that the Master of the World is fully in charge. The bottom line, in its most basic form, is that the snide remark stems from a lack of Faith. Therefore, it is fully appropriate for Verbal Ona'ah to appear in the section of Shmitah -- the fundamental Torah section relating to Faith.

Snide Remarks Have a Chilling Potential

I would just like to conclude with an incident involving snide remarks.

There was once a Rav who was given a position in a very prominent city. He arrived in the city to a great welcome, greeted by signs reading "Blessed are you in your coming in" [Devorim 28:6]. In honor of the inauguration he gave an inaugural lecture.

A young, brilliant 20-year-old, recently married student was sitting there with his proud father-in-law. As soon as the Rav began saying the shiur, the young genius started peppering him with questions and contradictions until he finally stumped the Rav. The beaming father-in-law was thrilled. He said, "Maybe they'll have to put up posters 'Blessed are you in your going out [ibid.]'".

The end of the story was that this young genius never had children. Of course, we do not know why, but that is what a remark can sometimes do. It was a sharp remark. It was a clever remark. It was a 'chap'. But such snide one liners that everyone gets such a chuckle out of, at someone else's expense, can be very expensive indeed! We never know how costly they might end up being -- to the one who made them.

All the gates are closed except for the gates of tears flowing from a person who has been victim of teasing [Bava Metziah 59b]. Those tears go straight up to G-d. Those remarks are fun. Everyone enjoys them. They are so clever. But they sometimes come at a very heavy price.

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From: SHLOMO KATZ [SMTP:skatz@torah.org] hamaayan@torah.org
HAMAAYAN / The Torah Spring Edited by Shlomo Katz
Behar May 20, 2000

Sponsored by Marcia Goodman and family on the yearzeit of father and grandfather, Yehuda Zvi ben Shlomo Halevi a"h; Mr. and Mrs. Jacob S. Edeson and Raizel and Tommy Stern in honor of the birthdays of Tommy Stern and Ian Hillel, Nathan, Helene, and Samuel Hirsch Edeson
Today's Learning: Shekalim 2:5-3:1 Orach Chaim 298:9-11 Daf Yomi (Bavli): Ketubot 51

This week's parashah introduces the mitzvah of shemittah. Every seventh year, farmers are commanded to leave their lands fallow and lenders are commanded to forgive their loans. However, the Gemara and later authorities inform us, these mitzvot do not apply according to Torah law at a time when the majority of Jews live outside of Israel. Rather, these mitzvot apply today only according to Rabbinic law.

If so, wonders R' Shaul Yisraeli z"l (1909-1995; Rosh Yeshiva of Yeshivat Mercas Harav), why did the Sages devise ways to circumvent the literal requirements of these commandments? For example, the sage Hillel taught that a document called a prozbol allows a lender to collect loans after the shemittah. Instead of allowing us to use what appear to be loopholes to avoid keeping a Rabbinic mitzvah, asks R' Yisraeli, why didn't the Sages simply abolish that Rabbinic mitzvah altogether?

Also, even if using a prozbol is halachically permitted, R' Yisraeli

writes, is it the "right" thing to do? He explains:

First, doing that which the Torah prohibited sullies our souls. However, that which the Torah did not prohibit, even if it is superficially similar to what the Torah prohibited, does not have the same negative consequence and may be done.

Second, it is an important aspect of halachic decision-making that whenever it is impossible to observe a mitzvah and the Sages therefore have to use their power to waive that mitzvah _temporarily_ (see, for example, Gittin 60a), the waiver should be enacted in a way that preserves a memory of the mitzvah. That way, both during the era when we do not perform the mitzvah and later, when it is time to begin performing the mitzvah again, we will remember that the mitzvah exists.

The midrash teaches: "One must always ask himself, 'When will my deeds reach those of my forefathers?'" This includes the obligation to yearn to perform the mitzvot which our ancestors observed and we cannot observe. (Ma'amar Shemittah B'mahalach Ha'dorot, reprinted in Gaon Be'Torah U've'midot p. 259)

"If you will say, 'What will we eat in the seventh year? - behold! We will not sow and not gather in our crops!' I will ordain My blessing for you in the sixth year and it will yield a crop sufficient for the three year period." (25:20-21)

R' Yosef Yoizel Horowitz z"l (the Alter of Novardhok; died 1919) asks: When would a person ask this? If it is before the sixth year, who thinks so far ahead to the shemittah year? If it is in the sixth or seventh year, the blessing will already have come, so what will there be to worry about?

R' Horowitz answers: In fact, it is human nature to worry about even the distant future. Already in the first year of the shemittah cycle, people are prone to worry about what they will eat in the seventh year.

The verse before the above verses says, "The land will give its fruit and you will eat your fill; you will dwell securely upon it." R' Horowitz explains that this verse is not a promise but a commandment. "Don't worry about the shemittah. Don't store away food during the non-shemittah years in preparation for the shemittah. Rather, I command you to eat your fill of the fruits of the first six years, and to feel secure about the future." (Madregat Ha'adam: Darchei Habitachon Ch. 6)

R' Shaul Yisraeli z"l (see above) adds: Much has been written about solving the "shemittah-problem." Some people sell their land to a non-Jew before the shemittah year and then continue to work the land as an employee of the non-Jew. Those who do not rely on that leniency have found other halachic methods so that they will be permitted to work the land during the shemittah. The lesson of the above verses, however, is that we should not see the shemittah as a problem. The shemittah is a test of our faith and a tool by which G-d can demonstrate that He watches over us, and we should lovingly accept it as such.

Many halachic authorities hold that the laws of shemittah do not apply according to the Torah at a time when the majority of Jews live outside of Israel. Rather, the shemittah today is only a Rabbinic ordinance. R' Yisraeli notes that this Rabbinic decree demonstrates very starkly the holiness and faith of the Jewish people. The Torah promises that Hashem will multiply the produce of the sixth year in preparation for the shemittah, but who is to say that He will do so at a time when the shemittah does not exist according to Torah law? (So-to-speak, as far as Hashem is concerned, we may work the land in the seventh year, so why should He bless the produce of the sixth year?) Indeed, it is clear from various statements in the Gemara and Midrashim that there was a famine in Eretz Yisrael during many shemittah years. Nevertheless, the Sages demanded that we submit ourselves to this test of our faith.

An additional note: The Torah's promise that Hashem will bless the produce of the sixth year demonstrates beyond any doubt that the purpose of the shemittah is not to let the land lie fallow to rejuvenate

itself, as is commonly done with farmland. If that were the case, the most successful year would be the year after the shemittah, not the year before the shemittah. (Ma'amar Shemittah B'mahalach Ha'dorot, reprinted in Gaon Be'Torah U've'midot p. 259)

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From: Ohr Somayach[SMTP:ohr@virtual.co.il] * TORAH WEEKLY *
Highlights of the Weekly Torah Portion Parshat Behar
EL AL TO GO BANKRUPT?

"And G-d spoke to Moses on Mount Sinai..."

About fifteen years ago El Al, the Israel national airline, was losing money hand over fist. In spite of the best market research that money can buy, the number of unoccupied seats continued to grow, and the company's profitability continued to plummet.

By a strange twist of what some would call fate, it was decided that the national airline of the Jewish State should no longer operate on the Sabbath. El Al flights which began on Friday and could not reach Tel Aviv before the onset of the Sabbath, or which originated in Tel Aviv between sunset on Friday until after dark on Saturday night, would no longer be offered.

From being one of the least profitable airlines in the world, El Al rapidly became one of the most profitable.

You could call this a coincidence. But isn't it counter-intuitive to cease operations for one seventh of the week and find your revenues jumping through the ceiling? The laws of production and return would dictate a loss of at least one seventh on overall revenue.

It's interesting to note that one of the promises that G-d made to the Jewish People if they keep the Sabbath is that they won't lose out financially. Why should G-d make such a promise?

We live in a world of illusion. The illusion is that the harder we work, the more we will profit. G-d wants us to know who is running the world. He tells us clearly in His Torah that if we keep the Sabbath, He will bless us not just with spirituality but with material bounty as well.

The greatest demonstration that we know from where our livelihood comes is to put down tools on Friday afternoon, and while the rat-race runs on relentlessly through Friday night and Saturday, we retreat to a world of spirituality, family, closeness -- connecting to the real purpose of this physical world.

In the Torah portion which is read this Sabbath in the synagogue, we learn about the commandment of shemita. When all the Jewish People lived in the land of Israel, every seventh year was like a Sabbath. (Incidentally, this is the source of the Sabbatical Year so prized by academics.) No planting or harvesting was permitted during the seventh year. The land of Israel was to have its own Sabbath. However, this was not an agricultural rest. Ask any soil expert, and he'll tell you that six years of farming followed by one year fallow will not help your crop yield. Rather the reverse. The shemita year was a year when the land needed to lie spiritually fallow.

This week's Torah portion starts with an unusual phrase "And Hashem spoke to Moses on Mount Sinai..." All of the commandments were given on Mount Sinai. Why then, specifically, does the Torah record that it was on Mount Sinai that G-d told Moshe about the commandment of shemita?

A Sabbath for people and a Sabbath for the Land. What connects these two ideas is that our relationship with G-d is based on our realization that it is He and only He who makes the wheels of our lives turn, whether on a personal level or in business.

It's ironic that even though El Al's business has soared, they said at the time that not flying on the Shabbat would mean curtains for them. At

the height of the controversy, El Al workers even physically attacked obviously religious travelers.

To this day El Al continues to claim that it would make even more money with Sabbath flights ...

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Subject: Shabbat Shalom: Parshat Behar by Rabbi Shlomo Riskin
Shabbat Shalom: Parshat Behar -- LAG B'OMER (Leviticus:
25:1-26:2)

by Shlomo Riskin

One of the strangest and most puzzling of the festivals of the Jewish Calendar is Lag B'Omer, the 33rd day of the Counting of the Omer, which brings in its wake a respite from the mourning period between Passover and Shevuot; wedding celebrations abound, and the heavens are ablaze all night with the bonfires for which the youngsters have been collecting wood since the conclusion of Passover. Rav Yosef Karo's CODE OF JEWISH LAW (mid-sixteenth century) comments that "we are accustomed to call the day 'the celebration of Rav Shimon Bar Yohai'; in Israel there are an abundance of prayers recited and candles lit at the site of his holy grave (Meron in the Galilee, not far from Safed), and it is said that he departed (from the physical world) on that day and also that he left the cave on that day (Orah Haim 493,7)." Apparently the origin of the festival is shrouded in mystery, and the true reason for its having turned into a day of weddings and bonfires is not really known. Perhaps if we analyze the cave experiences of Rav Shimon Bar Yohai as well as attempt to understand the uniqueness of his teaching, we may succeed in solving the riddle of the significance of Lag B'Omer.

A chilling historical episode is recorded in the Tractate Shabbat (33b): Rav Yehuda, Rav Yose and Rav Shimon Bar Yohai were sitting together and discussing the Roman Empire. Rav Yehuda declared, "How magnificent are the accomplishments of that nation. They established marketplaces, bridges and bathhouses."

Rav Yose was silent.

Rav Shimon Bar Yohai was critical: "they established marketplaces to make room for the prostitutes, bathhouses to spoil themselves with pleasures, and bridges in order to collect taxes and tolls."

When the conversation was overheard and told to the Roman authorities, Rav Yehuda was rewarded for his praise with an official appointment, Rav Yose was castigated for his silence with exile to Zipori, and Rav Shimon was punished for his indictment with the death penalty hanging over his head as a consequence. The great Sage escaped with his son to hide out in a cave, where they miraculously subsisted on carobs and water (a carob tree and a well miraculously sprung up to their aid), and devoted twelve years to the exclusive study of the secrets of the Torah.

Upon being informed that the Caesar had died and the death decree had been cancelled, father and son exited from the cave. They immediately encountered a Jewish farmer plowing and planting, and cried out in disbelief; "How can you forsake the eternal world and occupy yourself in momentary pursuits?" A blazing fire came forth from their eyes, a voice came down from heaven thundering "Did you leave the cave to destroy My world?," and they returned to the cave. At the conclusion of another year they left the cave again, this time seeing an elderly Jew running late Friday afternoon with two myrtle twigs. Upon discovering that the twigs were meant to adorn his Sabbath table, one

symbolizing the command to "observe the Sabbath to keep it holy" and the other symbolizing the command to "remember the Sabbath and keep it holy," they were comforted in their re-entry into society.

What new truth did Rav Shimon Bar Yohai learn from the elderly Jew at the time of his second exit from the cave? I would submit that the initial cave experience of total immersion in sanctity and Torah study merely served to intensify Rav Shimon's neo-Platonic division of the world into the two divergent planes of the holy and the secular, the spiritual and the material, with his denigration of everything that was physical; hence his negative attitude towards Rome and his disgust at the agricultural pursuit of the farmer. Rav Shimon would certainly have championed a "Kollel" way of life for one's entire life - cloistering oneself in the House of Study and shutting out the world at large - as the only sincere way to save the Divine.

The elderly Jew taught Rav Shimon that the sanctity of the Sabbath is meant to express the possibility - and - challenge - of endowing the secular with the imprint of the holy, of transforming the very physical matter into the higher form of the spirit; after all, is not a Sabbath meal - replete with Z'MIROT, words of Torah and family harmony, - a truly religious experience, and does not the sanctity of the Sabbath demonstrate the necessity of the spiritual penetrating, refining and uplifting the physical? Indeed, Rav Avraham Kook taught that the world is not divided into two distinct realms, the holy and the secular, but rather it is divided into two fluid and ready-to-combine entities each of which has its ultimate source in the Divine, the holy and the not-yet-holy, the religious and the not-yet-religious.

Moreover, we have been given two commands, to observe the Sabbath on the Sabbath day and to remember the Sabbath - or to prepare for the Sabbath - during the other days of the week. Hence, insofar as the possibility exists of plowing and planting in order to produce myrtle twigs for the Sabbath table, as long as the experience of plowing takes into account the Biblical prohibition against using an ox and an ass together (which will cause the animals undue effort and pain), and as long as the act of planting includes the prohibition of setting into the ground diverse seeds which would pervert the proper structure and order of nature, and as long as the farmer sets aside a portion of his land to be worked on by the poor and gives proper tithes to those who have no means of earning a livelihood, then the very acts of planting and plowing becomes acts of spirituality.

I would submit that Lag B'Omer is the day when Rav Shimon Bar Yohai left the cave for the second time and encountered the old man running with the two myrtle twigs just before sundown on Friday. The message he learned on that day caused him to disagree with his arch-disputant Rav Yehudah concerning the interpretation of a Biblical verse we usually read on the Sabbath immediately before Lag B'Omer: "If you will Keep My Statutes (and the millenium shall arrive)... I shall cause wild beasts to cease from the land"(Leviticus 26:6): Rav Yehudah understands this to mean that wild beasts will be removed from the land, whereas Rav Shimon interprets the words to teach that the wildness of the beasts will cease to be in existence (Sifra 2,1); and Rav Shimon uses as his proof-text the Psalm "A Song for the Sabbath" (Psalms 92:1).

I believe that the Sabbath has taught Rav Shimon that there is no absolute physicality, or even absolute evil, in this world; every object, thought or experience has the potential to be sanctified, to be endowed with the holy. Sexual immorality can destroy the world, and marital sexual intimacy can join two individuals as one and create new life. Fire can destroy lives, and the kindling fire of Sabbath peace can point the way towards love, harmony and redemption. If indeed Lag B'Omer is the anniversary of Rav Shimon's second exit from the cave, can there be any better way of celebrating such a milestone and honoring the memory of such a great Jewish sage than by the celebration of weddings of sanctity (KIDDUSHIN) and bonfires of warmth, friendships and songs dedicated to Israel, Torah and G-d?

Shabbat Shalom and Lag B'Omer Sameach

You can find Rabbi Riskin's parshiot on the web at:

<http://www.ohrtorahstone.org.il/parsha/index.htm> Ohr Torah Stone
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Subject: Internet Chaburah - Parshas Behar

Prologue:

Anxiety is a prevalent malady in society. About 10-15% of the American population has suffered from some type of worry at some point in their lives. What is the source of this anxiety?

The Maggid of Dubno (Sefer Koheles Yitzchak) pointed out that if you look for commonality among these anxiety sufferers, you will find that they share a common point. The experienced anxiety always concerns the future. If the person is poor, then he worries about future hopes of prosperity. If he is wealthy, he worries that it will all be gone tomorrow. The Maggid notes that the contrast to these people are those who are always able to be content with what they have and will recognize that if God gave them this much so far, he will continue to provide that which they deserve to them.

However, if the second manner of acting is appropriate, why does one who is asked to contribute Tzeddaka obligated to donate? Let him just tell the poor that they should have the faith that God will provide? To this the Maggid answered that such is false Emunah. One can rely on Hashem for his own sustenance. He can recognize that Hashem provides all to him and for his family. However, he is to allay the anxiety of his peers in the same manner that Hashem allays his own anxiety, with the knowledge that he can provide the necessary support to feed and clothe his family. Just as Hashem does so for us, we are obligated to do so to release the anxiety of others by providing the same.

Perhaps this is the reason why the Parsha of Shmitta and Yovel is next to the Parsha of helping the poor. In the same manner that we place our Bitachon in Hashem and he promises that he will provide extra in the sixth year, we are to provide for the Ani who might need our assistance. We are not to question his Bitachon much the way Hashem doesn't question ours.

Interestingly, we are told to remember "V'Chei Achicha Imach" that Jews are to live together in one community. Communities provide opportunities for celebrations and commemorations Imach, with you. A celebration of Simcha is an opportunity for a whole community to thank Hashem and recognize the Tov that he has done for us, declaring our Emunah and Bitachon in him as well. The cause for celebration might include those who might not be directly connected to the Simcha but can partake of the occasion in some way or form. This week's Chaburah examines communal celebration of a Simcha B'Emunah U'B'Bitachon. It is entitled:

A KLOP AND A KADDISH: TACHANUN, THE BRIS AND THE COVENANT

It is one of the most common hopes of the modern Minyanaire. Daily one attending a Minyan waits for the Shaliach Tzibbur to finish Chazaras HaShatz and to see if there will be a Klop and a Kaddish signaling the lack of need for the recitation of Tachanun. Commonly, the occasion of a Bris is sufficient grounds for the skipping of Tachanun. However what happens when a Bris will be held in the Shul but only later in the day?

The Michaber (131:4) writes that one does not fall for Tachanun in Shul on the day of a Bris. The Mishna Berurah (22) explains that this situation refers to a Shul where a bris will be held EVEN IF the participants in the Bris are not present at the time of the Minyan. The Sefer Zeh HaShulchan adds that this excuse for skipping Tachanun only

applies if the Milah will be done immediately prior to the recitation of Aleinu when those at the Minyan will participate in the Bris. However, if there will be a significant time delay, then the fact that the Bris will be held in the same Shul, does not excuse one from Tachanun in a Minyan where Bris participants are not present. He uses the example of a "Minyan factory" like the one in the Gra Shul in Shaarei Tzedek where Tachanun is recited in all the Minyanim except for the one where the Bris will take place when a Bris is taking place in the Shul. (See Shut Tzitz Eliezer Vol. 7:9 who notes that this quote of the Minhag in that Shul is in error.)

As this appears to be a major disagreement among modern Poskim, with a very strong modern Halachic application, perhaps we should examine the terms for Tachanun omission in a Bris situation. The Chessed L'Avraham (Orach Chaim 131:14) notes that the recitation of Tachanun is based upon Minhag and each community should follow its own prescribed Minhagim in these matters. The Sefer Ne'eman adds that the standard Minhag in a Minyan factory was to omit Tachanun in all Minyanim whenever a Bris would occur in the Shul later in the day even when the members of these Minyanim would not be present at the Bris. The implication of the Shaar HaTziyun (21) is that he agrees with this Psak. The Darchei Moshe (131:4) goes so far as to note that on the day of a Bris there are communities that omit Tachanun throughout the city. The same is included in Minhagei Munkatzch even when a Bris would occur in a person's home. Either way, the entire community of the location of the Bris would omit Tachanun on the morning of the Bris. What is the source of this Minhag?

The Darchei Moshe explains that skipping Tachanun throughout the city is based upon the fact that Eliyahu must attend all Brisim and as a result, it is out of respect for Eliyahu's city visit that the community omits Tachanun. Thus, the Tzitz Eliezer feels that even if we don't accept the position of the Darchei Moshe in respect to the entire city skipping Tachanun, certainly the entire synagogue where Eliyahu will be present for the Bris, would be correct in omitting Tachanun out of respect for the Gadol V'Navi's visit.

Another reason brought for the skipping of Tachanun in a shul where a Mila will take place later in the day is out of respect for the Kavod Hamitzva. In fact, the Mitzva is one that is a responsibility of the community if the father does not do it (Kiddushin 29a) and thus, the closer one is to the mitzva, the more one can honor it. Those in the shul can do so, by sharing in the joy of the Mitzva and skipping Tachanun. This position is supported by the Shut Zerah Yaakov (43) who notes that the Simcha that precludes the saying of Tachanun on the day of a Bris is not unique to the participants (i.e. the father and the Sandek) but out of the joy of the Mitzva itself. Since the Mila itself will be in this room, it would be proper to share in the Simcha Shel Mitzva and omit the recitation of Tachanun out of the respect for the Mitzva.

On the other hand, there are those who believe that Tachanun has the rule of a "Meis Mitzva" since we tend to forget to say it often (In the name of Rav Soloveitchik and others). As a result, the recitation of Tachanun except in the narrowest of Heiteirim seems appropriate according to these positions. L'Halacha, each community should follow its own Minhagim.

Battala News Mazal Tov to Jason and Chani Schwartz upon the birth of a baby boy. Mazal Tov to Avi Lopchinsky upon his engagement to Courtney Marks

From: RABBI LIPMAN PODOLSKY [SMTP:podolsky@hakotel.edu]
Emancipation Proclamation

A young, newlywed couple who just moved to Eretz Yisrael, recently came for a visit. Sitting at the Shabbos table, the wife breathed a heavy sigh of relief having finally been emancipated from her former

job. Being a computer genius, she had previously worked for a high-pressure Internet start-up company in New York. She described to us the philosophy of the company. On the day she was hired, she was told, "Forget your family, forget your home. From now on, the company is your life. We will pay you well; we expect everything in return."

The majority of employees were single, in their twenties and thirties. Indeed, they had very little life outside of work. Many would put in hundred-hour weeks, as they single-mindedly strove to climb the corporate ladder to "success". They would eat, drink, and breathe for the company. They had entered virtual slavery.

We all recognize the need to earn a living. Indeed, the bulk of many people's lives is consecrated for that very task. The question is, are we becoming slaves to our jobs?

"For the children of Israel are servants to Me, they are My servants whom I have taken out of the land of Egypt (Vayikra 25:55)." >From this verse the Gemara derives an interesting Halacha. Although a person may hire himself out for the day, he reserves the right to quit in the middle, should he so desire (Bava Metzia 10a). A Jew is not permitted to become enslaved to his job. We are Hashem's servants, not servants of servants.

Moreover, we cannot become enslaved to anything physical. Ours is to subjugate the material, not the other way around.

The Mishnah says: "This is the way of the Torah, eat bread with salt, and a small measure of water, and sleep on the floor, and live a life of oppression, and you will toil in Torah... (Avos 6:4)." What does this mean?

Explains Rashi: This does not mean to say that a rich person should live such a life. Rather it means that *even* if this is the situation in which you find yourself, you should not desist from learning Torah.

What would happen if, G-d forbid, we were to wake up tomorrow morning and find ourselves penniless. Would we be able to tolerate our new situation? Or have we become so accustomed to our luxuries, so much in need of material comforts, so addicted to pleasure, that we would be unable to cope?

Use the world! Enjoy it! But don't let it run your life.

"For the children of Israel are servants to Me -- not servants to servants!"

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From:Ohr Somayach[SMTP:ohr@virtual.co.il]

* PARSHA Q&A * In-Depth Questions on the Parsha and Rashi's commentary. Parshat Behar

PARSHA QUESTIONS

I DID NOT KNOW THAT! "The son of an Israelite woman went out -- and he was the son of an Egyptian man...and pronounced the Name of Hashem and cursed...."(24:10) The "Egyptian man" above is the one Moshe struck dead by uttering Hashem's Name. Therefore, many years later, that Egyptian man's ill-begotten son blasphemed the Name of Hashem through which his father was killed. * Rabbi Zalman Sorotzkin in Oznam Latorah

RECOMMENDED READING LIST Ramban 25:3 First Six Years 25:9 Two Kinds of "Shofar" 25:10 The Word "Yovel" 25:20 Three Year Blessing 25:23 Ban on Perpetual Sale 25:36 Two Kinds of Usury 26:1 Commitment in Hostile Environment Sefer Hachinuch 330 Counting until Yovel 331 Call of the Shofar 337 Unfair Profit 342 National Land 343 Usury Sforno 25:4 "A Shabbat to Hashem"

THIS WEEK'S QUESTIONS

All references are to the verses and Rashi's commentary, unless otherwise stated

1. Why does the Torah specify that the laws of shemita were taught on Har Sinai? 25:1 - To teach us that just as shemita was taught in detail

on Har Sinai, so too, all the mitzvot were taught in detail on Har Sinai.

2. If one possesses shemita food after it is no longer available in the field, what must he do with it? 25:7 - Remove it from his property and declare it ownerless.

3. The Torah commands, "You shall sanctify the fiftieth year." How is this done? 25:10 - At the beginning of the year the Beit Din declares, "This year is kadosh (sanctified)."

4. Which two "returns" are announced by the shofar during yovel? 25:10 - The return of the land to its original owner, and the "return" (freedom) of the slave from slavery.

5. From where does the yovel year get its name? 25:10 - From the sounding of the shofar. A ram's horn is called a yovel.

6. What prohibitions are derived from the verse "v'lo tonu ish et amito -- a person shall not afflict his fellow"? 25:17 - One may not intentionally hurt people's feelings, nor give bad advice while secretly intending to reap benefit.

7. What is the punishment for neglecting the laws of shemita? 25:18 - Exile.

8. If shemita is observed properly, how long is the crop of the sixth year guaranteed to last? 25:21,22 - From Nissan of the sixth year until Sukkot of the ninth year.

9. After selling an ancestral field, when can one redeem it? 25:24 - After two years following the sale, until yovel. At the beginning of yovel it returns to the family automatically.

10. Under what circumstance may one sell ancestral land? 25:25 - Only if one becomes impoverished.

11. If a home in a walled city is sold, when can it be redeemed? 25:29 - Only within the first year after the sale. Afterwards, even in yovel, it does not return.

12. What does the word "days" mean in this week's Parsha? 25:29 - The days of an entire year.

13. What is considered a walled city? 25:29 - A city that has been surrounded by a wall since the time of Yehoshua.

14. What is the definition of a "ger toshav"? 25:35 - A non-Jew who lives in Eretz Yisrael and accepts upon himself not to worship idols.

15. To what is one who leaves Eretz Yisrael compared? 25:38 - To one who worships idols.

16. Why does Rashi mention the plague of the firstborn in this week's Parsha? 25:38 - The prohibition against taking interest is accompanied by the phrase, "I am Hashem your G-d who took you out of Egypt." Rashi explains that just as Hashem discerned in Egypt between those who were firstborn and those who were not, so too will Hashem discern and punish those who lend with interest, pretending they are acting on behalf of others.

17. List three prohibitions which demonstrate the dignity with which one must treat a Jewish indentured servant. 25:39-43 - a) Do not make him perform humiliating tasks; b) Do not sell him publicly; c) Do not make him perform unnecessary jobs.

18. Who supports the family of the Jewish indentured servant during his years of servitude? 25:41 - His master.

19. If a Jew is sold as a servant to a non-Jew, does he go free after six years? 25:54 - No. If he is not redeemed with money, he must wait until the yovel to go free.

20. Where is it permitted to prostrate oneself on a stone floor? 26:1 - In the Mikdash.

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INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il>

KESUVOS 41 (5 Iyar)- Dedicated by Marsha and Lee Weinblatt of N.J. -- they, and their extended family, should be blessed with good health and the joy of those who serve Hashem. May we soon merit to see the return of Hashem to Zion! KESUVOS 49 (13 Iyar) - has been dedicated by Zvi and Tamara Sand of Har Nof, Yerushalayim, in honor of the Yahrzeit of Zvi's grandfather, Meir ben Reb Benzion Sand. Ask all your question on the Daf to the Kollel! daf@dafyomi.co.il

Kesuvos 50

HALACHAH: GIVING AWAY MORE THAN A FIFTH OF ONE'S MONEY TO TZEDAKAH The Gemara says that the Rabanan of Usha instituted that one should not give away more than one fifth of one's assets to Tzedakah, because it might cause a person to become impoverished. It seems that it is *permitted* to give away up to a fifth, but one is not *required* to do so.

The CHAFETZ CHAYIM discusses many points of this Halachah in AHAVAS CHESED (chapters 19-20).

(a) **DISTRIBUTING A FIFTH OF ONE'S INCOME TO TZEDAKAH:** 1. Although it is not required for a person to give more than a tenth of his income to Tzedakah (see TOSFOS in Ta'anis 9a), nevertheless the Chafetz Chayim writes (ch. 19) that a person who wants to give Tzedakah generously should give one fifth of his income for Tzedakah, like Yakov Avinu did (Bereishis 28:22) as quoted by our Gemara.

When a person gives a fifth of his money, he should not give it all at once, but he should divide it into two tenths, as the verse implies. The SHITAH MEKUBETZES gives a number of reasons for this. First, it accustoms a person towards giving, as the RAMBAM writes in Avos (3:15) that it is better to give one penny a thousand times than a thousand pennies at one time.

Second, the Shitah Mekubetzes cites from the ME'ILI that it is proper to divide it into two tenths in order to parallel the two Ma'aseros that are given from fruits of fields in Eretz Yisrael. Every year we separate two Ma'aseros -- Ma'aser Rishon and Ma'aser Sheni (or Ma'aser Ani). Since the two tenths parallel the two Ma'aseros, the Me'ili continues, it is appropriate that one tenth, which corresponds to Ma'aser Sheni, may be invested in any Mitzvah. It may even be invested in a Mitzvah from which one benefits personally, such as writing a Sefer Torah or buying Sefarim to lend out, similar to Ma'aser Sheni which is eaten by the owner himself in Yerushalayim. The other tenth, which corresponds to the Ma'aser that is given to Kohanim and Levi'im, should be distributed as Tzedakah to the poor. The Chafetz Chayim adds that since it corresponds to the Ma'aser that is distributed to the Kohanim and Levi'im, it should be given to Bnei Torah, as the verse refers to the tribe of Levi as those who teach the Torah (Devarim 33:10).

(Besides these reasons, the Chafetz Chayim points out that it is important to separate Tzedakah in tithes for Kabbalistic reasons.)

2. The Chafetz Chayim adds that there are situations in which it is required, and not just recommended, to give a fifth of one's earnings to Tzedakah. Based on the RAMBAM (Perush ha'Mishnayos Peah 1:1), and on the VILNA GAON in his letter, ALIM L'TERUFAN, the Chafetz Chayim asserts that our Gemara is discussing a person who is separating money for Tzedakah before he has a particular Tzedakah to which to give it, and he is looking for ways in which to use the money for Tzedakah. (This is implicit in the Gemara's expression "ha'Mevazbez.") If, however, a person knows of a specific poor man who is in need of help, then he is obligated to help the poor man even if it requires separating up to a fifth of his earnings.

(b) **DISTRIBUTING MORE THAN A FIFTH OF ONE'S INCOME TO TZEDAKAH:** Although the Chachamim in Usha prohibited distributing more than a fifth of one's money to Tzedakah, the Chafetz

Chayim (ch. 20) points out that a person sometimes *is* permitted to give even *more* than a fifth of his earnings to Tzedakah.

1. If there are poor people whom a person knows are in need, the Chafetz Chayim writes, based on the Rambam, that one is obligated to give up to one fifth of one's money to help them (see above). It is *permitted* to give even more than a fifth of one's moeny in such a situation (see Insights to Ta'anis 24:1).

2. An unusually wealthy person is permitted to give more than a fifth of his money to Tzedakah, since doing so will most likely not cause him to become impoverished (based on TOSFOS in Bava Kama 9b, DH lleima).

3. If a person is a Shechiv Mera (on his deathbed) and is expecting to die very soon and thus does not have to worry about becoming impoverished, he may distribute even more than a fifth of his money (but not all of it) to Tzedakah (based on the RABEINU YONAH, cited in the Shitah Mekubetzes, who cites the Gemara in Kesuvos 67b).

4. The Chafetz Chayim writes that the prohibition of the Rabanan of Usha perhaps applies only to a person who gives away a large sum of money at once from his estate (as the word "Mevazbez" implies). Is it permitted, though, for a person to calculate how much he needs for his weekly income (and other needs) and to set aside the rest for Tzedakah, even if that extra amount is more than a fifth? Perhaps in such a situation there is no reason to fear that he will become impoverished and have to beg, since he makes sure to leave himself enough to support himself. The Chafetz Chayim concludes that in such a case it is indeed permitted for a person to give away more than a fifth of his earnings.

5. The Chafetz Chayim writes that if a person wants to enter into a "Yisachar-Zevulun" deal by supporting a Talmid Chacham with even more than a fifth of his earnings, it is permitted to do so, as we find in many places (see, for example, Sotah 21a, and Rashi there, DH Shimon). Similarly, the Shitah Mekubetzes writes that it is permitted to support Bnei Torah with more than a fifth of one's money, as we see from the conduct of Rabbi Akiva as cited in the Midrash Raba (Vayikra 34:16) to Parshas Behar.

The Chafetz Chayim explains that a "Yisachar-Zevulun" agreement is not simply a distribution of Tzedakah; it is a business deal whereby one invests his money in the Torah in order to share in the reward of the one learning Torah. That is why it is permitted to make such a deal even with more than a fifth of one's possessions.

Kesuvos 51 THE "TENAI BEIS DIN" OF A KESUVAH QUESTION: The Mishnah states that if a person writes a 100-Zuz field for his wife's Kesuvah instead of the 200 Zuz to which she is entitled, or if he does not write in the Kesuvah that all of his property is bound to the Kesuvah, he still must pay the full 200 Zuz, and she may collect from Nechasim Meshubadim (from property which buyers bought from him after the Kesuvah was written), because those elements of the Kesuvah are included in the Tenai Beis Din of a Kesuvah.

The Gemara asserts that the Tana of this Mishnah is Rabbi Yehudah, who maintains that "Achrayus Ta'us Sofer," that any Shtar that does not contain mention of Achrayus may still be used to collect from Nechasim Meshubadim, because it is assumed that every Shtar is meant to be used to collect from Meshubadim. If the Achrayus is not written in the Shtar, the scribe who wrote the Shtar simply left out mention of Achrayus by accident.

How can the Gemara assert that our Mishnah follows the opinion of Rabbi Yehudah? According to Rabbi Yehudah, *every* Shtar may be used to collect from Meshubadim even if no mention of Achrayus is written in it. Yet our Mishnah says that a Kesuvah may be used to collect from Meshubadim, "because it is a Tenai Beis Din," implying that other Shtaros (for which there is no Tenai Beis Din) may *not* collect from Meshubadim unless they include mention of Meshubadim! (RISHONIM)

ANSWERS: (a) The RAMBAN answers that when the Mishnah says the words "because it is a Tenai Beis Din," it is only explaining the Halachah mentioned at the beginning of the Mishnah: that the woman may collect 200 Zuz even if her husband designated only a 100-Zuz field for the Kesuvah. Those words are *not* explaining why she may collect from Meshubadim. The Beraisa says (51b) that collection from Meshubadim is *not* part of the Tenai Beis Din, and that the woman may indeed forego the right to collect from Meshubadim. Rather, the reason our Mishnah says that she may collect her Kesuvah from Meshubadim is for the same reason one may use any Shtar to collect from Meshubadim -- because "Achrayus Ta'us Sofer," like Rabbi Yehudah holds.

(b) The RITVA suggests that when the Mishnah says "because it is a Tenai Beis Din," it is not explaining why one may collect from Meshubadim. Rather it is explaining why a Kesuvah should be no different than other Shtaros. We might have thought that a Kesuvah differs from other Shtaros: In other Shtaros, we assume that the omission of Achrayus is simply an error and it is as if Achrayus is indeed written in the Shtar, but in a Kesuvah, perhaps Achrayus must be mentioned explicitly, since we find (see Gitin 49b) that the Rabanan were more lenient on the husband's estate when it comes to collecting the Kesuvah. Therefore, perhaps if there is no explicit mention of Achrayus, she may *not* collect from the Nechasim Meshubadim of his estate with her Kesuvah.

To counter that argument, the Mishnah says that a Kesuvah also has a quality that gives the woman *more* power to collect than a regular Shtar -- it is a Tenai Beis Din. This proves that we should not be more lenient with the collection of the Kesuvah, and thus we remain with the Halachah that "Achrayus Ta'us Sofer" even with regards to a Kesuvah.

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From:Ohr Somayach[SMTP:ohr@virtual.co.il]
The Weekly Daf #327 Ketubot 46 -52 By Rabbi Mendel Weinbach,
Dean, Ohr Somayach Institutions

A SOLID INVESTMENT

"Wealth and riches shall be in his house," says King David (Tehillim 112:3), "and his righteousness shall endure forever." Who is the unnamed recipient of such a blessing?

One interpretation in our gemara is that this refers to one who studies Torah and teaches it to others.

Maharsha offers a fascinating explanation of the comparison between Torah and material wealth. In regard to wealth, we have been taught by Rabbi Yochanan (Mesechta Taanit 9a) that the Torah's usage of a double phrase "Tithe, you shall surely tithe" (Devarim 14:22) teaches us that the reward for fulfilling the mitzvah of tithing is the blessing of wealth. (The Hebrew word can be read both as "te'asser" which means "tithe" and as "te'asher" which means "become wealthy.")

Tosefot there cites a Sifrei that this applies not only to agricultural produce which the Torah commands us to tithe but to the tithing of any earnings and profits as well.

Just as one who gives a share of his wealth to charity does not suffer a reduction in his resources but actually enjoys an increase, so it is with the sharing of his Torah knowledge. The greatest Sages (Rabbi Chanina in Mesechta Ta'anit 7a and Rebbie in Mesechta Makkot 10a) have declared "Much have I learned from my teachers; even more from my colleagues; and the most from my students." The scholar who shares his learning with others loses nothing. He becomes even wealthier with the true riches of Torah knowledge. * Ketubot 50a