

Rabbi Isaac Elchanan Theological Seminary • YU Center for the Jewish Future

THE BENJAMIN AND ROSE BERGER TORAH TO-GO®

Established by Rabbi Hyman z"l and Ann Arbesfeld • May 2020 • Sivan 5780

SHAVUOT 5780

Dedicated in honor of
Harav Herschel Schachter shlit"a
and Harav Mordechai Willig shlit"a



ישיבת רבנו יצחק אלחנן

Rabbi Isaac Elchanan Theological Seminary

An Affiliate of Yeshiva University

CENTER FOR THE JEWISH FUTURE

We thank the following synagogues which have pledged to be Pillars of the Torah To-Go® project

Beth David Synagogue

West Hartford, CT

Beth Jacob Congregation

Beverly Hills, CA

Beth Jacob Congregation

Oakland, CA

Bnai Israel – Ohev Zedek

Philadelphia, PA

Boca Raton Synagogue

Boca Raton, FL

Cong. Ahavas Achim

Highland Park, NJ

Cong. Ahavath Torah

Englewood, NJ

Cong. Beth Sholom

Lawrence, NY

Cong. Beth Sholom

Providence, RI

Cong. Bnai Yeshurun

Teaneck, NJ

Cong. Ohab Zedek

New York, NY

Cong. Ohr HaTorah

Atlanta, GA

Cong. Shaarei Tefillah

Newton Centre, MA

Green Road Synagogue

Beachwood, OH

The Jewish Center

New York, NY

Jewish Center of

Brighton Beach

Brooklyn, NY

Koenig Family

Foundation

Brooklyn, NY

Yeshivat Reishit

Beit Shemesh/Jerusalem
Israel

Young Israel of

Century City

Los Angeles, CA

Young Israel of

Hollywood Ft Lauderdale

Hollywood, FL

Young Israel of

Lawrence-Cedarhurst

Cedarhurst, NY

Young Israel of

New Hyde Park

New Hyde Park, NY

Young Israel of

New Rochelle

New Rochelle, NY

Young Israel of

Scarsdale

Scarsdale, NY

Young Israel of

West Hartford

West Hartford, CT

Young Israel of

West Hempstead

West Hempstead, NY

Young Israel of

Woodmere

Woodmere, NY

Rabbi Dr. Ari Berman, President, Yeshiva University

Rabbi Yaakov Glasser, David Mitzner Dean, Center for the Jewish Future

Rabbi Menachem Penner, Max and Marion Grill Dean, Rabbi Isaac Elchanan Theological Seminary

Rabbi Robert Shur, Series Editor

Rabbi Joshua Flug, General Editor

Rabbi Michael Dubitsky, Content Editor

Andrea Kahn, Copy Editor

Copyright © 2020 All rights reserved by Yeshiva University

Yeshiva University Center for the Jewish Future

500 West 185th Street, Suite 419, New York, NY 10033 • office@yutorah.org • 212.960.0074

This publication contains words of Torah. Please treat it with appropriate respect.

For sponsorship opportunities, please contact Rabbi Russ Shulkes at russ.shulkes@yu.edu

Table of Contents **Shavuot 5780**

Dedicated in honor of Harav Herschel Schachter shlit"a and Harav Mordechai Willig shlit"a

Introduction

- 4** **Rabbi Yaakov Glasser:** Reaching Higher
- 6** **Rabbi Hershel Schachter:** Practical Halacha Guide for Shavuot

Torah Guidance in Challenging Times



- 9** **Rabbi Josh Flug:** The Relevance of Torah In All Situations: A Sample of Halachic Rulings from the COVID-19 Crisis
- 13** **Ms. Elisheva [Ellie] Levi:** Demolition as the Precursor to Building: Architectural Lessons for Judaism
- 21** **Rabbi Zvi Romm:** Rabban Yochanan Ben Zakkai Builds the New Normal

Receiving the Torah on Shavuot

- 25** **Rabbi Reuven Brand:** A Commitment of Love
- 27** **Mrs. Michal Horowitz:** Kabalas HaTorah: Living a Dedicated Life

Shavuot Night Study Guides

- 31** The Mitzvah of Ve'ahavta L'rei'acha Kamocho
- 34** Who is Liable for Giving Access to Hackers and Fraudsters?



The Rabbi Isaac Elchanan Theological Seminary mourns the loss of

Rabbi Hyman Arbesfeld, z"l

Long-time Vice President, RIETS Board of Trustees

Alumnus of the Yeshiva and *Musmakh* of the Rav, zt"l

Philanthropist, *Talmid Chacham* and Loyal Friend

Exceptional *Makir Tov* and *Mokir Rabbanim*

Mentor to generations of leaders at RIETS

May Hashem comfort the family with all those who mourn for Zion and Jerusalem.



INTRODUCTION: REACHING HIGHER

The COVID-19 pandemic has disrupted our religious life in many ways. Yet there is one mitzvah that remains relatively unaffected by the circumstances that have entirely reshaped communal Torah observance — the mitzvah of Sefiras HaOmer. A simple act marking the passage of time between Pesach and Shavuot, this delineation establishes a clear continuity between the independence achieved at yetzias Mitzrayim and the purpose of such freedom: to embrace the values and expectations of Torah as central to our religious identity.

The initial performance of any mitzvah that is not performed regularly is usually celebrated with the bracha of Shehechyanu. This bracha affirms our sincere sense of privilege and joy at having arrived at the opportunity to perform a particular mitzvah. Yet the mitzvah of Sefiras

HaOmer does not mandate a bracha of Shehechyanu.

The *Baal HaMaor*, at the end of *Maseches Pesachim*, famously suggests that the contemporary observance of Sefiras HaOmer, which is devoid of the sacrificial element present in the Beis Hamikdash, is a halachic memorial to the original Mikdash-based experience. Therefore, we lack the defining sense of simcha that is required for a mitzvah to qualify for the recitation of Shehechyanu. However, the *Levush* suggests an alternative explanation. The *Levush* (O.C. 489:1) explains that the true purpose of Sefiras HaOmer is to teach us not to live in the moment of the particular day of counting. Rather, the mitzvah is intended to give expression to the existential sense of longing that exists within the heart and soul of every Jew in anticipation of Matan Torah. Since the act of counting is,

by its very nature, aspirational, it is inconsistent with the sentiment of the bracha of Shehechyanu — which conveys a certain intentionality to embrace the “moment” of “*lazman hazeh*” — this moment.

Sefiras HaOmer gives voice and substance to a critical element of Torah, and we aspire to connect to its greatness. Beyond the accomplishments of substance is an underlying sense of reach that manifests our love and spiritual connection to Torah. Each day of Sefiras HaOmer expresses in concrete terms our momentum toward our ideals.

This year, as we all contend with the extraordinary challenges of COVID-19, and we find ourselves distant from our traditional rhythms of religious life, let us recognize that our desire to return is, in and of itself,



Find more shiurim and articles from Rabbi Yaakov Glasser at
<https://www.yutorah.org/rabbi-yaakov-glasser>

sacred and holy. Our aspiration to return to our shuls, batei midrash, schools, organizations — these hopes are expressed in the anticipatory nature of Sefiras HaOmer.

The pandemic has claimed the lives of many loved ones and true heroes of our community. One of those heroes is Rabbi Hy Arbesfeld zt"l. Rabbi Arbesfeld and his wife Ann's vision for bringing the Torah of RIETS to the broader Jewish community can be seen through the many initiatives that they have supported, most

notably this very publication. Rabbi Arbesfeld was a deeply aspirational Jew. He would call me often with comments and feedback about the publication, always with the intention of making it greater. When he knew an issue of *Torah To-Go* would soon be published, the very anticipation filled him with unrestrained simcha. We are planning to devote an entire issue to Rabbi Arbesfeld and his legacy when we can return to our normal form of distribution.

The day will ultimately arrive that we

will return to our traditional modes of religious observance. Upon finally re-engaging our beloved spaces of spiritual growth, let us hope and pray that we never lose the sense of aspiration and ambition that accompanies the necessary restraint in connecting to these spaces.



In these challenging and confusing times, as we confront the vast and devastating fallout of the COVID-19 pandemic, one source of comfort has been our outstanding array of communal leaders who have selflessly and tirelessly given of themselves, and literally turned nights into days in their attempt to care for the spiritual, physical, educational, and emotional needs of the Jewish people. We would also like to express our endless gratitude and heartfelt hakaras hatov to all of the doctors, nurses, Hatzalah members, synagogue rabbis, yeshiva administrators, rebbeim, teachers, mental health professionals, mikvah attendants, chevra kaddisha members, restaurant proprietors, grocery store owners, and communal organizers who have enabled our communities to continue to function in the midst of a regional and national shutdown.

We dedicate this issue of Torah To-Go to

Harav Herschel Schachter shlit"a and Harav Mordechai Willig shlit"a

Their leadership and counsel, sage advice, and halachic expertise has been a reassuring beacon of light for all of those involved in communal affairs. They are accessible to anyone and everyone on various platforms and at all times, and they have accepted the courageous responsibility of guiding the community during these stormy times.



PRACTICAL HALACHA GUIDE FOR SHAVUOT

Eating a Meal on Erev Yom

Tov:

- One should refrain from eating a large meal on erev Yom Tov in order to eat the Yom Tov meal with an appetite.¹ It is best not to eat a meal in the late afternoon, even if the meal is not elaborate.² In all instances, one should not eat meat on erev Yom Tov.³

Candle Lighting:

- There are two opinions as to whether the bracha on Yom Tov candles should be recited before or after the candles are lit. The generally accepted practice is to recite the bracha **before** lighting the candles.⁴
- The bracha of Shehechianu: There is no requirement to recite the bracha of Shehechianu in conjunction with Kiddush. However, the Talmud (*Eruvin* 40b) states that the significance of the bracha is enhanced when it is recited in conjunction with Kiddush, and common practice is to act accordingly. R. Akiva Eiger (*O.C.* 263:5) quotes the opinion of R. Yaakov Emden that women should not recite Shehechianu when lighting Yom Tov candles, but should instead wait until Kiddush to satisfy the requirement to recite the bracha.⁵
- The mitzvah to light Yom Tov candles should ideally take place in one's home. If one is staying in a hospital, bikur cholim room or hotel, one's private room is one's "home." However, since hospitals and hotels prohibit lighting candles in private rooms because this poses a fire hazard,⁶ the obligation is best fulfilled by turning on an electric light in one's room, provided that it is incandescent (not neon or fluorescent, etc.), as many poskim

maintain that a bracha may be recited on a light bulb that contains a filament.⁷ It does not appear proper to light candles in a place where no one will benefit from the light of the candles, and a bracha may not be made in this scenario.⁸

Yahrtzeit Candles:

- Some poskim question whether one is permitted to light a yahrtzeit candle on the second day of Yom Tov in honor of Yizkor. The *Kitzur Shulchan Aruch* (98:1) cites poskim on both sides of the issue and concludes that one should not light such a candle on Yom Tov. He views it as a "*ner shel avtala*," a candle whose light does not provide benefit on Yom Tov, and as such may not be lit. Therefore, one should ideally light a yahrtzeit candle on erev Yom Tov (see footnote).⁹

This guide was printed in *Torah To Go*, Shavuot 5774 and was adapted to address some of the issues relevant to the COVID-19 crisis.

The Shavuot Meal:

- There is a long-standing custom to eat dairy on Shavuot.¹⁰
- The meals on Shavuot should be festive and elegant in order to commemorate the giving of the Torah and honor the Yom Tov.¹¹
- *Mishna Berura* (O.C. 494:16, *Sha'ar HaTziyun* 15) notes the long-standing custom to wait six hours before eating meat if one ate hard cheese.¹² R. Soloveitchik ruled that American cheese is certainly not included in the custom.¹³

Staying Up All Night:

- There are a number of questions regarding which brachot should be recited by someone who remained awake the entire night. For these purposes, someone who slept at night for more than a half hour, even if one did so while learning, is considered to have slept.¹⁴
- Many question whether a person who remains awake the entire night is obligated to wash his or her hands in the morning. The common practice is to wash one's hands without a bracha. However, if one uses the bathroom prior to washing, one may recite the bracha of *Al Netilat Yadayim*.¹⁵
- A similar question exists regarding the *Birchot HaTorah*. Common practice is to fulfill the obligation by answering amen to the brachot of one who did sleep. One should not recite amen after the phrase "*la'asok b'divrei Torah*," but after the entire paragraph of "*v'ha'arev na*" is completed.¹⁶ In the event that there is nobody available to hear the brachot from, one

should have in mind that the bracha of *Ahavah Rabbah* prior to *Keriat Sh'ma* will discharge the obligation. One should also make sure to learn Torah for a few moments immediately following davening.¹⁷

- It is likewise unclear whether one who remains awake all night may recite the brachot of *Elokai Nishama* and *HaMa'avir Sheina Me'einai*. Here, as well, common practice is to find someone who did sleep the previous night and answer amen to that individual's brachot.¹⁸ Amen following *HaMa'avir Sheina* should not be said until after the bracha that concludes the *Yehi Ratzon* prayer. In the event that there is nobody available to recite these brachot on behalf of others, these brachot are omitted.¹⁹
- Those who daven at sunrise (*vatikin*) should not recite a bracha on the tallit before the halachic time known as *mishe'yakir*. R. Moshe Feinstein states that in the in the New York area, this time is approximately 35-40 minutes before sunrise.²⁰ Because of this concern, the *B'nei Yissoschar* recommends waiting to don the tallit until the completion of *Korbanot* (before *Baruch She'amar*) in order to ensure that one does not don his tallit or make the bracha too early.

Shavuot Davening:

- Staying up late to learn Torah does not exempt one from reciting Keriat Shema in its proper time. The mitzvah of Keriat Shema should ideally be fulfilled during davening—in order to recite Keriat Shema together with the

Birchot Keriat Shema—and not beforehand. R. Soloveitchik and many other poskim maintain that it is better to daven without a minyan before *sof zman Keriat Shema* (the end of the period during which one may recite Keriat Shema) rather than daven with a minyan after this time has elapsed.²¹

- Many have the custom to follow the *Ba'al HaTanya's* practice to recite "*ushnei se'irim l'chaper*" (as opposed to "*v'sa'ir l'chaper*") in the Mussaf Amida, in order to make mention of the *korban chatat* (sin offering) that was offered with the *shtei halechem* (ritual loaves of bread) of Shavuot.²²
- If one is davening at home, there is no obligation to recite *Akdamos*, but one may do so.
- If one is davening at home, there is no obligation to recite Megillat Rut, but one may do so.²³
- The custom of our Yeshiva is to omit the recitation of "*Yetziv Pitgam*" on the second day of Yom Tov.²⁴
- Yizkor can be recited without a minyan. One should make sure to pledge money to tzedakah before reciting Yizkor.

Endnotes

1. *Shulchan Aruch* (O.C. 249:2) states this explicitly in regard to erev Shabbat. This is included in the mitzva of honoring Shabbat, which includes preparations done before Shabbat begins. Rema (529:1) rules that this halacha applies to erev Yom Tov as well, for there is also an obligation to honor Yom Tov (see below). See *Mishna Berura* (249:10) for an additional reason to prohibit large meals.
2. Ibid. *Shulchan Aruch* states that it is a mitzva to avoid eating a standard weekday meal after the ninth halachic hours has passed. *Biur Halacha* explains that this refers to eating what

is sufficient to satisfy him during the week. However, one need not refrain from eating enough to simply quiet his feelings of hunger.

3. Regarding eating meat at a *seudat brit milah* on erev Shabbat, see *Magen Avraham* (249:6) who cites a disagreement among the Poskim.

4. *Magen Avraham* (O.C. 263:12) quotes the Drisha's son who records that his mother's practice was to recite the bracha before lighting the candles. While *Magen Avraham* argues that one should recite the bracha after lighting, the accepted practice is not in accordance with his opinion. See *Mishna Berura* (263:27).

5. R. Yaakov Emden's position is recorded in his *Shut Sheilat Ya'avetz* (1:107) and has been accepted by many poskim. *Mishna Berura* (263:23) rules that one should not protest against those whose custom is to recite Shehechyanu at the time of candle lighting. Achronim present justifications for this practice; see *Aruch HaShulchan* (263:12) and *Moadim U'Zmanim* (7:117).

6. R. Schachter cautions that one who lights a candle in a guest room without permission violates the prohibition of theft, as hospital or hotel administration do not authorize guests to use rooms in this manner. See R. Asher Weiss, *Kovetz Darkei Hora'ah* (4:94).

7. It is important to note that this mitzva can be fulfilled by turning on a closet or bathroom light (the bracha must be recited outside of the bathroom). For a summary of poskim who discuss whether one fulfills the mitzva by lighting electric lights, see *Shemirat Shabbat KeHilchata* (chap. 43, note 22).

8. See *Shulchan Aruch* (O.C. 263:9).

9. Many other poskim accept the *Kitzur Shulchan Aruch's* ruling; see also *Da'at Torah* (O.C. 515:5). *Shut Ketav Sofer* (O.C. 65) permits one to light a yearzeit candle on Yom Tov, though he believes that it should be lit inside the shul. In his discussion of the issue, *Biur Halacha* (514 s.v. *Ner*) writes that if one neglected to light a yearzeit candle on erev Yom Tov, it is best to light it in shul or at least in the place where one eats in order to benefit from the additional light. Some later poskim have questioned whether *Biur Halacha's* logic still applies, as it is unlikely that a candle will significantly increase the light in the room in a contemporary setting. *Biur Halacha* concludes that one may perhaps be lenient in a pressing situation to light the candle because

the aforementioned *Ketav Sofer* argues that a yearzeit candle is considered a permissible *ner shel mitzvah*, and not a *ner shel avtala*, as it provides honor to one's parents. It should be noted that most poskim assume that it is only a custom to light a yearzeit candle and not a halachic requirement; see *Shut Yechave Da'at* (5:60). See also *Mishna Berura* (261:16) quoting Maharshal who permits one to instruct a non-Jew to light a yearzeit candle during *bein hashmashot* of erev Shabbat, due to the unique importance that many associate with this custom.

10. This custom is recorded by Rema (O.C. 494:2). Various reasons are offered for this custom; see Rema and *Mishna Berura* (ibid.).

11. See *Pesachim* 68b, Rambam, *Hilchot Yom Tov* 6:16 and *B'Ikvei HaTzon* no. 15 (paragraph 11).

12. The custom to wait after eating hard cheese is recorded by Rema (*Y.D.* 89:2). For this purpose, hard cheese includes types that are aged and somewhat sharp. While *Shach* (89:17) quotes the Maharshal, who forcefully rejects this stringency, most poskim do not accept his opinion; see, for example, *Biur HaGra* (89:11). *Shach* (89:15), *Taz* (89:4), *Yad Yehuda* (89:30) and other poskim discuss how to define "hard cheese" for purposes of this halacha.

13. As reported by R. Schachter in *Mesorah Journal* (vol. 20, pg. 92). For an updated list of contemporary cheeses that may pose a problem, see May 2012 edition of "Daf HaKashrus," published by the Orthodox Union Kashrus Division (http://www.oukosher.org/index.php/learn/daf_ha-kashrus).

14. See *Sha'arei Teshuva* 4:17, who mentions a half hour as a possible timeframe for *sheinat keva* (substantial sleep). Poskim identify the requisite *sheinat keva* as sleeping in one's bed instead of napping with one's head down on a table (*Mishna Berura* 47:23), or the like. However, in a situation where this will be the entirety of one's sleep during the course of the night, even the latter will constitute *sheinat keva* if one sleeps for a half hour. See also *Ishei Yisrael*, chap. 6, fn. 66.

15. Rema (O.C. 4:13) requires one to wash without a bracha. *Mishna Berura* (4:30) notes that later poskim debate whether to accept Rema's ruling or to wash with a bracha. However, poskim agree that one can recite a bracha in this scenario if he or she uses the

bathroom first. This appears to be common practice.

16. See *Shulchan Aruch* (O.C. 47:12) and *Mishna Berura* (ibid.). *Mishna Berura* also cites the ruling of R. Akiva Eiger that one who slept in bed the previous day (prior to staying up the entire night) may recite Birchot HaTorah in the morning according to all opinions. Although some poskim question R. Akiva Eiger's opinion, many poskim endorse this ruling (see *Shut Tshuvot V'Hanhagot* 3:149, citing the Brisker Rav).

17. *Mishna Berura* (47:15).

16. *Sha'arei Tshuva* (O.C. 46:7) and *Mishna Berura* (O.C. 46:24).

19. According to some opinions, one can fulfill *Elokai Neshama* when reciting the bracha of *Mechyeh HaMeitim* in Shemoneh Esrei (see *Mishna Berura* 52:9). However, if there is someone else in the home that did not stay up, that person may wait to recite the brachot later when the one who learned all night can answer amen (see *Mishna Berura* 52:10). [This should only be done if the brachot will be recited before *chatzot* (midday).] In this case, the individual who did not stay up should specifically have in mind not to fulfill *Elokai Neshama* while reciting the bracha of *Mechyeh HaMeitim* in Shemoneh Esrei (see *Mishna Berura* 52:9).

20. See *Shulchan Aruch* (O.C. 18:3) and *Shut Igrot Moshe* (O.C. 4:6). Shemoneh Esrei is scheduled to begin at sunrise, as per *Shulchan Aruch* (O.C. 89:1).

21. *Nefesh HaRav* (pg. 114). For more on this subject, see *Shut Pri Yitzchak* (1:1) and *Shut Binyan Olam* (O.C. 4).

22. See *Siddur Ba'al HaTanya* where this practice is recorded. For an alternative perspective, see *Shut Igrot Moshe* (*Y.D.* 3:129:7).

23. Rav Soloveitchik often spoke about the distinction between bonafide minhagim and "ceremonies." One should be conscious of the fact that such a reading would not constitute a fulfillment of the actual minhag. See Rav Schachter's teshuva on Shir HaShirim, available at: <https://www.yutorah.org/lectures/lecture.cfm/950655>

24. See *Levush* (O.C. 494).



THE RELEVANCE OF TORAH IN ALL SITUATIONS: A SAMPLE OF HALACHIC RULINGS FROM THE COVID-19 CRISIS

Every morning, we recite the *Birchot HaTorah* and thank HaShem for giving us the Torah. If we pay careful attention to the text, we may notice an apparent inconsistency in tenses:

ברוך אתה ה' אלקינו מלך העולם אשר בחר
בנו מכל העמים ונתן לנו את תורתו בא"י נותן
התורה.

*Blessed are you HaShem ... Who has
chosen us from all nations and gave us
His Torah, Blessed are you HaShem
Who gives the Torah.*

The blessing switches from *natan* (Who gave) to *notein* (Who gives). Why does the blessing switch from past tense to present tense? Why not be consistent? The Vilna Gaon, *Kol Eliyahu* to *Eruvin* 21b, suggests that the blessing is referencing two different aspects of the giving of the Torah. The written Torah was given at Sinai. *Matan Torah*, which we

commemorate on Shavuot, is an event that took place in the past. However, at Sinai, there was an oral Torah that was also given, and in each generation Torah scholars add new analysis and interpretations. In *Birchot HaTorah*, we recognize not only the past event that took place at Sinai, but the ongoing gift of new interpretations and analysis that we experience on a constant basis. We refer to HaShem as He “Who gives the Torah” in the present tense because this type of *Matan Torah* happens at every moment.

Much of the ongoing interpretation and analysis is the result of changing times. The Torah is constant and never changes, but the circumstances in which we must keep the Torah are always changing. Every generation must find a way to apply the Torah's timeless messages and laws to new circumstances.

The ninth of the Thirteen Principles of Faith is the principle that the Torah will never change. Rabbi Soloveitchik (cited in *Nefesh HaRav* pg. 276) added homiletically that there should be a fourteenth principle that supplements the ninth one — that the Torah is relevant and meaningful in every generation and in every circumstance.

Over the past few months, our whole way of life changed as the result of COVID-19, and with that, we were faced with many questions about how to observe the Torah under these circumstances. Our Torah leaders not only showed us how to apply Torah law to these unusual circumstances, they showed us how to make texts that were written hundreds or thousands of years ago, about very different circumstances, relevant to a 21st-century crisis. The goal of this article is to provide some of these examples.¹

The Halachic Status of a Video Conference

Before Purim, several Jewish communities and individuals were placed in quarantine. How were they supposed to fulfill the mitzvah to read (or hear) the Megillah without the ability to attend a service? Some of those individuals had access to a Megillah to read or someone to read for them (from a proper distance), but others did not. Were they able to fulfill the mitzvah by listening to or watching a Megillah-reading taking place elsewhere?

The question of whether we can listen to the Megillah over phone or video conference is not new. This is something that poskim have already debated and in previous years, this issue was avoided by arranging for someone to read personally for those in need. However, this year, because so many people were in this situation, it wasn't practical to find someone to personally read for all affected individuals.

What are the arguments for and against listening to the Megillah by phone or video conference? The debate actually centers around how to understand a Mishna, *Rosh HaShanah* 27b, discussing blowing a shofar into a pit:

התוקע לתוך הבור או לתוך הדות או לתוך הפיטס אם קול שופר שמע יצא ואם קול הברה שמע לא יצא.

If one blew a shofar into a pit or a cistern or a jug, if he heard the sound of the shofar, he has fulfilled his obligation. If he heard the sound of the echo, he has not fulfilled his obligation.

What is the exact problem with hearing the echo of the shofar? R. Shlomo Zalman Auerbach, *Minchat Shlomo*, no. 9, suggests that the problem is that one isn't actually

hearing the sound of the shofar but a replication of it. For this reason, one who hears shofar or Megillah through a microphone or telephone cannot fulfill the mitzvah, since the sound that is heard is not the actual sound, but a digital (or analog) replication of the sound.

R. Auerbach, op. cit., notes that he discussed the matter with R. Avraham Y. Karelitz (*Chazon Ish*). *Chazon Ish* responded that if the listener hears the sound through an amplification system immediately after the sound is produced, it is possible that he fulfills the mitzvah. R. Auerbach explains that accordingly, one must explain that the problem with the echo is that the sound is not heard immediately upon its production.

R. Moshe Feinstein, *Igrot Moshe, Orach Chaim* 2:108, argues that even if we consider the sound coming out of a speaker as a reproduction, it does not necessarily invalidate the sound because any sound that is heard is not the actual produced sound but a reverberation of sound waves. He posits that the problem with hearing the echo is that an echo is a weak sound. Sound produced through an amplification system is a strong sound and therefore not subject to the invalidity of the sound of the echo.

Therefore, R. Feinstein rules that in principle we should not protest those who use an amplification system for the reading of the Megillah, provided that the sound is heard at the time of reading (i.e. not a recording). However, he was not willing to endorse using a microphone for Megillah reading.

When Rav Hershel Schachter was asked about the permissibility of quarantined individuals to fulfill the mitzvah by phone or video, he responded as follows:

Lechatchila, Rav Moshe Feinstein rules that this is not permitted. In a bidi'eved situation, since mikra megillah is derabanan, it is permitted. (This is as opposed to Rav Shlomo Zalman Auerbach who thinks even then it is not permitted. Rav Soloveitchik raised the same issue as Rav Moshe Feinstein regarding the reason why we do not allow shomei'a ke'oneh on a kol havarah.) Therefore, in a situation in which it is impossible to have an in person mikra megillah due to pikuach nefesh considerations caused by Coronavirus, it is permissible to hear mikra megillah via a live phone call or video. We follow the rule that sha'as had-chak ke-di'eved dami; in a sha'as had-chak we allow le-chatchila what is usually only accepted bidi'eved.

Based on R. Feinstein's ruling, we wouldn't normally allow someone to fulfill the mitzvah of Megillah by phone or microphone but would invalidate the reading of someone who performed the mitzvah in this manner. However, because this is a pressing situation and because R. Feinstein didn't invalidate the reading in these situations, we employ the rule *sha'at hadechak kedieved dami*, in pressing situations we can endorse practices that are usually only valid *ex post facto* (see *Yad Malachi, Klalei HaDinim* no. 587).

Virtual Minyan

Another question relating to video conferences is whether we can create a "virtual minyan" with ten men, each in their own homes, who recite the services together. Can we consider them all together for the purpose of reciting prayers that require a minyan (Kaddish, Kedusha, the Chazan's Repetition)?

There is a dispute between Rashi and Tosafot in *Pesachim* 85b regarding the inclusion of someone for a minyan

who is standing on the other side of a wall. Their dispute revolves around how to understand a dispute between R. Yehoshua ben Levi and R. Yehuda as to whether a wall serves as a barrier between those in the synagogue and those on the outside. Tosafot write:

פי' בקונטרס לענין צירוף ואין נראה ...
ובפרק כל גגות (עירובין צב:) משמע סתמא
דגמרא דמחיצה מפסקת לצירוף דקאמר ט'
בקטנה ואחד בגדולה אין מצטרפין ... ונראה
לר"י דהכא מיירי לענין לענות יחיד קדושה
ויהא שמיה רבא מברך דאין מחיצה מפסקת
לריב"ל ולרב יהודה מפסקת

According to Rashi, the Gemara is dealing with counting the person on the outside as one of the ten people in the minyan. This is not accurate ... In Eruvin 92b, the Gemara indicates that a wall does serve as a barrier to join people for a minyan as it says that if there are nine in a small room and one in the big room, they cannot combine for a minyan ... Rather, Rabbeinu Yitzchak suggested that here we are dealing with an individual answering for Kedusha and Kaddish. According to R. Yehoshua ben Levi, the wall does not serve as a barrier and according to R. Yehuda, it does.

Tosafot's opinion — that all ten people must be in the same room in order to create a minyan — is codified by *Shulchan Aruch, Orach Chaim* 55:13. Based on the opinion of Tosafot, R. Yosef Zvi Rimon ruled that we cannot create a minyan over video conference since each person is in a separate room. However, the argument can be made to answer for Kaddish and Kedusha if one is watching a video conference of an existing minyan (such as in Israel where the Ministry of Health allowed outdoor minyanim of small groups during certain periods of time).

R. Rimon also noted another idea relevant to video conferencing and

prayer. Some Rishonim explain that the reason why a fixed text was chosen for prayer was so that the Jewish people can be united in prayer. This reason applies even when there is no minyan, and as such, it is worthwhile for a community to pray together over video conference even if it doesn't constitute a minyan.

Tevilat Keilim

When a metal or glass utensil is purchased from a non-Jew, there is a mitzvah to immerse the utensil in a mikveh prior to using it. As Pesach approached, this was a challenge for many communities. Many people were making Pesach for the first time and had purchased new utensils that required immersion. Some communities felt that it was not safe to open the keilim mikveh. Even in communities where proper safety precautions were implemented, there were people who were told to stay home and couldn't access the mikveh. As such, an alternative needed to be found.

Shulchan Aruch and Rama (*Yoreh Deah* 120:16) discuss what to do when there is no access to a mikveh:

אם שכח ולא הטביל כלי מערב שבת או מערב
יום טוב יתנונו לעובד כוכבים במתנה ואחר כך
ישאלנו ממנו ומותר להשתמש בו: הגה: וכן
יעשה אפילו בחול במקום שאין לו מקוה (ב"י).
*If one forgot to immerse a utensil before
Shabbat or Yom Tov, one can give it as
a gift to a non-Jew and then borrow it
back. Then one may use it.*

Glosses of Rama: This solution should also be employed during the week in a place where there is no mikveh.

Immersion of utensils is not permitted on Shabbat or Yom Tov. Therefore, if one forgot to immerse a utensil beforehand, another option needs to

be found in order to permit using it on Shabbat. The solution is to give it as a gift to a non-Jew and then borrow it back. The utensil, which is now owned by a non-Jew, doesn't require immersion. Rama adds that this solution can also be employed during the week when one has no access to a mikveh. *Taz* (18) adds that this is only a temporary solution. As soon as Shabbat is over or as soon as one has access to the mikveh, there is a requirement to repurchase the utensil and perform the mitzvah properly.

In Shulchan Aruch's time, employing this solution involved bringing the utensil to a non-Jewish neighbor and asking him to lift up the utensil in order to acquire it. In an age of social distancing requirements, this solution isn't practical. How then can we implement such a solution during the COVID-19 crisis?

We face a similar challenge every year before Pesach. From a halachic perspective, the simplest way to perform *mechirat chametz* (sale of chametz to a non-Jew) would be for the owner of the chametz to bring his or her chametz to the non-Jew, have the non-Jew pick up the chametz as a means of acquisition (to fulfill the opinion of R. Yochanan in *Bechorot* 13b), and then pay money (or a down payment) for the chametz (to fulfill the opinion of Reish Lakish, see Rabbeinu Asher, *Bechorot* 1:2). However, it is not practical to have everyone take all of the chametz out their homes and have a non-Jew lift up every single chametz item. Instead, everyone in the community appoints the rabbi as their agent to sell the chametz. The rabbi then performs a series of transactions to ensure that both the opinions of R. Yochanan and Reish Lakish are satisfied.

However, the *mechirat chametz* model needed to be adapted for selling utensils during the COVID-19 crisis. First, for *mechirat chametz*, the rabbi only meets the non-Jew one time (or twice if he has congregants who are in a time zone where Pesach starts earlier) in order to execute the sale. The sale of utensils requires that such an arrangement be done on a frequent basis so that those who purchase utensils can sell them to a non-Jew and use them soon after. Second, when the rabbi meets with the non-Jew for *mechirat chametz*, the non-Jew physically hands the money for the purchase of the chametz to the rabbi. He also shakes the rabbi's hand as a method of transaction called *situmta*. *Situmta* means that if a symbolic act is performed that is recognized by local businesses as a method of transaction, the transaction is valid. Since business deals are customarily completed with a handshake, a handshake constitutes *situmta* and is customarily employed in *mechirat chametz*. With social distancing guidelines in place, it is not practical for a rabbi to have frequent meetings with a non-Jew that involve the non-Jew and the rabbi physically interacting.

The Beth Din of America, with the guidance of its Sgan Av Beth Din, Rabbi Mordechai Willig and its Director, Rabbi Shlomo Weissmann, created a system to sell one's utensils through an online form.² To accomplish this, the transfer of money is performed electronically. At the time of the sale, the non-Jew uses PayPal to pay a deposit for the utensils that are being purchased. To fulfill the opinion of Reish Lakish, who does not recognize monetary transfer as a valid form of transaction in this situation, the user filling out the form, checks off a box that states, "I hereby convey,

transfer and assign to Mr. Matt Pavia the personal property described above (the "Personal Property"), effective immediately upon my signing and submitting this instrument." Since filling out such a form is considered a customary means of completing a sale online, this constitutes *situmta*. The transactions are performed every few days and the times of the transactions are posted. The introduction to the form states that, "The kelim will be purchased back from the non-Jew at a later date. After that time, since this sale mechanism is only to be used *bisha'as hadechak* (in an extraordinary circumstance) such as the present situation, you should immerse your kelim in a mikvah once it is safe to do so. When the date for the repurchase is established you will be notified by email so that you can properly immerse your kelim in a mikvah at that time."

Medical Issues

Unfortunately, the COVID-19 crisis brought about a number of difficult dilemmas in the area of medical ethics. Healthcare workers were forced to make very difficult decisions regarding allocation of resources, triage, removing patients from ventilators and many other questions. R. Asher Weiss wrote several responsa on these issues. We will give one example. R. Weiss was asked about a Hatzalah member whose wife was in a high-risk category for COVID-19. As a first responder, he was much more prone to getting infected and as such, there would be a greater likelihood that his wife would contract the disease. Should he continue to volunteer for Hatzalah, or should he take a leave of absence?

R. Weiss begins by noting two arguments that could be made for him to continue his work with Hatzalah

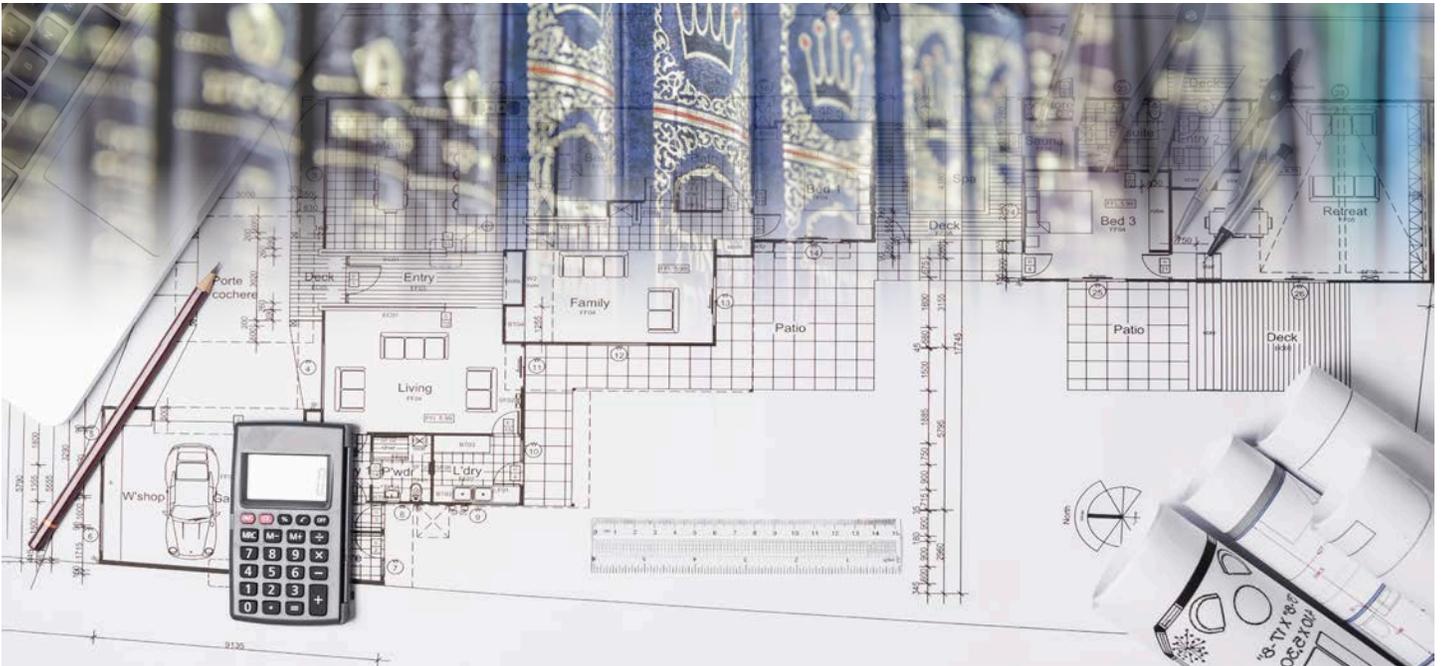
based on ideas that R. Weiss noted in a eviuous responsum (*Teshuvot Minchat Asher* 3:121). First, when it comes to the prohibition against self-endangerment, we always weigh the risks against the benefits. If something is potentially dangerous but the gain is greater, we may engage in the activity despite the risk. Second, first responders and health-care professionals who are engaged in life-saving activities are expected to expose themselves to a higher degree of risk than ordinary individuals. As such, we can argue that this member of Hatzalah is permitted to expose himself to contagion because the benefits of saving lives outweigh the risks. Furthermore, because he is a first-responder, perhaps he should be required to do so.

R. Weiss then writes that this line of thinking is incorrect for three reasons. First, it is very likely for a first-responder to contract the disease. This is beyond the higher degree of risk that first-responders are required to undergo. Second, a person may risk his own life when there is a greater benefit, but he doesn't have the right to risk the life of others (i.e. his wife). Third, and most important, this is something that others can do instead of him. Since there are others who can respond to the call that do not have high-risk family members, it is better that they be the ones to respond.

Endnotes

1. The rulings referenced in this article were distributed by email or other messaging platforms. Some of the rulings can be found at KolCorona.com which has a collection of many of the rulings that were issued.
2. The form and the details of the system are available at bethdin.org/kelim.

Elisheva [Ellie] Levi, AIA, LEED AP is a licensed architect in New York City. She designs schools, hospitals and other institutional work. She is a frequent lecturer at Yeshiva University's Millie Arbesfeld Midreshet Yom Rishon and the OU Women's Initiative and was the founding president of the American Friends of Bat Melech, a domestic violence shelter in Israel as well as the founder of the Kol Kallah fund for Yad Eliezer.



DEMOLITION AS THE PRECURSOR TO BUILDING: ARCHITECTURAL LESSONS FOR JUDAISM

The Spiritual Effect of the Architectural Process

Every architectural process by which new buildings are constructed involves many phases of design. The most memorable, of course, is the construction phase. However, one of the critical phases of design, which precedes construction, is called the demolition phase. It usually occurs when a building or portion thereof is going to be renovated — the old is cleared to make way for the new. Even when constructing an entirely new building there is always a level

of demolition involved: ground clearing, earthworks removal to dig deep for foundations and piping, or the demolition of miscellaneous on-site structures to make way for the new project. In other words, there is never something newly constructed that does not involve the destroying or clearing out of something that preexists it.

In this respect, architecture can serve as a real-time model for the spiritual process of building ourselves anew that Judaism promotes in various ways — and particularly at holiday times. For instance, when we start the new year in Tishrei, first we engage in a

teshuvah process during the month of Elul that culminates forty days later at Yom Kippur. True repentance is a long process — it involves breaking old habits and repairing broken relationships. The sound of the shofar heard at Rosh Hashanah, the *teruah* — the repeated, broken short blasts — also signifies this breaking process. And when we are done with our brokenness, and have resolved to build ourselves anew, the first mitzvah we are given on *motzei Yom Kippur* is to go outside and engage in a real construction project: building a sukkah, which functions as a tangible symbol of our rebirth.

Similarly, when we start the new year in Nissan, we break something old in order to discover our newly freed selves; before we tell our freedom story in the *Maggid* section of the Pesach seder, we must first do the *Yachatz* ceremony — breaking of the middle matzah in half. This symbolizes how we must break down our slave mentality in order to arrive at a free man’s mentality.

Shavuot is also a holiday that involves a demolition phase as a precursor to a new construction phase. Let’s look at its history in order to see how.

Breaking Down Barriers

When *Am Yisrael* first received the Torah at Sinai, the first historical “Shavuot,” they were taken into a desert as the setting for this momentous occasion. The Gemara in *Eiruvin 54a* explains that a desert is a place of humility, because it is an open space of passage for anyone — it is a trampled upon place. The Gemara in *Nedarim 55a*, advocates for the receiving of the Torah in a desert in order to parallel this environment’s key feature — making oneself *hefker* — a prerequisite for proper Torah adherence. The desert is a leveler of ego and thus the ideal setting for receiving the Torah.¹ Interestingly, it also served to unbundle the chaos of the concentrated urban environment that the Jewish people resided in for over two centuries.

Egypt was an empire of myriad peoples in residence and in passing, engaged in travel and in business. It was a place where might was measured by glorious architectural wonders known the world over. By entering a vast, wild, untamed and unclaimed desert, any spirit

of conceit that may have lingered among the Jews for having resided in (and even contributed to the building up of) Egypt’s great metropolises was broken in the Jewish people. The message was clear: a desolate environment was superior to even the greatest of metropolises as a place to build up the chosen nation of Hashem.

Breaking Through Sin and Breaking to Rebuild

Even though the Jews felt the enormity of their privilege in being designated Hashem’s *am segulah* — the people chosen to receive and live the Torah — they nevertheless experienced a tragic downfall soon thereafter. After his monthlong spiritual encounter with God post-Matan Torah, Moshe must abruptly hasten his return to the nation. There he sees the idol worshipping ceremony of the Chet HaEgel unfolding before his eyes, and his reaction is to immediately and decisively throw down the Luchot. The Luchot were thus shattered to smithereens.

The commentaries vary in explaining why Moshe did this. Some claim that his arms weakened and he could not physically support the weight of the Luchot anymore.² Others claim that Moshe did this intentionally and in anger.³ Perhaps he sought to create a concrete symbol of the desecration of what the people did — their idolatrous festival destroyed any holiness they had attained at Sinai.⁴ They were no longer deserving of the precious Luchot that functioned as the contract between them and Hashem, since that contract was now nullified by their treacherous actions.⁵ A more unusual explanation that I

once heard is that Moshe understood immediately how unforgivable this sin would be in the eyes of Hashem, and therefore decided to literally “cast his lot” with the Jewish people by shattering the Luchot — i.e., doing something unforgiveable himself by breaking the holy handiwork of God Himself. In so doing, he created an argument on behalf of the Jewish people: if Hashem couldn’t forgive them, then He also wouldn’t forgive Moshe for this devastation.⁶ In essence, Moshe forced Hashem’s hand in forgiveness in order to be left with a nation.

After Moshe broke the Luchot, the next thing he did was to destroy the Golden Calf — he grinds it up and forces the Jews to drink its ashes. The point is that Moshe purposely broke things in order to forge a path toward rebuilding. In his mind, these were necessary acts of destruction in order to begin the process by which *Am Yisrael* could receive the second set of Luchot. His actions were a spiritual demolition that led to the making of a renewed nation, one that is able to ascend once again to holiness.

A fascinating question lingers about the smashing of the Luchot. What happened to the stone pieces? Where did they go? The Midrash tells us that Moshe actually collected them and placed them in the Aron Hakodesh.⁷ After the Jews received the second set of Luchot, these pieces were then placed beside the shards of the first and together they were carried with Bnei Yisrael for 40 years in their travels throughout the desert.

This raises another question: why did Moshe save the shards? After all, we have a tradition to bury *sheimos* — once-holy objects that lose their ability to function for their intended

use. Why didn't Moshe just bury the shards of the first Luchot instead of saving them?

I posit that the answer is that Moshe sought to create a concrete symbol of what it takes to rebuild. It may involve building upon the ashes of sin but that sin — no matter how enormous — does not preclude us from succeeding in rebuilding. In other words, Moshe did not advocate for a total erasure of the memory of sin by burying the shards. He preferred to compel the nation to remember their sins as a precursor to the rebuilding process. Carrying the shards of the first set of Luchot along on their 40-year sojourn in the desert was emblematic of the need to be vigilant in all matters of holiness. The central location of these shards of our sins within the very core of the Jewish encampment while traveling, and in the holiest of places when encamped and the Mishkan was erected, made this message remain ever fresh and relevant; on the one hand, sin is close to wrecking what we've built, but on the other hand we must remember our fall in order to rise again. The brokenness was a prerequisite to attaining and maintaining wholeness.⁸

Interestingly, this accords with a Jewish "architectural *minhag*": the Gemara tells us that when we build a new building, we should always leave something unfinished in the entryway "*zecher l'churban*" — as a remembrance of the destruction of the *Beis Hamikdash*.⁹ Nothing built anew comes without invoking our once grand structure of service to Hashem, the Holy Temple in Jerusalem. Not only must we never forget this great loss, we still actively mourn it in every attempt at rebuilding by leaving a visual cue at the entrance. Brokenness

informs our aspiration for ultimate redemption and permanence of place.

Building a Way Forward

We know that after the Chet HaEgel, the Jewish people are given the command to build the Mishkan as a way of filling their need for a physical mode of relating to God.¹⁰ And now, after our spiritual demolition phase, we can enter into a construction phase.

The process of building anew is never completely achieved. We must strive to attain holiness as an ever-unfolding process.

But the Mishkan was never meant to be permanent. It was designed to be erected and dismantled with frequency, based on the peregrinations of the Jews in the desert. In fact, Rashi tells us that in the *shivat y'mei hamiluim*, the seven-day preparation period that served as the inauguration of the Tabernacle, Moshe erected and dismantled the Mishkan every day!¹¹

Can we understand this as a message that spiritually we must be nimble — ready to rebuild and start again at a moment's notice? Put another way, perhaps the lesson for eternity is that the process of building anew is never completely achieved. We must strive to attain holiness as an ever-unfolding process. This can help assuage the psyche of the wandering Jewish nation, sentenced to seemingly endless migrations in our current *galut*. The need for rebuilding our lives

over and over again in different times and in different places is behavior modeled for us by our ancient ancestors with their Holy Tabernacle.

Another interpretation of Moshe's actions during the *miluim* period is offered by Rabbi Baruch Simon. The repeated dismantling and re-erection of the Mishkan for seven days was illustrative of the teshuva that the people needed to undergo after the Chet HaEgel. Only once they fully finished this process — breaking their habit for idol worship, breaking themselves down in teshuva — could the Shechinah rest upon the Mishkan on the eighth day.¹²

In fact, David Hamelech yearned to build the Jewish nation's ultimate edifice, the Beit HaMikdash, of which the Mishkan was simply its precursor. But, tragically, he was not granted permission to do so. It makes sense then that he wrote in Tehillim 51 that the thing that Hashem desires even more than sacrifices, (which can only be given in the Temple), is a broken heart. Two verses later, he refers to the building up of the "*chomot Yerushalayim*." The implication is that in order to build our greatest structure, we should embrace our broken hearts.¹³

The need for destroying and rebuilding is expressed rather shockingly as an attribute even of Hashem! A Midrash teaches us that Hashem built many worlds which He then destroyed before deciding to keep this one.¹⁴

Breaking as a Mode of Preparation

A conscious breaking down as a precursor to building up is also present in the entry into the Land of

Israel. Yehoshua, Moshe's beloved student and the designated leader to bring the Jewish people into the Promised Land, echoes Moshe's preparations for Matan Torah by requiring a three-day separation period for the people prior to entering Jericho, the first city they would conquer. Additionally, at the command of Hashem, an elaborate seven-day ceremony, echoing the *shivat y'imei hamiluim* inauguration of the Mishkan, follows. During this time, the kohanim encircled the city's walls in a processional with a regiment of choice soldiers, while carrying the Aron Hakodesh and blowing the shofar.¹⁵ This highly orchestrated ceremony occurred once a day for six days and seven times on the seventh day, but culminated with the entire nation's participation — when they cried out in unison, they succeeded in bringing down the heavily fortified walls of Jericho. In other words, in order to launch the beginning of the military conquest and ultimately the building up of the Jewish presence in the Holy Land, a demolition phase occurred first. Breaking down literal barriers built their self-confidence to rally forward and carry out their mission.

Building the Ideal Structure

The Midrash has compared the Mishkan to a *chuppah* — the marriage canopy where Hashem, as the groom, meets *Am Yisrael*, the bride.¹⁶ The common understanding is that the Mishkan is the “Tent of Meeting” where God's presence descends on the structure and meets Israel there. While encamped, the Jewish people, like a bride, encircled the Mishkan with God as “groom,” further amplifying the *chuppah* comparison.

The holiday of Shavuot is also seen as a remembrance of the *chuppah* of the Jewish People and Hashem at Sinai.¹⁷ Hashem is said to have “held the mountain [Sinai] above their heads” as they surrounded Him at Matan Torah, much like a *chuppah* is temporarily suspended above the heads of a bride and groom. Additionally, under the *chuppah*, the custom is to break a glass as the final act before a couple can celebrate their marriage. This is commonly understood as another custom *zecher l'churban* — to remember the Temple that lies in ruins. However, Rav Josef B. Soloveitchik has an interesting alternative explanation for this minhag. He states that it is done in memory of the broken Luchot.¹⁸ At the seminal moment of cementing a new relationship with another, and the imminent building of the “*bayit neeman b'yisrael*,” there is an evocation of brokenness. It is the demolition phase that must precede the successful building phase.

On Shavuot this year we can now understand that when we celebrate the giving of the Torah once again, we should carry with us the memory of how we nearly lost it. Let's remember the history of things shattered in order to successfully build our new selves, in relationship with each other and with Hashem.

Endnotes

1. I am grateful to Rabbi Moshe Taragin for these insights into the desert setting for Matan Torah and these two Gemara citations as read in an article entitled, “A Desert Gift,” by Rav Moshe Taragin, <https://www.etzion.org.il/en>.
2. Rashbam, Shmot 32:19.
3. Rashi, Shmot 32:19 See next sources for more commentaries who believe that Moshe purposely broke the Luchot. This debate is only relevant on the accounting of the

breaking of Luchot in Shmot Ki Tisa, but in the accounting by Moshe himself in Devarim, Ekev 9:17, he states outright that he threw down the Luchot.

4. This point seems to agree with Seforno's interpretation in Shmot 32:19.
5. Ibn Ezra, Shmot 32:19.
6. Similarly, Ramban to Devarim, Ekev 9:17 comments that Moshe put his own life on the line by breaking the Luchot as a favor to the people
7. *Bava Batra* 14b; *Menachot* 99a.
8. For a fuller exploration of this topic, see my shiur entitled: “Rebuilding in the Face of the Ruins: Lessons from Tanach and Gemara,” audio recording and source sheet on www.yutorah.org; search under Elisheva Levi.
9. *Bava Batra* 60b.
10. This is the opinion of Rashi and Seforno, et al in Exodus.
11. Rashi on Bamidbar 7:1, quoting *Sifri* 44.
12. *Sefer Imrei Baruch al HaTorah*, VaYikra, p.83, quoting Rabbi Yosef Greenwald. I am grateful to Rabbi Yaakov Glasser for bringing this source to my attention.
13. I am grateful to Dr. Rivkah Blau for bringing this source to my attention.
14. *Breishis Rabbah* 3:7.
15. The *Baal haTurim* to Exodus 19:13 says that this was the same shofar used at Har Sinai for Matan Torah.
16. Rashi on Bamidbar 7:1, quoting *Tanchuma* 20a.
17. *Mechilta D'Rabi Yishmael* – Yitro.
18. “The Breaking of the Glass” by Rav Herschel Shachter, https://torahweb.org/torah/2005/parsha/rsch_yisro.html.



Yeshiva University

[YU.EDU/EMERGENCY2020](https://www.yu.edu/emergency2020)

Times Have Changed. Our Mission Hasn't.

Emergency Scholarship Campaign

Our mission is to educate the next generation of leaders. We're dedicated to continue their education despite the economic challenges brought on by COVID-19. Join us in this pledge by making a gift to YU's Emergency Scholarship Campaign and help our students achieve their goals.



REVEL

**BERNARD REVEL
GRADUATE SCHOOL OF
JEWISH STUDIES**



BROADEN YOUR KNOWLEDGE OF JEWISH STUDIES AT REVEL

World renowned
professors

Range of programs
including dual-degree,
MA and PhD

New! Revel Online
allows you to earn your
degree remotely

Learn More at: yu.edu/revel



Revel

Bernard Revel Graduate School
of Jewish Studies

BUILDING TOMORROW, TODAY



“ Syms offers the education you need to succeed in NYC’s booming real estate industry. ”

David Abrams
Managing Director,
NEWMARK KNIGHT FRANK

MITZNER MASTER’S IN REAL ESTATE

Discover the art and science behind every deal

Create impactful business relationships through YU’s Real Estate Network.

Receive mentoring from real estate practitioners with experience in every sector.

Master the fundamentals of financial analysis, modeling and deal-making.

Learn More at: yu.edu/syms/real-estate



Sy Syms
Sy Syms School of Business

BUILDING TOMORROW, TODAY
Yeshiva University

Open to College and High School Students



CONTINUE YOUR LEARNING THIS SUMMER

Yeshiva University is Always in Session

TORAH STUDIES

Learn with esteemed Rebbeim and faculty.

INTERACTIVE BOOTCAMPS

Develop new skills in our virtual bootcamps.

ACADEMIC COURSES

Get closer to your degree with YU summer classes.

Spots Limited. Register Today.
Learn more: yu.edu/summer



Yeshiva University
BUILDING TOMORROW, **TODAY**



WE'VE GOT ISRAEL COVERED.

In these trying times, our heroic doctors, nurses, technicians and staff have got Israel covered. In fact, Shaare Zedek has the largest COVID-19 unit in all of Israel.

Shaare Zedek Medical Center in Jerusalem is proud to be the place all Israelis know they will receive the best care, both those patients fighting Corona and those needing more routine emergency care. For more than 100 years, Shaare Zedek has been helping patients heal through compassionate caregiving and cutting-edge treatments.

Learn more at www.acsz.org



American Committee for
SHAARE ZEDEK
Medical Center in Jerusalem

www.acsz.org | national@acsz.org | 212.764.8116   



RABBAN YOCHANAN BEN ZAKKAI BUILDS THE NEW NORMAL

We find ourselves poised to observe Shavuot in the midst of a pandemic unlike any we have experienced in our lifetimes. This pandemic has totally transformed our lives on multiple levels: social, professional, religious, and economic. As we struggle to make sense out of these changes, we turn to *Pirkei Avos* for insight and inspiration. For centuries, the study of *Pirkei Avos* served as a way to prepare for celebrating Shavuot and its commemoration of the giving of the Torah. In this essay, we analyze a passage from *Pirkei Avos* which seeks to instruct us in choosing the

ideal path in life. This passage and its message resonate powerfully as we prepare to observe Shavuot in the throes of the “New Normal.”

רבן יוחנן בן זכאי קבל מהלל ומשמאי. הוא היה אומר, אם למדת תורה הרבה, אל תחזיק טובה לעצמך, כי לכך נוצרת. חמשה תלמידים היו לו לרבן יוחנן בן זכאי, ואלו הן, רבי אליעזר בן הורקנוס, ורבי יהושע בן חנניה, ורבי יוסי הכהן, ורבי שמעון בן נתנאל, ורבי אלעזר בן ערך. הוא היה מונה שבחן. רבי אליעזר בן הורקנוס, בור סוד שאינו מאבד טפה. רבי יהושע בן חנניה, אשרי יולדתו. רבי יוסי הכהן, חסיד. רבי שמעון בן נתנאל, ירא חטא. ורבי אלעזר בן ערך, כמעין המתגבר. הוא היה אומר, אם יהיו כל חכמי ישראל

בכף מאזנים, ואליעזר בן הורקנוס בכף שניה, מכריע את כולם. אבא שאול אומר משמו, אם יהיו כל חכמי ישראל בכף מאזנים ורבי אליעזר בן הורקנוס אף עמהם, ורבי אלעזר בן ערך בכף שניה, מכריע את כולם. אמר להם, צאו וראו איזוהי דרך ישרה שידבק בה האדם. רבי אליעזר אומר, עין טובה. רבי יהושע אומר, חבר טוב. רבי יוסי אומר, שכן טוב. רבי שמעון אומר, הרואה את הנולד. רבי אלעזר אומר, לב טוב. אמר להם, רואה אני את דברי אלעזר בן ערך מדבריים, שבכלל דבריו דבריים. אמר להם: צאו וראו איזוהי דרך רעה שיתרחק ממנה האדם. רבי אליעזר אומר, עין רעה. רבי יהושע אומר, חבר רע. רבי יוסי אומר, שכן רע. רבי שמעון אומר, הלוה ואינו משלם. אחד הלוה מן האדם, כלוה מן המקום ברוך הוא, שנאמר (תהלים לז)

Dedicated in honor of our daughter Chava's engagement to Levi Goldman.
May they merit building a home imbued with all the good traits mentioned in this essay.

לזה רשע ולא ישלם, וצדיק חונן ונותן. רבי אלעזר אומר, לב רע. אמר להם, רואה אני את דברי אלעזר בן ערך מדבריכם, שבכלל דברי דבריכם.

Rabban Yochanan ben Zakkai received [the oral tradition] from Hillel and Shammai. He used to say: if you have learned much Torah, do not claim credit for yourself, because for such a purpose were you created. Rabban Yochanan ben Zakkai had five disciples: Rabbi Eliezer ben Hurkanus, Rabbi Yehoshua ben Chananya, Rabbi Yose HaKohen, Rabbi Shimon ben Nesanel and Rabbi Elazar ben Arach. He [Rabban Yochanan] used to list their outstanding virtues: Rabbi Eliezer ben Hurkanus is a plastered cistern which loses not a drop; Rabbi Yehoshua ben Chananya — happy is the woman that gave birth to him; Rabbi Yose HaKohen is a pious man; Rabbi Shimon ben Nesanel is one that fears sin, and Rabbi Elazar ben Arach is like an ever-flowing spring. He [Rabban Yochanan] used to say: If all the sages of Israel were on one scale of the balance and Rabbi Eliezer ben Hurkanus on the other scale, he would outweigh them all. Abba Shaul said in his name: If all the sages of Israel were on one scale of the balance — including Rabbi Eliezer ben Hurkanus — and Rabbi Elazar ben Arach on the other scale, he would outweigh them all.

He [Rabban Yochanan] said unto them: go forth and observe which is the right way to which a man should cleave? Rabbi Eliezer said, a good eye; Rabbi Yehoshua said, a good companion; Rabbi Yose said, a good neighbor; Rabbi Shimon said, foresight. Rabbi Elazar said, a good leiv. He [Rabban Yochanan] said to them: I prefer the words of Elazar ben Arach, for in his words your words are included. He [Rabban Yochanan] said unto them: go forth and observe which is the evil way which a man should shun? Rabbi Eliezer said, an evil eye; Rabbi Yehoshua said, an

evil companion; Rabbi Yose said, an evil neighbor; Rabbi Shimon said, one who borrows and does not repay, for he that borrows from man is as one who borrows from God, blessed be He, as it is said, “the wicked borrow and do not repay, but the righteous deal graciously and give” (Psalms 37:21). Rabbi Elazar said, an evil leiv. He [Rabban Yochanan] said to them: I prefer the words of Elazar ben Arach, for in his words your words are included.

Avos 2:9-14

This description of Rabban Yochanan ben Zakkai’s students is puzzling:

First, the statement that Rabban Yochanan had five students seems inaccurate. Rabban Yochanan taught Torah for forty years (*Rosh HaShana* 31b), teaching all day to large crowds in the shadow of the Beis HaMikdash (*Pesachim* 26a). It seems odd to describe him as only having five students. Even the suggestion that these were Rabban Yochanan’s best students seems inaccurate. In addition to these students, he taught Rabbi Tarfon (*Tosefta, Chagiga* 3:11), Rabbi Chanina ben Dosa (*Berachos* 34b), Rabban Gamliel II, Rabbi Elazar HaModa’i, and Rabbi Nechunya ben HaKaneh (*Bava Basra* 10b). All the aforementioned rabbis were giants in their own right.

Second, it seems very atypical for the Mishna to spend time describing what Rabban Yochanan saw as the outstanding character traits of these five students. It seems even stranger that the Mishna then discusses which of these students could be considered the “best” among them. What lesson are we to gain from these statements?

To answer these questions, we need to appreciate the unique role Rabban Yochanan ben Zakkai played in Jewish history.

Rabban Yochanan was already a prominent Jewish leader before the destruction of the Second Beis HaMikdash. When it became clear that Jerusalem would fall to the Romans and the Beis HaMikdash would be destroyed, he proactively took steps to ease the Jewish people’s transition into a post-Churban (destruction) reality. As described dramatically by Chazal (*Gittin* 56b), he convinced Vespasian — the Roman general who became Emperor — to allow the Sanhedrin to relocate to Yavneh and to spare the family of Rabban Gamliel, who had led the Sanhedrin for generations. After the Beis HaMikdash was destroyed, Rabban Yochanan instituted several new enactments to help the people remember the Beis HaMikdash, while at the same time teaching that Judaism was still able to continue post-Churban, despite the horrific loss of the Beis HaMikdash and everything it entails (See *Avos D’Rabbi Nasan* 4:5).

If we view Rabban Yochanan’s statements in *Pirkei Avos* in light of his mission to help the Jewish people adjust to a post-Churban reality, we can answer the questions we posed above.

Rabban Yochanan indeed had many more than five students. Some of his students may have been even greater, in certain respects, than those mentioned in *Pirkei Avos*. But Rabban Yochanan felt that these five students exemplified character traits that were crucial for rebuilding Jewish life after the Churban. Although it is unusual for the Talmud to record a teacher rating the character traits of his students, in this case it was essential to do so. The students’ unique qualities and strengths served as the foundation of the “New Normal,” which Rabban Yochanan was so bent on establishing.

This perspective also helps us understand the preoccupation with establishing which of the students was “the best.” The issue was not one of vanity. The question at hand concerned identifying which personal quality would be the most essential in preserving Jewish life under radically new conditions.

What were these five essential qualities that Rabban Yochanan saw as essential to rebuilding the Jewish community?

Breadth in Torah Learning and Knowledge

This quality was personified by Rabbi Eliezer, the “plastered cistern who would not lose a drop” — someone who was a vast repository of the traditions he had learned from his teachers and that had been passed down from Sinai. Indeed, Rabbi Eliezer was a faithful transmitter of the tradition; he never said anything which he had not heard from his teachers (*Sukka* 28a).

Rabbi Eliezer’s statement that the best path a person can choose in life involves cultivating a “good eye” can be understood against this background as well. The term “good eye” is usually understood as generosity. However, the Abarbanel (in his “*Nachlas Avos*” commentary) explains that here it refers to an attention to detail, much the way that we use the expression in English today. Rabbi Eliezer extolled the value of having a “good eye” for the details of Torah. Only through doing so could we ensure that the tradition would be passed down comprehensively and accurately.

Rabban Yochanan — according to the first opinion in the Mishna — felt that this character trait was the most

important one to embrace in a post-Churban world. If the Torah was not preserved with total accuracy, the post-Churban society would essentially be broken off from the great tradition dating back to Sinai, and Judaism itself would be compromised.

Creating Deep Relationships

Rabban Yochanan praises Rabbi Yehoshua with the words, “Happy is the woman who gave birth to him!” On one level, this addresses a unique aspect of Rabbi Yehoshua’s biography: His mother brought him, as an infant, to the beis medrash, so that he could hear the sounds of Torah learning at a tender age (*Yerushalmi Yevamos* 1:6). “Happy is the woman who gave birth to him” is thus a tribute to the role Rabbi Yehoshua’s mother played in his early development.

Beyond that, the phrase describes someone who makes a positive impression on those who interact with him, as per the statement in *Yoma* 86a: “When one studies Torah and interacts pleasantly with people, people say about him, ‘Happy is his father who taught him Torah!’” A review of the stories told about Rabbi Yehoshua indicate that he was a master of managing relationships. He gently and sensitively guided those Jews who wanted to mourn excessively after the Beis HaMikdash was destroyed (*Bava Basra* 60b); he calmed Jews who wished to rebel against the Romans after they reneged on a promise to rebuild the Beis HaMikdash (*Bereishis Rabba* 64:10); he had deep relationships with government officials, including the Emperor Vespasian (*Shabbos* 119a, *Sanhedrin* 90b) and used those contacts to help nullify decrees against the Jewish people (*Shabbos* 127b).

When he passed away, it was said that “wise counsel has departed from Israel (*Yerushalmi Sota* 9:16).”

Rabban Yochanan recognized that the rebuilt Jewish society needed to cultivate deep relationships within Jewish society (leaders and followers, teachers and students) and without (the Jewish community with the non-Jewish world). Rabbi Yehoshua, who saw the best path in life as linked to the concept of the “good companion,” exemplified this trait.

A Just Society

Beyond forging deep relationships, it is equally — or perhaps even more — important to conduct our casual relationships with honesty and integrity. We can sometimes be a wonderful friend, but a poor neighbor. Rabbi Yose sees the need to create positive neighborly relationships as the key to a proper life and a righteous society; we should not merely be a “good companion” but a “good neighbor.” This is truly the cornerstone of a just society. As a “pious man,” Rabbi Yose sought to go beyond the letter of the law in dealing with others (see the commentary of Rav Ovadya of Bartanura). This trait was necessary for creating a community that would strive to do what was right for all its members.

Genuine Fear of Heaven

Rabbi Shimon is described as one who “fears sin.” As the commentaries point out, this does not simply mean that he acted out of fear of punishment; we learned earlier (*Avos* 2:6) that even an ignoramus can achieve fear of divine punishment. Rabbi Shimon cultivated a sense of true piety, in which he feared not

punishment but the inherent damage to the soul that sin creates. A Jewish society without this deep piety would be a society of externals, lacking a spiritual core — and such a society can not last. It would fall victim to the same forces that led to the Churban itself.

Someone possessing this deep piety has the foresight to realize that actions that may seem pleasurable and beneficial in the short term are often spiritual poison in the long term. Someone who lacks this foresight fails to realize that his very life is a loan, so to speak, from the Almighty; sinning represents accepting the loan of life but defaulting on payment. The payment demanded for the loan of life is devoting oneself to perfection of the soul.

Creativity and Profundity in Torah Learning

Rabbi Elazar ben Arach was an “ever-flowing spring,” someone who had the ability to bring an unusual amount of creativity and profundity to his Torah learning. As the Abarbanel points out, this personal quality of Rabbi Elazar’s is evident in his description of the ideal path to the good: A good *leiv*. *Leiv* is usually translated as “heart,” but the Abarbanel suggests that it is better translated, at least in this context, as “mind.” The creative and original Rabbi Elazar saw a good mind — a powerhouse of thought — as the key to achieving that which is good in life. Having a good mind is not simply a result of having been fortunate enough

to be born smart. A good mind is the result of careful cultivation of our inborn creativity and originality. The inspiration needs to be accompanied by perspiration in order to keep the mind ever creatively fresh.

According to Abba Shaul, Rabban Yochanan saw Rabbi Elazar’s creative powers as outweighing the unique contributions of the other great sages. He certainly saw the cultivation of the “good mind” as encompassing all the other ingredients in bringing a person — or a community — to the ultimate good. Why is this so? How does a “good mind” include all the other elements?

Life is constantly changing. There will always be a new set of challenges and issues that need to be addressed.

I believe the answer lies in what Rabban Yochanan had learned through his own experiences. Life is constantly changing — for the individual, as well as for the community. There will always be a new set of challenges and issues that need to be addressed. All the concepts mentioned by the other sages are essential — but life always requires a creative mind to know how to apply those concepts in an ever-changing reality. Without the “ever-flowing spring,” the ability to creatively think

of new solutions to new problems, the wonderful concepts articulated and personified by the other sages will remain wonderful concepts, lacking the wherewithal to be implemented when circumstances change.

Rabban Yochanan lived through one of the most difficult times in Jewish history, one where the entire landscape of Jewish life had changed radically. Yet with Rabban Yochanan’s own “good mind” — his creative ability to transplant the timeless values of Torah to a new environment — he was able to ensure the continuity of the tradition and the community that revered it. Rabban Yochanan recognized that the “good mind” was the foundation of enabling all the other values to flourish.

Although our current circumstances are far less traumatic than those experienced by the generation that saw the Beis HaMikdash destroyed, we have also seen much that was familiar to us upended. We struggle to keep the values of Torah afloat in a frightening new reality that is unlike anything any of us have experienced. In these difficult times, as we desperately seek to establish our own “New Normal,” we do well to contemplate all the elements that Rabban Yochanan saw as essential for rebuilding. Most important, we appreciate the role of creative thinking, the ability to see new ways to preserve the familiar and desirable in a disconcerting new environment. That ability to cultivate the “good *leiv*” ultimately is the foundation of everything.



Find more shiurim and articles from Rabbi Romm at
<https://www.yutorah.org/rabbi-zvi-romm/>



A COMMITMENT OF LOVE

Shavuot, the holiday commemorating Matan Torah at Har Sinai, is an opportunity to reflect on an important dimension of our relationship with Hashem: our marriage.

To address this Shavuot-related issue, we can look to an insight from our recent holiday — Pesach. Many ask a simple question about the “Dayeinu” poem that we read at the Seder table. The text reads: “Had we arrived at Sinai and not received the Torah, dayeinu — it would have been sufficient.” How is this possible? Our entire existence is predicated upon us accepting the Torah. As the Talmud teaches (*Avodah Zara* 3a):

ויהי ערב ויהי בקר יום הששי מלמד שהתנה הקב"ה עם מעשה בראשית ואמר אם ישראל מקבלין את תורתי מוטב ואם לאו אני אחזיר אתכם לתוהו ובוהו.

“And there was evening and there was morning, the sixth day” (Genesis 1:31). This teaches that the Holy One, Blessed be He, established a condition with the acts of Creation, and said: If the Jewish people accept My Torah at the revelation at Sinai, all is well, but if they do not accept it, I will return you to the primordial state of chaos and disorder.

The simple answer is that dayeinu means it would have been sufficient to express gratitude for arriving at Har Sinai. Of course, the journey would have been incomplete without the actual giving of the Torah, yet our

experience at Sinai was itself reason enough for thanks. The question remains: what is it about being at Har Sinai in and of itself, even before the giving of the Torah, that is something we should be grateful for?

One answer is expressed in a poetic phrase found in a very different context — the Tisha Bav Kinnot of Rabbi Eliezer Hakalir that describe “*chitun chokekei Chorev*.” The literal translation of this expression is “the marriage engraved at Sinai,” which we mourn and long for on Tisha Bav. This concept of marriage is the key to understanding the experience at Sinai. The relationship established between us and Hashem at Har Sinai was a commitment of love — a marriage.

Thank you to *Avi Mori* Mr. Etzion Brand, Professor Leslie Newman and Andrea Polster for their helpful editorial comments.

At Har Sinai, even before we received the Torah, we entered into a new, transformational stage — a marriage with Hakadosh Baruch Hu. The Midrash (*Vayikra Rabbah, Acharei Mot* no. 20) captures this in one concise phrase:

ביום התונתו וביום שמחת לבו, ביום חתונתו זה הר סיני, וביום שמחת לבו זה אהל מועד.
On the day of his marriage and on the day of his heart's gladness: On the day of his marriage this is Har Sinai, and on the day of his gladness this is the Ohel Moed.

For this stage in our relationship we say “dayeinu.” We began our courtship on Pesach with the recitation of Shir Hashirim, which describes our feelings for Hashem and His feelings for us. Yet only when we stood under the chuppah at Har Sinai did we enter into a permanent bond of marriage — a commitment of love.¹

Rabbi Aryeh Kaplan, in *Made in Heaven* — his volume explaining Jewish marriage — teaches how this model of the wedding at Sinai explains many of our contemporary wedding customs: walking to the chuppah with candles, which reminds us of the fire that flashed at Sinai; the groom arrives at the chuppah first, as Hashem arrived first before Moshe ascended; and the ketubah is a contract that delineates the responsibilities of the couple to each other much as the Luchot represent a contract between Hashem and the Jewish people.

When we arrived at Har Sinai, the Torah describes that we stood *b'tachtit hahar* — “at the underneath of the mountain.” Chazal (*Yalkut Shimoni, Yitro* no. 283) describe this as an expression of Hashem's affection to us:

ויתיצבו [י"ט, י"ז] (נכפפו) [נצפפו] מלמד שהיו מתיראים מפני הזיקין ומפני הזועות מפני הרעמים ומפני הברקים. תחת ההר [י"ט, י"ז]

מלמד שנתלש ההר ממקומו וקרבו ועמדו תחת הר סיני שנאמר ותקרבו ותעמדון תחת ההר עליהן נאמר בקבלה יונתי בחגי הסלע וגו' “*And they stood*” — *they crowded together — which teaches that [the Jewish people] feared the fireworks, quaking, thunder and lightning. “At the underneath of the mountain” — this teaches that the mountain was uprooted from its spot and they came close and stood beneath Har Sinai. As it says, “and you came close and you stood under the mountain,” and about this it is said in tradition, “my dove in the cleft of the rock.”*

The mountain over our heads was our protective cover — the chuppah of our wedding with Hakadosh Baruch Hu.

Perhaps this is why we count seven sets of seven days marking our process of purity in anticipation of Shavuot each year. Before a wedding, a bride prepares by counting seven clean days in preparation. Similarly, our sages teach that the Jewish people immersed in the mikvah before Matan Torah. It is also noteworthy that this marriage takes place on the fiftieth day of preparation, since the number fifty represents completeness — a complete commitment between Hashem and the Jewish people.

This metaphor is powerful and important in comparison to others. Sometimes, the Torah compares our relationship with Hashem as servants to a master (*ki avadai hem*), and at others as children to a parent (*banim atem LaShem Elokeichem*). Each of these has a specific connotation and affect. However, the comparison of HKB”H to a husband, which is expressed also in detail in Sefer Hoshea, has far reaching implications. A committed spousal relationship is interdependent and symbiotic. We need HKB”H, and (as it were) He needs us. As Reb Levi Yitzchak of

Berditchev once reminded Hashem on Yamim Noraim, if it were not for us, who would proclaim His great name in this world?

Marriage is an expression of love and commitment; both are crucial aspects of our relationship with Hashem. Hashem tells us that “He loves us an everlasting love” and our opening line in the daily Shema is our call to love Him. The covenant at Sinai where all our souls were present expressed Hashem's commitment to us as His people, and us to Him as a *goy kadosh*, a nation sanctified (through kiddushin) to Him.

Such is marriage. When an individual in a committed relationship navigates a rough patch, returning to the core elements of love and commitment can help sustain the relationship. During this challenging time, we can use Shavuot — the anniversary of our marriage with Hashem — as an opportunity to reflect on our shared love and commitment to give us strength, hope and joy. Just as when we stood together at Har Sinai under the chuppah and we did not see Him, but felt His love and closeness, so too this Shavuot we can feel His love and closeness.

Endnotes

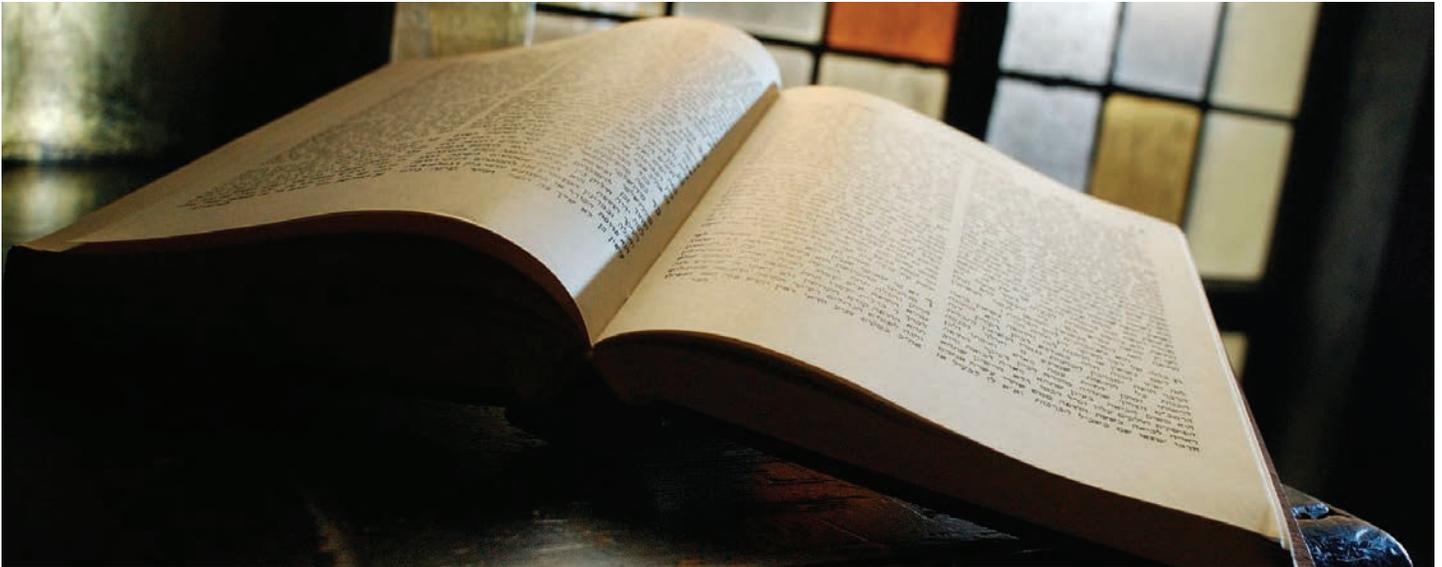
1. This idea is developed by R' Hirsh Melech of Dinov in several places in his writing. A footnote in *Derech Pikudecha, Lo Taaseh* no. 45 (*he'arot chelek hamachshava*) explains:

רבינו יסד דרוש ארוך בענין זה והזכירו בספריו פעמים בארוכה ופעמים בקצרה ועיקרו בספר אנרג דפרקא אות רל”ב (עמ' קנ”א) וז”ל הנוגע לענינו, והנה כבר קדם מאמרינו כמה פעמים שעד היום כנסת ישראל היא כמו ארוסה כי אירוסין נקראים כמ”ש השי”ת במתן תורה ואתם תהיו ל”י ממלכת וכו', ל”י הן המה הקידושין כמו הרי את מקודשת ל”י ידים מוכיחות. There are different perspectives as to whether Matan Torah constituted the Kiddushin or Nissuin aspect of our marriage with Hashem.

Receiving the Torah on Shavuot

Mrs. Michal Horowitz

Mrs. Michal Horowitz offers weekly classes and shiurim at many venues in her home community of the Five Towns, NY and the greater New York area. Additionally she is a speaker at Yeshiva University's Millie Arbesfeld Midreshet Yom Rishon and has been a featured speaker at the RIETS Shavuot Yarchei Kallah Program for the last four years. She has hundreds of shiurim available on yutorah.org.



KABALAS HATORAH: LIVING A DEDICATED LIFE

Chazal (*Shabbos* 88b-89a) tell us about a conversation that took place when Moshe Rabbeinu went to receive the Torah:

ואריב"ל בשעה שעלה משה למרום אמרו מלאכי השרת לפני הקב"ה רבש"ע מה לילוד אשה בינינו אמר להן לקבל תורה בא אמרו לפניו חמודה גנוזה שגנוזה לך ... אתה מבקש ליתנה לבשר ודם ... אמר לו הקב"ה למשה החזיר להן תשובה ... אמר לפניו רבוננו של עולם תורה שאתה נותן לי מה כתיב בה (שמות כ, ב) אנכי ה' אלקיך אשר הוצאתיך מארץ מצרים אמר להן למצרים ירדתם לפרעה השתעבדתם תורה למה תהא לכם שוב מה כתיב בה לא יהיה לך אלהים אחרים בין עמים אתם שרויין שעובדין עבודת גלולים שוב ... כלום אתם עושים מלאכה שאתם צריכין שבות שוב מה כתיב בה לא תשא משא ומתן יש ביניכם שוב מה כתיב בה כבד את אביך ואת אמך אב ואם יש לכם שוב מה כתיב בה לא תרצה לא תנאף לא תגנוב קנאה

יש ביניכם יצר הרע יש ביניכם מיד הודו לו להקב"ה.

When Moshe ascended to the heavenly heights to receive the Torah, the angels said before HaKadosh Baruch Hu (HKB"H): Master of the World! What is someone born of a woman doing among us? Hashem replied: he came to receive the Torah. They said before Him: the coveted and treasured Torah ... You intend to give to flesh and blood!? Hashem said to Moshe: Answer them ... Moshe said, Ribbono Shel Olam (RS"O), Master of the World, the Torah that You are giving me, what is written in it? I am Hashem your G-d Who has taken you out of the land of Egypt (Ex.20:2). Moshe said to the angels: Did you descend to Egypt? Were you enslaved to Pharaoh? Why should the Torah be yours? What else is written? There shall not be gods of others before you (ibid, v.3). Do you live

among nations who worship idols? ... (Furthermore, Moshe challenged them), Do you engage in any labor from which you would need to rest on Shabbos? Are there any business transactions among you? Do you have a father and mother to honor? Is there any murder, adultery or theft among you? Is there envy among you? Is there a yetzer harah, an evil inclination, among you? Immediately, the angels conceded to HKB"H, and Bnei Yisrael received the Torah.

Chag Ha'Shavuot is *z'man matan Torasainu*, the holiday that commemorates the giving of the Torah. Chazal teach (*Shabbos* 31a) that after a person departs this world and is brought to judgment in the next world, he will be asked: *ko'va'tah itim la'Torah* — did you designate times for Torah study?

While there is a mitzvah to set aside time for Torah study daily, our relationship to Torah must be more than that. We must couple the fulfillment of the mitzvah of Torah learning with ecstatic passion for the gift of Torah.

Based on the teachings of Rabbi Soloveitchik, the Rav zt'l, R' Menachem Genack writes:

One aspect of Torah study is utilitarian and practical — Torah study is a mitzvah which one is required to observe. But there is another aspect of Torah study, a more profound dimension, and that is the requirement that when one studies Torah, one must sense that the Torah is the grand song of existence that animates every Jew, that the Torah resonates with divine music to which we all must be attuned and from which it is impossible to separate ourselves ... For us, the Rav was the living embodiment of Torah that integrated rigorous logic with the emotional and experiential, reason with passion, and comprehension with worship. When he would teach Torah, the sense of the link of generations and the palpable feeling that the Shekhina was present was wholly evident. He said that sometimes when he studied Torah, he almost felt the breath of the Shekhina behind him, as if whispering to him, "Reb Yosha Ber, what do you say about this sugya?" And when we studied with him, we could almost hear the echo of King David's harp playing, and how the sweetness of the Torah was so very much linked to the soul of the Jew. Through the prism of Torah, we were able to glimpse G-d's infinite mind and connect to Him. Through the Rav we were able to join the chorus singing the song of Torah."
The Koren Mesorat HaRav Siddur, OU Press, p.1-li

Shavuot is a celebration of the giving of the Torah to Am Yisrael. For while its lofty ideals emanate from the

Heavenly realms, it is only man who can keep all that is written within.

On the last Shavuot of his life (5776/2016), Rav Yaakov Edelstein zt'l (1924–2016) wrote:

My dear beloved, holy community in Ramat HaSharon. Why is Shavuot called z'man mattan Toraseinu, the time of the giving of the Torah, and not z'man kabbalas Toraseinu, the time of the receiving of the Torah? I heard from my rabbeim, my holy teachers, that we are obligated to accept the Torah all year round, and not only on the sixth day of Sivan! We accept the Torah upon ourselves every day, when we recite in Shachris and Maariv the tefillos of Ahavah Rabbah and Ahavas Olam. But the giving of our Torah happens just once a year, on Shavuot, when HKB"H, the ultimate Giver, causes our hearts to be open to clinging to the Torah and its mitzvos each and every year ...

Reaching for Heaven, Artsroll, p. 303

In the bracha of Ahavas Olam — with everlasting love — which is recited before the Shema in Maariv, we say: *ki he'im chayeinu v'orech ya'meinu*, for they are our life and the length of our days, and upon them we will meditate day and night.

R' Lord Jonathan Sacks teaches that Ahavas Olam is a:

Counterpart to the morning blessing, "Ahavah Rabbah — You have loved us with great love." Both speak of Divine love in terms of revelation: G-d's gift to Israel of the Torah and its commandments. In the same way that G-d binds Himself to His people through word and deed, so do we bind ourselves to Him by the words of Torah and the deeds of the commandments. No simpler or more profound statement exists of the love of Jews for the life of the commandments than the phrase, "For

they are our life and the length of our days".

The Koren Siddur, p. 244–245

Perhaps this year more than ever before, when the world as we know it has been turned upside down, we have come to realize that the only meaning to be found in life is through the lens of Torah. All the inanities society worshipped — from actors to athletes, from wealth to opulence, from NASCAR drivers to Olympic runners — mean nothing when the Mighty Hand of G-d brought the world to its knees.

From *middos* and *mitzvos bein adam l'chavairo* to *mitzvos bein adam la'Makom*, our existence is purposeful only when we accept the Torah anew upon ourselves each and every day, and live by its precepts and guidance.

The Ribbono Shel Olam gave the Torah to His nation on Shavuot, but every day is a new opportunity for us to receive its wisdom, and to better ourselves as Torah Jews.

The *pasuk* tells us:

וְהָיָה אִם שָׁמַעַתְּ אֶת דְּבָרֵי אֱלֹהֵינוּ אֲשֶׁר אֲנִי מְצַוֶּה אֶתְכֶם הַיּוֹם לְאַהֲבָה אֶת ה' אֱלֹהֵיכֶם וּלְעֲבֹדוֹ בְּכָל לִבְבְּכֶם וּבְכָל נַפְשְׁכֶם.

And it will be, if you will surely listen to My commandments that I command you this day to love Hashem, your G-d, and to serve Him with all your heart and with all your soul (Deut.11:13).

Rashi comments:

מצוה אתכם היום — שיהיו עליכם חדשים כאלו שמעתם בו ביום.

That I command you this day — That the mitzvos should be new to you, as if you heard them this very day.

In a world where everything as we know it has changed, the gift of Torah is that it remains an unwavering constant, a beacon of light, *every*

single day. And so, our commitment to Torah and mitzvos must remain as strong as ever, if not stronger, during these turbulent times.

The Gemara (*Menachos* 99b) records a conversation between Ben Damah and R' Yishmael.

שאל בן דמא בן אחותו של ר' ישמעאל את ר' ישמעאל כגון אני שלמדתי כל התורה כולה מהו ללמוד חכמת יונית קרא עליו המקרא הזה לא ימוש ספר התורה הזה מפוך והגית בו יומם ולילה צא ובדוק שעה שאינה לא מן היום ולא מן הלילה ולמוד בה חכמת יונית.

Ben Damah, the son of the sister of R' Yishmael, once asked R' Yishmael the following question: Someone like me, who has studied all of the Torah, what is the law with regard to my studying Greek wisdom? R' Yishmael answered him by citing the following verse: This book of Torah shall not depart from your mouth; rather, you shall contemplate it day and night (Yehoshua 1:8). Go out, R' Yishmael said to Ben Damah, and find a time which is neither day or night, and learn in that time Greek wisdom!

Rashi explains, *davar shelo yehei b'olam* — there is no such thing as a time that is neither night or day — there is only time for Torah study and Torah living.

Hence, the words of Torah are our life force, which must be contemplated day and night.

In describing his relationship to Torah, Rabbi Joseph B. Soloveitchik so powerfully related:

When I teach Torah, I feel the breath of eternity on my face. Even now, in my old age, teaching Torah and giving shiurim relieves me of the fear of death and all the gloomy and depressing moments that elderly people go through. When I teach Torah, I feel rejuvenated and as if I were twenty five or thirty years old. If not for the study and teaching of Torah, I would have lost my sanity in the year of my triple mourning in 1967 when I lost my mother, brother and wife. I was on the verge of a mental collapse and breakdown. I did not break down; I emerged victorious. That victory over despair was due to one thing only, I would say — my overwhelming dedication to Torah and teaching Torah. I felt somehow that because of teaching Torah I was not alone and that I had somebody. That Somebody was invisible, but I felt His presence, I could confide in Him ... People do not know — and again, please take it in the proper spirit, I am not bragging — how busy I am and what my schedule is. They know I teach shiurim here (in New York). All right, fine, I say shiurim three times a week in the Yeshiva. And you know that these shiurim should be an hour and a half

each. It never happens that I get through with the shiur in an hour and a half. So two hours, sometimes three hours, and sometimes the shiur is even more than three hours. It is very strange; the boys in my class are very young ... Yet they come out exhausted and I come out refreshed after the shiur.

Then I return to Boston. Every Friday morning, from half past eight for three hours, until half past eleven, I study with my son-in-law (R' Isadore Twersky). Shabbos — believe me that I cannot afford to take a nap on Shabbos afternoon. I have not taken a nap on Shabbos afternoon for the last, I would say, twenty years, because I study with Moshe¹ three hours at least, and I study with Mayer² two and a half hours. The same with Sunday and the same with Monday; and I simply have no time sometimes to sit down and relax...

The study of Torah is basically, for me, an ecstatic experience in which one meets G-d ... Our Sages equate the study of Torah with revelation, the great event and drama of G-d's revelation on Har Sinai. This event is reenacted, restaged and relived every time a Jew opens the Gemara.

The Rav, v.2, A. Rakefett-Rothkoff, p. 200–203

Yes, the world today has been shaken up, and this Shavuot is very different

Were you **Koveah** time to learn today?

Daily Learning
What you want, when you want, at the pace you want

Visit www.koveah.org to start adding more learning to your day!



Koveah.org
Learn something new every day



Yeshiva University
CENTER FOR THE JEWISH FUTURE

than what any of us can remember in our time. But the gift of Torah always remains with us; it is our guide in life, wherever life may take us. In conclusion, the following moving story is worth relating, as we celebrate *Zman Matan Torasainu* once again.

Shortly after the Holocaust ended, R' Moshe Soloveitchik (1914-1995), a grandson of R' Chaim Brisker, spent Shabbos in the Rheinfelden DP camp.³ On this fateful Shabbos afternoon, the men in the camp gathered to daven Mincha, and found they were one man short. A tenth man was needed. Just then, a young man by the name of Yoav Kimmelman walked by, smoking a cigarette.

When he was sixteen years old, Yoav was deported to the concentration camps, where he somehow survived four hellish years of misery and torture. Soon after the war ended, Yoav understood that he was the sole survivor of a large family of Gerrer chassidim.

Like many survivors who endured unfathomable tortures, Yoav abandoned religion.

However, it was now Shabbos, and a tenth man was needed... and there was Yoav. The group asked if he would make their minyan for Shabbos mincha prayers. Yoav saw no reason to deprive the men of their ability to pray with a minyan, so he agreed.

When it came time for keriyas ha'Torah, the men realized that no one knew how to *lain*. Even R' Moshe

Soloveitchik refused, urging someone else to do the task.

After a few minutes, Yoav spoke up and offered to help. Though he had not seen a sefer Torah for many years, he said, he was certain he still remembered how to *lain*.

Yoav put his cap on his head. He took his place at the bimah, looked over the reading quickly in the Chumash, and then began to chant the ancient melody and words from the Sefer Torah. As he stood before the Holy Scroll, he felt the letters reaching out to him from the parchment, fixing him in their grasp, riveting him to the spot in front of the Torah. Each man present was mesmerized by his performance and nobody moved a muscle. Yoav continued to stand in front of the scroll, long after he had finished the keriyas ha'Torah, and just stared at the words. The message was being transmitted right before his eyes. It was the turning point of his life. At that moment, he resolved to return to Torah observance. As he later noted, "The letters have not relinquished their grip on me to this very day."

Heroes of Faith, Israel Bookshop Publication, p.298.⁴

Our celebration of Shavuot this year will be different than other years. We may not be able to have the same experiences we are used to from previous years, but we can still recommit ourselves to living a fulfilling, meaningful and passionate life of Torah, for ourselves, and our children, and our children's children. For indeed, it is our life and the length of our days.

Endnotes

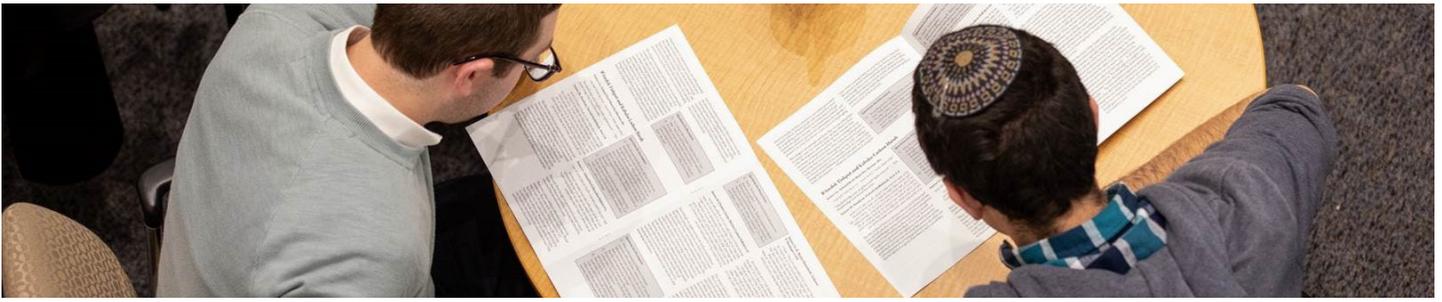
1. The Rav's eldest grandson, Rav Moshe Twersky zt'l HY"D was murdered in the Har Nof Massacre, 25 Cheshvan 5775/ Nov.18, 2014.
2. The Rav's grandson, Rav Mayer Twersky, *shlita*, YU Rosh Yeshiva.
3. Displaced Person Camp for Holocaust survivors In Switzerland.
4. There is an amazing follow up to this story. After I related Yoav's story in a shiur posted to yutorah.org in the spring of 2016, I received the following email from a Ms. Michelle Feiglin of Melbourne, Australia:

Hi Michal, my sister and I listened to your shiur on Iyar, we loved it. We were very emotional to hear you tell the story about our dear friend Yoav Kimelman a"l. He grew up in the same town as my father a"l, they were liberated from Buchenwald together, spent time recovering in Switzerland and came to Melbourne, Australia.

Yoav became a well known baal koreh as well as successful businessman. His family lives mainly in Israel, some are Gerrer chassidim, some religious Zionists, two of his granddaughters are yoatzat halacha; all fine, frum, upstanding families. Yoav merited dor yesharim yevorach. His widow lives in Jerusalem where she attends Pardes. Her grandson, Levi Cooper, is a lecturer there as well as a Rabbi in his community. Shabbat shalom and we love listening to you and others on our YU Torah app.



Find more shiurim and articles from Mrs. Horowitz at
<https://www.yutorah.org/mrs-michal-horowitz/>



Shavuot Night Study Guide

THE MITZVAH OF VE'AHAVTA L'REI'ACHA KAMOCHA

In July, 2017, five teenagers were walking by a pond in Florida when they noticed a man struggling to stay afloat in the pond. Instead of helping this man, the teens videotaped his drowning while taunting him that he was going to die. As the story of Jamel Dunn's death was reported, many were outraged at the teens for their behavior and demanded that the teens be prosecuted. A year later, the state's attorney announced that there will not be any prosecution because according to Florida law (and many other states), there is no duty to rescue. The teens had no legal obligation to save Jamel from the pond and therefore committed no crime.

<https://www.cnn.com/2018/06/26/us/florida-teens-no-charges-drowning-man/index.html>

This story highlights, in an extreme way, the gap between moral and legal obligations. There are certain actions or inactions that are legally permissible yet morally reprehensible.

In Judaism, there is a duty to rescue — *lo sa'amod al dam rei'echa*, do not stand idly by your neighbor's blood (Vayikra 19:16; see *Sanhedrin* 73a). Yet there are situations where a person needs our help, but we are not technically obligated to do so. In this study guide, we will explore the mitzvah of *ve'ahavta l'rei'acha kamocho*, love your neighbor like yourself (Vayikra 19:18).

Questions for Discussion:

- 1) Do you think *ve'ahavta l'rei'acha kamocho* is based on obligation or morality? Is there a difference?
- 2) Are we expected to “love” our neighbors through our actions or through our thoughts and emotions?

Source#1: Shabbos 31a

שוב מעשה בנכרי אחד שבא לפני שמאי א"ל גיירני ע"מ שתלמדני כל התורה כולה כשאני עומד על רגל אחת דחפו באמת הבנין שבידו בא לפני הלל גייריה אמר לו דעלך סני לחברך לא תעביד זו היא כל התורה כולה ואידך פירושה הוא זיל גמור.

There was another incident involving a non-Jew who came before Shamai and said “Convert me [to Judaism] on condition that you teach me the whole Torah while I stand on one leg.” [Shammai] pushed him with the measuring stick in his hand. This individual then came before Hillel who converted him. He said “What you don’t like done to you, don’t do to your friend. This is the whole Torah and the rest is commentary. Go and learn.”

Questions for Discussion

- 1) *Ve'ahavta l'rei'acha kamocho* is formulated in the positive: do to others what you would want done to you. Why do you think Hillel gave the prospective convert the

negative formulation — don't do to others etc.?

- 2) When Hillel said that this principle is “the whole Torah” what do you think he meant? Do all of the mitzvos (at least those that are *bein adam lachaveiro* — interpersonal) relate to this principle?

Source#2: Rambam, Hilchos Avel 14:1

מצות עשה של דבריהם לבקר חולים ולנחם אבלים ולהוציא המת ולהכניס הכלה וללוות האורחים ולהתעסק בכל צרכי הקבורה לשאת על הכתף ולילך לפניו ולספוד ולחפור ולקבור וכן לשמח הכלה והחתן ולסעודם בכל צרכיהם ואלו הן גמילות חסדים שבגופו שאין להם שיעור אע"פ שכל מצות אלו מדבריהם הרי הן בכלל ואהבת לרעך כמוך, כל הדברים שאתה רוצה שיעשו אותם לך אחרים, עשה אתה אותן לאחריך בתורה ובמצות.

It is a rabbinic positive mitzvah to visit the sick, comfort the mourners, escort the dead, dower the bride, accompany the [departing] guests, engage in burial needs

— carry the dead and walk before the deceased, eulogize, dig and bury him — as well as to cheer the bride and the groom, and to assist them in whatever they need ... Although all these mitzvot are rabbinic in nature, they are part of the biblical commandment of “And you shall love your neighbor as yourself,” that is: what you would have others do to you, do to your brother in Torah and commandments.

Questions for Discussion:

- 1) How does Rambam’s formulation differ from that of Hillel’s?
- 2) Why do you think Rambam interprets “ve’ahavta” as being action-oriented and not thought-oriented? Do you think Rambam would also require one to love one’s neighbor on the level of thought or emotion?

Source #3: Bava Metzia 62a

שנים שהיו מהלכין בדרך וביד אחד מהן קיתון של מים אם שותין שניהם מתים ואם שותה אחד מהן מגיע לישוב דרש בן פטורא מוטב שישתו שניהם וימותו ואל יראה אחד מהם במיתתו של חבירו עד שבא רבי עקיבא ולימד וחי אחיך עמך חייך קודמים לחיי חבירך. [A discussion arose regarding] two people who are travelling through the desert and one of them has a jug of water. If they share the water, both will die and if one of them drinks the water, he will survive. Ben Petura ruled that it is preferable that they both drink and die rather than one drink and watch his fellow die until R. Akiva came along and taught [the meaning of the verse (Vayikra 25:35)] “and your brother shall live with you” [to teach that] your life comes before the life of your friend.

Questions for Discussion:

- 1) While R. Akiva is discussing a life threatening situation, the Gemara, Bava Metzia 33a, applies this principle to any situation where

one must choose between one’s own needs and helping others. How is it that the same R. Akiva who says that *ve’ahavta l’rei’acha kamocha* is a great principle in the Torah (Sifra, Parshat Kedoshim no. 2), also teaches that one must take care of oneself before one takes care of others? Are these two ideas contradictory?

- 2) In a practical terms, if a friend asks for my help and I am currently busy taking care of my own personal, but non-essential needs (reading a book, browsing the web, checking my news feed, etc.), is it right to tell my friend that my needs come first?

Source#4: R. Naftali Tzvi Yehuda Berlin (Netziv), Ha’amek Davar, Vayikra 19:18

ואהבת לרעך כמוך. א"א לפרש כמשמעו, כידוע דחייך קודם לחיי חבירך, אלא הרמב"ם פל' בהל' אבל פל' ד' כמו שאתה חפץ מחברך, והדבר מובן שלא יסכל האדם שחבירו יאהבוו כמו נפש עצמו, אלא בגדר הראוי לפי הקורבה ודרך ארץ, באותו אופן עליך לאהוב בני אדם. [The verse states] “Love your neighbor like yourself.” One cannot interpret this literally because it is known that one’s own life takes precedence to the life of one’s friend. Rather Maimonides explained in the fourteenth chapter of the Laws of Mourning that [it means] that one should act based on what one expects from one’s friends [if they were in the same situation.] This is logical because nobody would expect their friends to love them as much as they love themselves. Rather, one’s love of others should be based on how close they are to the others and societal norms (derech erez).

Questions for Discussion:

- 1) According to Netziv, how do Rambam’s comments help us figure out when we can take

the “personal needs come first” exemption when we have an opportunity to help others?

- 2) What percentage of acts of kindness that you engage in are acts that are “obligatory” and what percentage of them are acts where you could take the “personal needs come first” exemption, but decide to help anyway?

Source# 5a: Micha 6:8

הגיד לך אדם מה טוב ומה ה' דורש ממך כי אם עשות משפט ואהבת חסד והצנע לקחת עם אלקיך.

He has told you, humankind, what is good and what God wants from you, but to do justice and love of kindness, and walk modestly with your God.

Source# 5b: R. Yisrael Meir Kagan (The Chafetz Chaim), Ahavas Chesed, Vol II, Chap. 1

ומה שאמר ואהבת חסד ולא אמר כי אם עשות משפט וחסד .. כי אף שכולנו עושין חסד אבל ענין החסד שלנו הוא רק מצד ההכרח דהיינו כשהאיש העלוב הצריך להחסד הוא בא אצלנו פעם אחת ושמים וקשה להשתמש ממנו אז אנו עושין עמו חסד ואהבת חסד רוצה לומר שלא תחשוב בנפשך שבזה שאתה עושה לפעמים חסד אתה יוצא בזה בשלימות כי אם שהאדם צריך להיות לו אהבה למדה זו של חסד ... בענין זה של חסד כשאדם יהיה לו אהבה למדה זו יהיה מחפש בכל כחו איך לעשות חסד עם חבירו וגם יעשה בכל בעין יפה.

It says "love of kindness" and not "to do justice and kindness" ... Because even though we all perform acts of kindness, we do so because we are forced. For example, we might perform kindness because someone asks us one or two times for a favor and it is difficult to continue to come up with excuses ... "Love of kindness," means that a person should have love for the value of kindness. One shouldn't think that just because they occasionally perform acts of kindness that they have

completely fulfilled their requirement

... When it comes to kindness, a person who has love for this value will exert all effort to find any opportunity to perform kindness and will do so generously.

Questions for Discussion:

- 1) How do the Chafetz Chaim's comments bridge the actions and the thoughts involved in "ve'ahavta l'rei'acha kamocha"?
- 2) If someone is very generous and consistently engages in acts of kindness, but doesn't feel anything in his heart, is there something lacking? If so, what can he do about it?

Source #6a: Bava Kama 30a

אמר רב יהודה האי מאן דבעי למהוי חסידא לקיים מילי דנזיקין.

R. Yehuda said: One who wants to be a pious individual should fulfill matters involving the prevention of damage.

Source #6b: R. Yosef Shaul Nathanson, Divrei Shaul (Aggados), Bava Kama 30a

הענין נראה לי דהנה כבר אמרו בשבת דף ל ואהבת לרעך כמוך זו היא כל התורה

כולה ואידך פירושא זיל גמור והיינו שזו תכלית האנושי אך שישתלם בין אדם לחברו שהחמיר הקב"ה יותר מכבודו וא"כ זו היא שאמרו דהאי מאן דבעי למהוי חסידא יקיים מילי דנזיקין והיינו נזיקין וגזל ואונאה וכל דבר שבין אדם לרעהו ... וא"כ כשאדם מוותר הרבה לפנים משה"ד זה נקרא חסיד ... ועינינו הרואות אם ישאל אדם שאלה באו"ה והמורה יאסור ויטרוף לו אף שיהיה הפסד מרובה יקבל בשמחה אבל אם יריבו אנשים ויקומו למשפט כמה יקשה בעיניו לתת לחברו וכמה יצדקי עושה לפטור מן הדין כי זה קשה ולכך בהפכו אם מתחסד בזה נקרא חסיד.

The idea seems to be based on what [our rabbis] said in Tractate Shabbos that "love your neighbor like yourself" is the whole Torah and the rest is commentary, go and learn. Meaning that this is man's purpose, to perfect oneself in treatment of others, which the Holy One Blessed be He was more stringent about than His own honor. As such, this is what our rabbis said "one who wants to be a pious individual should fulfill matters involving the prevention of damage." This includes damage, theft, overcharging and any other interpersonal matter ... Therefore, when a person is forgiving and gracious beyond the letter of the law, he is considered pious ... Our eyes see that if a person has a question regarding kosher (or other

ritual matters) and the rabbi tells him that the item is not-kosher, even if there is great loss involved, the questioner will accept the response with joy. However, if two people have a dispute and come to a rabbinical court, it is so difficult for a person to give anything to his friend and he will find any loophole possible to exempt himself from payment, because it is so difficult. Therefore, one who takes the opposite approach in these matters and is gracious, he is called "pious."

Concluding Questions:

- 1) According to R. Nathanson, Hillel's interpretation of ve'ahavta l'rei'acha kamocha focuses on mitzvos such as "don't steal" and "don't cheat in business." By contrast, Rambam focuses on helping others. What are the challenges that we face in fulfilling each aspect?
- 2) Regarding acts of kindness, going above and beyond the letter of the law is a foundational component of ve'ahavta l'rei'acha kamocha. Do you think the same applies to the aspect of ve'ahavta l'rei'acha kamocha that Hillel focused on? Why or why not?

Summary

Interpersonal mitzvos can be divided into two categories. The first category includes those mitzvos which we are obligated to observe under all circumstances. We can't ignore the prohibition against stealing or against slandering someone because it interferes with our personal needs or aspirations. According to R. Nathanson, these are the types of mitzvos that Hillel was focused on. Beyond that, however, is a second category of mitzvos that fall under the category of ve'ahavta l'rei'acha kamocha. Rambam provides for us a whole list of acts of chesed that we perform to fulfill this mitzvah and there are many others. As Netziv taught us, we can be exempt from performing these acts of kindness when they interfere with our personal needs. However, before exempting ourselves, we need to consider whether our exemption is genuine — what we need to do at the moment is more important than the chesed opportunity — or whether we are looking for an excuse.

While Rambam formulates ve'ahavta l'rei'acha kamocha as an action-oriented mitzvah, our thoughts and emotions are an important part of the mitzvah as well. How do we ensure that we don't take an unjustified "personal needs" exemption for a chesed opportunity? How do we motivate ourselves to view the chesed opportunities that come our way as more important than some of our personal needs? The Chafetz Chaim gave us the answer — ahavas chesed. When we develop a love for performing kindness for others, we will try find creative ways to make time for chesed.



Shavuot Night Study Guide

WHO IS LIABLE FOR GIVING ACCESS TO HACKERS AND FRAUDSTERS?

Computer viruses, malware, ransomware and other malicious programs have the potential to wreak havoc on a computer or network. These programs are typically spread by unwitting participants who receive the program from a friend and then send it to another friend. In theory, the person or persons who wrote the program and spread it should be held responsible for all of the damage, but typically, they are not known and there is no recourse against them. The question then becomes: to what extent is one person responsible for causing damage to someone else's device and how much is he responsible to pay? Does the same apply to an email scam which leads to identity theft or wire fraud?

Let's Look at the Following Cases:

Case 1: Chaim owns a business which relies heavily on a computer system for its inventory and sales. Despite receiving annual training on cybersecurity, one of his employees was acting negligently and downloaded a virus that crippled the system. In addition to having to pay a technician to restore the system, the business was not able to function properly for an entire day which was very costly. **Chaim's lawyer advised him that he is legally entitled to dock the employee's pay to cover the costs. Should he do so?**

Case 2 (Based on a true story): and Rachel are about to purchase a new home. As the closing approaches, they are included in an email thread involving many different people

(the seller, the lawyers, the bank, the mortgage broker, the real estate broker, the title agent etc.) with all the details about the closing. Days before the closing, they receive an email from the title agent giving them updated information as to where to wire the money for the purchase of the home. They consult with their lawyer, Mr. Rosen to make sure this is what they are supposed to do and Mr. Rosen assures them that they should follow those instructions. They follow the updated instructions only to receive an email a few days later asking why the money was never sent. Shimon insists that the money was sent and forwards the email he received about the updated wiring instructions. After a little investigation, they discover that a hacker had gained access to one of the email accounts in the thread (it cannot be determined whose account was hacked). Armed with all of the

information about the closing, the hackers were able to send a spoof email that looked like it legitimately came from the title agent. The money that they saved for a home was now wired into a hacker's account! Shimon and Rachel quickly found an attorney who specializes in wire fraud and with the assistance of several federal agencies, they were able to recover most of the money. However, some of the money was already withdrawn and there were legal fees paid to recoup the money. **Should Mr. Rosen, who assured them that the spoof email was legitimate, pay for their losses?**

These two cases need to be analyzed on two levels, the *din* — the legal obligations in each case, and the *lifnim mishuras hadin*, what the proper moral course of action is in each case.

Background Information

There are a number of ways to categorize damage caused by an individual. Let's summarize them and the applicable laws:

- 1) **Adam HaMazik:** If a person causes direct damage to an item, he is liable, even if the damage was caused due to circumstances beyond his control (Mishna, *Bava Kama* 26a). There is a dispute regarding damage that wasn't simply beyond his control, but there was no way he could have prevented it (*onnes gamur* — See Tosafos, *Bava Kama* 26a, and Ramban, *Bava Metzia* 82b).
- 2) **Garmi:** Sometimes a person's direct actions indirectly lead to someone else's loss. For example, if Reuven has a loan document stating that Shimon owes him money and then Levi burns the document, Levi's actions were direct. However, Reuven's loss is not a direct result of the burnt document but rather his inability to collect the loan (See *Bava Kama* 98b). This is called *garmi*. There is a dispute as to whether one is liable for *garmi* and the halacha is that one is liable, but with certain limitations (see *Shulchan Aruch*, *Choshen Mishpat* 386:1).
- 3) **Gerama:** Indirect damage. For example, if Yossi placed poison before an animal and the animal ate it and died, Yossi indirectly killed the animal. The halacha is that legally, he is not liable, but he has a moral obligation to pay the animal owner for his loss (*chayav b'dinei shamayim*, *Bava Kama* 56a) if the damage was caused intentionally (*Meiri*, *Bava Kama* 55b).
- 4) **Sho'el:** If someone borrows an item and the item is damaged or lost, the borrower must pay for the damage. Even if the damage or loss occurred due to circumstances beyond the borrower's control, he is nevertheless responsible. However, if damage occurred through normal use (*meisa machmas melacha*), one is exempt (*Bava Metzia* 96b).
- 5) **Socher & Shomer Sachar:** If someone rents an item or someone is being paid to watch an item, he is liable for theft or loss, but not for damage that occurs beyond his control (Mishna, *Bava Metzia* 93a)
- 6) **Shomer Chinam:** If someone is voluntarily watching an item, he is only responsible for damage that results from his own negligence (*ibid*).

For Discussion:

Based on these categories and their respective laws, how would you apply them to the following situations?

- 1) An IT company was paid to maintain the computers at a local school, including updating its anti-virus software. They failed to do so and as a result, someone in the school downloaded a virus that costs hundreds of dollars to remove.
- 2) Yehuda sent a file to Moshe not realizing that the file contained a virus. As a result, Moshe lost many important files.
- 3) In the course of fixing someone's printer, Dani downloaded corrupt firmware that rendered the printer unusable.

Case 1: Damage Caused by Employees

The employee damaged the network by downloading a virus. **What is the employee's responsibility?**

Source#1a: Mishna, Bava Metzia 80b

כל האומנין שומרי שכר הן.

All craftsman are considered paid watchmen.

Source #1b: Perisha, Choshen Mishpat 306:1

דדוקא קבלן הוא שומר שכר ולא שכיר
יום כיון דהשכר שנותנים להם לא בשביל
השמירה נותנין להן כי אם בשביל טירחא
היום נתנוהו להן ומחר יתנוהו לאחר ...

Only a contractor is considered a paid watchman, not a daily (or hourly) worker because their wages are not for the item they are handling but for their labor. Today they handle this item and tomorrow, someone else might handle it.

Source #1c: Shach, Choshen Mishpat 306:1

לא ידעתי מנ"ל הא וגם לא מצאתי לשון
פוסק שחילק בכך.

I do not know what [Perisha's] source is for making such a distinction and we have not found that other authorities distinguish between a contractor and a daily worker.

Questions for Discussion:

- 1) *Perisha* exempts a salaried employee because his employment isn't directly tied to the item that he is handling. Do you think *Perisha* would exempt an employee who damaged a company computer that is designated specifically for this employee? Does it matter if the

employee also uses the computer for personal use? Why or why not?

- 2) Does it make a difference if the damage to the network is a result of a flaw on the particular machine that the employee was using or a different machine (e.g. a server) that the employee accessed when using his own computer? Why or why not?
- 3) If, according to *Perisha*, the employee doesn't attain the status of a paid watchman, would he still be liable as *adam hamazik*? In what situations?
- 4) How you apply the three situations from the discussion on the previous page to these sources?

Case 2: Damage Caused Through Bad Advice

In Case 2, Shimon and Rachel received bad advice from their attorney. *Rashba (Teshuvos HaRashba 1:99)* writes that in a general sense, if someone gives bad advice and this leads to loss by the recipient of the advice, the advisor is not liable because it is considered *gerama*. Yet, as we shall see from a Talmudic discussion about money changers, there may be situations where someone can be held liable for giving bad advice.

Source #2a: Bava Kama 99b

איתמר המראה דינר לשולחני ונמצא רע תני
חדא אומן פטור הדיוס חייב ותניא אידך בין
אומן בין הדיוס חייב אמר רב פפא כי תניא
אומן פטור כגון דנכו ואיסור דלא צריכי
למיגמר כלל.

It was stated: If a dinar was shown to a

money changer [and he recommended it as valid] but it was subsequently found to be invalid, in one beraisa it was taught that if he was an expert he is exempt but if he is an amateur he is liable. In another beraisa it was taught that whether he is an expert or an amateur he is liable. R. Papa stated: The ruling that in the case of an expert he is exempt refers to money changers like Danko and Issur who needed no [further] training at all.

Adapted from Soncino Translation

Source #2b: Rambam, Hilchos Sechirus 10:5

המוליך חטין לטחון ולא לתתן ועשאן סובין או מורסן ... בהמה לטבח ונבלה חייבין לשלם דמיהן מפני שהן נושאי שכר לפיכך אם היה טבח מומחה ושחט בחנם פטור מלשלם ואינו מומחה אף על פי שהוא בחנם חייב לשלם וכן המראה דינר לשולחני ואמר לו יפה הוא ונמצא רע אם בשכר ראהו חייב לשלם אע"פ שהוא בקי ואינו צריך להתלמד ואם בחנם ראהו פטור והוא שיהיה בקי שאינו צריך להתלמד ואם אינו בקי חייב לשלם אף על פי שהוא בחנם והוא שיאמר לשולחני עליך אני סומך או שהיו הדברים מראין שהוא סומך על ראייתו ולא יראה לאחרים.

If one brings wheat to craftsman for milling and the craftsman didn't bleach the flour and it became coarse or he brought an animal to a slaughterer who rendered the animal a neveilah (non-kosher slaughter), they have to pay for the damage because they are paid watchmen. Therefore, if the slaughterer was an expert who slaughtered for free, he is exempt from payment. If he was not an expert, he must pay even if it was done for free. The same is true for someone who shows a dinar to a money changer and the money changer says that it is valid and it turns out to be invalid, if the money changer charged for his evaluation, he must pay for the damage, even if he is an expert who needs no

further training. If he did this voluntarily, he is exempt as long as he is an expert who requires no further training. If he is not an expert, he must pay even though he evaluated the coin on a voluntary basis, as long as the client said to the money changer, "I am relying on you" or it was clear that he was relying on his evaluation and wasn't going to show the coin to others.

Source #2c: Rabbeinu Asher, Bava Kama 9:13

והיכא דהוא בעצמו עושה היזק לממון חבירו וברי היזקא הוא הנקרא דינא דגרמי. שורף שטר או מוחל הוא בעצמו מזיק לממון חבירו. וכך מראה דינר לשולחני דבמה שאומר לו שהוא טוב הוא מזיק.

Whenever one personally causes damage to a friend's property in a manner that the loss will certainly come about, this is considered garmi. One who burns a loan document or forgives a loan [that was sold to someone else] is liable for the damage. The same applies when one shows a dinar to a money changer who assesses that the coin is valid [and it is not] — it is a form of damage.

Unpacking These Sources:

- 1) There seems to be a fundamental dispute between Rambam and Rabbeinu Asher as to why the money changer is liable. Rambam is of the opinion that he is liable because he is a watchman — he was asked to protect the client's interest in the coin. As such, if he is getting paid, he is liable for all damages except those that are totally beyond his control. If he is not getting paid, then he is only liable for negligence. Evaluating a coin when one is not an expert coin evaluator is an act of negligence when it is clear that the client is relying on

this information. The money changer should have declined to evaluate the coin and explain to the client that this is not his area of expertise. Rabbeinu Asher, on the other hand, sees this as a form of *garmi*. By telling the client that the coin is valid when it really isn't, one is directly performing an action that will lead to a loss. The only reason why the expert is exempted is because it was a situation beyond his control.

- 2) Within the approach that the damage is because of *garmi* there seems to be a dispute as to whether an expert who is getting paid is liable or not (see Tosafos, *Bava Kama* 99b, s.v. *V'tanya* and Rabbeinu Asher, *Bava Kama* 9:16).
- 3) There may be a factor that is unique to the case of the money changer. Mordechai, *Bava Kama* no. 116, suggests that in the case of the money changer, the client already received the coin as part of a transaction. If the money changer says that the coin is valid, the client is bound by this evaluation and has no recourse to return it to the person who gave it to him in exchange for a valid coin. *Shiltei HaGiborim*, *Bava Kama* 35b (Rif pages) no. 2, disagrees and maintains that the money changer is liable even if the client has the option to ignore the advice of the money changer and find someone else who will invalidate the coin (See *Shach*, *Choshen Mishpat* 306:12).

Questions for Discussion

- 1) How would you apply the dispute between Rambam and Rabbeinu

Asher to Case 2? Can the lawyer be held liable as a paid watchman by validating an email? Is it the same as evaluating a coin? If the liability is based on *garmi* is there a difference between validating a coin and validating an email?

- 2) Does it make a difference if the lawyer is getting paid for his services or was simply helping out a friend? Does it make a difference if the lawyer specializes in real estate?
- 3) How does the dispute between Mordechai and *Shiltei HaGiborim* relate to Case 2?

Lifnim MiShuras HaDin

Now that we have established some parameters for when someone is liable for damages in Case 1 and Case 2, let us look at another dimension from stories in the Talmud that relate directly to these two cases:

Source # 3a: Bava Metzia 83a

רבה בר בר חנן תברו ליה הנהו שקולאי חביתא דחמרא שקל לגלימיהו אתו אמרו לרב אמר ליה הב להו גלימיהו אמר ליה דינא הכי אמר ליה אין (משלי ב, כ) למען תלך בדרך טובים יהיב להו גלימיהו אמרו ליה עניי אנן וטרחינן כולה יומא וכפינן ולית לן מידי אמר ליה זיל הב אגרייהו א"ל דינא הכי אמר ליה אין (משלי ב, כ) וארחות צדיקים תשמור: *The Gemara relates an incident involving Rabba bar bar Chanan: Certain porters broke his barrel of wine after he had hired them to transport the barrels. He took their cloaks as payment for the lost wine. They came and told Rav. Rav said to Rabba bar bar Chanan: Give them their cloaks. Rabba bar bar Chanan said to him: Is this the halakha? Rav said to him: Yes, as it is written: "That you may walk in the way of good men" (Proverbs*

2:20). *Rabba bar bar Chanan gave them their cloaks. The porters said to Rav: We are poor people and we toiled all day and we are hungry and we have nothing. Rav said to Rabba bar bar Chanan: Go and give them their wages. Rabba bar bar Chanan said to him: Is this the halakha? Rav said to him: Yes, as it is written: "And keep the paths of the righteous" (Proverbs 2:20).*

Translation adapted from The William Davidson digital edition of the Koren Noé Talmud

Source #3b: Bava Kama 99b

ההיא איתתא דאחזיא דינרא לרבי חייא אמר לה מעליא הוא למחר אתאי לקמיה ואמרה ליה אחזיתיה ואמרו לי בישא הוא ולא קא נפיק לי אמר ליה לרב זיל חלפיה ניהלה וכתוב אפנקסי דין עסק ביש ומאי שנא דנכו ואיסור דפטירי משום דלא צריכי למיגמר רבי חייא נמי לאו למיגמר קא בעי רבי חייא לפנים משורת הדין הוא דעבד.

There was a certain woman who presented a dinar to Rabbi Chiyya to assess its authenticity. He said to her: It is a proper coin. The next day she came before him and said to him: I presented it to others, and they told me that it is a bad dinar, and I am not able to spend it. Rabbi Chiyya said to Rav (his nephew, who handled Rabbi Chiyya's finances): Go exchange it for her, and write on my ledger: This was a bad transaction. The Gemara asks: But what is different about Dankhu and Issur, who are exempt due to the fact that they do not need to learn about assessing currency? Rabbi Chiyya too did not need to learn, as he was also an expert. The Gemara responds: Rabbi Chiyya was not actually required to return a dinar to this woman, but when he did so he acted beyond the letter of the law (lifnim mishuras hadin).

Translation adapted from The William Davidson digital edition of the Koren Noé Talmud

Additional Points to Consider:

1) Tosafos, *Bava Kama* 100a, note that in general, *lifnim mishuras hadin* doesn't require one to lose a significant amount of money. In Rav Chiyya's case, the reason why he observed *lifnim mishuras hadin* was because his exemption was due to his being an expert. If he wasn't an expert, he would have been obligated to pay. When one is exempt based on personal status, one should go above and beyond and treat oneself like everyone else. In Rabba bar bar Chanan's case, Rav employed a verse from Mishlei rather than a verse from the Torah because this is a higher level of *lifnim mishuras*

hadin. The Vilna Gaon, Mishlei 2:20, adds that this type of *lifnim mishuras hadin* is subjective, depending on one's level of righteousness. Rav was telling Rabba bar bar Chanan that he was on that level.

2) There is a dispute between Rabbeinu Asher (*Bava Metzia* 2:7) and Mordechai (*Bava Metzia* no. 257) about whether a *beis din* (rabbinical court) can compel someone to observe *lifnim mishuras hadin*. Rav Avraham Yitzchak HaKohen Kook, *Be'er Elyahu* 12:9, suggests that this dispute only applies to situations similar to Rav Chiyya's case. Everyone agrees that a *beis din* cannot compel someone to

observe the higher level of *lifnim mishuras hadin* that was applied in the case of Rabba bar bar Chanan.

3) Rav Moshe Feinstein, *Igros Moshe, Choshen Mishpat* 1:60, notes that Rav told Rabba bar bar Chanan that he is required to pay his workers because his workers were poor and when someone is uniquely positioned to help a poor person, the obligation of tzedakah falls on him first.

Questions for Discussion

- 1) What aspects of *lifnim mishuras hadin* are relevant to Case 1?
- 2) What aspects of *lifnim mishuras hadin* are relevant to Case 2?

Summary

In Case 1, there are a number of reasons why Chaim's employees might be liable. First, depending on the program he downloaded, he may have directly damaged the system while using it (*adam hamazik*). Second, he may be liable as a paid watchman. This seems to be a dispute between *Perisha* and *Shach*, though we did see that it might depend on other factors. From a *lifnim mishuras hadin* perspective, according to R. Kook, exempting employees from damage is a higher level form of *lifnim mishuras hadin*. According to R. Feinstein, if the employee is struggling financially, exempting the employer would be a form of tzedakah.

In Case 2, we saw a dispute between Rambam and Rabbeinu Asher regarding the liability of an advisor. Rambam treats the advisor like a watchman, whose level of liability depends on whether he is getting paid. Rabbeinu Asher treats bad advice as a form of *garmi*. According to Rambam, liability may be limited to cases where one is evaluating an actual object, not giving advice about email. According to Rabbeinu Asher, there is a possibility to be liable because of *garmi*. Within Rabbeinu Asher's opinion, one must still determine whether Mr. Rosen is exempt because he is an expert (dispute between Tosafos and Rabbeinu Asher) or because his clients had the option to ask someone else for a second opinion (dispute between Mordechai and *Shiltei HaGiborim*). If Mr. Rosen is exempt specifically because he is an expert, Tosafos note that *lifnim mishuras hadin* should be employed and Mr. Rosen should help defray the legal costs that his clients incurred.

**THE CUSTOM TO EAT DAIRY • THE CONNECTION OF RUTH TO SHAVUOT
WHERE DO THE RULES OF CONVERSION COME FROM?
THE MESORAH FROM SINAI • THE LAWS OF YOM TOV
BRACHOT AFTER STAYING UP ALL NIGHT • GETTING KIDS EXCITED ABOUT TORAH
JEWISH UNITY AND TORAH • THE IMPORTANCE OF THE LUCHOT
SHAVUOT AS THE CULMINATION OF SEFIRAH • THE TEFILLOT OF SHAVUOT
YOM TOV SHENI • THE SHTEI HALECHEM • THE MONTH OF SIVAN**

PREPARE FOR SHAVUOT WITH THOUSANDS OF SHIURIM ON

**THE MARCOS AND ADINA KATZ
YUTORAH.ORG**

NOW AVAILABLE FOR IOS AND ANDROID MOBILE DEVICES!



ישיבת רבנו יצחק אלחנן

Rabbi Isaac Elchanan Theological Seminary

An Affiliate of Yeshiva University

CENTER FOR THE JEWISH FUTURE