SHEMA KOLEINU: SHAVUOS 5782
DIVREI TORAH FROM OUR REBBEIM, FACULTY, TALMIDIM, AND ALUMNI
Fully Focused: Shavuos as a Time of Talmud Torah
Rabbi Joshua Kahn

The Medrash (Tanchuma, Beshalach Perek 21) quotes a remarkable conversation between Yirmiyahu and the Bnei Yisrael. In delivering mussar to the Bnei Yisrael, Yirmiyahu asks, “Why aren’t you involved in Torah?” The Bnei Yisrael respond to Yirmiyahu by explaining their need to work to earn a livelihood. Yirmiyahu responds by taking out the jug of mann that had been placed in the Aron Kodesh and telling the Bnei Yisrael that just as Hashem took care of the Bnei Yisrael in the desert, similarly, He could have taken care of them. This Medrash is hard to understand for several reasons. Firstly, if the Bnei Yisrael was not learning Torah, was the proper guidance that they should suddenly sit in kollel all day learning? On a practical level, why wouldn’t Yirmiyahu have simply suggested a balanced schedule, whereby we would continue working but invest ourselves in learning when we were not working? Secondly, hashkafically is this the proper guidance for Klal Yisrael, that they should all sit and learn and let Hashem provide for them?

Rav Yosef Salant suggests a fascinating insight to this Medrash. Yirmiyahu did not ask the Bnei Yisrael why they did not learn Torah, rather why weren’t they involved with Torah. It was a question of focus. Perhaps Klal Yisrael did come back from work and go to the Beis Midrash to learn. However, when they were in the Beis Midrash, they were preoccupied with thoughts of parnassah and other responsibilities. That is why Yirmiyahu showed them the jug of mann, to tell them that while it is true that we have an obligation and responsibility to work, ultimately our parnassah is provided by Hashem, as evident from the jug of mann, illustrating that Hashem takes care of our needs.

The message and challenge of Yirmiyahu relates to our ability to fully immerse ourselves in our learning. In a world which is increasingly complex and pulls us in many different directions, we may find ourselves in situations in which we strive to balance our professional careers alongside our growth in learning Torah. However, Shavuos represents this opportunity for us to spend time fully immersed in Talmud Torah. Perhaps that is the reason for our minhag to stay up all night learning, representing the mentality of being fully and exclusively invested in Talmud Torah. May we find the inspiration and determination to maximize our Torah learning this Shavuos, and may HaKadosh Baruch Hu bless us with the berachah of the mann that our parnassah should be bestowed on us b’heter, b’nachas, ub’ruach, mitachas yado herechavah!
Note From The Editors

As we sit down to write the introduction to Shema Koleinu Shavuos Edition 5782, we feel a number of different emotions. Firstly, we want to express our gratitude to the amazing Shema Koleinu team, starting with our administration: Rabbi Kahn, Rabbi Schenker, and Rabbi Emerson; our writership, to whom we proposed the somewhat outlandish dream that became this Shavuos Edition not knowing what the response would be, only for you guys to deliver (not always exactly on time, but you definitely did deliver); and lastly to our devoted readership whom we so dearly cherish.

As you sit here, holding this particularly large booklet in your hands, you might be wondering what you will be reading, what types of articles you will be encountering (after this amazing introduction). The answer is, in fact, kol HaTorah Kulah. You might ask, “really?”, and we’ll answer, “well, kind of.” We set out on this project with the goal of printing articles on all of Tanach and Shas Gemara and Mishnayos for Z’man Matan Toraseinu. We felt that this project would be a great way to explore the infinitely broad horizons which our Torah hakedosha has to offer, as well as foster in us and in our readership a greater appreciation of many of the less learned parts of Torah.

However, the careful reader might note that our eyes in this instance were bigger than our stomach; our aim was perhaps higher than our reach. Although we are proud to present more than sixty articles spanning the entirety of Torah, from “bereishis” (Bereishis 1:1) to “bashalom” (Uktzin 3:12) to “halachos” (Niddah 73a), we did not collect articles from every single sefer and masechta. But, as Benjamin Mays once said, “the tragedy in life does not lie in not reaching your goal. The tragedy lies in having no goal to reach.” Or, as the Mishnah (Pirkei Avos 2:16) puts it, lo alecha hamelachah ligmor; velo atah ben choreen lebateil memanah, it’s not on you to finish the work, but neither are you free to abstain from it. Our job is to start, our job is to plan, our job is to make our best efforts, but ultimately the results are the sole prerogative of Hashem Yisbarach. So we have decided to brush aside the pangs of disappointment we feel at abandoning those few masechtos and sifrei Tanach which for some reason or other got overlooked (we really hope Divrei Hayamim and Machshirin can forgive us), and instead we feel a sense of joy and satisfaction with the results Hashem has bestowed upon us, the results you will find in the coming pages.

We hope you enjoy!!
Have a great Yom Tov,
Aryeh Klein
Meir Morell
Yitzchak Hagler,
Editors-in-Chief of Shema Koleinu, 5782
# Torah From Our Yeshiva

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Thank you to all of the Shema Koleinu Staff for all the hard work put into creating this publication.

**Rosh Yeshiva:** Rabbi Michael Taubes  
**Head of School:** Rabbi Joshua Kahn  
**Associate Principal:** Rabbi Shimon Schenker  
**Rabbinic Advisor:** Rabbi Baruch Pesach Mendelson  
**Editors in Chief:** Meir Morell, Yitzchak Hagler  
**Executive Editors:** Yosef Weiner, Yisrael-Dovid Rosenberg  
**Editors:** Avidan Loike, Emanuel Izrailov, Max Korenman, Noam Schechter, Yaakov Weinstock, Yonatan Burns  
**Media Coordinator:** Ezra Schechter  
**Format:** Aryeh Klein

חג שמח

From The Entire Shema Koleinu Team, Have a Wonderful Shavuos!
“In the beginning God created the heavens and the earth.” (Bereishis 1:1) Rashi comments: R. Yitzchak said: [God] could have begun the Torah from “This month shall be for you…” (Shemos 12:2), because it is the first commandment with which Yisrael was commanded. What is the reason that He began with the Book of Bereishis? Because of the verse, “The power of His acts He told to his people, in order to give them the estate of the nations” (Tehillim 111:6). If the nations of the world will say to Yisrael, “You are bandits, for you conquered the lands of the Seven Nations,” Yisrael will say to them, “The whole earth belongs to the Holy One, Blessed is He. He created it and He gave it to the one found proper in His eyes. By His wish He gave it to them, and by His wish He took it from them and gave it to us.”

This very first Rashi on Chumash presents us with a host of difficulties. First, it seems to be a composite of two Chazals, which Rashi weaves together as if they were one. Second, there is the challenging philosophical premise of Rashi that the Torah is simply a compendium of laws, leaving all other information in it as ostensibly superfluous. Third, the Ramban accentuates Rashi’s claim by noting that non-halachah matters are esoteric and of no relevance to the masses of Jewry. Then, he offers his own explanation of the relevancy of certain events in Bereishis, but he seemingly leaves open, as does Rashi himself, the question of the relevance and proper placement for the entirety of the Torah from Bereishis until Parshas Bo. Of intriguing interest is Rashi's use of R. Yitzchak's name, which is a departure from Rashi's usual approach of citing Chazal anonymously. Finally, we have the moral and social question which the non-Jew’s pose of our right to the land of Eretz Yisrael, and Creation’s role in our response.

In order to flesh out Rashi's assertion that the Torah should have begun with laws, there are three basic understandings in the primary commentaries on this text. The Mizrachi (1455-1525) asserts that although all stories and details (even lists of names, which he uses as an example) of the Torah serve a religious purpose, that purpose should be secondary to laws. Thus, the narratives should follow the laws in the actual text. This is explained in greater specificity in the Nachlas Yaakov (1760-1832), who avers that this means that the Torah should first have listed the laws, and afterwards spelled out the narratives. The Devek Tov (R. Simon Aschenburg, d. 1598) offers a slightly different premise, that the narratives of the Torah should have been in their own sefer, not part of the primary Chumash.
Further insight may be gleaned by those commentaries on Rashi who turn to the compelling question of the existence of mitzvos in Bereishis, such as the seven commandments of Noach, and the mitzvos of having children, performing a bris milah and the prohibition of the gid hanasheh (the thigh sinew). R. Yitzchak’s question would seem to ignore the existence of these mitzvos within Sefer Bereishis. The fairly uniform answer is that Rashi references the first mitzvah given to the entirety of the Jewish people. The previously noted commandments were given to either individuals or to all of humanity. So, to re-frame Rashi’s assertion, the Torah should have begun or been devoted solely to laws given to all of Jewry, and only to Klal Yisrael. This then characterizes Rashi’s assumption of what Torah is.

Yet, the point of Rashi is that the Torah needed to violate this rule in order to answer moral qualms put forth by Gentiles. This is surely intriguing. In fact, the Gur Aryeh (Rabbi Yehudah Loew, 1512-1609) pushes the importance of responding to Gentile moral questions a bit further. He asks that in Bereishis (7:1) we find that Canaan conquered the land from Shem, to whom Noach gave it. Thus, he says, our claims to the land are entirely valid, and require no further explanation - the land was stolen from our ancestor, Shem, before we took it back from the Canaanim. To this, the Gur Aryeh answers that Shem had four sons besides Arpachshad, the ancestor of Avraham. Thus, the Gentile’s claim is a morally correct one, that other descendants of Shem had a legitimate claim to the land. Thus, we see that according to the Gur Aryeh, the Gentile argument is, on its face, morally very sound.

Turning to the Ramban for a moment, he feels that there is no need, in general, for the Torah to discuss the details of creation, the story of Gan Eden, the flood, or the generation of haflagah (dispersion). All that is needed for the “people of the Torah” is the knowledge that God created everything and rested on the seventh day, for which reason we have a mitzvah to keep Shabbos. All the rest is a “deep mystery” which cannot be understood without a tradition, which “those who know are duty bound to conceal.”

The Ramban then offers a detailed explanation of why we have the narratives of Bereishis. His basic point is that Eretz Yisrael is “the choicest of places created in this world”, and for those who sin, it is “unbefitting that they should inherit such a place.” This is why, in the end, the land was given to Klal Yisrael, because “He drove out those who rebelled against Him and placed those who serve Him to dwell there instead.” We are told this in order “that they should know that it is through the service of God that they inherited it, and if they would sin to Him, the land would disgorge them as it disgorged the nations that were before them.”

In fact, the Ramban offers a slightly different version of the Midrash cit-
ed by Rashi, and it is possible that this omission by Rashi and inclusion by the Ramban is of much significance. But first, let us pry apart the two texts used by Rashi. (Incidentally, two of the three earliest known manuscripts of Rashi, those of Regio de Calabria and Chagara (Alkabetz), both have essentially the same amalgamation of Midrashim that we do, with a few many differences. Unfortunately, the Roma edition of Rashi, the oldest still existent, only begins in the third perek of Bereishis.)

Rashi, until the quote from Tehillim, is almost verbatim as we have today in the Tanchuma Hayashan (also known as the Buber Tanchuma). The question of the Gentiles and all that follows does not appear there. The latter material (although without the name of its author, R. Yehoshua of Sakhnin in the name of R. Levi) appears in Bereishis Rabbah, in a longer version than that which Rashi quotes. However, the essential elements of Gentiles asking and the response being based on Hashem giving and taking the land as He wishes are there.

Missing from Rashi but present in both the Midrash we now have, as well as in the text cited by the Ramban, is that the Midrash begins its statement of the Jewish response by quoting from Devarim (2:23) where the passuk says that the “Kaphtorim who went out of Kaphtor conquered and dwelt in their place” (that is, in place of the people who lived in the land earlier.)

Conceivably, following the Ramban's general sense that acquisition and forfeit of the land is based upon the virtue of its inhabitants – recall that the verification of this metaphysical reality is why we are told all the narratives of Bereishis in his understanding – the reality of earlier peoples similarly gaining and losing the land is part of the proof. Eventually, this is what Hashem is answering the Gentiles. It is not simply a Divine fiat that gives us the land, but our own spiritual virtue.

However, Rashi leaves out the pesukim from Devarim (although they exist in our current Midrashim), perhaps due to what is, according to him, the decision of God's inscrutable Will not to link virtue to the Land's holiness.

In any event, according to both Rashi and the Ramban, the Gentile claims are worthy of an answer. Ramban sees it as part of morally coherent history, whereas for Rashi it is Hashem's decision which trumps morality as we humans perceive it. Both worthy lessons, worthy enough to begin the Torah with them.

A lingering problem following Rashi is why we need the rest of Bereishis until Bo. According to the Ramban, everything in the Torah which is not an explicit commandment is a statement of the moral and metaphysical justification of Klal Yisrael's eventual conquest. According to both, though, alleviating this moral qualm is more important than beginning the Torah with laws, even though laws are its true purpose. The moral
problems must be dealt with at the outset. In fact, the Artscroll Commentary on *Tehillim* quotes in the context of 111:6 that Reb Eliyahu Meir Bloch of Telz said that this argument of God creating the world was not meant for Gentiles, but to “reinforce the resolve and faith of the Jews themselves.” It is us that need to realize, before the laws of the *Torah* even begin, that we need to and do stand on the moral high ground.

Lastly, and on a lighter note, the *Divrei Dovid* (R. Dovid Segal, 1586-1667) brings a tradition that the exceptional mention of R. Yitzchak by Rashi is due to the fact that it is not a *tanna* being cited. Rather, R. Yitzchak was Rashi’s father, who was not a learned man, and his son wanted to begin his commentary with some *Torah* of his father. He asked him to ask something, and that is the question with which Rashi begins. The *Divrei Dovid* refutes this claim with several sources that indicate Rashi’s father was a learned man. Plus, I would add that all the *Midrashim* which we have also quote R. Yitzchak, implying the source of this question is in fact tannaitic.

The Bnei Yissaschar (R. Tzvi Elimelech of Dinov, 1783-1841) is quoted with a slight nuance on this matter. He explains that the *Midrash* does in fact cite R. Yitzchak, but why did Rashi go out of his way to quote a *tanna*, which he almost never does? He answers that Rashi wanted to use the name in order to give his father a mention at the beginning of his *peirush*, thus rendering a subtle hint of respect by quoting a name only here.

**SHEMOS**

**Why Does MTA Have So Many Stairs?**

*Yitzchak Hagler (22)*

Last year, I was zoche to be in a Chumash shiur given by our Rosh Yeshiva, Rabbi Taubes, and much of this dvar torah (at least all the good parts of it) come from his shiurim.

Meet Rico, an emperor penguin born last August. For the first two months of his life, Rico was completely dependent upon his parents to feed him. By mid-October, he had matured enough to go out with a group of fellow chicks who kept each other warm. A couple of weeks ago, his body finished developing, allowing him to live on his own as an independent soul. While Rico is just one penguin, he is one of 250,000 other penguins simultaneously going through the same process as he is. And while penguins are just one species, they are one of 8.7 million other animal species, all of which go through this same process of ever-so-gradual growth and development. One of those species is humankind. Like the animals around us, we grow slowly, level by level, step by step. First we learn to roll over, then to crawl, then to talk, then to read, and so
on and so forth. Unsurprisingly, this system of piece-meal, step by step progress doesn’t just dictate our physical growth, but it also guides our pursuits in avodas Hashem. The only way to climb to great heights in ruchnius is by taking many small steps in the upwards direction rather than large leaps which will likely result in failure.

As the Ramban describes in his introduction, Sefer Shemos is defined by two parallel stories: the story of exile and the story of redemption, galus and geulah. Within these mirroring tales appear mirroring examples of the lesson we learned from Rico the penguin—namely that a gradual, bit-by-bit process is the best way to achieve spectacular results.

Sefer Shemos begins in medias res with the first chapter of the story of galus Mitzrayim—Bnei Yisrael’s immigration from Eretz Kena’an to Mitzrayim (Shemos 1:1-5). Next, the Torah informs us of the birth of a new generation (ibid 1:6), a generation much more comfortable with life in Egypt. Then we hear about Bnei Yisrael’s population growth in Mitzrayim (1:7), which directly leads to Pharoah successfully convincing his people to aid him in persecuting this fledgling nation (1:9-10). This persecution begins softly, with high taxes (1:11) and volunteer work. I would suggest that Bnei Yisrael were only willing to accept these first signs of antisemitism because they had been born in Egypt and become familiar with Egyptian society, making it difficult to turn against their native culture. Bnei Yisrael soon found their bodies enslaved to Pharoah. But this was not yet the last leg of the journey. At least at this point, Bnei Yisrael still had some hope, some mental strength left. Eventually, though, they would sink to the lowest levels of despair, the level of “kotzer ruach,” a spirit so depressed that to even consider Moshe’s offer of redemption was not within their realm of possibility (see 6:9 with Ramban). At this point, the many steps and progressions of the galus process—immigration, assimilation, growth in population, beginnings of persecution, complete physical enslavement—had culminated, leaving in its wake a dejected nation unable to even hope for the light of redemption. (That Shevet Levi escaped Pharoah’s dominance because they wisely decided to avoid the ‘volunteer’ work further proves that each step in this process lead to the next one, as their insistence on getting off the train at an early stop on the voyage of galus was the only reason why, down the line, they were not included int he persecution).

The geulah also took place little by little, step by step. As the Ramban points out, Parshas Va’eira begins with four famous leshonos of geulah—“vehotzeisi,” “veheetzalti,” “vega’alti,” “velakachti” (ibid 6:6-7) to teach us that our redemption from Mitzrayim was not instantaneous, but rather it was a gradual process which included many different stages and developments. These four leshonos serve as one possible source of the Mitzvah to drink four cups of wine on seder night, and the Netziv ex-
plains that the reason why these leshonos specifically correspond to wine rather than any other set of four items is because wine makes those who drink it slowly change from a state of sobriety to a state of drunkenness. In other words, wine possesses this same quality we’re describing of changing things gradually, in a step by step process.

This is displayed not just in the promises about the geulah, but in the geulah itself. Hashem decided not just to destroy the Egyptians and rescue Bnei Yisrael in one fell swoop, but rather to elongate the process, because He wanted the whole world to know that He is not just involved in the big, awe-inspiring moments of life, but even in the everyday, the processes which eventually leads to the results, Hashem is there (see ibid 9:15-16). This is one reason why Hashem begins the Ten Commandments by declaring “Anochi Hashem Elokecha asher hotzeiseecha mei’eretz Mitzrayim” - I am Hashem your G-d who took you out of Mitzrayim (ibid 20:2 and Devaram 5:6). Instead of reminding Bnei Yisrael that He created the world, Hashem refers to His saving them from Mitzrayim, as this geulah highlights His involvement in the process rather than just the outcome.

Another prime example of this oft-appearing notion comes from the second makkah, the makkah of tzefardei’ah. The Midrash describes that at first, there was only one tzefardei’ah, but as Bnei Yisrael kept hitting it, it multiplied into more and more frogs, until the land of Egypt collectively fulfilled the sacred proverb of “frogs here, frogs there, frogs were truly everywhere”.

This concept appears once again in Pharoah’s various responses to Moshe’s demand to free Bnei Yisrael. Upon hearing Moshe’s request for the first time, Pharoah refuses to recognize Hashem (5:2), instead punishing Bnei Yisrael for Moshe’s chutzpah. After Aharon’s staff/snake swallowed the staff/snakes of the Egyptian sorcerers, though, Pharoah seems a little less sure of himself, as he needs to “strengthen his heart” to reject Moshe’s demand (7:13). Next, after makkas tzefardei’ah, Pharoah begins to worry about Hashem’s vengeance, as he pretends to allow Bnei Yisrael to leave to serve Hashem (8:4), although he doesn’t stay true to his word (8:11). Following this, in response to makkas arov, Pharoah grants his first real concession to Bnei Yisrael, initially giving them permission to take a break from their work and serve Hashem in Mitzrayim (8:21) before reneging on this promise as well. Shockingly, after makkas barad, Pharoah goes so far as to proclaim that Hashem is the tzaddik and I and my people are the wicked ones (9:27) (although this too turns out to be words not backed by action). Next, after being threatened with makkas arbeh, Pharoah allows the men to go serve Hashem (10:8-11), and although this too seems to be an empty promise, it’s not clear if Pharoah would’ve gone through with it had Moshe accepted the proposal.
rather than demanding that the women, children, and livestock go out with Bnei Yisrael. After makkas arbeh, Pharoah even needs Hashem to give him the strength needed to deny Moshe’s request once again (10:20). Finally, after makkas bechoros, Pharoah doesn’t just give Bnei Yisrael permission to leave, he kicks them out (12:31-32). As with the galus, the geulah too comes in a process, one development at a time.

This is the lesson of Rico the penguin, the lesson of the parallel stories in Sefer Shemos, and it’s also (perhaps) the reason why MTA has so many stairs. Rather than spoiling us with a working, reliable elevator which allows us to reach higher floors instantaneously, without any effort, we are given the gift of stairs, which force us to achieve our goals in the manner they are best achieved- step after step after step.

**VAYIKRA**
**Passing Judgment**
Yaakov Feldman (’24)

Of the many bein adam lechavero mitzvos found in Sefer Vayikra, one of the most famous and well known directives is to judge others favorably. The passuk in Parshas Kedoshim says "betzedek tishpot amisecha", “with justice you shall judge your friend” (Vayikra 19:15), which the Gemara in Shevuos (30a) clarifies to mean "hevei dan es chaveirecha lekaf zechus", "judge your friend favorably".

Within this interpretation there are two main perspectives on the obligation to judge your friend favorably. Both attitudes focus on the main purpose of the mitzvah, differing on whether it has a bein adam lechavero focus or, conversely, if it is a more personal directive. The first approach is that of the Sefer Yereim, that explains the purpose of the obligation as a means of minimizing animosity between others and within society, and also can be considered a fulfillment of both ve’ahavta lerrei’acha kamocha (ibid:18) and lo sisa es achicha bilvavecha (ibid:17). The second approach, that of R’ Yehoshua Leib Diskin, emphasizes that when one believes that everyone around him in society is constantly doing good, it causes him to hold himself to a higher standard and act better as a result.

To further understand this concept, it is important to understand the parameters of what it means to be dan lekaf zechus. The obligation does not apply to tzadikim, as it is only fair to assume that if one witnesses a righteous person doing a questionable act, there is probably some missing context and the action is not a problematic one. Opposite that, nothing good is being done if one were to witness a known bad person committing a wrongdoing and decide that it is probably a good deed that
looks strange. Rather, the obligation is for the more 50/50 type cases, where someone of average character is witnessed doing something that could be taken as either good or bad. In such a case, using the interpretations above, it is appropriate to judge that person favorably and assume they are doing something good.

To illustrate this concept, imagine there is someone who is seen consistently talking in shul during davening. Is there any value in assuming that he is only talking due to emergencies or other urgent matters? This is where the opinions mentioned above factor into the equation. If the purpose of the mitzvah is like the first approach, that being dan lekah zechus is for the purpose of keeping the peace in society, then perhaps it would be best for one to assume that the person talking in shul really is only speaking about pressing situations. However, if the true grounds of the obligation are to maintain one’s standards, it would be best not assuming that the talking must be for an emergency, as if one is always trying to rationalize bad behavior, he himself may come to act in that same way. According to this second opinion, the obligation to be dan lekah zechus is only meant to apply to the average person. If one attempts to rationalize actions of someone who is known to consistently misbehave, it can likely lead to emulating that person’s negative actions.

A popular interpretation of the mishnah in Pirkei Avos that speaks about being dan lekah zechus can help tie these ideas together. The mishnah (1:6) says "hevei dan es kol ha'adam lechaf zechus". The use of the extra letter "hey" changes the meaning of the word from “every person”, to “all of the person”. This is interpreted to mean that one should not make a final assessment of someone based on one suspicious incident, rather he should understand who the person is as a whole. The Lubavitcher Rebbe expands this to the greater context of the mishnah, that also instructs "aseih lecha rav, ukenei lecha chaveir", emphasizing that the social and educational background of an individual must be taken into account before passing a final judgment on them.

**BAMIDBAR**

*In The Midbar*

Yehuda Emerson (22)

Every one of the five books of the Torah seems to have themes that relate to their name or sefer. At first glance Bamidbar may seem that it is entirely comprised of the account of how the Jewish people fared in the desert. After all Bamidbar means in the wilderness or desert, so based solely on the name you might think the main theme is the Jewish people's travails in the desert. If you take a closer look at the other names of the
five seferaim there seems to be a correlation between the actions that happen in the sefer and not just the setting. *Bereshis* means in the beginning, there was nothing and God created everything. This sefer focuses on how there was nothing, there was no world, there was no Judaism and now there is something that was created. The next sefer is called *Shemot* meaning these are the names. The focus is on how Judaism grew from these 70 people who came down to mitzrayim all the way to 600,000 men at *Har Sinai*. The names of the Jewish people grew and grew and what started from just a few names there was a nation. *Vayikra* means and he called out. This is fitting because Hashem is relaying all the laws of the torah, the as’es and lo sa’ases to Moshe. Moshe then transfers this valuable information to the Jewish people and the *Torah* is known to the nation. *Devarim* is translated as these are words. The entire sefer focuses on the words of Moshe to the Jewish people, his last speech which will help propel the Jewish people into *eretz yisarel*. As stated before *Bamidbar* just means in the desert. This fits well with the setting of the sefer but it lacks the meaning of what the sefer is. The name almost feels out of place when compared to the other four. The setting is not as important as the actions that take place throughout Bamidbar, but yet there is an emphasis on the actual placement of the Jewish people.

To explain this we have to look at the first perek of *Bamidbar*. The second pasuk of *Bamidbar*, Moshe is told to take a census of the Jewish people by everyone giving a half shekel. These half shekelim are given to the *mishkan* to help fund the carbonos and other activities that happen there. Donating money is a great thing to do, but what does that have to do with the counting of the Jewish people. The rich should donate much more than a half shekel and the poor can save their money, but why does everyone give this half shekel in order to be counted?

Rav Shamshon Raphel Hirsch explains that the point of the half shekel is that it is a buy-in to the nation. The Jewish people should want to be part of the *Torah* and part of the nation. Hashem did not want to force anyone to be counted in. Either you give and you are a part of us or you don’t and we do not count you as a Jewish person. Everyone has a choice to join or not and this fits in perfectly to what the theme of *Bamidbar* is. *Bamidbar* centers on individuals who buy in to Hashem and our nation. We were taken out of Egypt, we got the *Torah*, and we became a nation. The only thing left is will the individual join in or stay where he is. There are anumber of examples of people who choose to help or hurt the Jewish people in *Bamidbar*. There was Korach, the *meraglim*, Bilam and the people who had relations with Midinot women, all who had the choice and decided to go their own way. Then we have Pinchas and Yehoshua who had the choice and decided to join in. All throughout *Bamidbar* there is a choice and countless times people either make the decision to join in
or back out. *Bamidbar* is not just a place or setting, it is a challenge. The challenge is whether we want to be a part of Judaism and the *Torah* or go our own path and steer away from *Hashem*. Even nowadays *Bamidbar* never left us and we still need to make that choice, so when the situation arrives to make that choice to be in or out, hopefully we can choose to be in and keep the *Torah* that *Hashem* graciously gifted to us.

**DEVARIM**

**Moshe’s Final Adress**

*Akiva Kra (21)*

In *Sefer Devarim*, thirty-seven days before Moshe completes his one hundred and twenty-year life, he gathers and speaks to the Jewish nation he spent the last forty years of his life leading and molding. As the Jews prepare to enter *Eretz Yisroel*, Moshe shares his thoughts and last will with a group that mainly was not alive at the time of Matan Torah. He reviews the laws and events, gives rebuke, and instructs the listeners to keep the *Torah*.

Moshe tells the people that “It is not with you alone that I am forging this covenant, but with those who are standing here with us today before the Lord our God, as well as with those who are not with us here today” (*Nitzavim* 29:14). The Rambam writes that Jewish belief is not from the miracles that have happened, but “it was the revelation at Har Sinai upon which their faith was based, for our own eyes saw and our own ears heard the fire and sounds and flashes of light, and how Moshe approached the cloud and how God’s voice spoke to him while we ourselves heard it...and so it says, ‘God spoke to you face to face’ (*Va’Eschanan* 5:4).” The *Torah* was given at *Har Sinai* in public, witnessed by millions of people. There were six hundred thousand male Jews between the ages of twenty and sixty, besides women, children, and older men, meaning that the total of Jewish men and women was well over a million. In *Maseches Shevuos* (39a) and *Targum Yonasan*, we see from the above-quoted Pasuk in *Nitzavim* that future generations and converts were also at *Har Sinai*.

The *Torah* was not given in secrecy to a select group of initiates, but it was given in the presence of a huge audience. Hence, we are told (*Va’Eschanan* 4:32-33): “Ask about the earlier days that were before you, from the day God created man on earth and from one end of the heavens to the other - has there ever been such a great thing as this, or has there ever been heard anything like it? Has a nation heard the voice of God speaking from out of the fire, as you heard, and lived?” The Ramban writes (*Va’Eschanan* 4:9) that “God commanded us with [the above
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pesukim] for if the Torah had come to us through Moshe alone [and another prophet or dreamer who had signs and told us to go against the Torah came along] people would be in doubt as to which of the two prophecies to follow. But now that the Torah came directly from God to our ears, and our eyes saw it without any intermediary, we are able to dismiss and refute anyone who disagrees with the Torah, [and his signs will not mean anything].’”

The Torah refers to the holiday that commemorates its giving as Chag HaShavuos, meaning The Festival of Weeks (Re’eh 16:16). Unlike the Torah’s name for the other two holidays of pilgrimage, Chag HaMatzos and Chag HaSukkos, which are based on the central observances of those holidays, the name Shavuos seems to be based on the secondary, insignificant facet of the holiday, namely, the fact that it happens to occur seven weeks after Pesach. Why does the Torah not use a name that describes the actual holiday like Chag Matan Torah and instead use something not reflecting on the essence, but that refers to the preceding holiday?

An answer to this question is that the main goal of the giving of the Torah was the acquisition of the Torah by them. This is stated in Pirkei Avos: “The Torah is acquired through forty-eight characteristics” (Avos 6:6). The Torah was given for us to study. The Torah student who directs his life in the Torah path and masters Torah is the one who is crowned with the title “talmid chacham”. The Beis Midrash of such a talmid chacham represents the Beis Midrash of Moshe, who receives the Torah from the Omnipotent (Iggeres of Rav Shmuel Ben Eli). In addition to knowing what is written in the Torah, there is also consideration of the “fifth portion of Shulchan Aruch” - Mesorah. Mesorah helps determine how we live our lives. (See Shiurim L’Zeicher Avi Mori Vol. 1, page 249.)

Rav Mordechai Gifter (MTA class of ‘33) wrote in Dos Yiddishe Vort Sivan 5716: “From this deep conviction, Jews have derived the fundamental principle of Emunas Chachamim, faith in Torah sages: to believe in and be convinced in the correctness and consistency of the daas Torah of Israel's great men. Even when ‘they tell you that right is left and that left is right,’ when you feel that you understand better than they - and the truth is diametrically opposed to the Torah opinion of the gedolei yisroel - nevertheless, ‘you dare not turn away from whatever they tell you’ (Shoftim 17:11).”

This is not a matter of understanding a human being, this is a matter of understanding Torah, which is revealed to you by means of this person, this talmid chacham, this great Torah scholar. Woe to the generation that seeks right and left for the Torah to point the way, but that seeks it according to its own shrunken, human understanding instead of accord-
While respecting our leaders is crucial to ensuring the proper practice of the Torah, it is important to remember that these are not predetermined leaders. “The Torah which Moshe commanded us is the inheritance of the congregation of Yaakov” (Vezos Habracha 33:4). The Rambam (Hilchos Talmud Torah 3:1) and Rabbeinu Yonah (Pirkei Avos 4:13) learn that this is talking about the Kesser Torah, the crown of Torah. They write that even though certain parts of Judaism, such as kingship and priesthood are hereditary, the ability to learn and understand the Torah is everyone's inheritance. The Torah is there for us to take!

In addition to our efforts, we also need Siyata Dishmaya. The Sefer Akeidah explains that the Mitzvah of Bikkurim (Ki Savo 26:1-11) is for us to remember that all the fruits of our field are given to us by Hashem. We shouldn't think "that [we] bring from [our] land", but rather, we need to remember "that Hashem, [our] G-d, gives [us]". The Sefer Akeidah writes that by remembering that everything is a gift from Hashem, we will receive a great reward. Bikkurim is to remind us that Hashem gave us the land and our success isn't from our hard work.

This idea is also seen later when Moshe tells the gathering that "[he is] not able to go out and come in anymore" (Vayelech 31:2). Ibn Ezra and Ohr HaChaim point out that Moshe is telling them that they don't need to worry because it was not him who brought success upon the Jews, but rather Hashem did it. When one is succeeding in any field, they can forget that even though they had to work hard, everything is from Hashem.

The Mitzvos are also attainable for everyone. Moshe tells us: "And you see among the captives a beautiful woman; if you desire her, you may take her as your wife" (Ki Seitzei 21:11). Rashi comments on this passuk that the reason Hashem allows one to marry this woman is that "if the Holy One, blessed is He, would not permit her, he would live with her illicitly". This Rashi, which tells us that something is allowed only because we wouldn't be able to resist the urge to violate it, teaches us something amazing about ourselves. This shows that Hashem knows we can do every Mitzvah. Otherwise, He wouldn't command us to do it. No matter how difficult and challenging something may seem, we need to always remember that Hashem knows we can do it.

However, mistakes are inevitable and one may wonder if they can recover. Moshe tells us "And now, Israel, what does Hashem, your G-d, ask of you? Only to fear Hashem, your G-d, to go in all his ways and love him and to serve Hashem your G-d with all your heart and all your soul" (Eikev 14:22). Many commentaries discuss why the Passuk begins with the word ") "ועתה and now). The meaning of the Passuk seemingly wouldn't have changed without this word, so why is it included? To ex-
plain this, we must look at the context of the surrounding Passukim, which discusses the second *luchos* which were given after the first set broke in response to the sin of the Egel Hazahav. The *Chofetz Chaim* (*Ahavas HaChesed* 2:11) explains that one might think without the first *luchos* we are somehow diminished and lacking in our ability to achieve true greatness. Therefore, the Passuk begins with *ve’ata*; Hashem reminds us to just focus on the here and now, without worrying about the past. The *Chofetz Chaim* (ibid.) quotes an anonymous Gaon that we need to constantly keep in mind “we only have this day.” The *Chofetz Chaim* is telling us that we cannot dwell on the past, and need to focus on improving ourselves at the moment. Rav Baruch of Medzhibozh and Rav Aharon Kahn learn a slightly different lesson. They explain that Hashem is telling the Jewish people that whatever happened in the past, is the past. But now, your sacred job is just to be a Jew. One must recognize that he always has an awesome ability to connect to Hashem, no matter what he may have done in the past.

"These are the words that Moshe spoke to all Israel, across the Jordan, in the wilderness, in the Plain, opposite [the Sea of] Reeds, between *Paran* and *Tophel* and *Laban*, and *Hazerot* and *Di-zahab*" (Devarim 1:1). Rashi comments that almost every location mentioned in this possuk is not in and of itself important, rather, it’s there to hint at a sin the Jews committed. Why wouldn't the Torah write these bad events explicitly instead of listing the locations they happened? Why is the Torah "dancing around the topic" of their sins and only listing the locations? Once we are mentioning these events anyway, why not just say them explicitly?

Perhaps one can suggest that Moshe knew the Jews would understand his point if he only mentioned the locations of their sins without spelling out what they did there. Moshe didn't want to embarrass Klal Yisroel, so he only used references to each location. This teaches us a powerful lesson: Even if someone messes up time and time again, we still have to be careful what we say to them. Hashem had performed many miracles for the Jews, and yet the people still complained and erred time after time. Despite this, Moshe still gave them rebuke in the kindest way possible. One cannot deny that sometimes, rebuke and criticism are necessary, but it always must be done in a way that doesn't embarrass the person you are trying to help.

To conclude, we can look to the future. In one of the final *perakim* of the Torah, we are told to "See now that I, even I, am He, And there is no god with Me; I kill, and I make alive; I have wounded, and I heal; And there is none that can deliver out of My hand" (Haazinu 32:39). The *Baal Haturim* comments that the Pasuk mentions the word ,"אני", three times corresponding to three (of the four) exiles. He then says
that the word ואני and I, refers to the fourth exile. He shows this from a pasuk in Yechezkel "And I was among the exile". This, the Baal Haturim says, indicates that Hashem always has been and always is with us in all the exiles, to rescue us. May this happen speedily in our day!

**YEHOSHUA**

**How We View The World**

*Aryeh Klein (22)*

In *Sefer Nevi’im*, in Yehoshua, after Moshe’s time as the leader of the Jewish People has come to an end, Yehoshua takes the lead of the People. In one of his first actions as leader, Yehoshua sends spies to spy out the land of Yericho. This is recorded in the text as follows:

Joshua son of Nun secretly sent two spies from Shittim, saying, “Go, reconnoiter the region of Jericho.” So they set out, and they came to the house of a harlot named Rahab and lodged there. (Yehoshua 2:1)

This sending out of spies is an action that we have seen before. This was done by Moshe as well, in *Parshat Shelach*. This is related as follows:

“Send agents to scout the land of Canaan, which I am giving to the Israelite people; send one participant from each of their ancestral tribes, each one a chieftain among them.” (Bamidbar 13:31)

What is the connection between these two “sending outs” of spies?

To answer this question we must first provide details for both of these occurrences. What is important to note in *Shelach* is that based on Hashem’s reaction in the text, it is very clear that the sending out of spies was a bad decision. In contrast to this, God displays no disappointment or protest in regards to the spies in Yehoshua.

What is the difference between these two occurrences? Why is Hashem displeased with the spying out in *Shelach*, but seemingly undisturbed by the spying out in Yehoshua?

If one looks at the spying out that is described by the pesukim in *Shelach*, they will see that many of the reports are not objective, but subjective.
Many commentators note this and attribute God’s disappointment with their spying out to this. What is more interesting to note, however, is the perspective of the spies. If one examines at the *pesukim*, they will see that in their reports, the spies talk about how they viewed the land. They spoke about how the people in the land were too powerful, and that the land was not worth taking. In these reports, the spies not only expressed subjective opinions, but they were their own opinions. To contrast this, we now see the spies in Yehoshua. If one looks at what the spies actually did and reported they will find very little actual information. After the spies arrive in the city, they are quickly forced to hide in Rachav’s house, and soon leave the city in a hurry. The text then records that they retell this story to Yehoshua.

In the limited words the *Tanach* describes their report with, a few things can be implied. The text makes no mention of any subjectivity or opinion in their report and therefore we can assume that this report was mostly objective. However, if true, what were the spies actually telling Yehoshua? Was it so important that they tell over the whole story, or could they just have noted to Yehoshua to make sure to allow Rachav to stay alive in accordance with their deal? Clearly there is something more being said.

What I speculated was, that this was the exact opposite reflection of the spies in *Shelach*. Whereas there, they went on and on about how they viewed the land and how they thought it was too difficult to conquer, here, the only thing that is included is the people’s view of the Jewish People. Not the spies' view of Yericho, but Yericho’s view of them.

On paper, this could mean nothing, but I believe there is an important lesson to take away from this. We see from this how important it is to view things from different perspectives. Many times we can view people negatively very quickly and don’t give them the benefit of the doubt, however, we should learn from the spies to look at things from other perspectives. Let us all take a lesson from these new spies, and understand the importance of seeing things from other perspectives this Shavuot and on.

**SHOFTIM**

*Can I Believe my Eyes When It Comes to Angels?*

Zecharia Gurell (’23)

In *Sefer Shoftim* the following is related:

There was a certain man from *Tzara*, of the stock of Dan, whose name was Manoach. His wife was barren and had borne no children. An angel
of the LORD appeared to the woman and said to her, “You are barren and have borne no children; but you shall conceive and bear a son. Now be careful not to drink wine or other intoxicants, or to eat anything unclean. For you are going to conceive and bear a son; let no razor touch his head, for the boy is to be a nazirite to God from the womb on. He shall be the first to deliver Israel from the Philistines.” The woman went and told her husband, “A man of God came to me; he looked like an angel of God, very frightening. I did not ask him where he was from, nor did he tell me his name. He said to me, ‘You are going to conceive and bear a son. Drink no wine or other intoxicant, and eat nothing unclean, for the boy is to be a nazirite to God from the womb to the day of his death!’ ” (Shoftim 13:2-7)

Did this really happen? Did the wife of Manoach really see an angel? Although the answer usually would be “obviously yes,” there’s a machlokes Rishonim which debates whether people can see angels.

The Rambam teaches the following in his “Moreh Nevuchim”:

ודע כי כל מי שבא בו כתוב שדיבר עימו ‘מלאך’ או באהו דבר מהאלו – זה לא יהיה بوشم פנים אלא ב’חלום’ או ב’מראה הנבואה’.

“You must know that whenever the Torah relates that Hashem or an angel spoke to a person, this took place in a dream or in a prophecy.”

The Rambam believes that all visions of angels didn’t actually happen, rather they were only in prophecies or dreams. However, this is not the opinion of the Ramban. We first need to learn another story from Tanach, before we learn the Ramban.

In perek 18 of Sefer Bereishis, Hashem paid Avraham a visit, as he sat at the entrance of his tent, three days after his bris milah. Avraham suddenly noticed three travelers passing by, and ran to invite them into his home. These passersby, who were actually angels in human disguise, accepted the invitation, and Avraham and Sarah prepared a luxurious feast for them, with cakes made by Sarah, and cow tongue prepared by Avraham. The angels informed Avraham that Sarah would give birth to a child exactly one year later. Eighty nine year old Sarah, who was standing nearby, heard this assurance, and laughed.

The Ramban asks about the Rambam’s words, “Thus according to his words, Sarah did not knead cakes and Avraham did not prepare a calf, nor did Sarah laugh. It was all, rather, a vision. If so, this dream came ‘with much concern’ (Koheles 5:2) like the false dreams, for what is the point of showing him all this?” Rather, the Ramban explains “But where
the Torah mentions the angels as men as in this section (...) in the opinion of the Rabbis, in all these cases there was a special glory created in the angels called a ‘garment’ among ‘those who know,’ which can be perceived by the human vision of such people as the pious and the children of the prophets.” However, with regard to our case of Shoftim it seems that the Ramban doesn’t quite disagree with the Rambam when he says “In truth, wherever the Torah mentions an angel being seen or heard speaking it is in a vision or in a dream for the human senses cannot perceive the angels. But these are not visions of prophecy since he who attains the vision of an angel or the hearing of his speech is not yet a prophet.” To clarify, according to the Ramban, when seeing an angel that doesn’t look like a man it is a non-prophetic vision. The Rambam disagrees only with the fact that it isn't a prophecy, and believes that it must be a prophecy.

Now we have an answer to our question. Both the Rambam and the Ramban clearly believe that this event took place in a vision. The one disagreement is whether it was a prophecy, like the Rambam, or just a non-prophetic vision, like the Ramban. We can all learn from this that we should feel free to ask questions, while also relying on the chachamim to answer them.

Shmuel Striking Lightning
Isaac Cohen ('23)

In Shmuel Alef, Perek 26, Shaul goes on a rabbit hunt to track down Dovid and kill him. While Shaul and his camp are sleeping, Dovid steals food and water and runs away from them. After the whole fiasco, Shaul apologizes to David for chasing him and trying to kill him; even giving Dovid a Brachah. However, it’s strange that this whole scene is almost deja vu and a repeat of Perek 24. However, the even more puzzling matter is why Shaul is acting like this? In one moment chasing Dovid then apologizing to him, and repeating it all over again?

Through the following concept, an answer emerges. Everyone is made up of two parts: A guf and neshamah. However, they can also represent our natures. The guf represents the ‘exterior of ourselves that covers up our true nature and wants, which is the neshamah/ ’true character’. The ultimate goal is for one’s Guf ‘exterior’ to reflect our neshamah ‘interior’ and manifest one’s genuine self. However, this is easy to say, but hard to implement in reality.

The main point of this concept is to teach one that our midos, bitachon, emunah, etc. are all contained within us. Thus, peeling off the layers of one’s guf will reveal our true nature and midos, emunah,
Hillel is coming to us that if one cannot represent their true character, then what can others do for him/her? Trying to help someone who is not really them is a difficult task. Even more than that, it is impossible to accomplish when the person’s character is fake. Thus, we are left with the question of how to peel one’s guf off and reveal one’s true character.

It is only at a moment of realization that one comprehends what their character is. However, this realization is not simple to achieve and is unique for each person. In the case of Shaul he experienced his realization when he saw Dovid. His guf covered up his true character that compelled him to chase after Dovid, but when he saw Dovid his neshamah was revealed and he was no longer compelled to harm Dovid anymore.

We each live our own lives and follow our own paths, however, there is still much we can learn from this conflict between the guf and the neshamah. Whenever we walk our own individualized paths, we have an end goal in mind however our paths are only so dimly lit. It is only through flashes of lightning (brief moments of inner clarity) that one is able to see the path clearly, and although the flashes are only present for a brief second one is still able to find the path, and internalize and follow it towards one’s destination. We only experience these flashes that reveal our true character for a brief moment, however, it is imperative that one realizes them and takes advantage of them, in order to create a better world in oneself and between others.

**Yeshayahu**

*The Power of Torah and a Brighter Future*

*Gabriel Benoff (22)*

When one thinks of Shavuot, Navi is not the first sect of Torah that comes to mind. One thinks of the story as regaled in great detail in Sefer Shemot. The actual text of the miraculous thundering mountain, Naaseh v’Nishma and the aseret hadibrot. Yet the messages of the power of what learning Torah can accomplish is prevalent in Navi as well. Throughout Sefer Shoftim, the people switch from sinning to following Hashem (which includes torah learning and following the Mitzvot) and being saved. While the story aspect and exciting events may come to an end at sefer Malachim and Seforim such as Yeshayahu, Yirmiyahu, and Yechezkel seem like just straight prophecies, there is much to learn from
them as well. In particular, sefer Yeshayahu.

The bulk of sefer Yeshayahu is prophecies pertaining to B’nai Yisrael’s downward spiral which ultimately led to the Churban. This may seem like a downer of a Sefer, but there are sporadic positive prophecies. One of which is the prophecy of the wolf lying with the lamb. Part of the prophecy is as follows.

אֵ֧רְקִי שֶׁאֶרֶף֙ אֲשֵׁ֣ר יִלְּכֵֽהּ הַגְּוֹזִ֣י וַהֲנֵ֗ר הַיּוֹקֵֽתִי וְהָיָֽהּ מִנָּ֣הּ וְהָיָ֖ה מֵתְּאַֽרְיֵֽהּ וְהָיָֽהּ מִֽנָּהּ עֵגֶֽל וַֽקַּלְּאִֽים וַֽאֲשֶֽׁר יִרְבְּצֻֽוּ יַלְדֵֽיהֶֽם׃

The wolf will dwell with the lamb, the leopard will lay down with the kid, the beast of pray (Kfir can also mean adolescent lion) with the calf and the Mri (some translate as a type of cow) and the child with them.

פָרָה וָדוֹב תִרְעֶֶּ֔ינָה יַחְדֵָ֖ו יִרְבְצִ֣וּ יַלְדֵיהֶָּ֑ן וְאַרְיֵֵ֖ה כַבָקַ֥ר יֹאכַל־תֶָּֽבֶן

The cow and bear will graze together their young will lie down together and eat straw like an ox.

שִָּֽעֲשַַ֥ע יוֹנֵֵ֖ה עַל־ח ִ֣ר פָָּ֑תֶן וְעַל מְאוּרִַ֣ת צִפְעוֹנִֶּ֔י גָמֵ֖וּל יָדַ֥וֹ הָדָָּֽה׃

A babe shall play Over a viper’s hole, and an infant pass his hand Over an adder’s den.

לֹא־יָרֵַ֥עוּ וְלָֹּֽא־יַשְחִֵ֖יתוּ בְכׇל־הִַ֣ר קׇדְשִָּ֑י כִָּֽי־מָלְאִָ֣ה הָאָָ֗רֶץ דֵעָה֙ אֶת־יְהֹוֶָּ֔ה כַמֵַ֖יִם לַיַָ֥ם מְכַסִָּֽים׃

In all of My sacred mount Nothing evil or vile shall be done; For the land shall be filled with devotion to the LORD as water covers the sea.

This is a powerful prophecy but what does it have to do with Shavuot? The hope instilled by this prophecy that we know some day we will co-exist completely and peacefully with the other nations is inspiring, but how is it relevant to the story of Matan Torah?

The answer is that this is talking of the time of Keitz Mashiach. The final days when mashiach has arrived, there will be no war and no strife. Peace will be abundant as will serving hashem. Yet we do not have Mashiach now. We have not deserved the arrival of our salvation so far. Why though? Perhaps this is partly because we are not gathered as one nation and committing ourselves whole heartedly to serving Hashem as we were at har sinai. Chazal speak of the singular phrasing by matan torah and the powerful unity. The way we will receive mashiach is by continuing our commitment to Torah and to Hashem. To strengthen our bonds bein adam lamakom and lachaveiro.

This ties in beautifully with Shavuot. What better time to attempt bring about this beautiful prophecy than when we remember and strengthen our commitment to serving Hashem and keeping his mitzvot. May Shavuot be reminder about what was and what can be if we push to keep the Torah as best we can and unite as a people like we did so long ago. We may just bring Mashiach and this prophecy of a better future.
Rav Menachem Leibtag, in his introduction to *Sefer Yirmiyahu*, points out that halfway through his career, Yirmiyahu changed into a completely new sort of *navi*. For the first 23 years of his career (see 25:3-7) he was like all other *neviim*, encouraging the Jewish people to improve their ways, stay away from sin, and warning them of the consequences of failure to do so. But suddenly, all that changed. Yirmiyahu tells the people that Hashem has had enough, *teshuvah* can no longer save them. Instead, Hashem has decreed that Nevuchadnetzar should be given sovereignty over Israel and over the Middle East generally (see 25:8-11). Yirmiyahu goes so far as to describe Nevuchadnetzar, the one who will conquer Israel, as the servant of Hashem (25:9).

This is the first (and perhaps only) time that a *navi* turns from being a force for national *teshuvah* into a geopolitical strategist. Imagine him on CNN or FOX prognosticating on the probable future of Babylonian hegemony and the correct or wisest response by little Israel. He is saying that Babylon is too strong to resist, that Hashem has empowered them to rule, and that Hashem now favors them instead of sinful Israel. And imagine him saying that his information comes not from “reading the tea leaves” but from actual Divine vision.

What then are the Jews to do? Submit, says Nevuchadnetzar. Don’t attempt to resist or rebel, because that will be futile. It will only lead to death and destruction. But if you submit and allow Nevuchadnetzar sovereignty over your land, then you will retain your lives and your homes, and your *Beis Hamikdash* will be allowed to stand. And after 70 years Nevuchadnetzar’s “term” will be up, and at that point there will be hope.

This must have been not only painful for the Jews to hear, but unthinkable. We are always taught that we control our own destinies, that there is always time for *teshuvah*, that Hashem will always protect the Jewish people. How could Nevuchadnetzar say otherwise? And for this reason many people didn’t believe him. Great Jewish leaders of the time accused Nevuchadnetzar of being a false prophet, of saying words that Hashem could not possibly have put in his mouth. How could Hashem forsake His people? Even more so, how could Hashem forsake His own house? Nevuchadnetzar is well aware of this argument, and warns the people not to make any presumptions. He says:  

אלא החסרו להם לאבדו ה’ משקר לאמר דוכן ה’ דוכן ה’:

*Don’t put your trust in illusions and say, “The Temple of the LORD, the*
Temple of the LORD, the Temple of the LORD are these [buildings].” (7:4)

Unfortunately, as we know, the people fail to take Yirmiyahu’s advice. They resist and rebel, and things end up exactly as he predicted. The country is laid waste, the Beis Hamkidash destroyed.

What’s the lesson? That you should listen to the navi? Unfortunately, it’s not that easy. There were other people at the time also claiming to be neviim, saying things that were much more in line with what neviim had historically said (and which Yirmiyahu himself had been saying for the first 23 years of his career). They were saying that if the people improved and the kohanim continued to offer all the proper korbanos, Hashem would forgive us. After all, isn’t that what korbanos are for? So why would people believe Yirmiyahu when a much more pleasant and equally religious option presented itself? Besides, doesn’t Yirmiyahu’s advice seem anti-Zionistic? Would anyone expect any country to just lay down before an invader? Could anyone imagine what Volodimir Zelensky would have said to Yirmiyahu?

Perhaps the lesson is to be open minded. When listening to advice, whether it comes from a parent, Rebbe, or friend, don’t automatically judge it by either its adherence to the norm nor how painful it is to contemplate. Consider the source. Does this person have your interests at heart? Certainly Yirmiyahu did. Offering the people the nevuah he did was surely at least as painful to say as it was to hear. He had a long record of devotion to the Jewish people, so his loyalty could not be in doubt. And he had never lied to them before. Obviously, no parent, rebbe or friend can rise to Yirmiyahu’s standard. None of us are receiving direct communication from Hashem, but if someone whom you know to be trustworthy, someone whom you know to care about you, offers you some advice, don’t reject it out of hand no matter how implausible it might sound. Think about it. Take it to heart.

TREI ASAR

Tzionus in Trei Asar? Visions of a Blossoming Israel at the End of Neviim
Meir Morell (22)

There is an interesting theme that arises from the last perek of many of the sefarim in the Trei Asar. Let’s take a look at a few of these pesukim:

Hoshea 14:6
אַהֲלֵיהּ כָּלַל לֵאִירָאֲל יָפָה כְּשׁוֹמֵנָה וּרְדַּשְׁיָא כְּלָבְנָן
I will be as the dew to Israel: he shall flower like the lily, and cast forth
his roots like the Lebanon.

_Yoel 4:18_

והיה ביום ההוא יטפו ההרים עסיס והגבעות תלכנה חלב וכל אפיקי יהודה ילכו מים ומעין

And it shall come to pass on that day, that the mountains shall drop down sweet wine, and the hills shall flow with milk, and all the water courses of Judah shall flow with water, and a fountain shall issue from the house of the Lord, and shall water the valley of Shittim.

_Amos 9:13-15_

הנה ימים באים נאם ה' נגש חורש בקצר ודרך ענבים ילך ושמע ה' עיני יראלי בנה ים עננים ושם יושב עננים וכל הכתמים ישתו

Behold, days are coming, says the Lord, when the plowman shall overtake the reaper, and the treader of grapes him who sows seed; and the mountains shall drop sweet wine, and all the hills shall melt. And I will bring back the captivity of my people of Israel, and they shall build the waste cities, and inhabit them; and they shall plant vineyards, and drink their wine; they shall also make gardens, and eat the fruit of them. And I will plant them upon their land, and they shall no more be plucked up out of their land which I have given them, says the Lord thy God.

_Michah 7:14_

רעה עם בשכם צאן נחלתך שכני לבדד יער בתוך כרמל

Tend thy people with thy staff, the flock of thy heritage, who dwell solitarily in the wood, in the midst of Karmel: _let them feed in Bashan and Gilead, as in the days of old._

_Malachi 3:11_

ונמרו לכל בצלאל אלה ישהת לכם ואחרי האדמו אלה נשך לכם่งפ בשם אתה

And I will rebuke the devourer for your sakes, and he shall not destroy the fruits of your ground; nor shall your vine cast her fruit before the time in the field, says the Lord of hosts.

For even the least keen of readers, it is apparent that there is a connection between the _geulah_, redemption, discussed in the above prophecies and the rebirth of Israel which is represented by the growth of vegetation in
the land. It is also noted in a gemara (Sanhedrin 98a) that “Rabbi Abba says: You have no more explicit manifestation of the end of days than this [following phenomenon], as it is stated: ‘But you, mountains of Israel, you shall give your branches, and yield your fruit to My people of Israel, for they will soon be coming’ (Yechezkel 36:8). [When produce will grow in abundance in Eretz Yisrael, it is an indication that Moshiach will be coming soon.]” Clear signs of Geulah are indicated by the influx of vegetation in the land of Israel.

It would be interesting to diverge, for a moment, to Mark Twain’s “Innocents Abroad.” As to why, will be evident shortly. In chapter fifty six, Twain expresses “Of all the lands there are for dismal scenery, I think Palestine must be the prince. The hills are barren, they are dull of color, they are unpicturesque in shape. The valleys are unsightly deserts fringed with a feeble vegetation that has an expression about it of being sorrowful and despondent. The Dead Sea and the Sea of Galilee sleep in the midst of a vast stretch of hill and plain wherein the eye rests upon no pleasant tint, no striking object, no soft picture dreaming in a purple haze or mottled with the shadows of the clouds. Every outline is harsh, every feature is distinct, there is no perspective -- distance works no enchantment here. It is a hopeless, dreary, heart-broken land. (...) Palestine is no more of this work-day world. It is sacred to poetry and tradition -- it is dream-land.”

After reading of a beautiful “Palestine” in the bible, Twain assumed he’d greet the land of his dreams. He, however, was greeted by a desolate land, with few inhabitants. He left, not remembering “Palestine” as the land of his dreams, rather as a “dream-land,” a land glorious in writing, but barren in reality. What the famed American writer did not know was that this would not be true for long. The Jewish people who have come from distant parts of the world have found beneath the lifeless soil springs of water and deep wells, which they have tapped and used to irrigate the land. And behold, green, eye-pleasing, beautiful life has blossomed forth, rewarding the toil and love bestowed on it. Vegetable gardens of every kind and variety, citrus groves, vineyards, luscious grain fields, and flower gardens have sprung up where there was no life for centuries. It would seem that the prophecies above are truly a reality.

Whether or not the above is officially “aschalta d’geulah” has been fiercely debated, but there is no doubt that this is clearly a fulfillment of the words of the neviim above. On Shavuos morning, we will say in akdamus:

הוד שלמה.bpmi.ונמא.דכהתא.קרחת.ד.ירושלם.כ.יונש.הלאות.קרחת.מטליב.עלהל.בומבי. 
Perfect joy, pure delight, will come into Jerusalem when he will gather the exiles. His glory will shield Zion day and night, while His tent for praise will be made in it, under a splendid canopy of bright clouds.

While reading these words (that we all hopefully will be awake for), we should reflect for a moment about how close this reality can be, as so many of the nevuos of geulah have come to fruition. We should all merit to have the eyes that can recognize this reality and the eyes that “behold Your merciful return to Tzion.”

TEHILLIM
Between 118 and 120: The case for Tehillim 119
Meir Morell (22)

In the spring of 2020, one of the new trends, though it wasn’t invented then, was something called “Tehillim chats”. Due to terrible numbers of sick people, many gathered virtually to finish sefer Tehillim together, many times. One of the frequent occurrences would play out in the following way: Yaakov would take perek 100-109, Dovi would take 110-118, and there then would be two hours of silence on this chat. Why would this happen? The next perek, 119, is the longest in all of tehillim. The mammoth 176 pesukim was too much for one to handle. No one was coming within a mile of this scary perek. Eventually, someone would take a few pesukim, and someone would take a few more, and eventually it would be finished. What isn’t recognized in the above is that this perek is a beautiful perek, in terms of content and linguistics. As this is such a massive perek the article below will discuss A) the themes of the perek, and B) three messages that emerge from three pesukim in the perek.

A Quick Overview
The perek, as mentioned in Meseches Berachos (4b), has sets of eight pesukim beginning with each successive letter of the Hebrew alphabet. Dovid Hamelech maps out each step along his own difficult journey and brings out points that make for a closer relationship with Hashem. The key theme throughout the entire perek is the beauty of Torah and how Torah is a guiding light in the life of a Jew, or as the perek says itself “Your word is a lamp for my feet and a light for my path.” (119:105)

A Deeper Dive
"אשרי תמיים דרך ההלכים בתורת ה"  “Fortunate are those who walk the path of uprightness, who walk in the teachings of God.” (119:1)
Rav Moshe Alshich, usually referred to as “the Alshich”, in his commentary “Romemos E-I” comments with the following: “There are three types of servants [of Hashem]. There are those whose main, constant concern is Torah. However, they don’t chase after [other] mitzvos, [only] when they’re simply walking and a mitzvah comes their way, they’ll do it. The second type [of people are those] who run after mitzvos and constantly stand on guard to do the mitzvos of Hashem, yet they don’t make Torah their main concern. The third type [of people are those] who neither make Torah nor mitzvos between God and man their main concern unless it comes their way. However, their main concern is guarding [themselves] from sin and improving [the lives] of people in any way they can. [This is because] they carry the attributes of [God, He] Who is blessed. Just as God is gracious, so too he is gracious. Just as God is merciful, slow to judgment, [and One who] passes over negligence [i.e negli- gent sins], bears sin, clothes the undressed, visits the sick, buries the dead, and things like this [so too He does these deeds.]...Behold, these three types of people are discussed by Dovid [Hamelech] one by one. At the beginning, he starts and says ‘Fortunate are those who walk the path of uprightness,’ [the use of the word ‘path’] is because this world is a path to the world to come, since in the world a person goes to his forever place. And he (Dovid) is praising those who walk in uprightness without sins and make Torah their main concern [until they die.]”

The Alshich explains that there are three archetypes of servants of God. One who prioritizes Torah, one who prioritizes mitzvos, and one who prioritizes chessed and staying away from sin. He then continues to explain how Dovid Hamelech began this perek by lauding the first archetype.

"גאַרְשאָ נפשי לַחַאָבָה אַל מְשַפְּטִיךְ בָּכָל תְּחָם"
“My soul is consumed with longing for Your rules at all times.” (119:20)
"וָאִהָרֵם רָבָא לַעוֹלָם לְגִרוֹזֵי אַעְרֵנִים דְּמִשָּׁה וְאָעַנֵּי דָּלָא דַּיְמָא מֵאָי קָאָמְר שֵׁנִימְר "גאַרְשא"
And Rava says, a person should always study [ligeris] and review even though he may afterward forget, and even though he does not understand what it is saying. As it is stated [with regard to the study of Torah]: ‘My soul is consumed [garsesa] with longing (for Your rules at all times).’ It says ‘consumed’, and it doesn’t say ‘grinds’. (Avodah Zarah 19a)

Rashi explains that ‘garsah’ (with the letter sin and not samech) is like the term in the chumash “groats of the fresh ear [i.e., ground while it is moist]”, which is something that doesn’t grind well, but rather it grinds as if it’s a bad mill which grinds wheat into halves or fourths for the need
to simply eat.
Rav Shimshon Pincus (Nefesh Shimshon-Tehillim, Tiferes Tehillim, pages 366-7) infers the following which he calls “a wondrous thing”. The passuk isn’t teaching to swallow the grain whole. Rather, it teaches to cut into halves and fourths. Even though it is not yet fine like grain, explains Rav Pincus, any grinding suffices in order that it will be edible, or in our case of Torah, understandable. However, to not grind at all, to not understand anything, there is no value!
Rav Pincus then asks “Where do these words apply?” He answers with the following example. Learning Daf Yomi is a wonderful framework to learn many concepts of Torah that one wouldn’t have known if they only learned the masechtos taught in yeshivah. Rav Pincus exclaimed “How could one possibly leave this world without that knowledge?!” However, the learning needs to be in depth to the extent that you can understand the concept. “It’s assur to be superficial [in your learning]!”
Rav Pincus teaches the tremendous need for one to learn “with tremendous mesirus nefesh” in order to properly achieve in the area of learning Torah.

"טוב טעם ודעת למדני כי במצותיך האמנתי"
“Teach me good sense and knowledge, for I have put my trust in Your commandments.” (119:66)

In order to understand this passuk, Rav Yaakov Meir Schechter (Tehillim -Yeshuos Esah, page 354) cites the following Gemara. The Gemara in Meseches Pesachim (50a) quotes a passuk from the nevuah at the end of the Sefer Zechariah “And Hashem shall be King over all the earth, on that day Hashem shall be one and His name one” (Zechariah 14:9). The Gemara asks: Is that to say that now He is not one? Rabbi Acha bar Chanina said: The World to Come is not like this world. In this world, upon good tidings one recites: Blessed is He Who is good and does good, and over bad tidings one recites: Blessed is the Judge of truth. In the World to Come one will always recite: Blessed is He Who is good and does good.
The explanation of this Gemara is that in “the future to come” everyone will see that Hashem is only “He Who is good and does good.” However, in this world we don’t yet have the feeling that everything is good, and therefore we also have a berachah of “the Judge of truth.” However, through emunah, already in this world one can sense the taste of me’ein olam habah (a reflection or taste of “the world to come”). By seeing and believing that all that is done is only mercy and piety and sweetness [from Hashem], and through this belief Hashem is [acknowledged] as only He Who is good and does good, as Chazal said about “the future to
With this, explains Rav Yaakov Meir, we can explain the above passuk “Teach me good sense and knowledge, for I have put my trust in Your commandments.” Through emunah we can merit a “good sense,” to have [a recognition of the] good for all our days. As Rebbe Nachman said (Sichos HaRan 53) “one who has emunah, is truly alive [lit. his life is life].” This is also as Chazal said (Makkos 24a) “Chavakuk came and established all the mitzvos upon one, as it is stated: ‘But the righteous person shall live by his emunah.’”

Rav Yaakov Meir Schechter teaches that the good sense that Dovid Hamelech asked for, that we should ask for as well, is seeing that everything Hashem does is for the good. While one can write so many sefarim on just perek 119 of Tehillim, I will limit this article to these three thoughts. I encourage everyone to learn through this beautiful perek, especially over Yom Tov as it relates to the Torah, the focal point of Shavuos. We should all be zocheh to the love of Torah expressed in this perek.

**Iyov**

*Rabbi Mordechai Brownstein*

The following article was adapted from a class on December 29, 2021 with Rabbi Brownstein’s permission.

[Background: In Rabbi Brownstein’s “Short Stories” class, he had just taught two stories which were based on the question addressed by Sefer Iyov of why good people suffer. The two stories were Leo Tolstoy’s “God Sees the Truth, But Waits” and Mark Twain’s “The Story of the Bad Little Boy”.]

Sefer Iyov is one of the most complicated sifrei Tanach. This is because, similar to Shir Hashirim, Sefer Iyov is all machshavah, there’s no peshat understanding. The peshat doesn’t make sense; there are only ideas. Iyov is a tzaddik, we all know that he’s a tzaddik, the Satan knows that he’s a tzaddik, and he’s asking the question “if I’m a tzaddik, why am I suffering?” The answer in peshat is ridiculous. The peshat answer is because the Satan tempted HaKadosh Baruch Hu and said that “Iyov isn’t really righteous. He’s only righteous because he’s wealthy, he’s happy, and he has everything in life that he wants to have and you protect him and give him everything.” HaKadosh Baruch Hu says “no, he’ll be righteous even without those luxuries.” That’s a ridiculous and naïve way to learn Sefer Iyov.
In any case, *Sefer Iyov* is 42 *perakim*. We’ll be learning *Perek* 38, towards the end of the *sefer*. Everyone is trying to give different reasons for why Hashem has brought so much suffering on Iyov. Some say that he unknowingly did something wrong, others say that if Hashem makes you suffer you have to trust in Him and love Him, and others say that it’s a test. Iyov denies all of them. Now, in *Perek* 38, *HaKadosh Baruch Hu* is answering Iyov. This is the answer that Twain and Tolstoy want; this is the only answer.

*The class then learned the perek, and Rabbi Brownstein’s commentary appears under it.*

1 Then the Lord answered Iyov out of the whirlwind, and said, 2 Who is this that darkens counsel by words without knowledge? 3 Gird up now thy loins like a man; for I will demand of thee, and let me know thy answer. 4 Where wast thou when I laid the foundations of the earth? declare, if thou hast understanding. 5 Who determined its measurements, if thou knowst? or who has stretched the line upon it? 6 whereupon are its foundations fastened? or who laid its corner stone;

“Then the Lord answered Iyov out of the whirlwind” Life is a whirlwind, it’s a storm which leaves you confused. Every Friday night we say the words “*Kumi tzi’ee mitoch hahafeichah*” get up, go out from the *upside down world* that you live in during the six days of the week. The world is a whirlwind, it’s confusing. If you sit down and look at the world as someone who is a *ba’al machshavah*, someone who thinks about life and thinks about the world, things that are happening are confusing. Hashem answered Iyov out of the whirlwind, out of his confusion, out of his doubts.

*HaKadosh Baruch Hu* gives the following answer: “*Who is this that darkens counsel by words without knowledge?***” All of you are talking, yet your counsel is dark, it doesn’t give light on the subject, because you’re talking without knowledge. How could you possibly come up with a theory if you don’t have the facts?

“*Gird up now thy loins like a man* (get ready); *for I will demand of thee, and let me know thy answer.***” Now, Iyov, you talk to me. Don’t talk to those people, they don’t know what they’re talking about.

“*Where wast thou when I laid the foundations of the earth? Declare,*
if thou hast understanding. Who determined its measurements, if thou knowst? Or who has stretched the line upon it? Whereupon are its foundations fastened? Or who laid its cornerstone” I (Rabbi Brownstein) can only tell how I understand this. The following is how I understand these pesukkim. How does Hashem talk to a person? Don’t think Hashem doesn’t talk to you. Hashem talks to everyone. Don’t think that there’s no nevuah, no ruach HaKodesh, no direct communication with Hashem. That’s false! Hashem talks to you, Hashem talks to every person. The way He does so is through the events of this world. [For example,] you find yourself to be a student at MTA. Hashem is telling you something. If you stay in MTA, you’ll be an MTA person, and that’s probably what Hashem wants you to be, because after all He brought you here. If you want to know the answer of why bad things happen to good people, you need to also know the secret of creation. This is because those things that happen to you, Iyov, were an event in your life and Hashem is talking to you. Stop talking about if you’re good or not good, and why bad things happen to good people. That’s not the conversation. The conversation is “if this happened to me, what is Hashem telling me,” and you can’t know the answer to this mystery unless you know the secret of creation, unless you know the secret of how Hashem’s communication and His ideas come to you through the events of the natural world.

KOHELES
The Obsolete and the Eternal
Yisrael Yitzchak Skuratovsky (23)

Jews typically associate Sefer Kohelet with Sukkot, as reading the megilla during the Shalosh Regalim has become a custom of some communities. However, few consider the connection between Koheles and Shavuos.

Shavuot (Shemot 34:22, Devarim 16:10, 16, Divrei Hayamim Bais 8:13), also referred to in the Torah as Chag HaKatzir (Shemot 23:16) and the Yom Bikkurim (Bamidbar 28:26), was a celebration of the end of Bnei Yisrael’s society’s grain harvest. The grain harvest was seven weeks long, during which the Torah commanded Bnei Yisrael to successively count each day (Vayikra 23:15-16, Devarim 16:9). The grain harvest begins with the barley harvests of Pesach (Vayikra 23:9-14) and ends with the wheat harvests of Shavuot (Shemot 34:22). Thus, Shavuot commemorates the preceding joyous season of the grain harvest (Yirmiyahu 5:24, Yoshiyahu 9:2). As one of the Shalosh Regalim, all of Bnei Yisrael – when the Beit HaMikdash is standing – are to make a pilgrimage to the Bais Hamikdash to offer korbanos, particularly grain of-

“You shall count seven weeks; begin to count the seven weeks from the time the sickle is first put to the standing grain. Then you shall keep the Festival of Weeks to the Lord your God, contributing a freewill offering in proportion to the blessing that you have received from the Lord your God. Rejoice before the Lord your God—you and your sons and your daughters, your male and female slaves, the Levites resident in your towns, as well as the strangers, the orphans, and the widows who are among you—at the place that the Lord your God will choose as a dwelling for his name. Remember that you were a slave in Egypt, and diligently observe these statutes.”

(*Devarim* 16:9-12)

A contemporary Orthodox Jew may read the aforesaid description of *Shavuot* and notice a discrepancy. *Shavuot*, with which the contemporary Jew is familiar, highlights and commemorates seemingly unrelated religious events. Famously, Hashem gave the Torah to the nation of Israel on the first *Shavuot* or, as Chazal referred to it, the *Atzeret* (*Gemara, Shabbat* 86b). Although Chazal debate the precise date of the Torah’s inauguration and later commentators attempt to reconcile seeming contradictions between related traditions, Jewish tradition has accepted the identification of *Shavuot* with the anniversary of the giving of the Torah.

Hence, the contemporary Jew may ask the following questions: Why would the Torah be utterly disinterested in the date of the giving of the Torah, i.e., itself? Why would the Torah characterize *Shavuot* as a purely agricultural holiday when a more awesome event occurred on the same day? Although Jews read *Megillat Rus* on *Shavuot*, I believe *Kohelet* reveals the answer in its philosophical discourse.

*Kohelet* is a “wisdom” book written by Shlomo HaMelech in the 10th century BCE. He opens his work with the now-famous dictum, “Vanity of vanities, says the Teacher, vanity of vanities! All is vanity” (*Kohelet* 1:2). This declaration introduces the lesson that Shlomo has learned from his experiences. Thus, he investigates potential sources of meaning based on his experiences and reason.

Shlomo investigates the futility of wisdom:

“And I applied my mind to know wisdom and to know madness and folly. I perceived that this also is but a chasing after wind.”

*Kohelet* 1:17

Shlomo investigates the futility of self-indulgence:
“Then I considered all that my hands had done and the toil I had spent in doing it, and again, all was vanity and a chasing after wind, and there was nothing to be gained under the sun.”

Kohelet 2:11
Shlomo investigates the futility of labor:
“For all their days are full of pain, and their work is a vexation; even at night their minds do not rest. This also is vanity.”

Kohelet 2:23
He investigates the futility of riches:
“The lover of money will not be satisfied with money, nor the lover of wealth with gain. This also is vanity.”

Kohelet 5:10
Shlomo investigates the futility of life:
“For no one can anticipate one’s time. Like fish taken in a cruel net or like birds caught in a snare, so mortals are snared at a time of calamity, when it suddenly falls upon them.”

Kohelet 9:12
Shlomo’s condemnations of earthly pleasures as vanity leads him to conclude that life itself is wholly meaningless. Recognizing that one’s goals are meaningless, he highlights the fleetingness of time and the inevitability of death. The wise and foolish, righteous and wicked alike meet the same fate:

“And the dust returns to the earth as it was, and the breath returns to God who gave it.”

Kohelet 12:7
However, Shlomo asks, what is beyond the vain material condition? What will outlast the corruption of matter and forgetfulness of memory? Godly matters. Why? God’s ways are inscrutable because they are eternal: “... for God has long ago approved what you do” (Kohelet 9:7). Therefore, man’s attempt to emulate God is the sole bypass of material vanity. Hence, Shlomo concludes,

“The end of the matter; all has been heard. Fear God, and keep his commandments, for that is the whole duty of everyone. For God will bring every deed into judgment, including every secret thing, whether good or evil.”

Kohelet 12:13-14
Although Jews read Kohelet on Sukkot, its significance to Shavuot is more profound. Hashem has granted the Jewish people the unique insight that the giving of His Torah occurred on an ostensibly obsolete holiday. Hashem could have had Moshe write the extraordinary significance of Shavuot into the Torah. Why did He choose not to do this? As Shlomo HaMelech wrote, the only thing that can escape vanity is Godly eternality. Only through the association with an eternal covenant would
the nation of Israel have kept seemingly obsolete commandments like *Shavuot*. After all, what relevance does an agricultural and sacrificial holiday have to the exiled Jewish people lacking a *Beit HaMikdash*? Instead, Hashem chose to inculcate the importance of *Shavuot* and, by extension, all ancient commandments into Jewish tradition by revealing its connection with the establishment of the eternal covenant - the eternal Torah.

This *Shavuot*, express gratitude that Hashem has allowed you to merit from His ancient commandments and pray that you may completely fulfill the *Chag* in all of its precepts soon in our days.

**ESTHER**

**Finding The Good From The Bad**

Dov Hochman ('23)

The *Yalkut Me'am Lo'ez* compiles many sources to explain the events of *Megillas Esther*. In the passuk which contains the words ותאמר אסתר איש צר ואויב המן הרע הזה והמן נבעת מלפני המלך והמלכה "And Esther said, “A hateful man! An enemy! This Evil Haman!” Haman shrank before the king and queen." (Esther 7:6) The *Me'am Lo'ez* explains that Queen Esther convinced King Achashveirosh to have Haman killed and undo his decree to kill all of the Jewish people by telling him that Haman truly wanted to kill him and take the throne for himself.

Haman took very direct actions to make himself the king of *Paras Umad-dai* which is the reason he had Vashti killed was to have his own daughter marry Achashveirosh so he could have a connection to royalty. One of the reasons Haman wanted to reward himself by sitting on the royal horse with the royal clothes and the crown on was to start a revolt while looking like the king against the true king Achashveirosh. Haman shrank because he could not believe that all of his deceits and lies had been revealed. If Haman had not lied so much he could have said that he did not know that Esther was Jewish and he would have saved himself from death but because he was wrapped in so many lies he could not think of what to say to defend himself.

The Light Of The Ben Ish Chai On *Megillas Esther* translated by Rabbi Yerachmiel Bratt expounds on this same passuk. The reason the passuk says "אשת המלך" and not list all the bad attributes of him and then tell us his name was Haman is because there were actually two parts to Haman -the good and the bad- which is why we drink until we don’t know the difference between bless Haman and curse Mordechai. We never say this
while we are not intoxicated because that strengthens the inner evil within Haman. This helps us understand why the Talmud in *Gittin* 57b teaches that the three worst people in ancient Jewish History (Sancheirev, Sisra, and Haman) had grandchildren who became talmidei chachamim.

When Haman’s name is broken up into the spelling of each letter in his name you get the letters Hey twice, Mem twice, Nun twice, and Vav once. The double letters symbolizes the good and bad parts of Haman and the Vav represents the truth because it is the only straight letter and therefore the Vav was the tiny sliver of good inside of Haman which was transferred into his grandson Rabbi Shmuel Ben Sheilat. Esther needed to really convince Achashveirosh that Haman was truly bad because the king wanted to kill the Jewish people also due to the fact that his astronomers told him his throne would be taken by a Jew. When Esther revealed herself as a Jew he understood that this Jew would be his son and he immediately decided to have Haman killed. This is also the reason we have to destroy the remembrance of Amalek and not Amalek the nation because there is always a sliver of good that comes from even the purest of evil.

Purim is known as the time the *B’nai Yisroel* reaccepted the Torah (Esther 9:27). The Jewish people were devastated and had no one to turn to. Mordechai helped the *B’nai Yisroel* look toward Hashem and find the good in all of the bad occurring to them. Shavuos is our time to reaccept the Torah each and every year of our lives. We need to focus on all the good in whatever we view as bad in our lives and see everything Hashem gives to us as a gift, especially the beautiful Torah that we get to learn with freedom.

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**DANIEL**

**Jewish Children in the Imperial Palace; Daniel Perek 1**

Adapted from “Jewish Children in the Imperial Palace of Galus | Daniel perek 1” a Shiur given by Rav Cohen on October 20, 2021, with his gracious permission.

Written up by Meir Morell (‘22)

*Editor's Note: Learning the first perek of Sefer Daniel before reading the article below would make your experience ever more enjoyable.*

Everyone knows something about *Sefer Daniel*, we’ve all heard about the writing on the wall and Daniel in the lion's den. Hearing something about
it is one thing, actually learning about it is a whole different experience.

_Galus_ is one of the significant themes in _Tanach_. When you think about the different ways _Sifrei Tanach_ treat _galus_, there are three different postures. One major focus is the causes of _Galus_, and how to avert _Galus_. This is the theme of much of _Nevi'im Acharonim_. The second posture is “_Galus_ has arrived and we’re mourning over the _galus_”. This certainly comes to its height in _Megillas Eichah_ which is all about _aveilus_ over the _churban_. Then, in addition to the first two approaches, there’s post _churban_, which is living and operating in _galus_. _Daniel_ is firmly in the third category. It’s not about how we got here or why we got here, and it’s not about crying over the _churban_. It’s about living with _Galus_ and moving forward as a Jew who is close to _HaKadosh Baruch Hu_.

Just to lay out the context for a moment, _Daniel_ opens “in the third year of the reign of Yehoyakim”, one of the final kings of _Yehudah_. Nebuchadnetzar comes, attacks _Yerushalayim_, and we see _galus_ begin to unfold. This was at the end of more than four hundred years of _Malchus Yehudah_, going back to the days of _Dovid HaMelech_. Dovid and his son, Shlomo, reigned over the united kingdom of the twelve _shevatim_. The _Navi_ told Shlomo that this would not persist, his son, Rechavam, would only become king over the southern kingdom, _Malchus Yehudah_, but the majority of the _shevatim_ in the north, _Malchus Yisrael_, would be a separate country with a separate king. Indeed, Rechavam was the next _Melech Yehudah_ and Yeravam ben Nevat was the first _Melech Yisrael_. Over the course of _Sefer Melachim_, the _pesukim_ take you back and forth watching how things evolve, in a split screen fashion, king after king after king, in the north and the south. This is until, finally, after several centuries, you see a series of superpowers from areas that surround _Eretz Yisrael_ both from the north east and from the south west, begin to encroach. We see the rise of _Ashur_, and they continue to grow their empire and power, ultimately laying waste to and capturing the ten _shevatim_ in the northern kingdom. They even significantly weaken the southern kingdom, and at one point _Malchus Yehudah_ is limited to _Yerushalayim_ and the area around it. This was all in the days of Chizkiyahu _HaMelech_. The _Navi_, Yeshayahu, ensures that they will persist and endure, and indeed they do. Three generations later, Chizkiyahu’s great grandson, Yoshiyahu _HaMelech_, is the last truly sovereign king of the Jewish people. Under him, the Jewish people enjoyed sovereignty for the last time until the middle of the _Bayis Sheini_ period under the _Chashmonaim_. After the death of Yoshiyahu _HaMelech_, the remaining kings of _Yehudah_ were his sons and grandsons, but none of them were really sovereign kings. They end up being puppets, controlled by either _Ashur_, _Bavel_, or _Mitzrayim_.

As a matter of fact, Rashi points out that the opening phrase, which sounds innocent, captures this. “In the third year of the reign of Yehoyakim, King of Yehudah, Nevuchadnetzar came to Yerushalayim and laid siege to it.” The opening Rashi wonders that elsewhere, Tanach tells us that Nevuchadnetzar only began his reign in the fourth year of Yehoyakim. In the third year he isn’t even emperor yet, so how is he even showing up? Rashi quoted a comment of Chazal, that it doesn’t mean the third year that Yehoyakim was king, it’s the third year of his independence. Yehoyakim had been king, Nevuchadnetzar came and imposed his will on Yehoyakim, and Eretz Yisroel had essentially been a province of Bavel for a couple of years. After a number of years Yehoyakim decided that he’d had enough and he rebels, and he declares his independe. In year three of his rebellion, Nevuchadnetzar shows up and says that “this is all over and I’m in charge,” and he deposes Yehoyakim and establishes Yechanyah as the next king. [Editor's note: Note the pun as Yechanyah means “God established.”] He did not last very long either, and we move to Tzidkiyahu HaMelech. Tzidkiyahu would be king for a while and it’s at the end of the reign of Tzidkiyahu that the Beis HaMikdash will be destroyed, but there’s already a galus that we learn about in Esther and these pesukim in Daniel. This is “Galus Yechanyah,” Yehoyakim is done, Yechanyah lasts very briefly and then Nevuchadnetzar begins the process of galus.

That’s what happens in passuk 2, “Hashem delivered King Yehoyakim of Yehudah into his power,” Nevuchadnetzar succeeds because Hashem made the decision. Here we hear the echoes of the Nevi’im Acharonim, the politics are driven by yad Hashem. We did chataim, as a result there’s galus, and Nevuchadnetzar’s carrying out a gizeiras Hashem. The language is fascinating, HaKadosh Baruch Hu gives Nevuchadnetzar power over Yehoyakim, “UMiktzas Klei Beis HaElokim,” some of the vessels of the Beis HaMikdash, and some of the people. In passuk 3, they bring some of the Jews up north to Eretz Bavel, we hear that Mordechai is part of Galus Yechanyah and so are a number of children. Here, as galus is beginning, Daniel and his chaveirim, whom we are about to meet, are ground zero, they are in galus from the very beginning. Nevuchadnetzar has a fascinating request. Nevuchadnetzar turns to one of his people, to Ashpenaz, his chief of staff, and he tells him in passuk 3 and 4 to take some of the exiled Jews and bring them into the palace. “Youths without blemish, handsome,” they should be physically whole and healthy, and mentally very capable, “proficient in all wisdom.” You’re going to find perfect children, says Nevuchadnetzar, and they’re going to be trained, “and capable of serving in the royal palace—and teach them the writings and the language of the Kasdim.” He tasks Ashpenaz to find a couple of
young Jewish boys from this first wave of *galus* from Eretz Yehudah to Bavel, and bring them into the palace in order to train them. The King, apparently in passuk 5, is very hands on. “The King allotted daily rations to them from the King’s food and from the wine he drank.” The King himself is personally involved in setting the menu, he decides what they’re going to be eating, he sets the menu in terms of what they’re going to be drinking. “And they were to be raised for three years,” he would give them three years to grow up, to mature, and to be trained in the palace, “[after which] some would [be selected to] to enter the King’s service.” This whole cadre, this whole cohort, of boys who are being trained, who are being fed, who are being raised for service of the King, after three years will be checked out by the King in order to pick who’s going to work in the palace.

The *pesukim* tell us “Among them were the people of Yehudah, Daniel, Chananiah, Mishael, and Azaryah.” There were many anonymous members of the group, the four whose names we know are the four who will be the focus of the next six *perakim*. Daniel, Chananiah, Mishael, and Azaryah. They get Babylonian names in passuk 7, and then there is a fascinating story that we’ll have to figure out together. Up until now we’ve sort of been laying the background, here starts the central story. When you look at the *pesukim*, there’s something curious. In passuk 8, Daniel notices, and he’s very concerned, that Nevuchadnetzaz was going to plan their menu. “The King’s food or the wine he drank”?! Daniel didn’t want any of this. He didn’t want to be contaminated by the King’s food or the King’s wine, so he tried twice to skirt the issue, to somehow avoid eating non-*kosher* food. If you think about it, Daniel is one of the first figures who we see living in *galus*, and one of the first issues he contends with is *kashrus*. This is something that has been a theme throughout: You’re stuck, you’re working for the King, operating in this non-Jewish context, and you wonder “What am I going to do about the food? What am I going to do about the drinks? I don’t want to drink the King’s wine, I don’t want to eat the King’s meat.” He tries twice, the first time he is not successful, the second time he is successful.

Let’s look at the *pesukim*, and try to figure out why it did not work the first time and why it did work the second time. There are some funny dynamics we need to think about. The first attempt is *pesukim* 8 through 10, the second attempt begins in passuk 11. In passuk 8, Daniel speaks to Ashpenaz, the chief of staff, and he says that he doesn’t want to be contaminated. How do you think Ashpenaz would respond to such a request? You would think that it would be “off with his head! The King bestowed you with the opportunity to eat his food, who do you think you are, you
little boy?” Hashem gives Daniel great chessed and rachamin and Ashpenaz says to this little boy, Daniel, that he’s too scared to do it. That’s a remarkable thing. The King sets the menu and I’m going to switch it up?, explains Ashpenaz. “Why should the King see that your faces are drawn? [That you’re less healthy than your peers who are the same age as you. They’re living the same lifestyle and the same training but you’re going to look drawn and unhealthy because you’re not eating the food that they’re eating.]” “For then you should endanger my head to the King.” That’s a remarkable response, he doesn’t get what he wants, he got a “no”, but he did get a very polite “no.”

The Malbim points out that in passuk 9, in between Daniel’s request in passuk 8 and Ashpenaz’s response in passuk 10, we heard about HaKadosh Baruch Hu giving Daniel chessed and rachamin. Those two elements were what saved him. The Malbim understands that the chessed was that Ashpenaz didn’t remove Daniel’s head, and the rachamin was that not only did he let it slide, but his response was incredibly personal, and he was very honest. If you noticed, there are two reasons why he can’t help Daniel, firstly because he can’t violate the King’s process, and secondly because he’s worried about the product, because in three years Daniel will be assessed and Ashpenaz will be responsible for what happened. Then Daniel tires again. What’s interesting is, he doesn’t try again with Ashpenaz, he goes to the kitchen staff, they had been appointed by Ashpenaz. First Daniel started with management, and they were very polite but they sort of kicked the can down the road, so now he goes to the waiter, the kitchen staff. There were probably tens, if not hundreds, of waiters, the particular waiter they went to was the “officer whom the chief of staff put in charge of Daniel, Chananiah, Mishael, and Azaryah.” This one fellow is in charge of a couple of the golim, and Daniel was in that group and he goes to him.

Why is that and why didn’t he go to him originally? In passuk 8 the presentation was “I don’t want to be contaminated.” The presentation in passuk 12 was as an experiment. He said “experiment on your servants for ten days, give us vegetables and water to drink.” in order that in ten days we’ll go head to head with all the kids eating the non-kosher food and “do with your servants as you see fit.” The meltzar, the waiter, agrees to the experiment and in passuk 15 the experiment is a resounding success. Daniel, Chananiah, Mishael, and Azaryah look better than anyone else. So, back to our question, what changed? Daniel got a sense of what management wanted, and then he builds something that’s going to work, and he never has a discussion with the meltzar about the big picture. There’s no discussion about being contaminated and it’s very practi-
cal. As a matter of fact, the waiter has his own angle. What happened to the food they didn’t eat? He would pocket the food. He was giving them vegetables and water, and he took all the meat and wine to share with his own family. So on one level, he first has the formal discussion about vision and the big picture with management, and then he gets practical and has a man to man conversation with a guy working in the kitchen. There may be something else, another level, about the fact that the first time around Daniel said that he doesn’t want to be contaminated, and the second time he doesn’t. The Malbim suggests the following. HaKadosh Baruch Hu did a neis, Hashem saved Daniel’s head, forget about the fact that he got the rachamim of Ashpenaz being empathetic, he got the chessed that Ashpenaz didn’t execute him on the spot. How could you possibly talk about the food of the King in that way? The terminology “asher lo yisgaal,” not to contaminate himself, is so strong. Why would he risk his life to not eat non-kosher food, does that even fit halachically? Isn’t a safeik pikuach nefesh docheh kashrus? The Malbim suggests that there are a lot of indications that Daniel thought he had bigger fish to fry. Daniel thought that this wasn’t just a matter of “they have food and it happens not to be kosher.” Daniel saw this as “they’re trying to pull us into avodah zara.” As a matter of fact, in the previous passuk, these boys received new names. Daniel's name is Beltshatzar, which we’ll hear in a few perakim from now is the name of a Babylonian avodah zara. Nevuchadnetzar will later crow about the fact that Daniel is named for his avodah zara. Daniel says, “they’re naming me for their avodah zara, they’re trying to give me their non-kosher food, they’re trying to pull me into the Babylonian culture and the Babylonian religion.” He assumes that the King’s food must be sacred food in their religion, so they must be trying to serve him avodah zara food. Daniel says therefore yeihareig v’al ya’avor, one must be killed instead of eating it, so he goes straight to the chief of staff, he doesn’t try to negotiate with a low level meltzar, and says “you want me to eat avodah zara food? I’m out,” he’s ready to be moser nefesh not to be contaminated. You would’ve expected that Daniel was prepared for Ashpenaz to take him outside and end his life, and he was ready to be moser nefesh al kiddush Hashem to avoid being sucked into avodah zara. HaKadosh Baruch Hu does a neis and Ashpenaz doesn’t react that way. Ashpenaz also gives him insight, not only practical insight but he realizes that it’s not about avodah zara. The King wants you to be healthy, the King wants you to be strong, the King wants you to become a part of his apparatus, but it’s not about avodah zara. That’s why Daniel then takes a different approach, since the food they want them to eat just happens to not be kosher, so let’s see if we could work with that. If the stakes aren’t so high, let’s see if practically we can convince someone to give us kosher food. If you’re issue is that you want me
to be healthy, let’s try a ten day experiment. The King is only going to see us in three years, so ten days is not a risk.

The truth is, what the Malbim sees is specifically about avodah zara, the Gemara in Meseches Avodah Zara sees more broadly, and this sort of brings it home a little more. The Gemara on daf 35b has a mishnah with a list of various foods that non-Jews produce that we’re not permitted to consume. A number of them are the ones we associate as the maachalei akum, foods of idolitors, whose rationale is to create a barrier for oversocialization. Examples are yein akum, bishul akum, and shemen akum. They are meant to be barriers for too much free and easy socializing between Jews and Non-Jews. The Gemara understands on daf 36a that these pesukim are sort of the beginning of the concept of maachalei akum, of shemen akum, and tosafos there adds yein akum and perhaps even bishul akum. They all begin with Daniel’s hesitation to eat this food. The Malbim specifically sees avodah zara, and bigadol it’s all about maintaining healthy social boundaries between Jews and Non-Jews. The irony is that Nevuchadnetzar’s plan had been, as the Malbim developed earlier, was to cultivate Jews who would fill different roles. Descendants of royalty would move into a royal role, they’d be imperial governors back in Eretz Yehudah, and there would be Jews who had other roles, and there would be Jews who would be trained by the king. They would become a part of Bavli culture, and they would bring that back, at different levels of society, to the Jews. So the Malbim says that Nevuchadnetzar was planning to gradually assimilate Jewish society from top to bottom. Ironically, this ends up becoming exactly the opposite. This story is the foundation for the concept of maachalei akum which are considered part of our care, until this very day, in maintaining healthy boundaries.

To sort of put this into perspective, it’s early days yet. The perek ends, ironically, with jumping ahead many years. The last passuk of the first perek already jumps to “Daniel was there until the first year of King Ko-reish.” Daniel, as Rav Yigal Ariel points out, is a man of galus. Daniel is there for the entire story of galus. His entire life, from his childhood until old age, he is the man of galus. He is not the man who’s trying to avert galus, and not the man who’s mourning over the galus, he’s the man who lives, and operates, and grows ambitiously in galus. This perek is the first stage, he’s a boy. It’s early days yet in the arc of galus. At this point there’s no jealousy, that’s yet to come. Everyone is already friendly, he’s being brought into the heart of the empire, there are no barriers. What he’s contending with is maintaining his own boundaries. We’re going to see, and the pesukim here already do say, that he’s going to maintain boundaries and he’s going to contribute. That’s how the pesukim end. At
the end of the three years, Nebuchadnetzar assesses the group, and Daniel, Chananiah, Mishael, and Azaryah are the top of the class, and they’re the ones who are chosen to make significant intellectual contributions to the empire. That’s sort of an early stage, as Jews would throughout the centuries, of making practical intellectual contributions to the empire.

EZRA NECHEMYA

*M'Moshe Ad Moshe, Lo Kam KiEzra??*

Noam Schechter (22)

When someone thinks of Shavuos, there are many things which first come to peoples’ minds. Images of cheesecake, milchig foods, coffee, fancy fruit platters, lavish “midnight barbecues”, the whole shebang which are obviously needed if one is going to stay up learning since it’s not possible to do without spending boatloads of money. Another symbol which has become synonymous with Shavuos (and which people view as the entire point of Shavuos, which, let it be noted, is never mentioned anywhere in the Torah) are the luchos and Matan Torah. The unbelievable, unimaginable, awe-inspiring, miraculous, prodigious, spectacle of Kabbalas Hatorah is at the center of Yahadus, and it was all al yad Moshe Rabbeinu. (Therefore Moshe should also become a symbol of Shavuos, especially since a Moshe shaped cupcake is a lot more exciting than a Har Sinai shaped one.) Remarkably, however, there is only one person who, obviously not on the same level lest that would be literal kefirah, is comparable to Moshe.

Sefer Ezra details the joyful, yet tragic, return to, defending, and reestablishment of, Yerushalayim. Koreish, king of Persia, allows the Bnei Yisrael to return to Yerushalayim (after 70 years) and rebuild the Beis HaMikdash. Many Kohanim, Leviim, and leaders of the Bnei Yisrael seize the opportunity and complete a mass migration back to the Ir Ha-Kodesh, a sum total of 42,360 people. They immediately begin to build the Beis HaMikdash, but after laying the foundation, the surrounding people of the Shomron begin to see this new development as a threat and seek to cease construction. They send letters of calumny to the king, saying that the Bnei Yisrael are beginning to rebel and create conspiracies against the King, and plan to stop paying taxes and disregard him entirely. Koreish believes the libel and demands that the construction cease. The halt continues through the rule of Achashverosh (or, to use a better name which should be inserted solely to be able to say that this name was used in a Shema Koleinu article, Xerxes), and finally, during the rule of his son Daryaveish (the son of Esther), the law is repealed.
Ezra came up from Bavel, he was an expert in the Torah of Moshe which Hashem gave to the Bnei Yisrael. The king granted his every request since Hashem was constantly with him. (Ezra 7:6)

Ezra, a sofer who was so knowledgeable and such an expert in Toras Moshe, approached Daryavesh and requested that he be permitted to take everyone up to Yerushalayim and continue building. Daryavesh agreed and sent him up with a profusion of wealth and issued fierce verdicts for whoever halted the construction of the Beis HaMikdash.

Once he arrives he is utterly appalled to learn that the people there had strayed from Hashem and had intermarried en masse. He begins a campaign of mass teshuvah, and is successful in getting each person to admit to their sin and separate from their non-Jewish wives and children. Yet even after this, the mass kiruv movement of Ezra is far from done.

Nechemiah, a prominent official to Daryavesh, asks for leave to join his people in the rebuilding of Yerushalayim since it was a grim time for them due to oppression and attacks of Sanvalat HaChorni, Toviya HaEved HaAmoni, and Geshem HaAravi. Nechemiah arrives and begins a campaign to rebuild the walls of Yerushalayim, successfully providing fortification and aid to the people. The people are now secure militarily, yet they are lacking in Halachah.

And on Rosh Hashanah, Ezra HaKohen brought the Torah before the people, and taught every man and woman, and everyone who could understand (Nechemiah 8:2)

Ezra re-teaches the Torah and reinstates its laws for all of the Bnei Yisrael, and they all observe a newly invigorated Rosh HaShanah and Sukkos. The people become more attached to Hashem, and serve Him faithfully.

The gemara in Sanhedrin (21b) says

"תניא רבי יוסי אומר: "所需要的法律，"(Leviticus 26, 2) he taught every day until they had completed the Torah. In a similar manner (Deuteronomy 18, 6) he taught the Mishnah."

The people become more attached to Hashem, and serve Him faithfully.
“It is taught in a baraisa (Tosefta 4:5): Rabbi Yosi says: Ezra was suitable, given his greatness, for the Torah to be given by him to the Jewish people, had Moses not come first and received the Torah already. With regard to Moses the verse states: “And Moshe went up to Ha-shem” (Shemos 19:3), and with regard to Ezra the verse states: “This Ezra went up from Babylon and he was a ready scribe in the Torah of Moshe, which the Lord, the God of Israel, had given” (Ezra 7:6). Just as the going up stated here, with regard to Moshe, is for the Torah, which he received from God and transmitted to the Jewish people, so too, the going up stated there, with regard to Ezra, is for the Torah, as he taught Torah to the Jewish people and was suitable to have originally merited to give it. The baraisa continues: With regard to Moshe the verse states: “And the Lord commanded me at that time to teach you statutes and ordinances” (Devarim 4:14), and with regard to Ezra the verse states: “For Ezra had set his heart to seek the Torah of the Lord his God and to do it and to teach in Israel statutes and ordinances” (Ezra 7:10).

The gemara draws a comparison from Moshe to Ezra. Ezra was so great in his leadership and teaching of the Bnei Yisrael, that if Moshe had not preceded Ezra, Ezra would have been chosen to deliver the Torah to the Bnei Yisrael.

The roles of Moshe and Ezra were very similar, and they both achieved similar goals. Both Ezra and Moshe began to lead the Bnei Yisrael at a low point in their history. Moshe led the Bnei Yisrael when they were enslaved in Mitzrayim, on the 49th level of Tumah, and brought them up to the level of receiving the Torah, the highest level. Ezra began his leadership of the Bnei Yisrael at a time when intermarriage was rampant, people were far from Hashem, and they were being oppressed, and he brought them up to a point where they were serving Hashem in the Beis HaMikdash with such joy and spirit.

However, the biggest similarity between the two is that they both gave the Torah over to the Bnei Yisrael. Kabbalas Hatorah was done al yidei Moshe, and was the first time the Bnei Yisrael received the Torah. The Kabbalas Hatorah done al yidei Ezra, albeit obviously not as grand and miraculous as that of Moshe, was full of splendor. Ezra did not, chas v’shalom, change the Torah or alter any detail, as Malbim explains: he re-taught every single Halachah, including the mesorah; Ezra solely gave it over for a second time as a reminder to the Bnei Yisrael.

It is an ikkar of our emunah that Moshe was the greatest navi to ever exist. However, Ezra may have been the closest person to ever get close to that level. Ezra is the Moshe of our generation, he is the Moshe who still serves us and still teaches us. While it is of course true that the
Mattan Torah of Moshe is constantly with us and fuels us, and that the teachings of Moshe stay with us on a daily basis, the Matan Torah of Ezra, and the rekindling of Ezra, is the reason we have the Torah today. Ezra is constantly rekindling and reteaching the Torah for us just as he did to the Bnei Yisrael; that Matan Torah of the “modern” era is the Matan Torah which we still constantly have today.

To reiterate: of course it is true that the Kabbalas Hatorah al yidei Moshe was/is the single greatest event to ever transpire, and it is of course true that “asher Anochi mitzavecha Hayom” - we must constantly think as if we received the Torah from Moshe, but the Kabbalas Hatorah al yidei Ezra is what allows us to do just that. Hashem regave the Torah through Ezra to be an extension of the Matan Torah of Moshe, it allows us to take the Matan Torah of Moshe and take it into the modern era.

Therefore, on Shavuos, we should certainly celebrate and commemorate the Matan Torah of Moshe, but we should also celebrate and commemorate the Matan Torah of Ezra, the Matan Torah which is still ongoing today and which enables us to constantly renew the Matan Torah of Moshe. Perhaps in addition to creating a “Moshe on Har Sinai giving the Torah” cake, we should also create an “Ezra standing on a wooden tower giving the Torah” cake.

BERACHOS
Why is Talmud Torah So Important?
Zevi Burg (23)

Learning Torah is something that is, for us yeshivah students in high school, highly stressed by our rebbeim. Why is it so important for a kid like me who’s still finding my footing in life to require constant Torah learning? I understand that during shiur I have to pay attention and potentially chazer during night seder, but is there really a point to setting up secondary chavrusos, establishing your own mussar seder, or maybe even picking up a masechta to learn on the side? Furthermore, when I’m on vacation, like winter break or one of those extended weekends that we cherish during our school year, why can’t I just chill and have my time away from Torah?

One of the many reasons that we have such a constant demand to keep on shteiging is found in a Gemara in Berachos (61b) where the Chachamim mention that the mishnah explained the part of Shema that starts “ve’ahavta es Hashem Elokecha” (Devarim 6:5) and then the Gemara goes on to quote a braisa which discusses how to interpret the words that immediately follow in the passuk of “ve’ahavta es Hashem Elokecha” which are “bechol nafshecha” and then right after “bechol
"me’odecha" and the Gemara asks a question regarding the necessity of both phrases. The Gemara gives an answer, but what I want to highlight is what comes after that answer. After the Gemara gives its answer, Rabbi Akiva chimes in and says that what does “bechol nafshecha” mean? It means you must love Hashem even if He takes your nefesh, your life.

The Gemara wants to show what Rabbi Akiva means and how he exemplifies this so it continues by relaying over a powerful story which we can learn a lot from. Continuing in the Gemara, after the Bar Kochva rebellion, the Romans banned talmud Torah and the practice of Torah. So, in other words, they pretty much banned Shomrei Torah and mitzvos and what we as Jews stand for. Comes along a yid by the name of Poppos ben Yehuda and discovers that Rabbi Akiva was teaching Torah in public. Poppos ben Yehuda asks: “Are you not afraid of the Romans?” Pretty much saying: Are you asking to get killed?

Rabbi Akiva responds with an amazing mashal (parable) that is applicable to the current situation: A fox is at a riverbank and sees fish trying to escape and the fox asks the fish: From whom are you swimming away from? The fish say back that they’re trying to avoid the fishing nets. The fox then offers the fish to come to the dry shore so they can get away from the danger of the nets. The fish respond: How stupid can you be? You foxes are supposed to be clever! If we feel danger in a place where we can live here in the water, all the more so we'll feel the danger in a place where we will automatically die. So too for us, while we continue to learn Torah - as the passuk says “ki hu chayecha ve’oreh yamecha”, "Torah is your life and the length of your days" (Devarim 30:20), meaning that Torah has to be a part of you and that learning Torah is our appropriate habitat where we can live - we are afraid of the Roman government, all the more so when a person distances themselves from talmud Torah, a habitat which causes death, we would be afraid of the Roman government. So what Rabbi Akiva is saying is that why would I put myself in a place where I will automatically die and stop learning Torah? It would be like a fish out of water! I, Rabbi Akiva is explaining, can at least give myself a chance to live while you, Poppos ben Yehuda, are giving yourself no chance of survival. Soon after, both of them were captured and Pappos ben Yehuda regretted his decision of criticizing Rabbi Akiva because he realized that Rabbi Akiva was truly right.

We can see from this why we need to constantly be involved in talmud Torah. It’s not just that we received it on Har Sinai and accepted upon ourselves to study and follow as much as possible. It is more than that! Truly, it’s because, for us, Torah is life and the only environment that allows us to live is the environment of talmud Torah. This means not only learning during shiur or once in a while during night seder, but that
we must be involved in Torah constantly in order to maintain the necessary environment.

Chag Kasher V’Sameach.

**PEAH**

*Peah and the Collective Ownership of Am Yisrael*

*Rabbi Michael Rosensweig*

*Transcribed by Yisrael-Dovid Rosenberg (*'23)*

What is the mitzvah of peah, leaving the corner of a field for the poor, doing in Parshas Kedoshim (Vayikra 19:9-10), a parshah of fundamentals of Torah, (see Rashi on Vayikra 19:2) and again (ibid. 23:22) connected to the omer, the sacrifice brought to Hashem on Pesach from the newly harvested grain, and shetei halechem, the two breads similarly brought as korbanos on Shavuos, when they are described in Parshas Emor? Both times peah appears, it appears with the words “ani Hashem Elokeichem”. Why?

Rashbam (ibid.) connects the mitzvah back to the omer. Ramban (ibid.) does as well and says it is connected to the omer in order to prevent one from thinking that they can ignore the mitzvos of leket (ibid. 19:9, 23:22), shikechah (Devarim 24:19), and peah for the korban ha’omer. Ibn Ezra (ibid.), however, connects peah more particularly to the shetei halechem. But to which of those two earlier mitzvos is it connected? Could it perhaps be connected to them both? Is it only meant to show that you have to be strict about this mitzvah even in this context of these menachos (meal offerings) of the omer and shetei halechem or is there a deeper connection as some of the meforshim imply?

We have to take a step back and examine some of the unique facets of peah to understand why it is present in each context and why peah is such a linchpin when it comes to zera’im (halachic matters of farming and vegetation).

The pesukim go back and forth between lashon yachid (singular language) and rabim (plural). Why? Is that important?

How do we know peah is limited to Eretz Yisroel? Some meforshim point to the mishnah in Kidushin (1:9) which says all mitzvos hateluyos ba’aretz (mitzvos dependant on earth) are limited to Eretz Yisroel such as terumos and ma’asros (obligatory gifts and tithes). Some mitzvos, though, are limited to Eretz Yisroel by specific pesukim and not left to this general rule. The Gemara finds specific pesukim for the mitzvah of bikurim (Bava Basra 81a). The omer and shetei halechem understandably require singling out in the pesukim because they are not cho- vos hakarka (obligations dependant on earth), they are menachos which generally do not need to be from Eretz Yisroel (see Menachos 8:1).
The mitzvah of bikurim, however, is a chovas hakarka and yet the Gemara in Bava Basra still needs to show that there are pesukim that limit bikurim to Eretz Yisroel. Tosfos (Bava Basra ibid. d”h hahu) asks why this is so and gives two answers. First, one might have otherwise thought that bikurim is a chovas hagavra (obligation dependant on the individual) because it is connected to lo tevasheil gedi bechaleiv imo in the pesukim or it is a chovas hakarka but functions differently than other chovos hakarka.

But back to peah, the Rambam (Hilchos Matnos Aniyim 1:14) cites the Yerushalmi (at the very end of the second perek of Peah) that notes that peah has its own source for being only in Eretz Yisroel. Why do we need a distinct source for the mitzvah of peah? Why is it not enough to resort to saying that this mitzvah is a chovas hakarka? Why is it referred to with the language of “ketzir artzechem” (Vayikra 19:ibid., 23:ibid.) to indicate this connection to Eretz Yisroel? Note also that this language is somewhat similar to the language for the omer (ibid. 23:10).

Peah is unique in certain respects. Normally, for matnas aniyim (gifts to the poor) there is a concept of tovas hana’ah: the ba’alim (owners) have the ability to decide which ani to give the gift to. The Gemara in Chulin (131a) - which is paskened by the Rambam (Hilchos Matnos Aniyim Halachah 1:8) - says that this does not exist for leket, shikechah, and peah. The passuk says “ta’azov osam” (Vayikra 19:10, 23:22), the crop must be left for the ani (poor person) to come collect and not given to any particular ani. After all, the passuk does not say “titein lahem”, “give them”. There is even a discussion that perhaps an ani may take the peah ba’al korcham (against the will) of the ba’alim and the Minchas Chinuch (on Mitzvah 216) is very bothered by that. This all flows from the language of “ta’azov”.

The mitzvah of peah applies to sof hasadeh (the end of the field) in stark contrast to terumos u’ma’asros which are taken from reishis tevu’ascha (the first of the grain). Reishis indicates the priority of giving to Hashem and serving Hashem in the context of personal pleasure, personal crop and money. Reishis also indicates that there is a chalos ha-frashah (actualized separation of the gift or tithe) on that which one keeps for themselves and that is accomplished by reishis tevu’ascha. For peah, specifically the sof hasadeh is for the mitzvah. But why?

The Toras Zera’im points out that peah as a category is not focused on the tevuah (grain) or the ilanos (vines), but, rather, the field itself. Even though lechatchilah peah should be set aside separately for tevuah and ilanos, the mechayeiv (action that creates the obligation) for both of them is the cutting of the tevuah, the first act of ketzirah (harvesting).

The Sefer Hachinuch when he speaks about peah (Mitzvah 216) is
mechadeish (teaches a novelty) that there is no obligation mide’ora isa (on a Torah level) of peah nowadays nor was there bezman Ezra despite the Sefer Hachinuch’s opinion, like the Rambam, that kedushas (sanctity) Eretz Yisroel at the time of Ezra was de’ora isa and permanent. Nonetheless, because there was no “bi’as kulchem”, the majority of Bnei Yisroel were not present in Eretz Yisroel, challah (one of the gifts to the Kohanim) was only rabbinically mandated. The Rambam extends this (Hilchos Terumos 1:26) to terumos and maybe even ma’asros. Again, even though kedushas ha’aretz is de’ora isa, these chiyuvim (obligations) are only derabanan because of the lack of bias kulchem. The Sefer Hachinuch (ibid.) understands the Rambam’s opinion that peah is only observed in Eretz Yisrael “keterumos uma’asros” (Hilchos Matnos Aniyim 1:14) to mean that peah - like terumos uma’asros - also requires bi’as kulchem in order to be required mide’ora isa. Though, this requirement of bi’as kulchem would not extend to other laws such as kilayim and other matanos. The Minchas Chinuch on the spot says he thinks that the Sefer Hachinuch is incorrect about this. There is no passuk in the Torah that implies this. There is no sheim of terumah or challah in peah and as such, the Rambam’s chidush (novelty) should not be extended to peah.

But there are so many anomalies regarding peah. How can we explain why peah is so unique?

Many meforshim, including the Sefer Hachinuch and many on the Chumash, explain that leket, shikechah, and peah are a social justice expression. You may own things, but you can not be selfish. You have to include the wellbeing of the ani in your own successes. This is part of either a homage to Hashem or to the fact that social justice is a linchpin in Judaism. All of which, of course, is true. And that is why peah is so prominent in Parshios Kedoshim and Emor.

In context of Emor, if there really is a kedushas hazeman (sanctity of the time) created by the korban of the omer all the way until the end of the counting to Shavuos and the bringing of the shetei halechem, then like the Rambam says (Hilchos Yom Tov 6:18) that always has to have a social justice expression. The Rambam talks about how it can not be kereiso, your stomach, alone that has benefit on yontif, but a spiritual reckoning is also necessary. In this period, the expression would be in the form of peah.

But it is more than that. Addressing the change from the lashon yachid to rabim, it is not merely that one as an individual has to express a rachmanus (mercy), a chesed (kindness), or as the Seforno puts it (Vayikra 19:9), imitatio dei. What peah represents is that we believe in individual ownership, but with an overlying layer of klal Yisroel’s collective ownership. This is present in shemitah with the total suppression of individual ownership for the year. And we have it regarding peah -
perhaps, in an even more dramatic way - while individual ownership is not suppressed, but there is the element of ba'alus haklal, collective ownership, at the same time. And that may be why the Torah starts with “artzecheim” belashon rabim. It is the expression of the rabim within the individual's ownership.

If that is the case, we can appreciate many of the anomalies of peah.

Why at the end of the field and not at the beginning and why, at least according to the Sefer Hachinuch, does peah require bi’as kulchem. Also, why isn’t there a din of tovas hana’ah considering these are your crops, your own money? And why do we need a special pesukim, according to the Yerushalmi and the Rambam, of “ketzirchem” to delineate peah as specifically in Eretz Yisroel.

It all flows very nicely from this idea. Even as you express your individual ownership, not suppressing it as during shemita to revisit the ownership of the klal, but even while you demonstrate your capitalistic right to your own land, it does not negate the ba’alus haklal. Peah demonstrates the ever present level of collective ownership on the land.

This is why it is besof hasadeh. Peah is not a matir (permitter) for the field; there is no tevel in peah, but it is an expression of that extra dimension.

For this reason, according to the Sefer Hachinuch, even without pesukim, there is specifically a requirement of bi’as kulchem because it is all about the collectivity of klal Yisroel.

Moreover, there is no tovas hana’ah because the point is: “ta’azov”! Abandon this part of your crop! There is an element that is a natural limit on your ba’alus.

When the Rambam seemingly superfluously compared peah to terumos uma’asros - which is where the Sefer Hachinuch got his chidush - some of the nosei keilim suggest that this is the Rambam’s way of telling us that you have to wait the 14 years of chalukah and yerushah (inheritance) before peah begins just like terumos uma’asros, and unlike challah. Why? Because it is an expression of the collective ba’alus of klal Yisroel specifically when there is already individual ownership.

Maybe this is the reason the source is uketzartem es haketzira, because we know from shemitah that there is a prohibition of ketzirah (harvesting grain) and betzirah (harvesting grapes) which is part of the idea of ha’aretz tishmetenu unetashtah, that you must behave in the land not in a manner that expresses your personal ba’alus. The manner of harvesters is that it is yours to cut down and yours to harvest.

The mishnah (Peah 1:1) says that peah ein la shiur. Peah has no limit. The Yerushalmi (at the beginning of the first perek of Peah) asks: Does that mean you can make your whole field peah? It can not be! We
know that you need an initial ketzirah to trigger the chiyuv on the rest. The ketzirah of peah is like meiruach in ma’asros. But the idea might be - not just the techilas hachiyuv - but it is very particularly the techilas hachiyuv because it is derech hakotzrim (the manner of harvesters), it is specifically when you express your personal ba’alus which is not contradicted. There’s no tovas hana’ah by the sof hasadeh when there is bias kulchem because you have to express the side-by-side, overlapping ba’alus of klal Yisroel.

So, if this is the case, we can understand why peah is in Parshas Kedoshim and again in Parshas Emor. It is in Emor because the whole point is the transition of klal Yisroel from individuals to an am in two different ways. In the korban ha’omer and Yetzias Mitzrayim to the Ma’amad Har Sinai, Matan Torah with shetei halechem and then we are told: Yes, “uvekutzrechem es ketzir artzechem”! We particularly express peah! It is also a form of tzedek and tzedakah, but this particular one is precisely all about the overlaying and integration of personal ownership and yet at the same time the collective ownership idea.

If this is the case, we can appreciate that in Parshas Kedoshim this is one of the fundamentals of Torah. We begin with kedoshim teheyu and then move to the sources of authority and Shabbos and people in terms of avodas Hashem and then it is appropriate - “ani Hashem Elokeichem” (Vayikra 19:10, 23:22) - to speak about peah as well.

This dvar Torah is adapted from a shiur given by Rabbi Rosensweig available on YUTorah which is entitled “Peah and the Collective Ownership of Am Yisroel”, with Rabbi Rosensweig’s gracious permission.

DEMAI
Meseches Demai and Kedushas Shabbos
Rav Shimon Kerner

One can easily find a comprehensive introduction to this Masechta in both Kehati and Artscroll Mishnayos Elucidated. I will therefore just state the basic yesod that runs through the masechta and then make an observation based on one Mishna in the masechta that I feel can be inspirational to all of us.

Crops that are untithed are called “tevel” and may not be eaten by anyone. This is derived from a pasuk (Vayikra 22,15) which Chazal understood to mean that one should not treat such crops as Chulin. The punishment for eating tevel is heavenly death. Once terumos and maasros
have been separated, the crops are called “Chulin mesukanim”. (See Rambam Maser 8:1)

Many of the masses would only separate teruma but be lax in other maaser obligations. Their crops were dubbed as “Demai”, which is understood to mean ,”literally “what is this?” because of the uncertainty whether proper maasros were separated. Others (Yerushalmi) explain that it comes from the root ,meaning we can imagine it might be tithed or it might not. A third explanation is based on the Greek word ,which means the masses.
The Gemara (Sotah 48a) tells that Yochanan Cohen Gadol became aware of the laxity toward tithing, and therefore made a gezeira (decree) that anyone who purchased produce from an Am Ha’Aretz would be required to tithe based on the uncertainty. All the details of Demai are discussed in this Masechta.

The first Mishna of the 4th chapter states a remarkable exception to the halacha. One who buys produce from an Am Ha’Aretz and forgot to tithe before Shabbos is faced with a problem. One is not permitted to tithe on Shabbos because of mesaken mana, making something fit for use that was previously unfit. The Mishna states that if he asks the seller if he tithed the produce, he may eat the produce based on his affirmative response!

The question begs itself- if we don’t trust him on weekdays, what changes on Shabbos? One answer found in the Yerushalmi is that the Am Ha’Aretz is fearful of sinning and telling a lie on Shabbos. [Once Shabbos is over, he may not rely on what the seller said on Shabbos because we make a gezeira that if we rely on weekdays on what he said on Shabbos, we might come to rely on what they say on weekdays. (Tosfos Yom Tov)]

The Mishna is conveying to us that a Jew’s neshomo is intuitively in touch with the holiness of Shabbos. Even someone who would normally contemplate dishonesty won’t be able to bring himself to do so on the holy Shabbos!

We find the same idea of a Jew having a different personna on Shabbos in another Mishna. The Mishna in Maseches Bava Kamma (4:2) introduces the concept of a i.e. an ox that habitually gores only on Shabbos but not on weekdays. How would the ox know what day of the week it is? The Yerushalmi explains that on Shabbos, people are wearing special clothes. Their whole appearance is different, and that causes
the ox to go crazy because it’s not accustomed to seeing his owner like that. His Shabbos clothes is one indication of a whole new persona!

46 years ago, I was a J.C. in a certain camp, and there was a problem of the campers using foul language. I convinced them to be more careful on Shabbos, and they were able to control themselves. 4 years later, one of the campers came to me and told me that he still doesn’t use nivul peh on Shabbos!

May we all be zoche to tap into the kedushas Shabbos and the amazing potential it has to affect our speech and overall behavior on Shabbos.

SHEVI’IS
Mitzvas Shemita- Chyuvis or Kiyumis?
Dovid Wartelsky (20)

In parshas Behar, HaKadosh Baruch Hu commands the Jewish people to observe the Mitzvah of Shemita, allowing the land a year’s rest from all agricultural work every seven years. This Mitzvah was first observed from the times of Yehoshua conquering and settling the land, once again when the Jewish people returned from Bavel under the leadership of Ezra and Nechemya, and after a nearly 1500-year hiatus is being observed consistently once again with the Jewish people's miraculous return to Eretz Yisrael.

However, as you can imagine, the economic climate in which Shemita was observed 1500 years ago is nowhere near as complicated as it is today, Israel exports scores of different types of agricultural products, and pausing that supply for a full year (and perhaps even the year after Shemita as well) could result in some customers choosing to take their business elsewhere, thus hurting the Israeli economy long-term. Yet, a significant and growing number of farmers have taken the leap of faith to rely on HaShem's Bracha to provide for us and have decided to keep Shemita fully. How do these farmers support themselves and their families throughout this full year without income? They receive support from organizations, some of whom you may have seen advertisements for, which run massive marketing campaigns in Chutz LaAretz, encouraging Jews in the diaspora to buy land by making a donation to their foundation, and thus fulfilling the Mitzvah of Shemita as they own the land that is resting. Meanwhile, the funds collected go to the farmer and his family. However, we must ask, is there any Halachic legitimacy to the claim that a Jew can fulfill Mitzvas Shemita by just giving a $180 donation to a farmer? Furthermore, is one obligated to accomplish this Mitzvah and
pursue its accomplishment (a *Mitzvah Chiyuvis*), or does one need not pursue the *Mitzvah*, yet still has an obligation to observe it if he has fulfilled certain prerequisites, e.g. owning land (a *Mitzvah Kiyumis*)?

To answer this question, we must start with defining whether or not the *Mitzvah* of *Shemitta* is a *Mitzvas Asei* or a *Mitzvas Lo Saasei*, since if *Shemita* were exclusively a *Mitzvas Lo Saasei*, there would be no need to pursue its completion. The *Psukim* themselves are rather ambiguous in terms of whether or not *Mitzvas Shemita* is an *Asei*, *Lav*, or both: there seems to be quite a few inconsistencies in the *pesukim*. For example, the initial negative commandments of ceasing from agricultural labor are all in the second person, whereas the positive commandments are seemingly directed towards the land. Furthermore, the positive language the Torah uses regarding eating the fruit is in the second person. So which, if any, of these *Mitzvos* are indeed counted as *Mitzvos*, and are they counted positively or negatively? The Rambam in his count of the *Mitzvos* lists 2 *Mitzvos Asei* and 4 *Mitzvos Lo Saasei* pertaining to agriculture during *Shemitta*. Obviously, the *Lavin* would not fall into the category of *Mitzvos Kiyumiyos* and one need not pursue the circumstance under which to fulfill them, just like any other *Lav*. However, with the 2 *Mitzvos Asei*, things get a bit more complex.

The Rambam records the *Mitzvah of Shemitta* in five places: the *Sefer HaMitzvos*, the *Minyan HaMitzvos HaKatzar*, the *Moreh Nevuchim*, the header of the set of *Halachos* in *Mishnah Torah*, and in the *Mishnah Torah* itself. In those places, the Rambam himself is inconsistent as to whether or not the *Mitzvah of Shemitta* is on the land or on the owner of the land. In the *Moreh Nevuchim*, the *Minyan HaKatzar*, and in the header of the *Halachos*, the Rambam implies or states explicitly that the *mitzvah* is on the land, whereas in the *Halachos* themselves and in the *Sefer HaMitzvos*, he implies that the *Mitzvah* is on the farmer. Why did the Rambam conjugate these *mitzvos* differently in different places? And which does the Rambam hold is the obligated party in this *mitzvah*?

Perhaps the Rambam holds that though the technical *Mitzvah* may be on the owner of the land, the overarching precept of the *mitzvah* is that the land should rest. Thus, in the philosophical and general headings of the Rambam, he states that the *Mitzvah* is a *Mitzvah* on the land to rest, whereas in the technical *Halachos* sections, he states that the *Mitzvah* is on the farmer. Thus, the Rambam ends up stressing both points, while not sacrificing his *halachic* integrity. As to whether or not this *Mitzvah* is a *Mitzvah Chiyuvis* or *Kiyumis*, since technically, according to our reasoning, the *Mitzvah* only applies to farmers, one would not be obligated
to pursue it’s fulfillment by buying land, it would satisfy the broader idea of the Rambam of having the land rest to do so.

As the time-tested adage goes: time changes, Torah doesn’t. The Torah is as equipped and deep in the modern age as it was over 3,000 years ago when it was given at Sinai. This Shemitta, hundreds of farmers, religious or not, are keeping Shemitta, and much of that is due to the financial support of their brethren in Chutz LaAretz, supporting them while doing so. Thus, even if one is not technically obligated to pursue the accomplishment of Mitzvas Shemitta, it would be highly valued, according to our reasoning, to support our brethren in Eretz Yisrael who do. May we be Zoche, in the merit of observing Shemitta, to receive the Bracha Hashem has in store for us for doing so--ViTzivisi Es Birkasi--with the coming of Mashiach and the Geula Shileima, BiMheira BiYameinu.

**MA’ASER SHEINI**

*What Ma’aser Sheini Can Teach Us About Ha’aramos*

*Rabbi Daniel Feldman*

The mishnah in Maseches Ma’aser Sheini makes a fascinating statement which gives us some insight into the controversial topic of ha’aramos, which is itself a difficult term to translate but has been used to describe approaches that “work around” various halakhic challenges. The subject is the ma’aser sheini, the second tithe of fruits which, by Torah commandment, must be brought to Jerusalem and consumed there in sanctity. If the owner does not wish to transport the actual fruits, he has the option of redeeming the fruits onto money, which would then be spent in Jerusalem on other food items which would instead be consumed there in place of the original fruits. If that option of redemption, known as pidyon, is utilized, the owner must add a percentage, called a “chomesh”, to the assessed value of the fruits.

There are exceptions to this required addition; for example, one who is redeeming the fruit of another is not required to add the chomesh. As such, the mishnah mentions a possible “ha’aramah” (using that term explicitly): one can transfer his money to another, such as an adult child, who will be instructed to carry out the redemption; no chomesh will be required as it will not be done by the owner of the fruits.

The Talmud Yerushalmi comments on the unusual instance of the mishnah proposing a ha’aramah, and tersely attributes it to the fact that “berachah” (blessing) is written in conjunction with the concept, presumably a reference to a word included in the verse that describes the farmer who has too much produce to transport to Jerusalem (Deut.
Much discussion in the later literature surrounds this passage, and its implications for the broader question of acceptance of *ha’aramos*: given that *ma’aser sheini* is Torah law, does this show that *ha’aramos* are acceptable for Torah laws, or perhaps just the opposite, as the *Yerushalmi*’s need for an explanation indicates it is an exception? What is the nature of the “blessing” being referred to, and how does that affect the equation? It may be possible to suggest the following approach. *Ha’aramos* are most objectionable when they undermine the intent of the Torah, such as when they facilitate the avoidance of a *mitzvah* that can be understood as an inherent value. However, the addition of *chomesh* may not be an inherent value; it is circumstantially dependent, only required when fruits are being redeemed rather than brought directly to Jerusalem. Further, it could be argued that in the ideal situation, the fruits will be brought to Jerusalem, and the redemption is the less preferred alternative, with the *chomesh* emerging as possibly somewhat of an economic disincentive. With that background, we can consider the relevant section in the Torah that is referenced by the *Yerushalmi* (Deut: 14:22-25): “You shall tithe all the produce of your seed, that the field brings forth year by year; and you shall eat before the L-rd your G-d, in the place which He shall choose to place His Name there…; And if the way is too long for you, so that you are not able to carry it, or if the place is too far from you…when the L-rd has blessed you; Then you shall turn it into money…”. What is described here is a situation in which one is literally “not able” to perform the ideal version of the *mitzvah*, and yet is confronted by what may be intended as a disincentive to choose what is actually his only choice, as a result of a situation the Torah describes as meant to benefit him - a “blessing”. Rashi, in fact, identifies the blessing specifically as the increase in produce that precludes the farmer from bringing it all to Jerusalem. Whether or not *chomesh* actually is meant as a disincentive – there are alternate possible theories – it may in any event be the case that it may be unaffordable to the farmer, and thus would clearly undermine what the Torah is calling a “blessing”. Accordingly, it is reasonable to assume that if one were to orchestrate a situation in which he did not have to pay the *chomesh*, he would not be contradicting the spirit of the law; in fact, he would be protecting another aspect of the expressed intent of the Torah. Notably, while “blessing” is mentioned in this passage, *chomesh* is not mentioned at all (the requirement is known from elsewhere in the Torah). What emerges from this statement in the *Talmud Yerushalmi* is apparent support for the idea that the acceptability for a *ha’aramah* can be measured by the degree to which it aligns with the intent of the Torah, which may itself be a complex and subjective question, but a real one nonetheless.
Introduction to the mitzvah of Challah:

The Shulchan Aruch (Hilchos Shabbos) paskens that one is supposed to bake challah every week for Shabbos. The Mishnah Berurah says that there is a remez in the Torah (Shemos 16:5) for this din:

והיה ביום הששי והכינו את אשר־יביאו…

And it was on the sixth day, and they prepared that which was brought...

The Mishna Berurah infers from this that you prepare before shabbos, and quotes the Magen Avraham that records the minhag to specifically bake on Friday. But, he says, with our tremendous sins, certain families stopped baking before Shabbos and started buying from the bakers, and that’s not proper, because it decreases the kavod haShabbos.

There is a major discussion amongst the modern Poskim about whether buying challah from a bakery is allowed if the bread from the bakery is better than the bread you would have made at home otherwise because the inyan of having bread that michubad the Shabbos could mean having special challah for shabbos, not necessarily home-made.

Reb Bentzion Abbashaul (Ohr Latzion) paskens that if the bakery challahs is better than your home-made challah, it’s mutar (and possibly better) to buy challah from the bakery.

The Mitzvah of Challah:

The passuk says (Bamidbar 15:18) in the context of taking Challah from bread:

דַבֵר אֶל־בְנִי יִשְׂרָאֵל וְאָמַרְתֵּ אֲלֵהֶם בְּבָאֲכֶם אֶל־הָאֶרֶץ אֲשֶר אֲנִי מֵבִיא אֶתְכֵם שָָּם

The Gemara in Niddah (47a) says that this means the mitzvah starts when you enter the land, not earlier (and not later either).

This means that even though usually mitzvos teluyos ba’aretz don’t begin until after fourteen years after we enter the land - seven to conquer, seven to divide, for hafrashas Challah, they start immediately.
The psukim continue:

והיה באכלכם מלחם הארץ תרימו תרומה לה’; ראשית ערסתכם חלה תרימו תרומה כתרומת גרן כן תרימו אתה:

and you eat of the bread of the land, you shall set some aside as a gift to Hashem as the first yield of your baking, baking you shall set aside Challah as Terumah; you shall set it aside as Terumah like the Terumah of the threshing floor.

This gift is called Terumah! Challah is what you take the Terumah from, but the dough/batter you’re separating is called Terumah.

So the Mitzvah is to take off from the first of the dough as Terumah, which has the same halachos as any other Terumah:

Shulchan Aruch (Y”D 323:1) - just like by any other type of Terumah, you can take off Challah min hamukaf, you can’t take it min hatahor al hatamei; and you can’t take challah if you are an individual who is forbidden to separate Terumah.

What is the Brachah on Challah?:

What Brachah do you make when you are mafrish Challah?
Shulchan Aruch (Y”D 328:1) - “(asher kidishanu bemitzvosav vitzivanu) lihafrish Terumah”

Does anyone do this? NO!
People say “lihafrish challah min ha’issah.” Where does that come from?

Rama does mention that you can say “lihafrish Challah” instead of “lihafrish Terumah” if you want to, but the Taz and Shach pasken that it’s better to follow the Shulchan Aruch. The Shach suggests saying “lihafrish Terumas Challah” to satisfy everyone. Furthermore, the Taz even explicitly says that no one should say “min ha’issah” because our Brachos usually aren’t that specific. Meaning, just like by tevilas keilim where the bracha is “al tevilas keilim” the Taz paskens that one should not say “al tevilas klei mavtechet (metal)” because our Brachos are left in the general format, without specifying exact details.

The Gra here says that Challah means dough (“issah”) in Biblical Hebrew, but in the Mishnah, Challah just means the gift we take off (i.e. Terumah), which is why Rama says you can say “lihafrish Challah” instead
of “Terumah, if you so choose.” However, the Gra paskens that we make Brachos in Biblical Hebrew, so the Halacha should be like the Shulchan Aruch, not Rama.

That explains why we say “al Biur Chametz” by Bedikas Chometz instead of “al bedikas chometz,” because in biblical Hebrew, biur means to check and get rid of something, and we prefer to use the lashon of the Torah as opposed to that of the Mishnah.

An additional problem with our version of the Brachah is that you are able take challah from bread, it doesn’t have to be dough (“issah”), therefore in some cases the Brachah would be inaccurate.

Is Challah a mitzvah dirabanan or a mitzvah dioraysa?

Nowadays, Challah is dirabanan because “bivoachem” means “bias kulchem” - you need the majority of Klal Yisrael to be in Eretz Yisrael for the mitzvah to apply midioraysa.

But…aren’t we there by now? We definitely have more than half of Klal Yisrael in Israel nowadays.

Our saving grace here, Rav Yoshe Ber Soloveitchik explains in the name of his grandfather that bias kulchem doesn’t just mean the majority of Klal Yisrael bing physically in the land, but it also means that we need to be divided into shevatim, like we were at the time of the original biah. Meaning, we need both the physical majority of Klal Yisrael to return, and the organization of that majority by tribe in order to have reached the stage of bias kulchem.

Chutz la’aretz versus Eretz Yisrael with respect to the mitzvah of Challah:

Why does Challah apply outside of Eretz Yisrael even midirabanan, even though normally agricultural mitzvos don’t?

Because Challah isn’t really an agricultural mitzvah, it only applies when you do a certain ma’aseh with grain, it is not dependent on the grain itself. Meaning that you can have a farm, grow wheat, harvest it, and do all the melachos of Shabbos with it, but unless you decide to turn it into dough you aren’t chayav in Challah, so it applies outside of Eretz Yisrael too.

But the Challah of chutz la’aretz is different from the Challah of Eretz Yisrael.
How so?
If one doesn’t take off Challah, just like if one doesn’t take off Terumah or Ma’aser, that bread becomes Tevel and is assur to eat. It can also treif up your pots and pans, and really mess you up.
With that in mind, the difference between Challah in and out of Eretz Yisrael is if you are sitting down at the Shabbos table with your challahs and then remember that you were never mafreshes challah. What do you do? Well, it depends. If you’re in Eretz Yisrael, you cannot eat it because it is treif, and you cannot take Challah off now because it looks like you’re fixing something, which is assur on Shabbos. But in chutz la’aretz, you can eat it, just make sure to leave over a little bit at the end to serve as Challah.
If you’re not sure if you’re in Eretz Yisrael or not (i.e. you’re near the border) you can rely on the kulah of chutz la’aretz because nowadays Challah is dirabanan and we have a klal that safek dirabanan likula.

The difference between Eretz Yisrael and chutz la’aretz in this case is not where the dough was made nor where the wheat was grown, but rather where I am eating it, so if you have wheat grown in Eretz Yisrael which was imported to America, you can treat it as if it were grown in America for the purposes of Challah.

What to do with the Challah once you’ve separated it:

Really you’re supposed to give the Challah to a Kohen, but today they’re all tamei, so they cannot eat it. Theoretically, they could go the mikveh and become tahor, but they’re since all only safek Kohanim, and they could very easily become tamei again, we can’t be sure they’re allowed to eat the Challah. Therefore, Shulchan Aruch paskens that we do not give the Challah to Kohanim nowadays because they might be tamei.

Should we give the Challah to the Kohen anyway and let him burn it even though he cannot eat it because maybe there’s a special mitzvah of giving the Challah to a Kohen even if he’s not going to eat it?

Rav Aharon Lichtenstein and Rav Tzvi Pesach Frank say pasken lichum-ra, strictly, but most hold that there’s no need, so people just burn or bury their Challah.

If one’s minhag is to burn their Challah, where should they burn it? Most of us don’t have fireplaces or fire pits, so we can’t use them, although if a person does have one, that’s the best option. For the rest of us, maybe we can put it in our burners, but that’s not such a good idea because it might
*treif* up the burners. So people put it in the oven. But won’t it *treif* up the oven? It would, so the best option for those without fireplaces or fire pits is to wrap up the *Challah* in foil and then put it in the oven. Alternatively, you can bury it in your backyard.

**Shiur for the chiyuv of Challah:**

How much flour do you need to take off *Challah*? Generally, the assumption is that you need five pounds of flour to take off *Challah* with a *Brachah* (based on the *Nodeh Be’Yehuda*), and two and half pounds for taking *Challah* without a *Brachah*.

The *Lubavitch* minhag is that that the measurement for taking *Challah* with a *Brachah* is three pounds and eleven ounces, and the measurement for taking *Challah* without a *Brachah* is anything more than two pounds and ten ounces.

But most of us don’t use pounds, we use cups. There are three and a third cups per pound of all-purpose wheat flour, which would mean that according to the non-*Lubavitch* approach, the measurement for taking *Challah* with a *Brachah* is around seventeen cups.

As mentioned before, those five pounds are based on the *Nodeh BeYehuda*, who derived his opinion from the *Shulchan Aruch*, which says that the measurement for a “cup” for an *asias he’eifah* (forty three and one-fifth eggs) of *Challah* is a certain measurement based on fingers such that when the *Nodeh BeYehuda* tested this cup measurement, he found that it didn’t work. Based on this, the *Nodeh BeYehuda* concluded that eggs got smaller over the centuries. So the whole five pounds *shitah* is based on the idea that eggs shrank since *Chazal* determined the *shiurim* for the measurement of flour for *Challah*. Reb Elazar Fleckels, the main *talmid* of the *Nodeh BeYehuda* reported that his *Rebbe* had really big fingers, so his measurement was off - the eggs didn’t get smaller, his fingers were just really big.

So the *Lubavitcher shiur* is probably correct because our assumption of what a *kizayis* or *kibeitza* is nowadays is not accurate - our olives and eggs didn’t shrink!

So take off *challah* with a brachah at three pounds eleven ounces (about twelve and a one-third cups), and without a brachah at just under two pounds. (Not precisely the *Lubavitch minhag*.)

The difficulty is if you have *tzirus sal* - the *halacha* (Shulchan Aruch
Y”D 325:1) is if you six cups worth of flour in some challah here and six cups worth over there, they can combine to twelve and you have to have off Challah with a Brachah. When are they metztaref (combined)? Either if they are together in a kli, or if they’re next to each other on the counter, such that if I were to pull them away from each other they would pull strings of dough from each other (called neshicha), they would be metztaref.

Let’s say I have a lot of packages of cookie dough in the freezer, now they’re all in the same kli (the freezer) so if there’s enough cookie dough in there to add up to about twelve cups, do I have to take Challah from it? Probably not, because a kli is generally defined as something that can be carried whether it’s full or empty, which you definitely cannot do with your freezer. (A mini-fridge, therefore, might be a problem.)

Ingredients necessary for Challah to be required:

Also, you’re only chayav in Challah if you knead one of the five grains (wheat, barley, etc.) with one of the seven mashkim (yad shachat dam). Of those seven mashkim, the only ones that are shayach are oil, water, dew, wine, or honey (since it’s assur to make bread with milk or blood). But if you use fruit juice, that challah is not chayav in Challah at all.

What to do if the Challah gets mixed back into the dough:

Let’s say I take off Challah and then it falls back in, and I can’t find it, what do I do? Challah is not batel bishishim, it’s batel bime’ah, so if there are one hundred times as much dough (or batter) as what I had initially removed as Challah, Rav Shlomo Zalman Aurbach (chelek aleph, 60:1) holds that it is batel and all is good.

What if there’s not enough dough for your Challah to be batel? Is the whole mixture treif? Yes, but there’s a way out: Shulchan Aruch (323:1) paskens that in such a case, one should go to three Rabbis and be matir neder on the grounds that if they had realized the Challah would have fallen back into the dough/batter, they would never have made it into Challah in the first place. Once they do this, they now are chayav in Challah again as if they never took it in the first place, so they must go and take Challah from that dough again. Obviously, if one already ate the mixture, there’s nothing to do; they ate tevel.

Conclusion

In conclusion, many people don’t know the halachos of Challah, but it’s not very complicated and it’s a lot of fun, so people should take the time to learn it.
In *Mishnayos Bikkurim* we see how a process such as bringing *Bikkurim*, first offerings, almost turns into a celebration of some sort. Whether the person lives far or near, there is always a grand entrance for him when he comes to *Beis Hamikdash*, and for anyone else who comes to bring *Bikkurim*. The *Mishna* in *Perek* 3, 3-4 really give some good detail on what this grand entrance would look like. We learn that the person carrying his basket would pass before an ox with horns being coated in gold, and an olive wreath on its head. This was a true spectacle like no other to be seen. Once the person gets close to *Yerushalayim* there are messengers who go out to let everyone know that people with *Bikkurim* baskets are coming. In the meanwhile, the people of *Yerushalayim* adorn the baskets of their own, and get ready to fulfill the Mitzvah themselves as well. Then the princes and treasures of *Bais Hamikdash* come out to greet them. The more people who came, the more who came out to greet them. As the people enter the holy city of *Yerushalayim*, all the craftsmen of the city stand up to show respect to the people who are about to endure this holy *mitzvah*. As the people start marching to the *Beis Hamikdash*, the flutists start playing their flutes and continue until they reach *Har Habayis*. Once they reach their destination each person, even King Agripas, puts the basket of *Bikkurim* on their shoulder and enters the *Bais Hamikdash*.

Once they reached the courtyard, the Leviim break out into song singing their praises to *Hashem*. The rest of the process of *Bikkurim* will ensue with the same dignity as the previous processes. When you think about *Bikkurim* and *Shavous*, the first that comes to mind is that one of the names of *Shavous* is Chag Ha*Bikkurim*: a fitting title for such a holiday. *Shavuos* is a spectacle within itself as we were getting ready for *Matan Torah*. We also see that when people brought Bikkurim it was a spectacle within itself as well. We can really tie together the fact that the lead up to both events are epic, and are really a one of a kind spectacle that all of us Jews took part in. So it is very fitting that such a *Chag*, such as *Shavous*, has such a level of anticipation, just like everyone was anticipating the *Bikkurim* being brought to the *Bais Hamikdash*.

Finally, not only was this such a spectacle with everyone from far and near bringing their own *Bikkurim*, it also united *Bnei Yisrael*. *Shavuos* is a time to rejoice and unite under one cause: *Matan Torah*, and we can be unified just as everyone was when everyone brought their *Bikkurim*. 
SHABBOS

Simcha On Yom Tov and Shabbos
Rabbi Zvi Sobolofsky

Adopted from “Simcha on Shabbos and Yom Tov,” a shiur given by Rav Sobolofsky in May, 2014, with his gracious permission.

We know there are certain mitzvos asseh that apply specifically to Yom Tov and some that apply only to Shabbos. We also know that there are many mitzvos lo sasei that we learn from Shabbos to Yom Tov. The question is how many of these mitzvos asei can be carried over to Shabbos from Yom Tov.

At first glance, the question seems ridiculous; there’s no inyan to eat matzah on Shabbos, or to live in a Sukkah every Shabbos. But what about the mitzvos of simcha? The Torah (Devarim 16:14) says “Yechemah bechag - You shall rejoice in your festival” in the context of Sukkos, by Shavuos (Ibid, 16:11) it says “Yechemah lefes Hashem - You shall rejoice before Hashem your G-d,” and while there’s no passuk to teach us simchas Yom Tov by Pesach, the Gemara connects Pesach and Sukkos in many places (i.e. Pesachim 37a, 99b) and thus learns out this mitzvah by Pesach as well. The mitzvah of simcha even applies by Shemini Atzeres, which Chazal derived from the passuk (Ibid, 16:15) “ותיה את שמח - and you shall have nothing but joy.”

Therefore, there is no question that there is a mitzvah de’oraysah of simcha by Yom Tov. But is there such a mitzvah by Shabbos?

There is no mention of such a mitzvah in the Chumash. So the question is as follows: do we have the right to apply the rule of “ein bein Shabbos li’Yom Tov” in this case or not?

There is a Gemara in Moed Katan (14b and 23b) that may shed light on the matter at hand. The Mishnah says that if a person is in the aveilus and Yom Tov coincides with their period of availus, Yom Tov cancels their availus as soon as they conflict (this applies only if the aveilus in question is shivah or shloshim, but not yud beis chodesh because then there would never be a full yud beis chodesh since it would always conflict with a Yom Tov). Shabbos, however, does not cancel availus, it only cancels public displays of availus.

The obvious question that emerges from this is: why does Yom Tov cancel availus, but Shabbos does not? Tosfos asks this question, and gives
the following chakirah: simchah Yom Tov is a mitzvah shel rabim, whereas availus is a mitzvah shel yachid, and the former can override the latter, so simchah Yom Tov beats availus. However, by Shabbos, there’s no mitzvah of simchah, so Shabbos cannot cancel out availus. So then why can’t an avel express his availus publicly on Shabbos? To answer this, Tosfos quotes a Yerushalmi, which says that on days of brachah, we’re not allowed to be sad. Since Shabbos is a day of brachah, availim cannot express their sadness publicly, although they are still required to perform availus privately because Shabbos doesn’t cancel availus.

But there are those who disagree with Tosfos. Some of our zemiros (many of which were written by Rishonim) describe Shabbos as a yom simchah. So clearly whichever Rishonim wrote these zemiros disagree with Tosfos.

However, this other opinion now needs to answer Tosfos’s original question: what’s the difference between Shabbos and Yom Tov with regard to availus?
Ramban gives an alternative answer to Tosfos’s with a very simple, practical approach. Imagine if the din was that Shabbos did cancel aveilus. There would never be a full availus! Even shivah, the shortest stage of availus, requires a full seven days, and Shabbos would cut that short. So for practical reasons, the din is that Shabbos doesn’t cancel availus, even though it has equal status with Yom Tov with regard to simchah.

Now that we understand the tzdadim, are there proofs to either sides from higher sources?

There is a Sifrei (Bamidbar 10:10) in the context of the chatzotzros that would be blown during times of war and on joyous occasions (yom simchashchem) in the midbar, and Sifei’s example of such a joyous occasion is Shabbos.

However, there are those who answer for Tosfos against this proof to Ramban by saying that there is a difference between Shabbos in the mikdash, and Shabbos outside of the mikdash. Inside the mikdash, Shabbos is basically a Yom Tov, there’s an extra korban (mussaf), so inside the mikdash (which is the case the Sifrei was commenting on) Shabbos is equal to Yom Tov. However, outside the mikdash, where there are no special korbanos being brought on Shabbos, Shabbos is not a day of simchah, it is a day of oneg and menuchah and brachah and whatever else, but not simchah.
This would explain the tzad of the Ashkenazim in the machlokes between nusach Ashkenaz and Sefard about whether yismichu bimalchuscha is mentioned only during mussaf (Ashkenaz) or not just mussaf (Sefard). Ashkenazim hold like this answer, since (like Tosfos) simchah is only dependent on the Yom Tov nature of Shabbos in the mishkan, we only mention simchah in the tefillos of Shabbos in mussaf, the special korban that makes Shabbos a Yom Tov.

The Netziv in his peirush on Chumash, that notwithstanding the Sifrei, the pshita shel mikra of that passuk is not Shabbos, it’s the day of the dedication of the mishkan. We see throughout Tanach, there’s always a big party whenever a mishkan or mikdash is dedicated (ex. the events of Parshas Shemini, the siyum of Shlomo after the dedication of the Beis HaMikdash, etc.) Where did this come from? Says the Netziv, the inyan for those celebrations came from this passuk.

In conclusion, there’s a machlokes rishonim about whether simchah extends to Shabbos or if it is limited to Yom Tov.

While this is a nice conceptual machlokes, are there any nafka minas, halacha lima’aseh? Fasting and other forms of sadness are assur on Shabbos anyway.

There is a difference between oneg/seudas Shabbos and simchah in that by seuda you need to wash and have bread, but there’s no chiyuv to eat more. Oneg requires you to have a nice meal, depending on your needs, but no real chiyuv to eat fleishigs on Shabbos. But by Yom Tov, we have the concept of ein simcha elah babasar viyayin (Rambam) or just yayin (Shulchan Aruch). Mishnah Berurah paskens that ideally we should be machmir and have meat on Yom Tov. (Rama quotes an exception for Shavuos, based on the minhag to have milchigs on Shavuos in order to force us to have two loaves of bread as a zecher to the shtei halechem.)

That could be one potential nafkah minah. Another could be based on the Mishnah in Moed Katan to get married on Yom Tov (here it’s specifically talking about Chol HaMoed) based on the principle ein me’arvin simcha lesimcha (we don’t combine simchas) so on a yom simchah we don’t get married. However, there’s no real din about getting married on Shabbos mideoraysah (midiraban an it’s assur for other reasons anyway). In fact, Rabbeinu Tam says it’s only assur to get married on Shabbos if you haven’t yet fulfilled peru urevu. By negative inference, that means that if you have not yet completed that mitzvah, it would be mutar to marry on Shabbos (thus consistent with the Tosfos in Moed Katan). Rama says that
we don’t pasken like Rabbeinu Tam unless it’s a real necessity. So on Yom Tov, it’s an issur deoraysa, whereas by Shabbos it’s only an issur dirabanan.

A third nafka minah between Shabbos and Yom Tov based on simchah is whether or not we say hallel. The Gemara gives two reasons for why we say hallel: either because it’s a Yom Tov or to commemorate a miracle. Some Rishonim say that hallel on Yom Tov is dioraysa because it’s an expression of simchas Yom Tov.

**PESACHIM**

**Kiddush Bemakom Seudah in Our Times**

Eitan Rochwarger (23)

The Gemara in Pesachim (100b-101a) says: אָמַר רַב: יְדֵי יַיִן לֹא יָצְאוּ, יְדֵי קִידוּש יָצְאוּ. וּשְמוּאֵל אֶלָּא לְרַב, לְמָה לֵיהּ לְקַדוֹשֵי בְבֵיתֵיהּ? כְדֵי לְהוֹצִיא בָנָיו וּבְנֵי בֵיתוֹ וּשְמוּאֵל, לְמָה לִי לְקַדוֹשֵי בְבֵי כְנִישְתָא? לְאַפוֹקֵי أوֹרְחִים יְדֵי חוֹבָתָן, דְאָכְלוּ וְשָתוּ וְגָנוּ בְבֵי כְנִישְתָא וּאַזְדָא שְמוּאֵל לְטַעְמֵיהּ, דְאָמַר שְמוּאֵל: אֵין קִידוּש אֶלָּא בִמְקוֹם סְעוּדָה.

Those who make kiddush in shul, Rav says they’re not yotzei on the wine, but they did fulfill kiddush (their kiddush obligation), And Shmuel said even the kiddush he’s not yotzei. But according to Rav, why does one need to make kiddush when he gets back home? To be yotzei for the children and the other people in the house (those who did not go to shul), And according to Shmuel why do you need to make kiddush at shul? To fulfill the obligation of the guests who are eating, drinking, and sleeping in shul. And Shmuel follows his reasoning that one must make kiddush in the same place he eats his meal.

The first question from this Gemara is who are the people the Gemara is referring to in the words: “Osam bnei adam”, those people who make kiddush in shul. The Chasam Sofer writes that it’s for those who don’t have a family at home while the Sefer Hamichtam writes that it’s for the chazzan (the one drinking the wine). In the Gemara, Rav believes that one needs to make kiddush when he gets home for all those at his house who weren’t at shul, who can be yotzei through aravus, and according to Shmuel we make kiddush in shul for the guests who will be eating their seudah and sleeping in shul.

Now, the next problem is who is the Gemara referring to as being yotzei? The Rashbam believes that as long as someone (ie: the chazzan) drinks the wine, everyone is yotzei. There's a Gemara in Eruvin (40b) that discusses making kiddush on Yom Kippur in shul. The Gemara says that the wine should be given to a child who is patur (exempt) from fast-
ing. Many shuls apply this Gemara to our shuls for Friday night kiddush. There are differing opinions on if we should still make kiddush in shul nowadays. The Ran says that it is a set takanah for all shuls, but the Shev Yaakov says that not all shuls make kiddush since the Gemara says “Those people who make kiddush in shul”. The Chasam Sofer (Shu"t Chasam Sofer, Cheilek 1 (Orach Chayim), Siman 143), agrees with the Ran that it’s a takanah, but not nowadays since, as opposed to other takanos, there's a downside of a berachah levatalah. Also, as to the Shev Yaakov, the Chasam Sofer believes that if he were right, the Gemara would have said, “Those shuls that make kiddush in shul...”. The Rashbam adds that, lechatchilah, it’s best for everyone to taste the wine.

The Rashbam writes following Rav’s opinion that when the people go home from shul, they don’t need to make a new kiddush (as long as no one else is home) since Rav does not hold of קִידוּש בִמְקוֹם סְעוּדָה. Although, when they get home, they need to drink wine and say a berachah since they only fulfilled their obligation of kiddush and not of wine. Since, after they heard kiddush in shul they uprooted themselves (the change in location is considered a form of hesech hada’as, a separation of one's thoughts) which causes the need for a new berachah, but if one makes kiddush at the table there is no need for another berachah on the wine. Then Tosfos says (d"h yedei yayin yatzu) that he agrees with Shmuel (Shmuel is the agreed upon opinion amongst many of the rishonim) that kiddush must be made in the same place as your meal. Tosfos quotes a megilas starim written by R’ Nachman that one can make kiddush in shul and be motzi others even if he has intention of eating his meal somewhere else.

A person is allowed to make kiddush in shul for the guests, but what if there are no guests? This is important since nowadays we don’t commonly find guests eating and sleeping in shul. Tosfos says that following Shmuel’s logic we cannot make kiddush in shul if there are no guests. The Ran on the other hand paskens that we should still make kiddush in shul since it was a takanah made by the chachamim and is permanent. Tosfos says that Shmuel believed that if one has intent that he will be eating his seudah somewhere else, then kiddush in shul would work. Then Tosfos cites Rav Nitrona’i Gaon’s idea that people can take the wine and rub on their eyes to heal their eyesight, but the Bach disproves this by saying one could do this at home too. The Rosh gives his explanation that if there are no guests in shul, then it’s not a de'oraisa, but it is still important to make kiddush in shul since some people don’t understand or know how to make kiddush at home. The Chasam Sofer says that it’s better to do things in big crowds as it glorifies Hashem greatly and even for Shmuel, it’s still considered a nice thing to do.

The Gemara continues with Rav Chisda saying that only a change
of houses needs a new berachah (a change of location within a house doesn't need a new berachah), and only certain foods require a new berachah with change of locations. What are these foods? Rashbam says they are seven types of fruits (wine being one of them) and Tosfos says any of the five grains (wheat, barley, oats, rye, and spelt). Why? Because these foods require a berachah achronah to be said in the place they were eaten. Rashbam writes that it’s because these grains are a berachah kavuah which require one to sit and Tosfos says that it’s based on the satiation the food gave you.

Nevertheless, the Mishnah Berurah (273:30) says that if one wants to be yotzei and is eating in the shul, he needs to tell the chazzan making kiddush to keep him in mind. The Sha’ar Hatzion explains that this is because it’s not normal for one to use the kiddush in shul for their obligation and kiddush is only said as a minhag. In conclusion, it’s best for one to not need to rely on the shul’s kiddush while one can go home and make kiddush, but if one needs to and is eating in the shul he is allowed to rely on the kiddush.

YOMA
Full Kaparah
Elisha Price (23)

The first thing one notices about any book upon picking it up is its title. The title of a book says a lot about its contents and genre. We know this to be true about novels and novellas, so how much more so must it be true about gemarot, which we study Bi’Iyun in such a way that the title of the mesechta is critically important to how it is presented to us.

Based on this, a very simple question emerges: Why is Meseches Yoma called Yoma? Normally we name mesechtot within Seder Moed after the Yom Tov they correspond to (i.e. Pesachim, Shabbos, Rosh HaShanah), or after the central theme of the Halachos contained within it (i.e. Shekalim, Beitza, Taanit, Megillah).

However, it seems as though Yoma fits into neither of these categories. It isn’t called Meseches Yom HaKippurim or Meseches Yom Kippur, just Meseches Yoma.

The Maharsha (Chidushei Agados, Yoma 2a) asks this question, and answers that unlike other holidays, Yom Kippur has the double lashon of Shabbat Shabbaton in the pesukim, whereas the others just say Shabbaton. Therefore Yom Kippur is the holy day of the year, thus the name.
The Hon Ashir on Mishnayos (Yoma 1:1) says the same idea, but adds a potential second answer:

מיהו יומא להו 야酝, ימ יה הוה אימ ונה

And also “Yoma” means “Ayom,” and [Yom Kippur] is [referred to] as “Ayom ViNora.”

Since Yom Kippur is called Ayom and Ayom and Yoma mean the same thing, it makes sense to call the mesachta about Yom Kippur Yoma. So while it makes sense to call Yom Kippur “Yoma,” why would Chazal call the mesachta on Yom Kippur by that name? What are they telling us about the nature of the Yom Tov itself by calling it Yoma?

It seems that Chazal are creating an intrinsic connection between Hichos Yom Kippur and the idea that Yom Kippur is “Ayom ViNora.” Meaning that Chazal are connecting the spiritual significance of the day with its Halachic requirements.

Why would Chazal feel the need to do that?

Perhaps because the atmosphere - and perhaps the purpose - of Yom Kippur is to get us to understand and acknowledge Hashem and embrace spirituality. If we understand the spiritual meaning of Yom Kippur, we can do proper teshuva, and perhaps this was the motivation for Chazal to specifically choose Yoma as the name of the mesachta.

But (thank G-d) this isn’t just me talking. This idea seems mashma from the aforementioned Hon Ashir.

When discussing the idea of Yom Kippur being a singularly special day, he doesn’t just discuss halachically what makes it special (like the Maharsha did). He also discusses how this relates to our teshuva:

יום אחד זה יום הכפורים, שהקב "ה מכפר עונותיהם של ישראל. (וזה הוא נוטריקון יומא י', tức עוה ב', ומיוחד.)"

“One day” - this refers to Yom Kippur, [on which] Hashem forgives the sins of Bnei Yisrael...

The Hon Ashir connects the uniqueness of Yom Kippur with kapparah, seemingly implying that it is due to the special aspects of the day that we can properly achieve kapparah. How so? Because it is the appreciation for the kedushah of Yom Kippur that motivates us to truly do teshuvah and thereby obtain full kapparah.
M'amatai mazkirin gevurat geshamim, from when do we begin to mention the power of rain?" (Taanis 2a). Masechet Taanis opens with a discussion of when we are to begin reciting mashiv haruach umoreed hageshem and v'ten tal umatar during davening. While most of us think of fast days in the context of either Yom Kippur or the destruction of the Beit Hamikdash, Masechet Taanis, literally, the tractate of fasting, deals primarily with fasts due to lack of rain. In fact, of the 34 mishnayot in the masechta, a grand total of two deal with the fast days with which we are all familiar with. And of these days, the only ones actually mentioned are the 17th of Tammuz and Tisha B'Av. On top of that, the only mention of Yom Kippur is to tell us that "Rabban Shimon ben Gamliel said: There were no greater days of joy for the Jewish people like the 15th of Av and like Yom Hakippurim" (Mishnah 4:8).

"For the land that you are coming to possess is not as the land of Egypt that you left, where you plant your seed and water it with your foot just like a vegetable garden. But the land which you are crossing to inherit is a land of hills and valleys; according to rain from the heaven you shall have water to drink" (Devarim 11:10-11). These pesukim explain how Hashem will water the land of Israel straight from the heaven, as opposed to the way it was done in Egypt. The Land of Israel is a special land, and our sustenance there does not come naturally. While that would make life easier, it would also make it less meaningful. To have all of our needs taken care of regardless of our actions does not allow us to appreciate the blessings we receive. Lack of rain was thus both a physical threat to the people and a spiritual one, (spiritual) because it serves as a sign that Hashem is displeased with the Jewish people.

Our Rabbis developed an elaborate system of response if the first rains had not arrived by the 17th day of Cheshvan. It began with the leaders of the community fasting on a Monday, Thursday, and Monday again. If no rains arrived by the 3rd of Kislev, then the entire community would fast three times, and then three more if necessary. These latter three fasts would begin at night and the extra prohibition of bathing, anointing, wearing shoes, and relations observed on Tisha B'Av would also apply. In addition, no work was allowed to be done. That was followed by seven more fast days, which were to be public gatherings of prayer and repentance. The Torah was brought to the public square, the shofar was sounded, and six blessings were added to the Shemoneh Esrei. Words of
inspiration were to be offered as, "the eldest amongst them would address them with words of admonition: My brethren, it does not say by the people of Nineveh that G-d saw their sackcloth and their fasting; rather, 'G-d saw their actions that they returned from their bad path'; and in Neviim, it says Tear your hearts, not your clothes. If this did not bring the rain, limits would be placed on doing business, on building and planting, on betrothal and marriage, and on social greetings of friends, like people under Divine displeasure" (Mishna taanis 2:1)

Our outer response to the lack of rain was fasting, but that was meant as a means to what really mattered, societal improvement, which our prophets understood as ridding ourselves of corruption, ensuring integrity in all we do, and treating the disadvantaged of society with great dignity.

The masechet comes to a close describing how on the 15th of Av and on Yom Kippur, "the daughters of Yerushalayim would go out in borrowed white clothes in order not to embarrass those who do not have(and the daughters of Jerusalem would go out and dance in the vineyards)", hoping to find marriage partners. There is no greater act of repentance than marriage where one sensitizes oneself to the needs of others 24/7. This is the key to personal and national redemption. May we all be zocheh to build better relationships with the people around us and treat underprivileged people deserving. Chag Sameach!

MEGILLAH

Why Read What We Read

Matan Marmer (25)

Since Shavuot is Z'man Matan Toratenu, the time of the giving of the Torah, this article will discuss the krias hatorah on the chagim. The gemara says that on Pesach the custom is to read משך תורה קרש בשפסא פסל ומפרברא שלחה בברא. This is depicted by the following chart:

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<table>
<thead>
<tr>
<th>Day of Pesach</th>
<th>Pesach day 1</th>
<th>Pesach day 2</th>
<th>Pesach day 3</th>
<th>Pesach day 4</th>
<th>Pesach day 5</th>
<th>Pesach day 6</th>
<th>Pesach day 7</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Torah reading</strong></td>
<td>Mesheh</td>
<td>Sheva Assur</td>
<td>Kodesh Le Chash Sheva</td>
<td>Am Cohen Tola</td>
<td>Pesel Leh Tola</td>
<td>Story of Pesha Shen</td>
<td>Shelom Cohen Le Chaver Pesha Shen</td>
</tr>
<tr>
<td><strong>Place to find Torah reading</strong></td>
<td>Shirer</td>
<td>Sheva Assur</td>
<td>Kodesh Le Chash Sheva</td>
<td>Am Cohen Tola</td>
<td>Pesel Leh Tola</td>
<td>Story of Pesha Shen</td>
<td>Shelom Cohen Le Chaver Pesha Shen</td>
</tr>
<tr>
<td><strong>Reason for reading that.</strong></td>
<td>The reason for reading this is pretty obvious. We are talking about the Korban Pesach and Bnei Yisrael leaving Egypt on none other than the exact day they did that 3,000 years ago.</td>
<td>The reason for reading this is simple. It goes through all the holidays so why not talk about it on a holiday.</td>
<td>The reason for this is that these are the mitzvos that Hashem gave us when we left Egypt.</td>
<td>The reason for this is the same reason as for Am Cohen Tola.</td>
<td>The reason for this is another obvious one. It is Pesach so we’ll read about the story of Pesach Sheni.</td>
<td>The reason for this is another obvious one. The 7th day of Pesach is the day of krias yam suf so what better thing to be reading than its story.</td>
<td>The reason for this is the same reason as for Shirer.</td>
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The reason for this is another obvious one. It is Pesach so we’ll read about the story of Pesach Sheni.
For Shavuot, on the first day we read about the giving of the Torah, which makes sense because Shavuot is Zman Matan Toratenu, and on the second day of Yom Tov we read This makes sense because talks about the holidays so we have a Torah reading about the holidays on a holiday.

On Rosh Hashana on the first day we read about Sarah and the birth of Yitzchak. This is because Hashem “remembered” Sarah on Rosh Hashana. On the second day we read about Akeidas Yitzchak because we want to talk about the zchus of the Akaida on a yom hadin.

On Yom Kippur at Shachris we read the beginning of Achrei Mos and this makes sense because it talks about the avodah of Yom Kippur. During Mincha we read about arayos. This is because women would go out and dance in the streets in the afternoon on Yom Kippur.

The Torah readings of sukkot are pretty straight forward. We read שורAo to talk about all the holidays, on the first two days, and then on all the rest of the days we just read about the mussaf of that day.

**MOED KATAN**

**Understanding Moed Katan**

Ezra Schechter (’22)

Moed Katan is a very interesting Mesechta since it focuses on Chol Hamoed, a joyous time full of Simcha, and Aveilus, a sad time full of mourning. With that being said one has to wonder as to why these two opposite times are put together in one mesechta?

An answer given is that both of these times have a prohibition against doing melacha to keep the focus of the day and that is why the mesechta starts with the halachos of working on Chol Hamoed and segways to what you can and cannot do in Aveilus. We see from here the importance of focus: during Aveilus we have to focus on the sad mood and cannot be distracted by work and that’s why work is prohibited, and during Chol Hamoed we have to focus on the joyous mood and cannot be distracted by work and that is why work is prohibited.

After talking about the Halachos of Aveilus, The Gemara (29a) says that Torah Scholars have no rest even in Olam Habbah. This seems like a concerning statement, what does it mean? If Torah Scholars are not going to have rest in Olam Habah, then what about simple Jews that are not on the level of Talmidei Chachamim? What are we going to have in Olam Habah?
To answer this question, we should see a gemara in Berachos (17a). The Gemara there highlights that rest is only for recharging our batteries so that we can continue learning. This is the answer to why there is no rest in Olam Habbah: because in the world to come we will have no need to recharge our batteries to continue learning because we will be always locked in and able to learn Torah for Hashem. Our bodies won’t need breaks or rest and we will be able to plow through. This is what the Gemara means that “Torah Scholars have no rest even in Olam Habbah.”

To combine this with the idea of focus and getting rid of distractions outlined above- to be able to really be successful and limit our breaks and needs of rest we must focus on our job at hand: learning. This is an important idea to remember as we embark on Shavuos this year. We are all human and need breaks and need to rest, but we are all greater and much more capable than we all think. “Prohibit your work,” and get rid of your distractions to limit the amount of breaks you will need this Leis Shavuos. There are so many opportunities to learn and we can all gain so much from this Shavuos if we lock in, focus on learning, and take a few breaks try to replicate how it will be in Olam Habah.

CHAGIGAH
The Kedusha of Chol Hamoed
Rabbi Shua Katz

Adapted from “Twenty Minute Lomdus- Ki Tisa- The Kedushah of Chol HaMoed”, delivered by Rabbi Katz on March 2, 2021, with his gracious permission.
Written up by Noam Schechter (’22)

A Gemara in Chagigah explains that the source of Chol Hamoed is miKra. The possuk says: “Es Chag Hamatzos Tishmor,” the word tishmor teaches us that there is an issur melacha on Chol Hamoed, since it must be observed throughout the entire week, not only the first and last days.
The Gemara in Pesachim explains that the reason behind the juxtaposition of the possuk of “Elohei Masecha Lo Sasu Licha” to that of “Es Chag Hamatzos Tishmor” brings to light the halacha that if one desecrates Chol Hamoed, it is as if that person served avodah zarah.

Chol Hamoed is in a purgatorius state between Yom Tov and Chol. So what is the connection between Chol Hamoed and Yom Tov? Is Chol Hamoed a halacha which is dirabanan or dioraysa?
The Gemara in Chagigah (18a) discusses the status of Chol Hamoed, and concludes that: “Lo Misaran Hatorah Ela LiChachamim” - it is one of the few halachos which are given into the hands of the Chachamim to determine the parameters of the halacha.

The Sefer Hachinuch explains that the issur melacha of Chol Hamoed is in essence dioraysa, and the Torah creates the halacha, but what constitutes the issur and what falls under the category of assur is dirabanan. Rabbenu Tam follows a different path and explains that the issur melacha on Chol Hamoed is completely dirabanan, and the sources from pesukim which the Gemara in Chagigah brought are really only an asmachta and not kra.

Many other rishonim have an opinion, such as Ramban who is similar to the Sefer Hachinuch, and Rambam who says that it is an issur dirabanan.

Rav Elchonon Wasserman, in Koveitz Shiurim os 12, outlines the root of the machlokes. The nikkud hamachlokes stems from the question of how to categorize Chol Hamoed. If the days of Chol Hamoed are “mikra kodesh,” meaning the Torah describes them as having kedushah, then it would be categorized as dioraysa. However, according to the opinion that the days are considered dirabanan, then they are not “mikra kodesh.”

Rav Elchonon concludes with a tzarich iyun question: Rambam seems to say that Chol Hamoed is dirabanan, thus, according to this explanation, they would not be “mikra kodesh.” However, later, in hilchos Yom Tov (7:1), Rambam says explicitly that they are “mikra kodesh,” which proves to be a question on Rav Elchonon.

Perhaps we can pick up where Rav Elchonon left off and attempt to answer the question. Rambam there says that Chol Hamoed is “mikra kodesh,” but also describes it as a time when a korban chagigah is brought as well. Therefore, since it has many halachos similar to Yom Tov the issur melacha was created in order to differentiate it from the other days of Yom Tov. Just because Chol Hamoed is “mikra kodesh” does not automatically make it possess an issur melacha, but the Rabanan enacted, in order to bring attention to the kedusha it does possess, an issur melacha.

Rav Lichtenstein, adds another aspect to the distinction. He explains that there are varying levels of issurei melacha. The most prominent one is the issur melacha of shabbos, which is intrinsic to the day, meaning the day itself is abstaining from melacha; the kedusha is brought from having an issur melacha. There is also the issur melacha of Yom Tov where abstaining from work facilitates the positive character of the day - we stop doing melacha in order to tap into the kedusha of Yom Tov.

So then, regarding Chol Hamoed, its issur melacha is more to distinguish
it from *chol*, as opposed to *Yom Tov* where it plays off the *kedusha* and characterizes that *kedusha*.

The relationship between *Chol Hamoed* and *Yom Tov* revolves around whether *Chol Hamoed* and *Yom Tov* are considered in the same category, with *Chol Hamoed* being a “watered down” form of *Yom Tov*. This would mean if we say *Chol Hamoed* is not *dioraysa*, and that it’s not “*mikra kodesh*” (i.e. no *issur melacha*) - then it’s more of an upgraded *chol*, and not of the *Yom Tov* category.

This idea connects back to the debate among *rishonim* of whether to wear *tefillin* on *Chol Hamoed*. Ritva and Rashba both use the same reasoning for their opinions, but arrive at two opposite conclusions. Ritva says that the *issur melacha* is unlike that of either *shabbos* or *Yom Tov* - it is a much lesser *issur*, so we could wear *tefillin*. Rashba says that just like the *issur melacha* of *Yom Tov* has exceptions (things are permitted for *ochel nefesh*), there is no difference between the exceptions of *Yom Tov* and *Chol Hamoed*, so since we don’t wear on *Yom Tov*, we don’t wear on *Chol Hamoed*.

Both Ritva and Rashba form the idea that *Chol Hamoed* contains exceptions regarding *melacha*, but according to Ritva it’s not categorized with *Yom Tov*, it’s a completely separate category not on the same level. Rashba, however, says it is categorized with *Yom Tov* so it is thus comparable to *Yom Tov*.

There are a few *nafka minos* to this idea. One is how to dress on *Yom Tov*: the *Mogen Avraham* says that one should dress on *Chol Hamoed* just as one dresses on *Yom Tov*. The *Mishna Brura* says that the point of *Chol Hamoed* is to distinguish it from normal *chol* so one should just dress to distinguish it from *chol*, and not to compare it to *Chol Hamoed*.

So the *Mogen Avraham* is comparing *Chol Hamoed* to *Yom Tov* (like Rashba), but the *Mishna Brura* is saying it is comparable to regular *chol* and it just needs to be distinguished (like Ritva).

Another *nafka minah* arises in the debate on whether one needs a *seudah* on *Chol Hamoed*. The *Bais Yosef* quotes from *Tashbeitz* that there is a *chiyuv* to have a *seudah* (and would therefore need to repeat *Yaaleh Viyavo* if it was forgotten during *bentching* since there is a *chiyuv* to say it).

The *Shulchan Aruch* (siman 188) says that there is no *chiyuv seuda*, it is just like *Rosh Chodesh* and one doesn’t need to repeat *Yaleh Viyavo* if forgotten. In this *machlokes* Tashbeitz (like the *Mogen Avraham* and Rashba) compare *Chol Hamoed* to *Yom Tov*. But the *Shulchan Aruch* (like the *Mishna Brura* and Ritva) says that it’s compared to regular *chol* and not *Yom Tov*.

The *Zohar* (quoted by the *Bais Yosef* and others) compares *Chol Hamoed* to moonlight: just like *Chol Hamoed* reflects the *kedusha* of *Yom Tov*, so
too the moon reflects the light of the sun. The *Avnei Neizer* uses this to say that it isn’t reflecting the *kedusha* of the day, rather the *kedusha* of *Yom Tov*. This is why say *Hamavdil Bein Kodesh Lichol* after *Chol Ha-moed*, since not it isn’t in itself *kodesh*, it is just reflecting the *kedusha* of *Yom Tov*.

We can use the ideas and values of *Yom Tov* and infuse them into the *chol*, into the regular weekday. We should stay committed to the *kedusha* and values of *Yom Tov* throughout the week and carry them through, keeping true to them every day.

**YEYAMOS**

*Peru Urevu and the Development of Society*

*Shimi Kaufman (21)*

One of the major *halachic* topics discussed in *Meseches Yevamos* is the *Mitzvah* of *peru urevu*, the commandment to “be fruitful and multiply”. The *mishnah* at the end of the sixth *perek* (61b) tells us:

A person may not cease his efforts towards having children unless he has children; Beis Shammasi say this means two sons, and Beis Hillel say this means one son and one daughter.

In the *Torah Shebichavav*, there are two major places where *peru urevu* is mentioned: once in *Parshas Bereishis*, and again at the end of *Parshas Noach*.

And Elokim created the man in his image; in the form of Elokim he created him, man and woman he created them. And Elokim blessed them, and Elokim said to them “be fruitful and multiply, and fill the earth and conquer it, and rule the fish of the ocean and the birds of the sky, and all the animals which roam the earth” (*Bereishis* 1:26-27)

*And Elokim blessed Noach and his sons; and He said to them “be fruitful and multiply, and fill the earth”* (*Bereishis* 9:1)

In their individual contexts, the *pesukim* in *Parshas Bereishis* are describing God’s first words to mankind after creating Adam and Chavah, while the *possuk* in *Parshas Noach* is said to Noach and his sons as a commandment to repopulate the world after the flood. However, neither *possuk* is said as a commandment from God to Moshe, nor at any point
after Har Sinai. This leaves us with a question: which of these pesukim is the source for the mishnah which describes the chiyuv of peru urevu?

The most logical choice for a source for peru urevu, it would seem, is the possuk in Parshas Noach. The simplest interpretation of the pesukim in Bereishis would seem to be that they are a general blessing for mankind’s expansion and development, as implied by the complimentary phrase “and to fill the earth and conquer it.” The possuk in Noach, in contrast, appears to be a direct command to rebuild the human species after they were almost wiped out by the mabul. Indeed, the possuk in Noach is used by the Gemara in several places (see Sanhedrin 59a and Yevamos 63a) as the source for this chiyuv, and the Rambam brings it as the source in his Sefer Hamitzvos (Aseh 212). Interestingly, however, the Sefer Hachinuch, who counts the mitzvos as they appear in the parshiyos of the Torah, counts this as the first Mitzvah, in Sefer Bereishis:

The Mitzvah of priyah viriyah - Bereishis has in it one positive commandment, and this is the Mitzvah of priyah viriyah, as the possuk states “and Elokim blessed [Adam and Chavah], and Elokim said to them “be fruitful and multiply”. Clearly, the Sefer Hachinuch assumes that the Mitzvah which is binding upon us nowadays is the one found in Parshas Bereishis. Of course, as we have already mentioned, the more logical option for the location of this Mitzvah would seem to be Parshas Noach, and most of the sugyos in Shas assume this is the case. If so, why does the Chinuch divert from this more simple formulation?

We may suggest that the explanation of this machlokes between the Rambam and the Chinuch lies in their individual formulations of this Mitzvah. The Rambam in Sefer Hamitzvos (ibid.) counts this Mitzvah as follows:

The Rambam is explicit that the purpose of the Mitzvah of peru urevu is for “kiyum hamin,” the survival and continuity of the human race. The Chinuch, however, gives a slightly different formulation:
“The purpose (lit. ‘root’) of this Mitzvah, is that the world should be settled, as Hashem desires for the world to be settled, as the possuk says ‘not for naught was [the world] created, rather, it was formed to be settled’” (Yeshayahu 48:18). This is a great Mitzvah whose purpose underlies all the mitzvos in the world, for [the Torah] was given to man and not to the angels.”

The Chinuch stresses an interesting nekudah in the Mitzvah; the purpose of peru urevu is not only to continue the human race, but rather to settle the world as a whole. In other words, our focus on creating the next generation is one part of a larger mindset which looks towards the broader development of human civilization, and views the evolution of human culture and society as part of God’s plan for the world. The notion that “God desires for the earth to be settled” can only mean that the rise and fall of civilizations and nations, of movements and ideals, each building upon the next, is all a part of a larger narrative which will culminate with “the world being filled with knowledge of God” (Yeshayahu 11:12). In this vein, the Chinuch quotes the statement of Chazal that “the Torah was not given to the angels” - in other words, the Revelation of the Torah was intended to serve as a beacon of truth to guide humanity through the course of history. Our vested interest in this Godly plan for the world means that we must do our part by ensuring that there will be future generations to carry the torch of the Torah through this long journey. This is the role that Klal Yisroel is called upon to play in the story of human-kind.

As such, the Chinuch naturally understands that the Mitzvah of peru urevu has its roots in Parshas Bereishis. Viewed in isolation, the possuk in Noach simply stresses the value of the world being filled with humans, but with the background of the pesukim in Bereishis, a much broader picture begins to unfold. Man is not only supposed to multiply, but also conquer the earth and fill it; to build societies and nations, to develop philosophies and concepts, to move the wheel of history towards its inevitable conclusion. Bnei Yisroel’s Mitzvah of peru urevu is a part of this larger picture; to be the bearers of ultimate truth and good, and to ensure that this knowledge is not lost from the world.

What emerges from the Chinuch’s characterization of peru urevu is that blindly having as many children as possible does not necessarily capture the essence of this Mitzvah. Raising children who are yarei shamayim, who are filled with knowledge and conviction of the truth of Torah and
the logic of *halachah*, and who are able to act as ambassadors of God in this world is, if not a legal fulfillment of the commandment, certainly an essential aspect of the values which underlie it.

This concept may also explain another puzzling point in the *sugya* of *peru urevu*. As mentioned earlier, the Mishnah quotes a *machlokes* between Beis Shammai and Beis Hillel as to the minimum number of children required to fulfill the *Mitzvah* of *peru urevu*. Beis Hillel believes the minimum requirement is one boy and one girl, as Hashem began the world with one boy and one girl. Beis Shammai, however, argues that the *Mitzvah* is not complete until one has two boys, and they derive this from Moshe Rabbeinu, who separated from his wife only after he had two boys. The *limmud* from Moshe Rabbeinu is obviously not a *drasha* of any sort; rather, in looking for paradigms of this *Mitzvah* in the Torah, Beis Shammai chooses Moshe as their ‘textbook example’ of *peru urevu*, and bases the requirement of the *Mitzvah* on that. The question is, why is Moshe Rabbeinu specifically chosen as the prime example of *peru urevu*? The question is even more interesting when we consider that according to the Yerushalmi, Beis Hillel essentially agrees with Beis Shammai, and only argues that the *Mitzvah* can also be fulfilled with a boy and a girl! What makes Moshe Rabbeinu a better source than *briyas ha’olam*, supposedly the origin of the *mitzvah* of *peru urevu*?

Perhaps we can suggest that this *din* is learned from the example of Moshe Rabbeinu due to his role as the one who brought the Torah to Am Yisroel. Moshe marks the beginning of a new stage of history, a stage after Revelation when the Jewish nation was given access to the word of God. As such, his is the first example of the unique purpose of the propagation of the Jewish nation; not only for the continuity of the nation, but for the continuity of the knowledge which was bestowed upon us. Moshe is therefore a perfect model upon which to base the minimum requirement for *peru urevu*.

May we be all be *zocheh* to a true *Kabalas haTorah*, and to renew our commitment towards *Avodas Hashem* and the pursuit of *emes*.

**Kesubos**

*Highlights of the Satmar Chasinah*

*Joey Greenfield (22)*

Okay, now that I have your attention, I regretfully say that I will not specifically be discussing any Satmar wedding. What I will iy"H discuss is something that does happen at every Satmar *chasinah*, and at many other *chasinos* as well: The *Mitzvah Tanz*, or *mitzvah* dance.

The *braisa* quoted from the sixth *perek* of Meseches Derech Eretz
at the bottom of *Mesaches Kesubos* on *daf tes zayin amud beis* poses the following question: *Tanu Rabbanan, keitzad merakadim lifnei hakallah?* The *Rabbanan* taught, how should one be *meraked* before the *kallah*? Now, the conventional translation of the root word *rikud* is dance. So, at face value, it seems that there is an expectation that one does some sort of dance before the *kallah* at some point during the wedding, and *Chazal* are just discussing how such dance is done. The *braisa*, however, continues to present a *machlokes* between *Beis Shamai* and *Beis Hillel* regarding different ways of praising the *kallah*, which seem to have nothing to do with dancing. At first glance, this seems to be what prompts both Rashi and the Ran to explain the question as *mah omrim lefaneha* [though the Ran says *mah omer lefanehah*], or what should one say before the *kallah* [on her wedding day]. The Maharsha actually explains the question and subsequent *machlokes* as asking how we should sing as we dance before the *kallah*. He references a *Gemara* a few more lines into the *sugya*, on *yud zayin amud aleph*, which cites Rav Dimi who explains that in *Eretz Yisroel*, they would sing a special song to the *kallah*. So the Maharsha seems to be drawing off these later *Gemaros* back to this one. The later ones refer to singing, and the one here on *daf tes zayin* refers to “*rikudim*”, and, within the *machlokes* *Beis Shamai* and *Beis Hillel*, supplies the words one should use to praise the *kallah*. It must be that the *rikudim* are literal, and as we dance, we are to sing before her; the lyrics are the praise we are to say. Within Rashi, one could possibly say that he was referring to what lyrics would be used in the singing and dancing when he used the term “*omrim*”, though that might be somewhat *dochek*. The Ran would also have no conflict, since he is explaining within the Rif who only quotes the part about praising the *kallah lehalachah* and leaves out the singing and dancing. Another *Gemara* on *yud zayin amud aleph* does actually record that Rabi Yehuda Bar Ilai used to take a bundle of *hadassim* and actually do a dance in front of the *kallah* while saying that which *Beis Hillel* said: *kallah no’eh va’chasudahei*, the *kallah* is beautiful and kind. (One of the multiple *Rebbes* of the Lelover Chassidus actually does this today as well.) Rav Shmuel Bar Yitzchok also did a sort of dance. It again seems that Rashi would not come into conflict with these *Gemaros*, because it seems to be that on *tes zayin*, he was just in the lyric stage, but as seen by his comments on *yud zayin* he agrees that some *amoraim* did more than just praise the *kallah* or even sing to her and that some actually did dance. The Maharsha just seems to speak it out in a clearer fashion, referencing the dance even in the *tes zayin* stage. And again, the Ran does not have an issue because the Rif does not quote the dancing *lehalachah*. See also in the *sefer* Machzor Vitri who does cite the *minhag* to do an actual dance as the vast majority of the *Rebbes* do today.
Practically speaking, in modern times, this minhag is pretty much only practiced amongst chasidim, both in the chasinos in the family of the Rebbes as well as amongst the chasinos of the chasidim and their private families. The following is a selection of different manners in which Rebbes conduct such a dance: The Satmar Rebbe of Kiryas Yoel primarily does a jog type motion, moving towards the kallah, and then backing away from her in the same motion. Both the Rebbe and the kallah hold the ends of a big gartel in between them. The Satmar Rebbe of Williamsburg dances in a line formation; to either side of him are various members of his family. This line also does a sort of a swift walk motion towards the kallah and then backs away from her in the same motion. This Rebbe also holds on to a gartel with the kallah holding onto the other end. In contrast, the Sanzer Rebbe sort of walks towards and backs away from the kallah, with no gartel.

NEDARIM
An Introduction to Maseches Medarim
Yosef Flamenbaum (21)

Maseches Nedarim stands as unique amongst all of Talmud Bavli from a conceptual, linguistic, and historical standpoint. The masechta deals primarily with the parshah of halachos termed “nidrei issur” - vows specifically formulated to prohibit things which would otherwise be permitted. (This is as opposed to nidrei hekdesh, which are vows to bring a korban or give some other donation to the Beis Hamikdash.) Although there is much conceptual overlap with Perek Shevuos Shtayim Basra of Maseches Shevuos, which is found in Seder Nezikin, Nedarim is placed in Seder Nashim. The Gemara in Sotah writes that the placement was done to follow Kesubos, which already discusses related halachos in Perek Hamadir. The Rambam, in his hakdamah to his Peirush Hamishnayos, points out this connection specifically makes sense, since the halachos regarding a husband’s ability to nullify the nedarim of his wife only take place after nissuin, the topic discussed in Kesubos. Historically, mass study of this masechtah was generally frowned upon, as there was concern that people would come to loosely make nedarim. The Ramban even suggests that the halachos of nedarim and how to annul them was specifically taught to the leaders of Klal Yisroel (el rashei hamattos), and not to the general populace, so as to prevent the people from attaching insignificant weight to their speech. This negative view emerges from the Gemara itself, which compares those who make nedarim to those who give korbanos on bamos, and implies that only resha’im frequently make them. Thus, these halachos were not generally learned in the yeshivos of the Geonim and even certain Rishonim, and famously, we have no authentic commentary...
of Rashi. Instead, the Ran wrote an extensive, verbose commentary, which attempts to simultaneously explain the simple peshat of the Gemara as well as offering more complex analysis of the sugyos. This peirush being placed alongside the Gemara in the standard printings has resulted in a masechta which has relatively little actual Gemara coming out to 90 blatt.

In order to introduce both some of the classic discussions surrounding the masechta as well as the conceptual richness involved, it is important to try to understand what these nedarim really are, and how they take effect. The two main parshiyos in Chumash where nedarim are discussed are found in Parshas Mattos and Parshas Ki Seitzei. The possukim state:

When a man will take a vow to Hashem, or will swear an oath to create a prohibition on himself, he shall not violate his word - like all that exits his mouth, he shall do (Bamidbar 30:3)

Guard that which exits your mouth, and you shall do like you vowed to Hashem your God, the donation which you spoke with your mouth (Devarim 23:24)

The Rambam explains in Sefer Hamitzvos that these two possukim represent a repetition of a single mitzvas asei to fulfill one's word in all types of nedarim, as well as as a lo sasei for not doing so.

Although the simple reading of the possuk in Mattos might imply that we are referring to nidrei hekdesh, as the possuk says the vow is “to Hashem,” the Gemara (Shavuos 20a) applies it to nidrei issur. Specifically, the Gemara makes the following derashah based on the repetitive phrase “yidor neder:” when one takes a neder to forbid something to themself, the standard formulation (the “ikar haneder”), must be expressed through an association with issurim that already are “davar hanadur”- whose issurim already apply through a neder, such as a korban or other object that have the status of hekdesh. This connection between the thing one is forbidding to themself and the object which he associates it with is known as hatfasah. Thus, the standard phrase would be “this object should be (assur) unto me like a korban”. This is the understanding of many Rishonim, including the Rosh and the Rashba. However, other Rishonim, such as the Ran, understand that the ikar haneder can refer to the sentence even without the hatfasah - in other words, simply saying “this object is assur to me” is a full neder. These Rishonim understand the derashah in Shevuos to be limited in scope, stating that if one does choose to express their neder through hatfasah, the comparison must be
to a *davar hanadur*, and not with a *davar ha’assur* (something which is already assur from the *Torah*, such as pig). There also exists another kind of *hatfasah*, in which one simply takes the object they wish to forbid alongside an object that already is *assur* (obviously, of a type that is *davar hanadur*) and states “this should be like this one”, without stating the entire phrase mentioned above. In fact, according to some *Rishonim* (such as the Ritva) this is the only real type of *hatfasah*. In certain cases, even just a partial statement of a *neder* can take effect to forbid an object, as we can assume the inevitable conclusion of the sentence and apply it *lehalacha*. These partial *nedarim* are in fact full *nedarim* with regards to their effect, and are termed “yados” (lit. “handles”).

With this (greatly simplified) understanding of the basics of *nedarim*, we can begin to think about how these concepts apply in *sugyos* throughout the *masechta*. Here is an example: (Based on a *shiur* by Rav Gavriel Saraf shlita, Rosh Yeshiva at Yeshivat Kerem B’Yavneh):

One of the questions that we must begin with is how exactly *hatfasah* operates- in what sense are the original *issur* and the new one connected? Furthermore, according to the *Rishonim* above who understand an *ikkar neder* to be *chal* even without *hatfasah*, is there any qualitative significance to a *neder* specifically done in this way?

The Ran in *Shevuos* famously appears to contradict himself, writing in his commentary to the Rif that a *neder* can only take effect as an *ikkar neder* specifically when attached to a “*davar hanedor*.” The Ran proceeds to say why this must be true, seemingly explaining that the entire mechanism through which the *issue* created by the *neder* takes effect is through conveying the existing *kedushah* of a particular object (specifically the one which is *davar hanadur*, i.e a *korban*). After all, it would seem that one does not have the capacity to take an object which is currently *mutter* to them and simply declare it to have changed status to one of *issur* (the statement might still be able to create an *issur* as an *ikkar neder*, as emerges from 14a).

The Ran here seems to be saying that the entire basis for *nidrei issur* is tied conceptually to that of *korbanos/kodshim*. Rav Soloveitchik is quoted as pointing out that if this understanding would be correct. It would seem that a *hatfasah* to a *korban bezman hazeh* would not be *chal* since there are no existent *korbanos*, and thus there is no *kedushah* to transfer. However, it is possible to understand the mechanism of *hatfasah* somewhat differently, as follows: suppose one tries to *assur* a regular piece of meat unto themselves by being “*matfis*” it to meat from a *korban shelamim* after *zerikas hadam* (at which point it no longer has its origi-
nal status). They do so by placing them side by side and then taking a neder that this one should be like that one. If we suppose that the process of the hatfasah consists of a sort of transfer of kedushah, the Gemara’s subsequent understanding that the object does in fact become assur appears strange. After all, at this stage there is no issur to transfer over! Perhaps then the process is somewhat different, namely, that one compares not the status of this korban shelamim to our own regular piece of meat, but rather its procedure. True, this korban shelamim no longer retains its special status but this is irrelevant. What I am truly saying when I vow that my regular meat will be like this shlamim, is a borrowed language from the process used for actually giving something as a korban—”it should be as if I had offered it,” as the shlamim was itself was given as a korban. This is also implied by the language of the gemara here “the original איסור-יקאר“. This is the understanding of Hatpasa described by Rav Shimon Shkop.

We can clarify this further by seeing other examples as well: the Rambam writes in the first perek of hilchos nedarim that if one were to hold a Sefer Torah and try to make a neder that some fruits should be assur to him like the Torah, it wouldn’t take effect. We can readily understand this: the kedusha of the Sefer Torah and the restrictions that emerge from that kedusha is not “davar shenadar bo” so of course his statement is meaningless. But the Rambam also writes that if one were to specify in the neder “these should be to me” like what is written in the Torah, the neder takes effect since the Torah contains within it the parshiyos of the איסורים that one can be noder regarding/the associated איסורים. The Bach in Yoreh Deah clarifies that this is analogous to attaching the neder to a korban. However, we must remember that although the Torah might have these parshiyos in it, it is certainly not hekdesh in and of itself and therefore would seem to be unable to transfer this status to the fruits. Thus, we see that this process really consists of an appropriation of language/procedure for the sanctification of korbanos which we do find written in the Torah.

It also would seem to follow that, within the Rishonim mentioned earlier who hold that an Ikar Neder can even be chal without Hatpasa, that there is no essential difference between such a neder and one with Hatpasa. Either way one is simply using a specific formulation which is endowed with the ability to confer specific statuses. If so, the Hatfasa would merely be an extraneous inclusion, one which allows for a more expressive statement.

However things may not be so simple. After all, we also find cases where it seems that a neder with hatfasa does in fact retain a tangible connection to its “counterpart”. For example, the Rif in Shevuos when ruling that one can use the type of hatfasah which replaces the formulation of an is-
sur by *Nedarim* (this is opposed to a *Shevuah* where the Rif *paskens* one can’t create an *issur* by *dinin* of *Hatfasa* -meaning if one hears another take a *Shevuah* and declares “I am like them” they are not considered to have made a *Shevuah*) brings a proof from *Nezirus*. The *Mishna* in *Nazir* rules that if one hears another person take a *Neder* of *Nezirus* upon themselves and says “And I” then they are now a *Nazir* with all the prohibitions involved. Interestingly, the *mishna* then states that should the *Nezerus* of the original person be repealed, then so would the secondary one, implying A) one can use *Hatpasa* by *Nedarim* and B) that there is a real and practical relationship between the parties involved in this *Hatpasasa*. However this does not necessarily contradict our proposed definition. The *Shitah MeKubetzes* offers 2 possible explanations for why precisely *annulling* the original *Neder* should have this effect. First, perhaps this really isn’t a case of *Hatpasa* at all: instead, we view the meaning of this person’s statement ‘and I’ to essentially intend to confer a status that is equivalent to the first *Neder*. Thus, if the original *Neder* is no longer in effect, this second *Neder* has lost its capacity to take effect as well. In this unique situation, the *Neder* is viewed as hinged on the effect of the original neder. This approach works especially well for the Ritva who, as mentioned earlier, holds that *Hatpasa* by *Nedarim* only takes effect where one compares 2 objects- one which does have a status of the *kedusha* of *Davar Hanadur* and, without explicitly mentioning the *issur* involved, states “this object should be like this one”. We can also utilize the second explanation of the *Shitah MeKubetzes*: Perhaps it all relates to the fact that when a neder has been annulled it is annulled retroactively. Once this occurs, the original *Neder* is considered to never have existed. Thus, we no longer can legally consider the intent of the phrase “And I” to be in relation to a *Neder* of *Nezirus* that never existed in the first place! Either way, the *Mishna* presents no disproof to our understanding of *hatfasah* within the *Rishonim* stated earlier.

However, even within the defense of this understanding of *hatfasah* (offered by Rav Yechezkel Abramsky in *חזון יחזקאל*) there is still room to consider differences between *nedarim* with or without *hatfasah*. After all, even if the *kedusha* of *hekdesh* isn’t literally being drawn from the original object, we still understand that the Torah has given Man the capacity to create *Issurim* through conferring a certain status. This being the case, perhaps the formulation of the *Neder* has implications for the *issur* being affected. The *Mishnah Lemelech* indeed raises this point and suggests the following *Nafka Mina*: the Rambam rules that if one takes a *neder* using then, even though the “actual” status of the object has not changed for the *הרי זה אסור עלי כקרבן* rest of the world, if one proceeds to benefit from the object they would be *chayev* for *Meilah*. The *Mishnah Lemelech* suggests that all would agree a *Neder* without the *hatfasah* here would be
effective in creating an *issur*. The *machlokes Rishonim* mentioned earlier would be about whether this *neder* is *chal* as an *ikkar neder* or as a *yad*. Within the latter opinion, the object is *assur* because we essentially infer the rest of your unfinished sentence and consider it as if you had in fact said “*kekorban*”. Thus, one would also be *chayev* for *meilah* for a *neder* formulated as such.

However within the former option, there exists a category of legitimate *nedarim* that have the ability to effect *issurim* even without any reference to *korbanos* whatsoever and without us needing to infer anything else. Therefore, although the object is also obviously *assur*, perhaps it does not contain an *issur* of *meilah* since there is no connection to *hekdesh*.

There is certainly much more to the topic of *hatfasah* and *nedarim* in general through the *Masechta*, but this can serve as an introduction to future learning.

**NAZIR**

*The Possible Downsides of Nezirus*

Ariel Cohen (’23)

In *maseches Nazir*, it explains the laws of one who takes upon themselves the *Nazir* vow. By taking on this vow, a *Nazir* must refrain from 1) cutting their hair; 2) becoming *tamei* by coming in contact with a dead body; and 3) not having wine or other grape-related products. To end their vow, a *Nazir* must bring three offerings: a peace, olah, and a *chatas* offering.

When a person would take on this swearing with righteous intentions, its purpose is to get closer to God by refraining from the aforementioned worldly things. If being a *Nazir* is to achieve a higher level of connection to Hashem, why doesn’t the *Torah* or the rabbis strongly encourage the *Nazirus* vow? One could answer that since the *Nazir* must bring a sin offering at the end of his vowed period, it is proof that being a *Nazir* isn’t a good thing. At the same time, if being a *Nazir* is a bad thing, then why would one take on the vow in the first place for a pious reason? Shouldn’t it then be discouraged by the *Torah* and rabbis?

Rambam (*Nezirus* 10:14) holds that a person should not take it upon themselves to become a *Nazir* for two reasons. The first reason is that spirituality shouldn’t be restrictive. An example of this is how one should *daven* not because we are required to pray but rather because they are happy to communicate with God and connect with him spiritually. The concept of *Nazir*, limiting a person's enjoyment and getting closer to Hashem by restricting worldly things, goes against this concept. God created worldly pleasures for a purpose, appropriate enjoyment, and taking advantage of them. To forsake those pleasures with a vow goes against
what God intended. The second reason the Rambam brings is that we, Jews, shouldn’t be adding our stringencies but rather follow Hashem’s rules that he already gave us because he told us to do it. A person shouldn’t require himself to follow the rules through a vow but rather out of love for Hashem.

An answer brought down by the rabbis in Maseches Nazir is that one might say this vow for the wrong reasons and not swear with the purest of intentions to get closer to God. If a person is not becoming a Nazir for the right reasons, why should they swear in the first place? Another answer the rabanim in Maseches Nazir give is that while it is true that one should stay away from worldly things and devote themselves more to Hashem, turning it into an obligation by taking a vow is not the way to go about it. If one were to break their Nezirus, it would be very detrimental. If one were to violate their Nezirus, that could cause them to go backward in their worship of Hashem on top of the Nazir sinning by breaking his vow. When one takes a Nezirus vow, that person takes a heavy burden that may be too great to handle in their current relationship with God. Just like a person shouldn’t become a Nazir and require themselves to follow more restrictions, we should be aware of the current restrictions we have and improve ourselves in our adherence to them, and only then add new ones.

GITTIN

Da’as by a Get and Other Areas of Halachah

Written up by Yitzchak Hagler (‘22)

We begin with three rulings of the Rambam. Rambam (Hilchos Geirushin 2:20), quoting the Mishnah in Erechin (5:6), states that if a married man who is obligated to give a get refuses to do so, Beis Din can give him lashes until he says rotzeh ani, at which point he gives the get and becomes legally divorced. Rambam (Hilchos Ishus 4:1, based on the Geonim) also rules that if a man is forced into being mekadesh a woman, the Kiddushin is valid. The Ra’avid believes that this forced Kiddushin, like the forced Gittin we had above, is only valid if the man says rotzeh ani. The Rambam, however, maintains that no such declaration is needed. Lastly, Rambam (Hilchos Gezeilah 1:9, probably based on Bava Kama 48) also rules that if one forces another to sell him something, although he violates the lav of lo sachmod, the sale is still valid. Here too the Ra’avid holds this only to be true if the seller says rotzeh ani, but it seems that the Rambam disagrees, instead holding that the sale is valid.
even without such a declaration (see *Maggid Mishnah* there). So right now, we have here three different cases: *Gittin*, *Kiddushin*, and *mekach umemkar*, monetary transactions. By *Gittin*, everyone agrees that a forced *get* is only valid if the one giving the *get* says *rotzeh ani*. By *Kiddushin* and *mekach umemkar*, the Ra’avid holds that the transactions are only valid if the one being coerced says *rotzeh ani*, but the Rambam does not require this affirmation.

The Ra’avid is easy to understand, as he holds consistently that the one making the transaction needs at least the level of *da’as* displayed by a statement of *rotzeh ani*. The Rambam, however, proves a little more difficult. Why does Rambam hold that we require the statement of *rotzeh ani* by *Gittin* but not by *Kiddushin* nor *mekach umemkar*? Rabbi Soloveitchik answered in the name of Reb Chaim that *Gittin* requires a higher level of *da’as*, intention, than *Kiddushin* and *mekach umemkar*. While you need *da’as* for *Kiddushin* and *mekach umemkar*, the level of *da’as* needed isn’t high enough to necessitate a statement of *rotzeh ani*.

This concept- that not all *da’as* is equal- can help us understand a number of other *dinim*. For example, it is well known that for an act of *Kiddushin* to be valid, there must be *eidim* who witness it. These witnesses provide *eidus lekiyum hadavar*, testimony which is integral to the action being effective (as opposed to testimony which just proves that the action occurred, such as the testimony required by *mekach umemkar*). Rabbeinu Tam (*Tosphos Gittin* 4) extends this requirement of *eidus lekiyum hadavar* to *Gittin* as well. The Mishnah Lemelech wonders why *Gittin* and *Kiddushin* require *eidus lekiyum hadavar*, while *mekach umemkar* does not. To unravel this issue, we first have to understand how *eidus* ever can be *lekiyum hadavar*. What function do witnesses provide beyond proving that the transaction really happened? One explanation the Mishnah Lemelech presents (echoed in Reb Chaim’s comments on *Hilchos Yibbum Vechalitza* 4:17) is that the presence of witnesses raises the level of *da’as*, conscious intent, of the parties involved in the transaction. People are much more cognizant of what they are doing if they are doing it in front of witnesses who will spread the news to the public. Thus, since *eidus lekiyum hadavar* is a function of the *da’as* of the parties involved in the transaction, and you need *eidus lekiyum hadavar* by *Gittin* and *Kiddushin* but not by *mekach umemkar*, we see that *Gittin* and *Kiddushin* require a higher level of *da’as* than *mekach umemkar*. If we combine this approach of the Mishnah Lemelech with Reb Chaim’s understanding of the Rambam above, the three categories we spoke of above- *Gittin*, *Kiddushin*, and *mekach umemkar*- all demand different levels of *da’as*. *Gittin* needs the highest level of *da’as*, and thus it demands both a statement of *rotzeh ani* as well as *eidus lekiyum hadavar*. Next is *Kiddushin*, which demands only *eidus lekiyum hadavar* but not a declaration
of *rotzeh ani*. Finally, there is *mekach umemkar*, which requires the lowest level of *da’as*, manifest in the requirement of neither a statement of *rotzeh ani* nor *eidus lekiyum hadavar*.

Another area where *da’as* shows its versatility is in the realm of yibbum and chalitzah. The Gemara (Yevamos 105b) records a machlokes Tannaim about whether or not a katan can do chalitzah. Furthermore, the Gemara (ibid 104b) states that (according to all opinions) a cheireish or cheireshes is excluded from chalitzah because they cannot utter the proclamation a person must say before undergoing chalitzah. This implies that without the issue of this proclamation, a cheireish or cheireshes can legitimately do chalitzah. However, asks Reb Chaim (Hilchos Yibbum Vechalitzah 4:17), we know that chalitzah requires *da’as*, and we generally assume that a katan/katanah or a cheireish/cheireshes is incapable of *da’as*, so how can the Gemara permit these types of people to do chalitzah? Reb Chaim answers that chalitzah requires a very low level of *da’as*, a level represented more accurately by the word *kavannah*. *Kavannah* is the requirement that the actors in an action are aware of what they are doing, and it is this low standard which is applied to chalitzah. Thus, since both a katan/katanah and a cheireish/cheireshes are capable of *kavannah*, both of these groups should be allowed to perform chalitzah.

Now, continues Reb Chaim, we understand why according to the Rambam (see Hilchos Yibbum Vechalitzah 4:16), chalitzah doesn’t demand *eidus lekiyum hadavar*: it is because such *eidim* are required only for things requiring high levels of *da’as*, like gittin and kiddushin, but as we’ve just discovered, yibbum and chalitzah have a particularly low level *da’as* requirement. Rav Shachter added that this theory- that chalitzah only requires *kavannah*, but not *da’as*- can be seen further from the Mishnah which permits one to marry a yevama through bée’ah even accidentally. While we’ve explained the what of the *da’as* requirement by chalitzah, we haven’t yet explained the why. Why doesn’t chalitzah require a more substantial *da’as*? Why should it be any different than gittin and kiddushin? Reb Chaim explains that unlike gittin and kiddushin, chalitzah isn’t a kinyan, a halachic process whose impact is dependent upon the people who involve themselves in it. Instead, it’s a Mitzvah which takes effect automatically. Regardless of people and their *da’as*, the act of chalitzah will automatically permit the widow to marry other men. This contrasts starkly with gittin and kiddushin, which are fundamentally dependent on human *da’as*.

Yet another area of *halacha* which reflects the multiplicity of *da’as* is *nedarim*. We know that a neder made by someone within a year of *Bar Mitzvah* or *Bas Mitzvah* is a valid neder (assuming that the madir understands what he is doing). The amoraim (Nazir 29b), and after them the Rambam (Hilchos Nedarim 11:4) and the Rayvid, quibble about
whether this is true only mederabanan, or even on a de’oraiy'as level. However, we know that by mekach umemkar, everyone agrees that the parties involved need to be over Bar Mitzvah or Bas Mitzvah. So why do half of the opinions in the Gemara as well as half of the rishonim consider a neder made by someone who is underage to be valid even on a de’oraisa level? Why should nedarim be any different than mekach umemkar? You guessed it- da’as. While mekach umemkar requires less da’as than gittin and kiddushin, it requires more da’as than nedarim.

This low level of da’as requirement by nedarim is manifest in another major way- hatteras nedarim. We know someone can nullify a neder they made by proving that at the time they made the neder, they didn’t really understand what would come of it in the future. But how does this make any sense? How does a person’s regret retroactively cancel out the da’as they had at the time of making their neder? One cannot nullify their get, kiddushin, or kinyan simply because they didn’t know all of the information when they made the original transaction?! The answer is, once again, there are different levels of da’as. Thus, da’as hafla’ah, the lowest level of da’as requirement among those listed above, can be pushed aside if it was found to be made betaus, while da’as legaresh, da’as lekadesh, and da’as leknos can not.

So to summarize, we have come across five levels of da’as requirement: yibbum and chalitzah, which calls only for kavannah; hafla’ah, which requires da’as, but can be nullified later; mekach umemkar, which cannot be nullified later; kiddushin, which needs eidus lekiyum hadavar and a statement of roteh ani. We conclude with the following question: what is it about gittin that it has such a high standard of da’as? Reb Chaim answers this based on the Rambam. Although all kinyanim require da’as, by gittin, the Rambam (Hilchos Geirushin 1:2) doesn’t just quote this obligation of da’as, he even provides a passuk (Devarim 24:1) to back it up. Reb Chaim suggested that the reason why Gittin requires such a high level of da’as is because the source of da’as by gittin is a passuk. The Chelkas Yoav (a correspondent of the Avnei Neizer) answers this question a little differently. He likens da’as to carrying a piano. One person carrying a piano by himself requires much more strength than two people carrying the piano together. So too by da’as. By things such as kiddushin, both parties (the husband and the wife) need da’as, and so the da’as expected from each one of them is a little less. But by gittin, the only da’as we need is the husband’s da’s, and so it requires much more da’as, the piano is much heavier.
In the first Mishnah in Masechet Kiddushin on Daf Bet Amud Alef, the Mishnah states that “HaIshah Niknit B’Shalosh Derachim”, a woman can be acquired in marriage in three ways. The Gemara then proceeds to ask on Daf Bet Amud Bet: Why does the Mishnah write “Shalosh”, in the Nekeivah? It should have written “Shloshah” which is the Zachar, since the Shalosh is going on “Derachim”, which is Zachar?

The Gemara answers quite simply that this is because the word Derech is Lashon Nekeivah. The Gemara proves this by using the Passuk “V’Hoda’ata LaHem Et HaDerech Yelchu Bah” (Shemot 18:20), which uses the word Derech in the context of Lashon Nekeivah.

While this seems all fine and dandy, the Gemara has an issue with this as there is a Beraita that states “B’Shivah Derachim Bodkin Et HaZav”, there are seven ways in which we check the Zav. The obvious question is, if we just said that Derech was Lashon Nekeivah, then why does the Beraita say Shivah which is Lashon Zachar? The Gemara then adds to that by pointing out that there is another Passuk in Devarim which states “B’Derech Echad Yeitzu Eilecha U’V’Shivah Derachim Yanusu L’Phanecha” (Devarim 28:7). This Passuk uses the word Derech in the context of Lashon Zachar, and yet this and the Beraita contradict our previous Mishnah and Passuk.

The Gemara then comes along to save the day by stating that our two Pesukim are not, in fact, contradicting each other. The Gemara says that over by our first Passuk, it’s talking about the Torah, and Lashon Nekeivah is always used when regarding the Torah. A proof to this is from the Passuk in Tehillim (19:8) “Torat HaShem Temimah Mehivat Nafesh” which is about the Torah and is written in Lashon Nekeivah. Our second Passuk is written in Zachar and not Nekeivah because it is talking about Milchamah, war. Whereas it is usual for a man to participate in acts of war, it is unusual for a woman to be involved in war, thus the Passuk was written in Lashon Zachar and not in Lashon Nekeivah.

We are still left, however, with a contradiction between two Tannaitic statements: Our first which uses Lashon Nekeivah with the word Derech, and the second which uses Lashon Zachar with the word Derech. The Gemara resolves the issue by saying that these two statements are not contradictory. Our Mishnah in Kiddushin uses Lashon Nekeivah since it is talking about a woman, not a man. However, by the Beraita, it is talking about a man, since it is usual for a man to check the Zav, but it is not usual for a woman to check the Zav. This is because a woman becomes Tammai even through Ones, something which is out of
her control. Therefore, the *Beraita* used *Lashon Zachar* and not *Lashon Nekeivah*.

It is clear from here that *Dikduk* is an important aspect to our *Torah* learning. Many might think that *Dikduk* is not important if you’re not trying to become fluent in Hebrew. After all, what other use would one need it for? We can certainly learn from the fact that the *Chachamim* felt that this issue was important enough to spend the time, not only to discuss it, but to also put it into the *Gemara*, that *Dikduk* is something that we have to take seriously. *Chag Kasher V’Sameach.*

### BAVA METZIA

**Understanding Meseches Bava Metzia**

Yonah Josse ('22) & Binyamin Rubin ('22)

One of the most enthralling stories that appear throughout *shas* is, unquestionably, the story of Reish Lakish and Rabbi Yochanan’s *chavrusah* and friendship. *Bava Metzia* *daf* 84 goes over not only on how they met, but how they, tragically, fell out with each other and ultimately died because of it. The story has countless lessons and truths which can still help strengthen our *middos* and build us into greater the *Bnei Torah* and is worth exploring the different nuances in it.

In order to understand what was so special about their relationships we need to discuss who they were beforehand. Rebbi Yochanan was an *amora* who would occasionally go as far as to argue on *tana’im* he was also known to be an incredibly beautiful man - yes, beautiful. Reish Lakish, on the other hand, was a bandit and occasional gladiator. *Tosfos* explains that even before the two friends met Reish Lakish used to be a ‘frum’ Jew and even gained the title ‘rabbi of the bandits’. Be this as it may, *daf* 84 of *Bava Metzia* recounts the story of the friendship between these two talmudic icons. It all started when Rav Yochanan decided to take a swim in the *Yarden*. Reish Lakish, seeing Rav Yochanan’s beauty, jumped into the river after him. Rav Yochanan, upon seeing Reish Lakish, said that his strength should be used for *Torah*. And they made a deal that Reish Lakish would marry Rav Yochanan’s sister, who was more beautiful than him, and in return would learn *Torah* with Rav Yochanan. Immediately upon agreeing to this Reish Lakish lost the physical strength to get out of the river due to the burden of *Torah*.

Rabbi Yochanan took Riesh Lakish under his wing and proved to be a formidable *chavrusah* for him. Rabbi Yochanan would go on to say that for any *Halachah* he brought, Riesh Lakish would have to attacks
against it. Everything was going well until they approached a sugya about weapons and although they disagreed. Rabbi Yochanan deferred his opinion to Reish Lakish since he is a master of weapons. Reish Lakish was very offended by this and asked what was the point for him learning if he will always be known as the Leader of the Bandits? Rabbi Yochanan responded eloquently with that you are now under Hashem and that should protect you. After this conversation, Rabbi Yochanan was distraught over this conversation and affected Reish Lakish and he fell ill. Despite his sister pleading for him to pray for his recovery, he never prayed for his Refuah and Reish Lakish died. Rabbi Yochanan soon became mentally ill over the passing of his chavrusah and possibly over his guilt over not praying for Refuah. No one was able to replace Reish Lakish attacks against Rabbi Yochanan Halachah derives and was seen going insane asking in the street where Reish Lakish is. In the end, the Rabbis prayed for mercy against Rabbi Yochanan and Rabbi Yochanan died.

This story can teach many boundless lessons about teshuvah and being kind. To start, we can learn the powerful lesson of viewing everything in a positive light. Rav Yochanan saw Reish Lakish’s strength, which he used for violence and crimes, and saw that it could be used for something positive in learning Torah. In addition we use the effect Rav Yochanan’s kindness had on Reish Lakish, influencing him to come back to a life of Torah. Furthermore, Reish Lakish shows that one can come from the lowest depths of being a criminal and gladiator to the highest depths of being a talmid chacham. In the latter half the story there are also lessons to be learned, despite the tragic ending. We see how much Torah can bond people to the extent that Rav Yochanan was devastated after hearing of Reish Lakish’s death, even though they left on bitter terms. Overall, the story of Reish Lakish and Rav Yochanan is a timeless tale with countless lessons we can appreciate in our lives.

SANHEDRIN
Understanding Meseches Sanhedrin
Yosef Weiner (23)

The Mordechai (Gittin 46a) recounts an incident where Rabeinu Tam was served by a Kohen. A student proceeded to ask R’ Tam why this was permitted considering that the Yerushalmi states that if one utilizes a Kohein he is considered to have committed meilah (using something that was consecrated to Hashem). R’ Tam responded that the Kohanim had a special status in the times of the Beis HaMikdash but now they do not.
The disciple responded that then the *kohanim* should never be able to perform any special rituals nowadays. R’ Peter responded that in truth *kohanim* still do have *kedushah*. However, they are able to grant *mechilah*.

Indeed, proof can be drawn from the *Gemara* which states that a slave who is a *Kohein* may not have his ear pierced because it would be considered a blemish thus rendering him unfit to serve in the *Beis HaMikdash*. From the fact that the *Gemara* must resort to the reasoning of creating a blemish, it is clear that if not for this issue the *Kohein* could have granted *mechila* to have his ear pierced.

However, R’ Tam’s answer is difficult to understand - would he really say that a *Kohein* would be able to marry a divorcee nowadays because there is no *Beis HaMikdash*?

Rav Soloveitchik (*Shiurei HaRav-Sanhedrin* 22b: 111) explained that R’ Tam understood it to be obvious that the *Kohein* would not be able to marry a divorcee or become *tamei meis* because those are laws that emanate from the holiness of being a descendant of Aharon which has never expired. However, R’ Tam holds that there is a separate category of privileges granted to *Kohanim* emanating from them serving in the *Beis HaMikdash*. Indeed, this is why the *Yerushalmi* refers to using the *Kohein* as *meilah*. R’ Tam believes that the special honor with which one must treat a *Kohein* emanates from this latter form of *Kedushah* which only applies when there is a *Beis HaMikdash*.

Yet, how could R’ Tam hold that the special honor accorded to the *Kohanim* only applied when there was a *Beis HaMikdash*? The *Gemara* (*Gittin* 59b) makes clear that the *Kohein* takes precedence, even nowadays, for matters such as *krias hatorah*!

Rav Soloveitchik (*Shiurei HaRav-Sanhedrin* 22b, 112) develops that according to R’ Tam there are two types of *kavod* given to *kohanim*. The aforementioned *Gemara* states that we learn from the passuk which states “v’*kidashto* - and you shall sanctify him,” that the *Kohein* has priority by a variety of activities. Rav Soloveitchik posits that all of these activities are related to *devarim sheb’kedusha*. However, general honors that are not directly related to *devarim sheb’kedusha* emerge from the special status of a *kohein* who serves in the *Beis HaMikdash*. Thus, the laws that emerge from v’*kidashto* still apply nowadays. However, that which is based on the *Kohein* serving in the *Beis HaMikdash* are no longer relevant. Therefore, R’ Tam could have a *kohein* serve him as the activity does not relate to a *davar sheb’kedusha*.

Lastly, R’ Peter’s response seems difficult. The *Tosefta* (*Sanhedrin* 4:1) cites a *machlokes* with regards to whether or not a *Kohein* is able to grant *mechilah*, Rav Yehudah states that even if he wants to be acted towards in a disgraceful manner we do not listen to him. So how could R’ Peter
state definitively that a Kohein is able to be mochel on their kavod if this is the subject of a machlokes tanaim?

Rav Soloveitchik (Shiurei HaRav-Sanhedrin 22b: 113) explains that the Tanaim in the Tosefta were not arguing about kavod but rather only about bizayon. However, they disagree with regard to why the Kohein can be mochel on their Kavod. One view is that when the Kohein grants mechilah it removes the obligation to treat them in any way different than any other Jew. However, the other opinion holds that when he grants mechilah on his kavod, then treating him with what was formerly considered kavod is no longer considered as such; if one provides someone with honor that they do not desire it is not considered honor. However, the underlying obligation of treating them in a special manner still exists. Thus, his mechilah on bizayon does not work because granting mechilah does not change the fact that the act is disgraceful towards him. It emerges that R’ Peter was able to definitively state that a Kohein can be mochel on his kavod because in truth both tanaim agree to this principle.

MAKKOS
Roe vs. Wade: Caring for Each Life
Raffi Weil (’22)

The second perek of Makkos relates the intricate halachos of an eer miklat, a city of refuge. The basic law is that one who kills bishogeig, through negligence, is subject to galus, exile, in an eer miklat. While discussing the locations of these cities, the Mishnah (Makkos 2:4) comments that there were three cities in Eretz Yisroel and three cities on the other side of the Yarden, the Jordan River. The Gemara (9b) asks: why is there an equal distribution of arei miklat on both sides of Eretz Yisroel? We know that there were nine and a half tribes in Israel and only two and a half tribes living on the other side of the Jordan, so shouldn’t the distribution of arei miklat be proportional to the tribes in the geographical radius? The Gemara answers that in the city of Gilad (one of the cities bi’eiver hayardein), murders were common. As a result, an unequal distribution of cities would be needed to accommodate the increased number of killers.

Many meforshim ask an obvious question on the Gemara’s answer. What relevance does an increased number of murderers have with the number of arei miklat? A city of refuge doesn’t protect a cold blooded murderer; only a person who killed bishogeig. So why are a disproportionate number of arei miklat needed if they won’t offer protection to the intentional murderers found in large numbers in Gilad?

The Maharal, in answering this question, provides an insight into
human nature. He explains that in Gilad there was a lack of respect for life in general. This disregard for human life led not only to an increased quantity of intentional killings, but unintentional killings as well. If society devalues life so much that intentional killings are common, people will be influenced by this mentality to the extent that they will fail to exercise the caution necessary to prevent accidental loss of life. This insensitivity to the value of life explains why there were three cities on each side of the Yarden.

Valuing each Jewish soul is one of the basic principles of Judaism. Shavuos celebrates the Jews receiving the Torah. The Gemara (Makkos 24a) says that the prophet Chavakuk established all 613 mitzvos on one principle. The simple reading of this Gemara suggests that this one principle is emunah, faith. However, the Toldos Yaakov Yosef, a student of the Baal Shem Tov, suggests that the Gemara means to say that the Jews themselves were put in a state of al achas. We must be in a state of oneness, caring about each individual soul, because each soul is precious. This is a core value upon which Shavuos, the Torah, and Judaism is predicated.

The topic of abortion has always been controversial, but now that Roe v Wade is in the news again, it is worth examining the Torah’s perspective. From a political angle, the controversy is about the freedom to choose what to do with one’s own body versus the killing of a baby. From a halachic perspective, there is no controversy. Abortion as a matter of free choice is prohibited, but when the physical or mental health of the mother is endangered, an abortion may be permitted, or even obligatory. The Torah’s view is that each and every form of life is precious. Even a fetus, not fully viable, is a potential life that must be valued, and not wantonly destroyed. The life of the mother is even more precious, as a living, breathing human being. With this mindset, our poskim make educated halachic decisions when these life or death questions arise.

The Torah, time and again, impresses upon us the immeasurable value of life. By the arei miklat, we see the resulting devastation when that value is ignored. By matan Torah we see the power and strength that results from appreciating the role and significance of each individual member of the klal. It is therefore no surprise that the Torah’s approach to the timely discussion about abortion is wholly consistent with it’s mantra, uvacharta ba’chaim, choose life.

(Note: this article, as with all articles in this publication, does not presume to give anything close to practical halachic conclusions. For such questions, a capable possek should be consulted)
EIDUYOS

Eiduyos Bo Bayom Nishnis

Meseches Eiduyos Was Taught On That Day

Israel-Dovid Rosenberg (23)

During his tenure as nasi (president) of the Sanhedrin (grand court), Rabban Gamliel set a policy that all those who wished to learn in the beis medrash would have to pay an entrance fee. This is recorded in the Gemara in Meseches Brachos (28a). The purpose of this fee was to ensure that all who attended the beis medrash were in fact sincere and dedicated to studying Torah properly. There was, however, a policy change when Rabbi Elazar ben Azarya became the nasi, and he allowed all who wished to enter to come to learn free of charge. The Gemara notes that many hundreds of benches were added to the beis medrash on the day that Rabbi Elazar ben Azarya became the nasi in order to accommodate all the additional people who came to learn.

The Gemara then says that “eiduyos bo bayom nishnis”, meaning that Meseches Eiduyos was taught on “that day”. The word “eiduyos” means “testimonies” and the masechta is a collection of the testimonies given by those in the beis medrash on “that day” which became a term to reference the day that Rabbi Elazar ben Azarya became the nasi. As a result of this, the masechta does not deal with any one topic, but, rather, all the various matters that were in dispute up to that day and then elucidated by all those trustworthy people in attendance. Many of the mishnayos begin with a phrase “so-and-so testified” and precedes with a particular halachah that they heard from their rebbeim. The masechta also continues with other matters discussed on that day beyond the testimonies given. Many of these mishnayos are also repeated elsewhere in the Mishnah in the places where they belong according to their content.

But why then, if the masechta is not limited to any particular area of discussion, is it placed in Seder Nezikin? The Rambam addresses this matter in his process of explaining the order and content of the masechtos of the Mishnah in his hakdamah (introduction) to the Mishnah. He says:

"וכשהשלים לדבר על הדינים והדיינים וכל מה שהוא מעשה הדיינים מיוחד בו מון המחלוקת והوجب השבועות בא ל德拉ベンני ידיעות...อดר אשת אחור מל' שבועות ובשלו שם שנותתו ישزة איליה והמי ערויים לחaza (הדות) [מדרש] הדבירה שערידי
בם לזרפ השופטים בשטומה בחותם ו对孩子 אחות חמדו.

“And when it finished speaking about laws and judges and all the actions of judges…and the obligations of vows (i.e. Masechtos Sanhed-
The \textit{masechta} is placed in \textit{Seder Nezikin} based on how it came to fruition. The topics may not fit in any one place in the six \textit{Sedarim} of \textit{Mishnayos}, but the very fact that these laws were given as testimony earns the \textit{masechta} a place among the parts of the \textit{Mishnah} which discuss legal proceedings.

\section*{Avodah Zarah}

\textbf{Understanding Meseches Avoda Zarah}

\begin{center}
Pinchus Cohen (24)
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The Gemara says in Maseches Avodah Zarah (4b):

“Rav Yosef said: One should not recite the Mussaf prayer privately in the first three hours of the day on the first day of Rosh Hashanah, because that is the time of judgment, and perhaps they will analyze his deeds and push him away. If so, a congregation should also not recite it then! – A congregation has large amount of merit.”

This Gemara is difficult to understand. A congregation is just a group of individuals. If an individual has sins and merits, so does the congregation. For example, if the average person has 60 sins and 40 mitzvos, then the average group of 10 people has 600 sins and 400 mitzvos. True, the absolute number of merits is higher, but the percentage is the same. Why are we afraid an individual may not be able to survive Hashem’s judgment, while we aren’t worried about the congregation?

One possible answer is the Gemara is worried that an individual may be an outlier and have more sins than mitzvos, but when a congregation comes together, the larger the sample size, the closer the percentage will be to the true population average. We are hopeful that Hashem is happy with the “score” of Klal Yisroel as a whole. Therefore, by coming together and davening as a congregation, we bring our collective score closer to that of Klal Yisroel and it is likely we will pass judgment, instead of being judged individually when some of us are bound to fall below the mean of the population. So an individual davening alone might be far below average and may thus be rejected.

However, according to this explanation, it would seem that we could calculate how much better davening with other people is using a simple binomial distribution. It would seem that increasing the number of people
by a factor of 10 would increase the variance by a factor of 10 and the standard deviation by a factor of the square root of 10 making one more likely to fall towards the mean which is hopefully above 50% in one’s minyan. Why then would the Gemara not suggest going to a minyan with the largest number of people present?

Instead, I would like to suggest that, when Hashem judges a person, He is not like a teacher giving a test. A teacher looks at the percentage of answers the student gets right. This percentage serves as an indicator of how well the student knows the material. If 10 students take the test and fail, it is no different from 1 student taking the test and failing. But for Hashem, our good deeds are not needed as an indicator. Hashem already knows how good or bad we are. Rather, he wants the mitzvos to actually get done. The congregation has a higher absolute number of mitzvos, and this is intrinsically valuable to Hashem – even if their “score” is just as bad – and therefore He is more likely to listen to them, just as a king is more likely to listen to one who comes with a gift in hand as the passuk says “A larger number of people gives more honor to the king” (Mishlei 14:28).

Now the Gemara’s words “A congregation has large amount of merit” make a lot of sense. The Gemara is discussing whether or not Hashem will listen, not whether or not He will judge us favorably. The number of sins doesn’t matter at all! And therefore our goal is just to accumulate a certain number of mitzvos; after that more people are not necessary. According to this explanation, no matter how many sins we do, we have to understand that every mitzvah still counts just as much.

PIRKEI AVOS (AND HORIYOS)
Grasping Pirkei Avos’ Content and Placement
Elisha Price (23)

When studying Pirkei Avos, two questions present themselves before you even reach the first word of the Mishna Aleph. (1) Why is there an ethical code in the Mishnayos, which serve primarily to present us with how to live our lives from a Halachik perspective? And (2) once we accept why Pirkei Avos is in the Mishnayos at all, why is it placed particularly at the end of Nezikin, the Seder which deals with damages and the like?

Thankfully, the meforshim on the first Mishna address these questions in great depth.

Ironically, our first question doesn’t seem to bother the Bartenura (1:1). He asks why we have to list the mesorah by this mesechta and no other,
and answers very simply that it is a *davar pashut* that the *halachos* of the other *mesechtas* can be traced back to *Hashem*, but the *mussar* and *middos* of *Pirkei Avos* is less so, hence the need to reassure the masses that these precepts also originate from *Sinai*.

However, when the *Midrash Shmuel* quotes this Bartenura, he seemed bothered by our question. He implies our question as a follow-up to the Bartenura’s answer, and responds that in order to be able to accept the *Halachos* of the other *mesechtot*, you need a foundation in ethics and *mussar*, so it makes sense for *Chazal* to provide a *mesechta* to supplement the *middos* aspect of *Torah* so that we can better fulfill the *Halachik* aspects.

And while that makes a lot of sense, it just makes the second question stronger: If *middos* are prerequisites to *Torah*, shouldn’t this *mesechta* come before *Brachos* instead of before *Horios*?

The *Gemara* in *Bava Kama* (30a) presents three opinions of what an individual who wishes to become pious should focus on. Rabbi Yehuda says they should focus on *Hilchos Nezikin*, Rava says such an individual should focus on *Avos*, and the *stam Gemara* responds that they should rather focus on *Hilchos Brachos*.

Rabbeinu Yonah (*Avos* 1:1) says that *Avos* was connected to *Nezikin* specifically because of this *Gemara*. Since the two were linked, *Avos*, which has no real natural home within *Shas*, was placed in *Seder Nezikin*.

What about *Brachos*? *Brachos* was not placed in *Seder Nezikin* simply because it does have a natural place in *Shas* - since it deals mainly with the *Halachos* of eating it makes the most sense to put *Brachos* in *Seder Zeraim*, the *Seder* dedicated to the *Halachos* of plants and planting.

And perhaps one could argue that *Nezikin* is the natural place for *Avos*. *Nezikin* doesn’t just deal with damages, it deals with all the *Halachos* of human interaction.

Accordingly, we can understand the placement of *Avos* within *Nezikin*: the *Halachos* listed in the first many *Mesechtot* are the bare minimum, the base *Halachos*. But *Avos* is the way to go above and beyond the minimum, allowing us to incorporate our *middos* into *Halacha*.

And it seems that Rabbeinu Yonah himself held this answer. When discussing the placement of *Avos*, he says:
And since a person ascends the steps of piousness by doing one of these things (i.e. Nezikin, Avos, and Brachos) they placed [Avot] in Seder Nezikin.

This seems like the same idea: a person starts with the Halachos of Seder Nezikin, and can then, if he wishes to achieve piety, proceed to Avos.

If so, why is Horiyos last and not Avos?

Very simply, because Horiyos is about Hilchos Beis Din, and not Halachos that an ordinary person can fulfill; Horiyos deals primarily with how to remedy mistakes made in court, so an individual can be the epitome of piety, but if he never serves in court, he does not have any connection to the Halachos listed in Meseches Horiyos.

Zevachim
Rabbi Sam Dratch

Meseches Zevachim is the first mesechta in Seder Kodshim, the Seder in Shas that deals with avodah practiced in the times of the beis hamikdash. Zevachim itself deals primarily with korbanos that require the bringing of animals. I will now present an example of the type of discussions that take place throughout the mesechta.

On Daf 51a, the gemara engages in a discussion about what happens with extra blood (shirayim) leftover from a chatas once the necessary amount of blood is already sprinkled on the large mizbeach usually used for animal korbanos. The Mishna explains that the blood must be sprinkled on the western foundation (yesod) of the smaller mizbeach used for spices. The gemara asks the source for sprinkling the extra blood there and says as follows:

"ma pasah amar kra (vikkra 7, 3), & v'sod maboh nhuolah asher pashah kol molad mishin, hodesh damim b'endashah.

"the verse states ‘all the remaining blood of the bull he shall pour out at the base of the altar of burnt offering, which is at the entrance of the Tent of Meeting’ (Leviticus 4:7). This means that he must pour it on that base which he encounters first.’"

The passuk in Vayikra 4:7 instructs clearly that the extra blood should be sprinkled on the western yesod, but the gemara then follows it up with the seemingly innocuous statement that the western yesod also happens
to be the *yesod* that the *kohen* would get to first when leaving the previous *mizbeach*. The statement by the *gemara*, however, leads to a discussion of the nature of the source for our *halacha*.

*Tosfos* (*divrei hamaschil “Asher”*) ask an important question. Why should the *gemara* need to bring a *passuk* at all to teach us about putting the blood on the western *yesod*? After all, this *yesod* is the first one a *kohen* would run in to, and we have a *halachic* principle of “*ein ma’avirin al hamitzvos,*” that we don’t pass up the opportunity to do *mitzvos*, which would lead one to reason there is no option to pass over pouring the blood on the western *yesod* to go to another. *Tosfos* answer with a clarifying rule that *ein ma’avirin al hamitzvos* only applies when skipping one *mitzvah* to perform another, rather than when there is just one *mitzvah* at play.

This idea about not skipping one *mitzvah* to wait for another plays out fascinatingly in a famous *teshuva* from Radbaz (Shut Radbaz 4:13). Radbaz was asked if a Jewish prisoner is given the ability to leave prison for one day a year, which day should he choose? Should he choose Yom Kippur? Rosh Hashanah? Shabbos? Radbaz answers using our principle of *Ein Ma’arivin-* the Jewish prisoner should ask for the first possible day off, so that he could perform *mitzvos* immediately, as opposed to waiting for *mitzvos* later.

**MENACHOS**

**Making a Berachah Before a Mitzvah**

*Shmuel Rosenthal (22)*

*Based on a Shiur given by Rabbi Sobolovsky in ncsy Kollel*

The *Gemara* (*Menachos 35b*) discusses when one makes a *berachah* on *tefillin*. The first idea the *Gemara* presents when discussing this topic is that one should make a *berachah* meeshas hanachasan. Rashi explains that *meeshas hanachasan* implies that one makes a *berachah* after he puts on the *tefillin*, which means the *Gemara’s* first assumption is that one should make a *berachah* on *tefillin* after he ties the *kesher*. However, the *Gemara* rejects this opinion and explains that we really say the *berachah* before we tie the *kesher shel tefillin* since we have a concept from Shmuel (the *Amora*) that all *berachos* on *Mitzvos* should be said *oveir le’aseeyasan*. The *Gemara* (*Pesachim 7b*) brings multiple sources from *Tanach* that *oveir le’aseeyasan* means before the action. The *Gemara* there continues that all *Mitzvos* have the concept of *oveir le’aseeyasan* except the *Mitzvah* of *tevilah* since *gavra lo chazee*. Rashi explains that
gavra lo chazee by tevilah is referring to the case of a baal keri. By such a case, we have a takanah from Ezra which does not allow someone who is tamei from tumas keri to say divrei Torah and berachos. Rashi goes on to say that because of gavra lo chazee by tevilah for a ba’al keri, we make a lo plug and establish that one only says a berachah on any tevilah after the immersion. However, Tosphos quotes Rabbeinu Chananel who disagrees with that premise. Rabbeinu Chananel explains that gavra lo chazee is really just a case of a tevilah for a ger. Since a ger cannot say vetzeevanu, as he is still not Jewish until after the tevilah, he waits to say the berachah after he is tovel. Furthermore, Rabbeinu Chananel adds that we do not extend a lo plug to other tevilos, and a ba’al keri makes a berachah before tevilah since we hold like Rav Yehuda, who says that a ba’al keri can say divrei Torah and berachos before tevilah since we hold like Rav Yehuda, who says that a ba’al keri can say divrei Torah and berachos before tevilah. However, the Ri adds that we do not protest when women make a bracha after tevilah, since there can be an idea of lo chilku which we use in other situations in halachah. The Ri also adds that there are those that explain gavra lo chazee by all tevilos since the Chachamim were afraid that one would say the berachah and then chicken out of immersing themselves in the water because the water was very cold. Those that say this idea also explain that one cannot say the berachah once he is in the water since then the person is arum, and one cannot make berachos while arum. However, while the Gemara established that by tevilah (either by all tevilos or just by tevilah for a ger) we lechatchilah make a berachah after performing the tevillah, we still do not know if the idea of oveir le’aseeyasan means that if someone forgets to make a berachah before a Mitzvah he cannot say the berachah anymore. Addressing this idea, the Rambam (Hilchos Berachos 11) explains that if one forgets a berachah on a Mitzvah kayemes one can make the bracha while still doing the Mitzvah. However, if one does the same thing by a Mitzvah that is not kayemes, he cannot make a new berachah. For example, if one forgets to make a berachah on shechitah, one may not make the berachah afterwards. The exception to this rule is tevillah shel ger, as even though it is a Mitzvah which isn’t kayemes, the Rambam (like Toshoos) holds that the berachah on it is made after the tevillah. However, the Haga’os Ashri (Chullin 1:2) disagrees with the Rambam. He holds that really this idea of oveir le’aseeyasan by shechitah is only lechatchilah, but if one forgets to say the berachah beforehand he is able to make the berachah after he does the shechitah since, as a general rule, berachos should lechatchilah be made oveir le’aseeyasan, but if one forgets to make a berachah then he can make it after. In conclusion, we have established two major arguments in the idea of oveir le’aseeyasan, the first being whether or not the berachah on all tevilos is made after the action, and the second whether one can make a berachah after the action if he forgets to make one before.
ARACHIN

Can One Redirect Funds Which He Designated for Tzedaka?

Yonatan Burns (22)

The Gemara in Arachin on daf 6a quotes a Braisa which states that if one designates a Sela’s worth to a particular Tzedaka, he may give it to a different Tzedaka as long as it has not yet been collected by the Gabbai Tzedaka. If the Gabbai collected the money, the donor cannot take back the money to distribute it elsewhere.

“סֶלַע זוֹ לִּצְׁדָקָה עַד שֶל א בָאָתָה לְׁיַד גַבַאי מְׁצָרֵיה בַּלֶּא מְצָרֵיה לַשָפָטָהוּ”

“If one said: This sela will be for charity, then before it has reached the hand of the charity treasurer, it is permitted to exchange it,”

The Gemara on the next amud then cites another Braisa which states that one who donates a candelabra or lamp to a shul cannot redirect his donation. Rabbi Chiya clarifies that this is referring only to when it is not going to support another D’var Mitzvah.

“תֵּיָּר יִשְׁרָאֵל שֶהִּתְנַדֵב מְׁנוֹרָה אוֹ נֵר לְׁבֵית הַכְּנֶסֶת אָסוּר לְׁשַנּוֹתָה סָבַר רַבִּי חִיָיא בַר אַבָא לְׁמֵימַר לָא שְׁנָא לִּדְׁבַר הָרְׁשוּת וְׁלָא שְׁנָא לִּדְׁבַר מִּצְׁוָה אֲמַר לֵיהּ רַב אַמִּי הָכִּי אָמַר רַב יְחָנָן ל א שָנוּ אֶלָּא לִּדְׁבַר הָרְׁשוּת אֲבָל לִּדְׁבַר מִּצְׁוָה מְׁצָרֵיה לַשָפָטָהוּ”

“Our Rabbis taught in a baraisa: If an Israelite dedicated a candlestick or a lamp to the synagogue, he is not permitted to exchange it. Rabbi Chiya had thought that was to say it may not be changed either for a non-mitzvah or a mitzvah purpose. Whereupon Rabbi Ami said to him: This is what Rabbi Yochanan said: We have learned of the prohibition only in connection with a non-mitzvah purpose, but for a mitzvah purpose it is permitted to exchange the object dedicated.”

The following two Braisos quoted by the Gemara seem to contradict each other. It seems from the second Braisa that we are allowed to redirect Tzedaka funds. This is not consistent though with the earlier Braisa which ruled against redirecting money even for Tzedaka, a D’var Mitzvah.

To clarify these two Gemaras, Tosfos makes a distinction between the three types of people(s) involved in the giving of Tzedaka: (1) a donor, (2) the Gabbai, and (3) a community. Tosfos species that the first Braisa specifically applies to the first type, an individual donor. Regarding the power of the Gabbai, Tosfos writes that he can indeed redirect as long as
the funds are to be used within the community. Lastly, Tosfos quotes from Bava Basra 8b, noting that a community has the power to redirect funds for whatever they want.

The Rosh (Bava Basra 8b) as well cites the second Braisa to be the source of allowing a community to redirect Tzedaka funds, although he differs from Tosfos, holding that an individual may redirect his donation for any D’var Mitzvah and the Gabbai is allowed to redirect funds to another communal project as long as it is used for a D’var Mitzvah. The Shulchan Aruch (Y”D 256:4) codifies this position of the Rosh.

Kerisos

Elisha Price (23)

Mesechos Kerisos, as the name implies, deals primarily with the punishment of kares, or “cutting off.” That much may be familiar to many of us. Less familiar is the definition of kares. What exactly is it?

The first passuk in Torah that uses the verb “kares” to mean the punishment we call kares is Bereishis 17:14:

And if any male who fails to circumcise the flesh of his foreskin, that nefesh (ordinarily I don’t transliterate, but what the exact translation of nefesh is in this context becomes relevant shortly) shall be cut off from people [because] he has broken My covenant.”

The meforshim immediately ask our question: What is kares?

Rashi (17:14:3) says it means the offender will die young and childless. Relatedly, Rashi in Shabbos (25a d”h vicares) calls kares premature death from G-d.

Radak (17:14:3) says it means only a premature death. Ibn Ezra (17:14:1) describes kares as an onesh min hashamayim. This can mean one of two things: either it means Hashem kills the offender before he (the offending party, not G-d) reaches the age of fifty-two, or it means that their name will be cut off, meaning that their children will die and their name will be eradicated.

More recently, Shadal (17:14:3) agrees with the other opinions that kares refers to untimely death, but he also quotes another possibility, namely that it means the loss of status as a Jew. In essence, the person would be-
come like a goy and would be forced to leave his people and his homeland. Ohr HaChaim (Vayikra 17:14:4) also takes this approach.

In the context of Yom Kippur, Sifra (Vayikra 14:4) asks about kares, providing vindication for those of us struggling to define it. The medrash concludes that since we know another passuk (Vayikra 23:30) that describes Hashem making a soul go lost, we can infer that our passuk, which is talking about kares, doesn’t mean that (or it would be superfluous), but rather it refers to the complete destruction of the soul (whatever exactly that means) and not just splitting the soul from it’s physical host.

The Gemara in Moed Katan (28a) says:
מֵת בַחֲמִשִים שָנָה — זוֹ הִיא מִיתַת כָרֵת. חֲמִשִים וּשְתַיִם שָנָה — זוֹ הִיא מִיתָתוֹ שֶל שְמוּאֵל. שִשִים — זוֹ הִיא מִיתָה בִידֵי שָמַיִם.

If one dies when he is fifty years old, this is death through karet. If he dies when he is fifty-two years old, this is the death of Samuel from Ramah. If he dies at the age of sixty, this is misah bidei shamayim.

This seems to say quite clearly that kares means death at the age of fifty. However, the Rishonim don’t take this Gemara literally. For example, Rashi (d”h mechamishim) says the Gemara means fifty ulimalah, but not davka fifty. Tosfos (d”h meis bachamishim) asks on this Gemara from Shabbos 89b, which says that we are not punished for the first twenty years of our lives. So if our Gemara says kares means death after fifty years, that’s really seventy years total, which is a full life. So what exactly is the punishment of kares here? (The Gemara can’t mean fifty years from our birth, because those first twenty years aren’t included in punishment.)

A third primary source for this discussion is in Meseches Shabbos (25a), where kares is briefly mentioned (the context isn’t so relevant for this discussion), and the meforshim there also debate the nature of this puzzling punishment. Rashi, consistent with what we saw in Bereishis, says kares is premature death biyedei shamayim. Tosfos (d”h kares), along the same lines as Rashi, says that kares means death before one reaches the age of sixty, because once one has reached sixty it is considered a full life.

In short, each of the opinions noted so far agrees that the word “nefesh” (earlier in the passuk) means the physical soul, thus the implementation of kares is through misah. Shadal’s quoted second possibility as well as Ohr HaChaim’s interpretation would translate nefesh not as the soul but as the tzelem Elokim, the part of a Jew that makes him/her spe-
cial.

The discussion of the nature of *kares* is not limited to a theoretical debate, but is also brought down in the *sifrei Halachah*. Rambam (*Mishnah Torah, Hilchos Teshuva* 8:1) describes *kares* unlike any explanation we have seen thus far: *kares* isn’t the physical death of the offending party, but the cutting off of his soul from *olam habah*.

Here we see another explanation for the context of the word “*nefesh*.” Rambam also defines *nefesh* as “soul”, but not in the context of this world, rather in the next. Therefore, it makes sense that Rambam’s interpretation of *kares* is to be cut off from the next world as opposed to punishment in this world.

Ramban (18:29:1) explains that there are three types (call them stages, if you will) of *kares*. First, if you do something like eating *cheilev* (forbidden fats), you die before the age of sixty, but once you die (assuming you were an otherwise good person) you still go to heaven, rather than the other place. Second, if you committed a more severe sin than those in the first category, and unlike them, your sins outweigh your merits, you are cut off from heaven, but die at your preordained time - you are only affected in the World To Come. Third, if your sins are really severe and they outweigh your *mitzvos*, you are cut off from this world and the next. In sum, Ramban seems to have heard every side of the *machlokes* so far and simply said to himself “they aren’t arguing, they’re all right - *kares* is more than one thing.”

However, if we don’t assume that the various opinions agree with each other, what is the *nekudas hamachlokes*? It seems very possible that they differ in the translation of the word “*nefesh*”. All those who hold that *kares* is a physical punishment or a punishment in the next world would translate *nefesh* as a soul. All those who say *kares* is the removal of the *tzelem Elokim* of sorts would translate it as the essence of being, not per se the soul, but the identity, of a Jew.

Within the first *tzad*, to explain the difference between those who say *kares* is punishment in this world as opposed to those who say it is punishment in the next world, there doesn’t seem to be an obvious *lomdush* answer. They each have many proofs and higher sources to back them up, and at the end of the day, just like many other elements of G-d and *Olam HaBah*, we just don’t understand it, as much as we try.
The source for the halachos that pertain to me’ilah are found in Parshas Vayikra in the following pesukim:

"When a person commits a trespass, being unwittingly remiss about any of Hashem’s sacred things: One shall bring as a penalty to Hashem a ram without blemish from the flock, convertible into payment in silver by the sanctuary weight, as a guilt offering. That person shall make restitution for the remission regarding the sacred things, adding a fifth part to it and giving it to the priest. The priest shall make expiation with the ram of the guilt offering on behalf of that person, who shall be forgiven.” (Vayikra 5:15-16)

The basic idea of me’ilah is that one can misappropriate an item that was dedicated to Hashem via tribute to the Beis Hamikdash by using it for any mundane purpose. In this instance the mundane is considered anything outside of its devoted use in the Beis Hamikdash. So, for instance, if one sets aside a cow for use as a korban, that animal is now imbued with kedushah and can now no longer be used in any manner. Should the owner forget that he set aside this animal and then go on to use said cow to plow, the owner would have then committed me’ilah.

Now, we are taught that the trigger for violating me’ilah is not mere usage alone but must accumulate to some aggregate value. In the case of something that depreciates in value as it is used, say a clothing which would become worn out with use, one must use it until it depreciates the value of a perutah. However, if it is something that has unlimited uses, say a cup which can be refilled many times, one violates me’ilah once there is a benefit that equals a perutah. On the surface, this second category seems bizarre for what impression did the violator leave on the object through his being ma’al. In the case of the first category one could argue that a theft has occurred, and the prohibition is activated by the object's depreciation by the smallest recognized halachic value — a perutah. However, in the second category why does it matter how much benefit the user received? The object is no worse off!

I believe that the answer to this question lies in realizing that it is a fundamentally flawed question based on the faulty premises that be-
cause we are dealing with the intangibles of spiritual statuses that our actions have less of an impact. Were we to misappropriate the item of a friend (I hope) many of us would naturally be uncomfortable with such an act. However, when dealing with a spiritual status via the items of Hashem, we may assume there is more wiggle room to impose ourselves. The laws of me’ilah tell us otherwise. Our misappropriation goes noticed whether there is a tangible impact on the object or not because there lies, forever imprinted on our souls, a tangible impact on us.

**TAMID**

*Achieving Greatness in the Day to Day*

Rabbi Shimon Schenker

*Mesches Tamid* revolves around the mitzvah to bring a twice daily *Korban Tamid*, once in the morning and once in the afternoon, which is what the *Gemara Brachos* (26) says is the foundation of our tefillas Shacharis and tefilas Mincha. The *Korban Tamid* is the foundation of our entire system of tefilla and is fundamental to our outlook on korbanos as well. It is so important that the *Talmidie Rabbeinu Yonah* (Brachos Dapei Harif: 12) points out that there is a mitzvah d’oraisa to say the *Korban Tamid* every day. However the *Shulachan Aruch* in (Orach Chaim 1:9) uses the language of “yesh nohagin”, there are those who are accustomed to say the parshas *Korban Tamid*. Rav Chaim Kanievsky ZT”L is quoted as saying (Eishei Yisrael p. 51 note 76) that it almost an obligation today to say the Parsha of the *Korban Tamid* every day.

If, because of our collective sins we do not bring Korbanos anymore, and we have tefillos in place of the korbanos, then what is the goal of saying the posukim relating to the korbanos as well? The Gemara Megilla 31b relates the following:

Avraham our forefather said to God: What if Israel sins before You, will You do to them like You did to the generations of the Flood and the Dispersion? He replied: No. He said to Him: “How will I know” (Gen. 15:8)? He said to him: “Bring me a heifer three years old…” (Gen. 15:9). He said to Him: That applies to when there is a Temple standing [and sacrifices can be brought], but what will happen to them when there is no Temple standing? He said to him: I already arranged for them the order of [the passages] of sacrifices. Whenever they read them, I look upon them as if they had brought before Me sacrifices and I forgive all of their sins.
How does that work, to say some posukim is like bringing the Korban? Like all things in Judaism, just saying words without learning something from them does not accomplish so much. There is a fundamental lesson to learn from the Korban Tamid. In the introduction to the Ein Yaakov on Aggedata, he quotes a Medrash that elaborates on a machlokes Tannaim arguing which is the most important posuk in the Torah. The conclusion of the Medrash is that the posuk in the Parshas of the Tamid is the most important posuk, “es hakeves each taaseh baboker, es hakeves hasehni taaseh bein haarbaim”, the mitzvah to bring the korban tamid every day twice per day. The baalei mussar point out that the consistency of serving Hashem every day twice per day is the avodah that ultimately brings us close to Hashem, not the animal itself.

In a similar vein, the Gemara Brachos Brachot 4B proclaims, “Anyone who recites the Ashrei, Psalm 145, three times a day is a confirmed future recipient of Olam Habah—eternal reward in the World to Come.” Why does saying Ashrei three times per day guarantee the world to come? Rav Shimon Schwab in his sefer on tefilla explains, Although we do not recite the Ashrei at night, the fact that we say it three times a day is symbolic of the three times a day that we pray. The Chachamim explain that davening at different times of the day represents different times in our lives. Davening Shacharis when the day begins is praising Hashem when life is radiant and a new day begins again, holding such great promise. Davening Mincha as the sun begins to set represents praising God when daily living may have presented dimensions of uncertainty. Davening Maariv when it is dark outside is symbolic of praising God even if one may face the darkness of difficult challenges.

Perhaps this is why the Gemara states that one who recites Ashrei three times a day merits the World To Come. One who expresses tefilla and praises to Hashem throughout every part of life, in good and the best of times, as well as challenging times, merits eternal rewards in Olam Habah.

The consistency of Avodas Hashem is what ultimately brings us eternally close to Hashem. This is the message and goal of learning Meseches Tamid, to glean the value of intense spirituality when things are not incredibly exciting and outlandish, but to find meaning in the simpler avodah of day to day Judaism. Life and by extension is not about having fun, it is about having a meaning and eternal closeness to the Creator.
In the second Mishnah in Masechet Middot, we learn about the job of the *Ish Har HaBayis*, the Officer of the Temple Mount. We learn that this person would go around to all of the Mishmars, all of the watch- es that were being done by the Leviim, and make sure that none of the watchmen were sleeping. However, the way in which this person would ensure that nobody was sleeping is very peculiar. He would simply walk around to all of the watchmen, and would see how each one reacted. If any watchman did not rise and say “Hello, Officer of the Temple Mount,” it was then evident that they were sleeping. Once the Officer deduced, using this method, that the watchman was sleeping, he had the permission to beat him with his rod and burn his clothes. These seem like very harsh punishments! From this odd, yet specific, way of determining which watchmen were sleeping, and from the way in which the Officer would punish the sleepers, we can learn an important lesson.

One may ask a question on the method that the Officer used in which to out the sleepers. What would happen if a watchman was not sleeping, yet just decided to not say hello. When we think about how we greet people normally, while we always try to say hello, sometimes we forget. Sometimes we do not see the person until too late, or sometimes we are just not in the mood to say hello. So, what would happen if the watchman simply neglected to greet the Officer? It seems that they would be punished in the same way that a sleeping watchman would be!

From here we see how important it is to greet somebody. Even such a small act as saying hello can be such a great thing. We never know who needs to hear it, and whose day we can make by saying a few simple words. By greeting people respectfully, we can make others feel like they matter, and thus, it can have a positive effect on the world around us. We should take this lesson from *Maseches Middos* and apply it to our *Middos*, and the way we act in our everyday lives.

Every seemingly extra formality is important, and can have a deeper meaning if we just look more into it. Everything we do can have a great impact on the world. This *Shavuos*, we should all try to improve our Middot, even if it is in the small things that we do, because even improvements in seemingly insignificant things can yield amazing results in the bigger picture. We can learn from the story of the watchman who would be severely punished for just not greeting the Officer how important every seemingly minor thing we do is. Every small act has great significance! Using this lesson from *Masechet Middot*, we can use our *Middot* to better ourselves and the world around us.
In math, the pigeonhole principle states that if there are \( m \) pigeons with a total of \( n \) holes in them, there must be at least one pigeon with at least \( n/m \) holes in it. For example, if there are 4 pigeons with 5 holes in them, there must be a pigeon with at least 5/4 holes. Since it has an integer number of holes, it must have at least two holes, or the pigeons go in the holes.

A related mathematical puzzle asks: if I have \( m \) colors of socks in a drawer, how many socks do I need to take in order to make sure I have \( n \) pairs of socks? If \( m=4 \) and \( n=1 \), then taking five socks is enough, just like the case with the pigeons.

Now, imagine that instead of socks we have birds, and instead of \( m \) colors we have two types of korbanos, and we are trying to avoid certain combinations. This is the subject of meseches Kinim. It consists of halacha, but most of its chidushim are mathematical. Partly because solving these problems is so difficult, Kinim is known as one of the most complicated masechtos in the Mishna. I used Dr. Joshua Kulp’s English explanation, as well as the Rav miBartenura, and Rabbi Kehati’s Hebrew commentaries to help understand it.

The word kinim, literally meaning nests, refers to the pairs of birds that are brought for various types of korbanos. The masechta starts off by setting some ground rules, some of which are assumed but not written explicitly:

- Each ken brought as a mandatory korban consists of one bird to be brought as an olah and one as a chatas.
- A bird that has been designated for one korban cannot be brought for the other, and if it is then the korban is invalid.
- Any bird that was meant for a korban but became invalidated must be left to die.
- If birds designated for the two korbanos are mixed together, all of them are invalid for either korban. The minority of birds, no matter how small, is not nullified by the majority. (The Rav miBartenura explains that this is because whole animals are too significant to be nullified.)
- If the birds have not been designated, we can choose which one will be brought for which korban. This is called an undetermined ken.
- We can mix undetermined kinim that were given together as long as half are brought as olos and half as chataos.

In the above case, if some of the birds become invalidated, we
can still bring at most half as \textit{olos} and at most half as \textit{chataos}.

It is assumed that a group of birds mixed together are indistinguishable, unless otherwise specified.

Our goal in the first two chapters is to figure out how to bring the maximum number of valid \textit{korbanos} while being sure not to bring any invalid ones. It is important to note that we are not discussing probability. We must be certain that each bird we bring is eligible for its \textit{korban}.

The first chapter of \textit{Kinim} discusses what to do if sets of \textit{kinim} are mixed together. For example, let’s say one \textit{olah} is mixed with five undetermined \textit{kinim}, with a total of eleven birds. We can’t bring any as \textit{chataos} (because it might be the \textit{olah}), but we can bring five of the eleven birds as \textit{olos}. However, if we bring six birds, they might not include the \textit{olah}. In that case, the six birds certainly include both birds in a \textit{ken} by the pigeonhole principle, so we can’t bring them all as \textit{olos}. Therefore, \textit{mishna} 1:2 tells us to bring five \textit{olos} in this case.

The second chapter discusses what to do if we have separated groups of undetermined \textit{kinim}, and an individual bird flies from one group to another. \textit{Mishna} 2:1 states the general rule: if the bird flies to a group of \textit{mesos} (birds that must all be left to die), it must be left to die as well, but it can be replaced. However, if it flies to a group of \textit{k’revos} (birds to be brought as \textit{korbanos}), one of the \textit{k’revos} is invalidated, and one of the birds in the original group is invalidated. Therefore, the number of valid birds in the original group goes down by two – one bird left the group, and an additional bird is invalidated. The number of valid birds in the new group stays the same – one bird arrived, and one bird is invalidated, so they cancel out. The \textit{mishnayot} do not explain the reason for this rule, but it can be derived from the bulleted principles above and from our goal of bringing the maximum number of valid \textit{korbanos}.

Let’s take the example of \textit{mishna} 2:3. Seven people are each bringing sets of undetermined \textit{kinim}. The first has one \textit{ken} (two birds), the second has two \textit{kinim}, the third has three, etc. up to the seventh. Now a bird flies from #1’s group to #2’s group. A bird (possibly a different one, since we can’t distinguish them) flies from #2’s group to #3’s. Then a bird flies from 3 to 4, 4 to 5, 5 to 6, and 6 to 7. After all that, a bird flies from 7 to 6, 6 to 5, etc. all the way until 2 to 1. Everyone ends up with the same number of birds they started with, but the groups were partially mixed together.
The *mishna* tells us that 1 and 2 can’t bring any of their birds, 3 brings one *ken*, 4 brings two *kinim*, 5 brings three *kinim*, 6 brings four *kinim*, and 7 brings six *kinim*. This seems very complicated, but we can verify step by step that no invalid *korbanos* have been brought, even though the groups have been partially mixed together.

If you want to skip the solution, continue below.

We address each individual person, showing that she brings no invalid *korbanos*. There’s not enough space for all seven, but the argument is similar.

Person 1 originally had two birds. Ideally, she should have brought one *olah* and one *chatas*. If both her birds are brought for the same *korban*, then one of the birds is invalid. However, only one of her birds leaves, and she doesn’t bring either of the ones she ends up with. Therefore, none of her birds are brought as invalid *korbanos*.

Person 3 originally had six birds. Ideally, she should have brought three *olos* and three *chataos*. If more than three of her birds are brought for the same *korban*, than at least one is invalid. Otherwise, she has no invalid *korbanos*. When the birds are mixed, at most two of her birds leave. She only brings two of the birds she ends up with, one as an *olah* and one as a *chatas*. The two birds that left her group, even if they are brought as the same *korban*, leave a total of at most three *olos* or three *chataos*, so she has no invalid *korbanos*.

Person 7 originally had fourteen birds. Ideally, she should have brought seven *olos* and seven *chataos*. If more than seven of her birds are brought for the same *korban*, then at least one is invalid. Otherwise, she has no invalid *korbanos*. When the birds are mixed, one of her birds leaves. She only brings twelve of the birds she ends up with, six as an *olah* and six as *chataos*. The bird that leaves her group, even if it is brought as a *korban*, leaves a total of at most seven *olos* or seven *chataos*, so she has no invalid *korbanos*.

End of solution.

Let’s see if the *mishna’s* ruling in this case fits with the general principle in 2:1. Applying this rule is much easier: we just have to keep track of the number of valid birds in each group. According to 2:1, each time a bird switches to a group of k’revos, the number of valid birds in the old group goes down by 2, and the number of valid birds in the new group stays the same. So all we have to do is count the number of times a bird leaves each group.

- A bird leaves group 1 once, so the number of valid birds goes from 2
A bird leaves group 2 twice, once in each direction, so the number of valid birds goes from 4 to 0.
- A bird leaves group 3 twice, so the number of valid birds goes from 6 to 2.
- A bird leaves group 4 twice, so the number of valid birds goes from 8 to 4.
- A bird leaves group 5 twice, so the number of valid birds goes from 10 to 6.
- A bird leaves group 6 twice, so the number of valid birds goes from 12 to 8.
- A bird leaves group 7 only once, so the number of valid birds goes from 14 to 12.

These all seem fit with the ruling in 2:3. However, we assumed that all the groups were $k'revos$, but the mishnah in 2:3 rules that the first two groups are $mesos$. Therefore, it seems that since only one bird left from group 3 to a group of $k'revos$, group 3 should lose only two valid birds, leaving it with 4 valid birds! This solution seems to actually work. If person 3 brings four birds, we can go through each person, 1 through 7, and verify that none of them bring any invalid korbanos. The Rav miBartenura and others ask this question, adding that we can instead let person 2 bring two birds rather than 0, and nobody will bring any invalid korbanos. They answer that although these solutions are technically more optimal, Chazal decreed that groups 2-3 should lose two kinim since they lose two birds, just like groups 4-6. However, this seems to contradict mishna 2:1, which says explicitly that a bird that flies to a group of $mesos$ can be replaced.

I would like to suggest that the case of 2:3 is different since groups 1 and 2 are not fully considered $mesos$. They could theoretically still be brought, as I will explain below.

For illustration, let’s consider a simpler case. Rachel has one $ken$, and Leah has two $kinim$. A single bird flies from Rachel’s group to Leah’s group, leaving Rachel with one bird and Leah with five. There are now two options. (a) Rachel could bring her remaining bird, let’s say as a chatas. Then her other bird must be an olah. This is the case we had at the very beginning: an olah mixed with a group of undetermined $kinim$. Mishna 1:2 tells us that Leah brings two birds as chataos. In this solution, a total of three birds are brought. Alternatively, (b) Leah could bring two $kinim$, and Rachel none. This is the solution given by 2:1. We can check that neither Rachel nor Leah bring too many of the same korban,
and (b) is better since four birds are brought, which are more than the three in (a). This is why (b) is the halacha.

In the end, Rachel and Leah are each left with one pigeon that must be left to die. Now, let’s say Bilha has one undetermined ken. One of Bilha’s birds joins Rachel’s bird, and we can’t tell those two birds apart. In this case, the two birds are both invalid. As for Bilha, Mishna 2:1 would seem to say that since Rachel’s bird was left to die, Bilha can replace her missing bird. However, if I am correct, then miderabanan Bilha’s remaining bird would be invalidated. This is because option (a) still exists.

In general, my understanding is that if at least one bird in a group could theoretically be brought as part of a non-optimal solution, Chazal decreed that it be considered like a group of k’revos for the purpose of mishna 2:1. Maybe they were concerned that a non-optimal solution would end up being chosen. However, even after the birds in the optimal solution are brought, after which the non-optimal solution is no longer possible, the rabbinic decree stays in force. The rabbinic decree would not apply to a group of mesos such as olus and chataos mixed together, or olus, chataos, and undetermined kinim all mixed together. In these cases, there was never any non-optimal solution, so the usual rule for mesos in mishna 2:1 would apply.

Going back to mishna 2:3, theoretically, person 1 could bring her two birds, which would invalidate all the other birds since any of them could have originally belonged to person 1. If person 1’s other bird were to be brought it might be the same korban as the first bird, which is not allowed. Similarly, person 2 could bring her four birds, which would also invalidate all the other birds. These solutions would both leave us with far fewer valid korbanos than the solution given in 2:1, so we don’t allow either of them. However, Chazal decreed that groups 1 and 2 be considered like k’revos.

I have three remaining questions. If you find a source that answers any of them or you have an idea for an answer, please let me know.
1. If Zilpa has an undetermined ken and one of her birds joins Leah’s bird, what is the status of Zilpa’s remaining bird?
2. If Zilpa’s bird instead joins Bilha’s bird, what is the status of Zilpa’s remaining bird?

If Leah were to start with one ken instead of two, mishna 2:1 would instruct Leah to bring one ken and Rachel none. However, bringing one
bird from each person also works. Is there any reason to prefer the solution of 2:1 in this case, or are both solutions equally acceptable?

If you’ve made it this far, mishna 2:3 goes on to say what happens if birds go up to 7 and back two more times.

Finally, the third and last chapter explains what happens if a kohen brings too many birds from such mixtures, invalidating some of the korbanos. Although I didn’t get to chapter 3 in detail, I would like to note that it uses the actual pigeonhole principle.

KEILIM
Asrah Mi Yodea?
Gabe Isaacs (18)

The 6th Mishnah in Maseches Keilim begins with the idea that there are 10 levels of kedushah, and that Eretz Yisrael is the holiest of all the lands. Rav Ovadiah MiBartenurah points out that the reason we are discussing this is because we just came off the heels of the 10 tumos that emanate from a person, so once we taught the levels of tumos we wanted to follow it up with the levels of kedushos. The Mishnah goes on to teach us that the source of Kedushas Eretz Yisrael is the Shtei HaLechem, the Omer, and the Bikkurim. These items are brought from Eretz Yisrael and no other land. The Elyah Rabah asks how Bikkurim can be on this list, as it does not stem from Kedushas Eretz Yisrael? Bikkurim is an obligation on the land that is only noheig in Eretz Yisrael, unlike the other two which both are rooted in Kedushas Eretz Yisrael. If that is the case, how can our Mishnah include bikkurim, as inherently, there is no kedushah in it?

The Elyah Rabah addresses this question by saying that the correct grisa of the Mishnah should not have the Mitzvah of bikkurim included. If that is the case, the only Mitzvos listed in the Mishnah are Mitzvos teluyos ba’aretz. How can we not include the two most famous Mitzvos, namely, trumos and ma’asros? Even if we included these two Mitzvos, that would still preclude other Mitzvos that are only noheig in Eretz Yisrael, for example, sheviis. The Elyah Rabah would answer with the same idea that he had by bikkurim, that all those Mitzvos are not rooted in kedushas Eretz Yisrael, but really they should be brought everywhere in the world if not for the Torah’s mandating their only being brought in Eretz Yisrael. In other words, the kedushah of these Mitzvos doesn’t stem from kedushas Eretz Yisrael. This approach creates a completely new understanding on how to understand many of the Mitzvos
A support for the *Elyah Rabah* can be found from a *diyuk* in the *Ratvaz*. The Rambam (*Hilchos Trumos* 1:3) writes that lands that Dovid conquered has a status that is something between *Eretz Yisrael* and *chutz la’aretz*. The reason it does not reach the level of *eretz Yisrael* is because he conquered it before *Eretz Yisrael*, but had he waited and done things more properly it would have had the same status as *Eretz Yisrael*. The *Ratvaz* writes that he is hesitant to agree with the Rambam, as maybe these lands would have been *chayav in terumos* and *ma’asros* had Dovid waited, but to give them *kedushas Eretz Yisrael* might have been too much. The *Ratvaz* is obviously assuming that these two things—*kedushas Eretz Yisrael* and the *chiyuv* of *trumos* and *ma’asros*—are two distinct, unrelated entities. Just because something does not have *kedushas Eretz Yisrael* does not mean that it has a *chiyuv* of *trumos* and *ma’asros*.

The Gra agrees with this *Elyah Rabah* that our *girsa* should not have the word *bikkurim* in it because it is only a *chiyuv* *Eretz Yisrael*, not a Mitzvah which emanates from the *kedushas Eretz Yisrael*. However, his approach diverges with regards to the other Mitzvos. He quotes the Gemara in *Bava Basra* which uses a *meeyut* to teach that *bikkurim* does not come from *chuz la’aretz*. Tosphos raises the question of why do we need the *meeyut* of *asher tavee mei’arteicha”* lema’eit chutz la’aretz”* if after all, *Mitzvos hateluyos ba’aretz* are only noheig in *Eretz Yisrael*? In the second of his two answers, Tosphos says that *bikkurim* is different than all other *Mitzvos teluyos ba’aretz* because this *Mitzvah* is a *Mitzvos haguf*. That is the reason that until you are *mafrish trumah* all other fruits are *assur* to you, they are *tevel*, while by *bikkurim*, nothing is *assur* to you; you’re *hafrashas bikkurim* does not affect the other fruits. This would explain why we would not have *bikkurim* in the *girsa*, as it is not a *din* in the *eretz*, it is a *din* in the person himself. However, there would still be a question of why we did not include the other *Mitzvos hateluyos ba’aretz* in the *Mishnah*.

The final approach is that of the Rambam and the other *Rishonim* who have the *girsa* of *bikkurim*, clearly varying from how Tosphos understood the *Mishnah*. They think that the *Mitzvah* is a *din* in the *eretz/cheftzah*. If this is so, Tosphos’s question in *Bava Basra* should remain on the Rambam and the other *Rishonim*. Why do we need the *meeyut* if we already know that you need to bring *bikkurim* from *Eretz Yisrael* because it is one of the *Mitzvos hateluyos ba’aretz*? They would answer like the first answer in Tosphos, which holds that the Gemara made a *hekish* between *bassar bechalav* and *bikkurim*, so I would think that just

*hateluyos ba’aretz* and argues on many *Rishonim* and *Achronim*. 

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*YUHSB Shema Koleinu* 123

**Shema Koleinu** - **Haggadah Companion**
as bassar bechalav is noheig everywhere, so too bikkurim should be, and for that reason bikkurim specifically requires a meeyut.

**OHALOS**

**Fundamentals of Ohalos and Tumas Meis**

Rabbi Tanchum Cohen

Written up by Gavriel Barber (‘23)

The second masechta in seder taharos, maseches oholos, spans several of the basic areas of tumah v’taharah. The study of tumah v’taharah as a whole can really be divided into three major areas: different avos (sources) of tumah, different mekablei (possible receptacles and transmitters of) tumah, and the darchei ha’taharah (how an item or person which was tamei can become tahor). The tumah of a meis - dead person, the main focus of maseches oholos, has a unique footprint in all three of these areas, but oholos in particular deals with both the range of the av ha’tumah and the objects that are mekablei tumah (the objects that may become tamei via a meis). These halachos of tumas ha’meis are mainly derived from the pesukim at the beginning of parshas chukas. Tumas ha’meis is really a unique tumah in that it can transmit its tumah in multiple ways: magah (a person or vessel directly touches the meis), masah (a person carries the meis, even without direct contact with the body), and the famously unique method of the transmission of tumah by a meis, for which the masechta is named, tumas ohel. This method of transmission is derived from the pasuk of “adam ki yamus ba’ohel...” - any person or vessel found in an ohel with a meis will become tamei for seven days. This transmission via an ohel is effective in two different ways: if you or the meis are making the “tent” over the other (for example, if someone steps over a meis in a beis hakvaros, they are being mahil (acting as a tent) the meis, and they become tamei, or if the ohel is over both you and the meis, the ohel will be mamshich (it will extend) the tumah to you. The bulk of the masechta is dedicated to examining the mechanics of this extension of tumah done by an ohel: if I have two rooms, if there is a hole in my roof, if I have multiple rooms adjoined, etc, is the tumah extended? It becomes clear from chazal’s interpretation that this tumas ohel exists on a metaphysical plane, but it is restricted to certain physical locations. As explained above, if the meis is in an open area, the tumah goes straight up and down, and if the meis is covered by a roof, the tumah is dispersed by the roof throughout the room it covers. At the same time, the roof creates a division between the meis and anything above the roof. Clearly, the concept of tumas ohel is a very technical one, and maseches oholos devotes a lot of attention to examining these intri-
cate mechanics.

The second major topic, which comes up at the very beginning of the masechta, is defining who or what constitutes this av ha’tumah. Here, in particular, it seems obvious what the av is - a dead body. However, much of what the masechta analyzes in this topic is a case where only certain parts of a meis are together. The question becomes: how much of a body, and which parts of the body, are required to fulfill the shiur of a “meis”? The result of this analysis is different measurements for different tissues of the body; there are shiurim for how much bone, shiurim for how much blood, shiurim for how much soft tissue, etc, is required to constitute a meis and to generate this tumah. An additional complication is the tiers of av ha’tumah that are established by the mishna - there seems to be less of a required shiur of “meis” to transmit this tumah by magah or by masah than by ohel. For example, to transmit tumas ha’méis via bones, if the tumah is being transmitted by ohel you need a fairly sizeable skeleton to constitute the tumah, but if the tumah is being transmitted by magah or by masah, only a bone the size of a barley kernel is required to create the tumah. This small shiur required for masah creates the issue dealt with in the last perek: if a field that previously had a grave in it was, r”lizl, plowed over such that little bits of bone (presumable the size of a barley kernel) are now at the surface level of the field, do I become tamei by walking through the field (seeing how I might touch or lift these pieces of bone as I walk)? This issue only exists because the shiur to create tumah via magah or masah is very small, much smaller than the shiur to constitute tumas ohel.

Another unique aspect of tumas ha’méis, which is discussed in maseches oholos, is its relation to mekablei tumah (receptacles of tumah). To give some background, when tumah is transmitted from an av ha’tumah to a rishon l’tumah to a sheini l’tumah, etc, the degree of tumah in the object decreases. What’s fascinating about tumas ha’méis is that it is stronger than any other tumah; when a meis is metamei something else, that object gains the status of an av ha’tumah, not a rishon l’tumah. This is a unique effect that a meis has on its mekablei tumah, and for this reason, chazal classify a meis as an avi avos ha’tumah, the ultimate source of tumah.

The fourth and final idea discussed in oholos is the concept of “cherev harei hu k’challal” - the sword is like the corpse. Based on this pasuk in chukas, the gemara darshens that not only does a meis have the power to create avos ha’tumah, but when certain keilim (usually metal) become tamei l’méis, the tumah does not step down a level at all (the
sword has the same status as the corpse). For example, if a living person goes to a funeral and is therefore under the same roof as a meis, he will only become an av ha’tumah while his watch will become an avi avos ha’tumah (makes other things an av ha’tumah). If this person then walks under the same roof as a kohen, the kohen is suddenly standing under a roof with what is effectively a dead body! This kohen can now become tamei via tumas ohel, to the degree of an av ha’tumah, while if he shook this person’s hand he would only become a rishon l’tumah.

Ultimately, maseches oholos discusses 4 major issues with regard to tumas ohel: the mechanics of tumas ohel and its limitations, a clarification of the required shiur to constitute tumas meis, the notion that a meis functions as an avi avos ha’tumah, and finally the idea of “cherev harei hu k’ challal”. Tumas meis is also unique in its darchei ha’taharah, but that will be discussed later in maseches parah.

NEGAIM

Rabbi Ezra Wiener

One of the puzzling statements of Chazal regarding Nigei Batim (tzara’as on one’s house) is the hidden reward for those who heed the kohen’s charge to remove the stones from the area of the wall afflicted with tzaraas. Namely, after the removal of the stones, one will find behind the wall a treasure that the previous inhabitants of Israel, the Kena’anim, have hidden.

The question should be self-evident: Why will the family afflicted with tzaraas for any number of reasons the gemara offers, evil speech, miserliness, etc. find a reward, whereas the family that does not engage in such behavior, thus having no halachic imperative to remove the stones, will not merit this selfsame reward or even a greater reward for their appropriate speech and charitable behavior?

It seems that what Chazal have in mind is that the treasure behind the wall is for the one who will appreciate a monetary reward for heeding Hashem’s sign and who needs a reminder to be a more sensitive, verbally conscious Jew and a more selfless, magnanimous friend and neighbor. The family with jealousy, miserliness, the people devoid of the Jewish spirit of generosity will be rewarded with their diluted, temporary and artificial treasure. For those, however, who have heeded those messages without the need for a tzaraas reminder, have already internalized and absorbed the true treasure of the Torah, the profound wisdom in its teachings, the beauty and gift of a Torah lifestyle and an appreciation of
Hashem’s presence and the gifts He has bestowed upon us, for such people, the treasure is not behind the walls but already present within the walls.

PARAH
Thinking Through the Para Aduma
Natan Gemal (23)

Mesechet Parah gives all the Halachot of the para aduma, the red heifer. The commandment of para aduma is that if a jew becomes tameh, unholily, from a dead body, he must have the ashes of a fully red cow sprinkled upon him to make him pure again. The birth of a para aduma is an extremely rare and miraculous occurrence. Every cow we are used to seeing is either black and white or maybe even brown. With that being said, there have only been 9 truly red cows in history, with the 10th waiting for moshiach to come.

The Rambam, in teaching us this fact, (mishneh torah hilchot para aduma, end of the 3rd perek) writes a tefilah that the 10th para aduma be brought by moshiach “bimhera biyamenu amen”, speedily in our days. The Mishnah Torah is comprised strictly for halacha and nothing else, so what is the rambam doing saying such an out of place comment in a work like this?

The answer, perhaps, is that the Rambam is reminding us of the halacha to constantly long for moshiach, as he previously taught (hilchos mela-chim 11:1). It is not enough to merely know that moshiach will come, rather we must constantly await him and seek out opportunities, as far fetched as they may be, to be reminded of this fact. By writing an out of place tefilah that only partially had to do with the topic of para aduma, we learn to seek out our own opportunities in our own day to day lives to be reminded of moshiach. This personal reminder could be as simple as having proper intention during the bracha of et tzemach every day, which will cause us to truly long for the final redemption and ultimately bring it. May we all be privileged to see the tenth para aduma!

MIKVAOS
That Went Swimmingly!
Yisrael-Dovid Rosenberg (23)

Meseches Mikvaos discusses matters of bodies of water and immersion in them for the sake of taharah (ritual purity). It speaks about the
types of water or other substances needed to fill the mikveh (a pool for immersion). It also addresses the ways in which mayim she’uvim (drawn water) can invalidate a mikveh (which is made of strictly rain water). The later perakim (chapters) shift focus to the people who require tevilah (immersion) and what constitutes a chatzitzah (separation or barrier) on a person or item that would prevent the immersion from purifying said person or item, despite their descent into the mikveh. The general breakdown of the content of each perek is as follows:

The first perek talks about different forms of bodies of collected water and the ways in which and whom they are metaheir (purify).

The second perek speaks about cases of sefeikos (uncertainties) such as whether or not a mikveh was full at the time of immersion or if a person immersed completely or not. It also addresses the status of water as she’uvim and the extent to which it must be intentionally collected to be considered “drawn”. The last mishnah speaks about a mikveh with mud or clay in it and what kind of mud is not a problem for immersion.

The third perek discusses what is considered a mikveh, and when 3 lugim (a type of measurement) of mayim she’uvim may or may not pasel (invalidate) the mikveh (3 lugim translates to roughly 35 ounces or so). This includes combining and splitting mikvaos that each have some amount of mayim she’uvim in them, and the effect of mayim she’uvim from separate sources.

The fourth perek talks about what is considered drawn water and a discussion of hamshakah (channeling) of mayim she’uvim on the ground which does not invalidate a mikveh.

The fifth perek addresses some dinim (laws) of a ma’ayan (spring), and the effect of items put into it, or water added to it, in terms of the spring’s ability to purify that which is immersed in it. The perek also has some information about stationary water (known as ashboren) as opposed to flowing water (known as zochalin) needed for a mikveh or ma’ayan.

The sixth perek talks about the ways in which things can be connected to a mikveh (tributaries of a mikveh, water in a piece of clothing, pools with broken walls between them, etc.) and how they will affect (if at all) the mikveh or something else that is immersed in the mikveh.

The seventh perek is largely about the effect of various substances on the shiur of a mikveh (the amount needed to fill a mikveh), and the effect of
changes to a mikveh’s appearance in color (A mikveh requires 40 se’ah of water which is approximately 150 gallons in a modern-day equivalent).

The eighth perek focuses on people who require tevilah to become tahor. The ninth perek discusses what constitutes a chatzitzah on a person or vessel that prevents full immersion in a mikveh and thus prevents taharah as well.

The tenth and final perek speaks about the extent to which water must permeate certain items in order to make them tahor. It also discusses combinations of different kinds of water in a mikveh, and the effect that doing so would have on the mikveh as well as the matters pertaining to items that are tamei (ritually impure) while inside a person.

**NIDDAH**

*Torah is Our Nature*

Rav Itzhchok Cohen

Written up by Yosef Weiner (‘23)

Tosfos (Berachos 11b) wonders whether one who learns Torah, stops, and then begins to learn again later in the day should recite birchas hatorah before he starts to learn again. Indeed, this is the practice by other Mitzvos, such as sukkah, where one recites the bracha of leishev b’sukkah each time they have a meal. Why, then, should birkas hatorah be any different? Rabbeinu Yonah proposes an answer. He suggests that unlike by the Mitzvah of sukkah, where the obligation of yeshiva besukkah goes away once one completes the meal, by talmud Torah one is always required to be learning. Therefore, the bracha covers one’s learning for the whole day.

However, Tosfos offers a different solution. He suggests that the Mitzvah of talmud Torah is unique in that one is never miyash dayto from learning, because there is always an obligation to learn. At first glance, this answer is difficult to understand. The concept of yei’ush generally comes up when discussing lost objects. If a person loses something and gives up any hope of finding it, we say that he is meya’eish on that object. But how does that apply here? In what way are we not meya’eish when it comes to talmud Torah?

Perhaps we can answer this question based on the Gemara in Niddah. The Gemara (Niddah 30b) states that the fetus is taught the entire
Torah in the womb, but an angel causes it to forget it all before it emerges into the world. This too is difficult to understand. Why should the fetus be taught the entire Torah if it won’t remember it post birth?

Rav Soloveitchik explains that this Gemara is demonstrating an essential precept of talmud Torah. One engaged in Talmud Torah isn’t learning new information; he is uncovering that which he already is inherently connected to, that which he already learned, that which already has become a part of his existence.

Now we can better understand Tosfos’s answer. One is never miya’eish dayto from Torah because there is inherently a connection between him and the Torah, so therefore even when he is not learning he has not truly departed from the Torah, as it is an inherent part of him.

Furthermore, Chazal state that Hashem looked in the Torah and then proceeded to create the world. Hashem created lulavim and esrogim because of the Mitzvah to utilize them, and He created desires so that one can guard against them and thereby avoid the transgression of Mitzvos Lo Sa’asei. In fact, Hashem created Mitzvos in general to keep us busy, to give us a purpose on this world.

The Gemara (Shabbos 88a) describes that at Har Sinai, Hashem held the mountain over Bnei Yisroel and threatened them to either accept the Torah or be buried alive. We know that Bni Yisroel accepted the Torah shebechsav willingly, as the passuk records their enthusiastic declaration of na’aseh vinishma, and Chazal tell us that every Jew said na’aseh vinishma at the same time, as no one waited to see if their friend would say it, but instead all said it purely of their own volition. However, why was Bnei Yisroel forced to accept the Torah sheba’al peh?

With the above, it can be understood that Bnei Yisroel had no choice with regard to accepting the Torah, because Torah is a part of creation. Just like one does not have a choice if they would like to accept the weather, so too Bnei Yisroel did not have a choice with regard to accepting the Torah.

This idea is vital to internalize. Just like one does not choose whether it is hot or cold, as nature functions regardless of our opinion of it, so too one does not choose whether or not they want to fulfill the Mitzvah of talmud Torah; it is simply a part of nature that they must. Additionally, one must recognize that if not for constant limud hatorah and shemiras hamitzvos the world could not exist.

Birchos Hatorah spans the spectrum of various forms of berachos. It is at once a birkas hamitzvah: la’asok bidivrei Torah; a bir-
Birchos Hatorah is very important. According to Rav Hamnuna, it is the prime berachah. Furthermore, the Gemara (Nedarim 81a) recounts that the Beis Hamikdash was destroyed because, while there was learning, and Mitzvos were being performed, people did not recite birchos Hatorah before learning. They did not learn lishma, which would result from recognizing that Hashem made learning a component of the creation, but rather because Torah provided intellectual stimulation.

May the talmidim of the Yeshiva, through birchos Hatorah and atah chonein, merit that learning Torah should be viewed as an integral component of creation - as fundamental as nature - and that their learning should come to be a source of sweetness and come from a place of love and happiness.

ZAVIM
Appreciating Meseches Zavim
Shimi Kaufman (21)

MeSeches Zavim deals primarily with the laws of tumah, ritual impurity, relating to a zav and zavah, individuals who experience an abnormal discharge from their sexual organ due to illness or some other factor. The halachos of such a case, as with most of Seder Taharos, are rather complex, and the sugyos which deal with them are scattered throughout Shas Bavli and Yerushalmi. Many people, even experienced Torah scholars, can tend to feel uncomfortable when discussing these halachos, often resorting to euphemisms or simply not translating the words. The attitude is understandable - we see Torah as something holy, pure, and beautiful, and it is difficult to process how such topics can be grouped into the same category as the halachos of Shabbos or Bava Kamma. There can be a feeling, even subconsciously, that such seemingly primitive and unclean topics cannot possibly be expressions of the Will of HaKadosh Baruch Hu.

The Netziv, in his Ha’emek Davar, points out an anomaly in the pesukim which speak about the topic of zav and zavah. The pesukim begin (Metzora 15:1) “and Hashem spoke to Moshe and Aharon, saying”. This is a fairly standard introduction for a parshah in Chumash, save for the inclusion of Aharon in the commandment. Generally, Aharon is not included in the giving of the mitzvos unless they are directly related to the kehunah, so his inclusion here is somewhat odd. This becomes even stranger in the following passuk, where Hashem commands “vi’amartem...
/Shema Koleinu Shavuos Edition

The Netziv suggests something fascinating. Hashem understands that Jews are, by nature, sensitive people, and that topics such as these are bound to make them feel uncomfortable. This natural tendency, generally a very positive one, could lead to the Bnei Yisrael shunning this topic in the Torah, even convincing themselves that God does not want them to speak about it! This impression would only be strengthened if Moshe only spoke about this subject once. Thus, Hashem told Aharon to give over these halachos as well, after Moshe had already done so, to demonstrate that these too are essential parts of the Torah, which require study and analysis just like anything else.

However, the question still presents itself - how are we meant to relate to the study of such unseemly topics, which seem, on the surface, to be completely devoid of the kedushah of Torah? How can such things bring us closer to the Borei Olam in the way that Moed, Nashim and Nezikin are able to?

The answer, it would seem, is that such concerns are only present when one views the study of Torah as primarily a means towards a more enhanced personal religious experience. If we were meant to study Torah only for the purpose of a closer relationship to Hashem, then such topics would be more difficult to connect to than other more mainstream modes of study. However, if this alone were the goal of studying Torah, then the argument could be made that studying just one masechta, perek, or mishnah repeatedly, with intense devotion, is the greatest fulfillment of Torah study! Of course, we instinctively know this not to be the case. The fallacy in this mindset is that the purpose of Torah study is not primarily our own spiritual growth. Torah itself, as a broad tapestry representing the eternal and sublime Ratzon HaBorei, is something which must be preserved, studied, and taught in our world, as it is the primary source of truth which we can comprehend. For the Torah to not speak about every topic, even those deemed most private, would mean that the Torah does not represent absolute truth about our existence, and as such, a failure to study every portion of Torah would be a failure to preserve and understand this absolute truth. This is the principle which Rav Chaim of Volozhin famously referred to as Torah Lishmah - the study of Torah not for one’s own religious development, but out of the belief that the Torah itself has value, and that it, as a system of thought and practice, must con-
tinue to exist in our world. Of course, the more one involves himself in the study of Torah, the more he will begin to perceive the deep truth found within it. But, the purpose of Talmud Torah is not only to involve ourselves with topics with which we are instinctively comfortable in order to facilitate further religious growth. The pursuit and study of Torah, in and of itself, has value, regardless of how conducive the material is to immediate spiritual connection.

May we all be zocheh to master the entire Torah, and to merit to see the deep truths contained within every word.

TEVUL YOM

Yaakov Weinstock (22)

Before even discussing any specifics in terms of the halachos of a tevul yom, I think it would be helpful to clearly define what a tevul yom is. The Rambam (10:1 Hilchos Sha’ar Avos HaTumah) writes that any person who has become impure by one of the avos hatumah whether a person or whether it’s vessels he is considered a rishon litum’ah until he goes to the mikvah. Once he goes to the mikvah his status has been changed from a rishon li’tumah to a sheini litum’ah. The Gemara in Shabbos (14b) writes explicitly that the tumah caused by a tevul yom is mide’oraisa. More specifically Rashi comments (D”H de’oraisa) that the tumah de’oraisa we are speaking about is that a tevul yom makes any liquid that he comes into contact with a rishon li’tumah, any food he comes into contact with becomes a sheini li’teruma, and he has the ability to make terumah passul by making it a shlishi li’tuma as only by terumah is there such a concept of shlishi litumah. The passuk that the Gemara quotes is “uva hashemesh vitaher” that with the rising of the sun the next day after his tevila he becomes pure again. However, the Rambam writes a different source as he quotes the passuk of “bamayim yuva uynt ad ha’erev vitaher- and he should enter into water and he’s tameh until the night and he should be pure”. There are two parts to the purification process: 1) Going into a mikvah 2) Waiting until tzeis hakochavim (which is referred to as bi’as shemesh).

The Rambam (Hilchos Sha’ar Avos HaTumah 10:2) writes that a tevul yom whether a tevul yom mederabannan or medi’oraisa requires both aspects of the taharah process of immersion in the mikvah and waiting until nightfall. The Kesef Mishnah writes that he doesn’t understand how the Rambam can simply write as a blanket statement that all tevulei yom require he’erav shemesh - the sun going down, because the Mishnah in Parah (11:5) says that when it comes to tevulei yom mederabannan,
once he immerses in the *mikvah* he becomes *tahor* and all the restrictions of the *tevul yom* are lifted. How does the Rambam explain this *Mishnah*?

The *Tiferes Yisrael* (*Boaz* 18) tries to explain that the Rambam holds that any *tevul yom* is sourced from a *derabanan* then we don’t require waiting until nightfall *medi’oraisa*. However, why does the difference matter?

The Gemara says *keilim* that are completed in a state of *taharah* are required to be immersed in a *mikvah* to be used for *kodesh* items. The Gemara then continues to try to figure out what exactly the case is and concludes that the reason for this *tevilah* is because of a concern that as one is finishing the vessel the *Am HaAretz* making the vessel is going to make the vessel impure. The Gemara then continues to say that only a *tevilah* is required and not *he’erav shemesh* for that kli. The Turei Even (*Chagiga* 23a) asks if the reason is of a concern for *tumah de’oraisa* that comes from the spit of the *Am HaAretz* who might be a zav, then why is just *tevilah* enough? The vessel should require *he’erav shemesh*, too? He continues on to say that this question doesn’t apply to those exceptions mentioned in the *Mishnah* in *Maseches Parah* because there is no *chashash tumah de’oraisa*, therefore, the Rabanan themselves were lenient in this matter. The Turei Even understands that the leniency and exemption from *he’erav shemesh* is because of the concept “*heim amru vi’heim amru*”. If there is no concern of *tumah de’oraisa* there is no need for *he’erav shemesh*. This can be explained perhaps even further that because the whole *tumah* is only *derabanan*, it would perhaps be *bal tosif* for Chazal to institute *He’erav Shemesh* and make it exactly on a *de’oraisa* level. Therefore, to show that it’s different, the rabanan didn’t enact a requirement of *be’as shemesh*. (See *Megillas Ester* in the beginning of the Sefer HaMitzvos Li’HaRambam). The Turei Even answers his question on the Gemara in Chagiga saying that the reason in our case of finishing the vessel, no *he’erav shemesh* is required is because it’s such a far off *chashash* that it’s almost as if there is no *chashash* of *tumah de’oraisa* and therefore falls into the category mentioned in the *Mishna* in Parah. However, a *tevilah* is still required in order that the *halachos* of *tevillah* remain intact and not forgotten.
Meseces Uktzin is the last Masechta in the standard arrangement of the Shishah Sidrei Mishnah, as presented by, among others, the Rambam, in the introduction to his Peirush Hamishnayos (in the paragraph regarding Seder Taharos, the last Seder of Mishnayos). Some authorities, though, appear to have had a somewhat different order (see, for example, Rabbeinu Gershom to Bechoros 10a, d”h U’leraban and the comments of the Rash at the very beginning of Meseches Taharos) according to which certain mishnayos appear after what our editions record as the last mishnah in Shas. The masechta deals with the subject of Tumas Ochlin, ritual impurity associated with foods; the word “uktzin” itself means “stems,” and the first two of the perakim discuss the status of stems and other inedible parts of a fruit or vegetable in terms of this category of tumah, distinguishing between a “yad,” something often used to hold the food, such as a stem, and a “shomer,” something which protects the food, such as a shell or a peel.

The third perek focuses primarily upon what is necessary for an item to be classified as a “food” for the purposes of these laws of tumah; the fact that it is edible is not sufficient. Specifically, certain items first need a “hechsher,” that is, they need to have previously come into contact with a particular liquid, in order to be able to become tamei, other items need “machashavah,” that is, they must be specifically intended for use as food, other items require both of the above, while still others require neither. Additional factors brought up in terms of qualifying an item as food in this regard include its stage of development in terms of its ripeness and the manner in which it is prepared and eaten.

The final mishnah of the masechta (3:12) has nothing directly to do with any of the above; it first presents a statement of R’ Yehoshua ben Levi which describes the wondrous reward in store for tzadikim in the future, followed by a teaching of R’ Shimon ben Chalafta who extols the great virtues of peace. It is noteworthy that these two sages are not generally identified among the tana’im who are cited in the mishnah. They lived at the time of R’ Yehudah HaNasi, the compiler of the mishnah, and are thus on the “border” of the tana’im and the amora’im; the Tosafos Yom Tov to this Mishnah (d”h Amar R’ Shimon ben Chalafta, towards the end) points this out and explains why R’ Yehudah HaNasi de-
cided to conclude the entire *mishnah* with their lessons. It should be pointed out, though, that the Rash has no commentary at all on this *mishnah*, as he does on the rest of *Seder Taharos* in its entirety, indicating, as some suggest based upon early manuscripts, that this whole *mishnah* was actually appended to the *masechta* at a later time.

In explaining why this statement of R’ Yehoshua ben Levi was selected as the appropriate conclusion of the *Shishah Sidrei Mishnah*, Rav Ovadyah MiBartenura (*d”h Asid*) states that since the body of the *mishnayos* is filled with so many laws and teachings, it makes good sense to end with a description of the reward which will be given to those who carefully study and meticulously observe these laws and teachings (see also *Tiferes Yisrael* there, *Yachin* No. 94). As for the inclusion of R’ Shimon ben Chalafta’s remark about peace, the aforementioned *Tosafos Yom Tov* notes that while the six sections of the Mishnah are filled with many, many arguments and disputes, it must be understood that these disagreements were not in any way personal or petty in nature, but were rather differing approaches in the pursuit of the Torah’s truth, as all agree about the importance of peace and its centrality as the greatest blessing that Hashem can bestow. This is thus a very fitting message with which to complete the Mishnah.

Anyone who has ever studied any part of the vast literature of the Mishnah - or, for that matter, of the Gemara, of *Rishonim*, *Acharonim*, *Halachah*, *Teshuvos*, and so on - is well aware of the fact that there are indeed differences of opinion too numerous to count. The word “*machlokes*,” used to describe these many arguments and disputes, is a byword which fills every *Beis Hamidrash* and any other place where Torah is learned. If one is asked a question about the correct understanding of many a Torah matter and answers “It’s a *machlokes*,” one will quite often (though obviously not always) be correct! Indeed, the quest for Torah mastery is sometimes referred to by *Chazal* as “*milchamta shel Torah*” - literally, the war of Torah (see, for example, *Sanhedrin* 42a with Rashi there, *d”h Milchamta* ) - the study of Torah is a struggle, a battle. But although there certainly are disagreements, and people do often oppose one another, there are no enemies. Even the strongest and fiercest opponents are actually on the same side - the side of Torah and truth - and each disputant recognizes that about the other.

The many debates found in the Mishnah (and throughout Rabbinic literature) were not engaged in by people looking to prove who may be smarter or sharper or has greater knowledge of sources. The goal always was to arrive at the truth and to come to the best possible understanding of the Torah and of what Hashem wants of us and hence how to apply
that in our personal and communal lives. The Gemara in *Kiddushin* (30b) acknowledges that when people study Torah together, they often appear to become enemies of one another, as each challenges the other, trying to disprove him and refusing to accept his opinion (see Rashi there, *d”h Na’asu*). At the end, however, they are at peace and are indeed dear friends, because together they have grown closer to the truth. *Meseches Uktzin*, and the *Shishah Sidrei Mishnah*, appropriately ends with this most important thought about Torah study – ultimately everybody’s desire is to arrive at the truth of Torah, and that leads to the incomparable blessing of peace, as we are taught in *Sefer Mishlei* (3:17), “*vechol nesivoseha shalom,*” all [the Torah’s] pathways are peace.