



שמע קולנו

SHEMA KOLEINU: SHAVUOS 5782

DIVREI TORAH FROM OUR REBBEIM, FACULTY, TALMIDIM, AND ALUMNI

Fully Focused: Shavuot 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 pre-occupied 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, *Shavuot* 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 *Shavuot*, 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 *Shavuot* 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 Shavuot 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 hakedoshah* 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

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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 Shavuot!

BEREISHIS**Moral Claims and Their Divine Refutation***Rabbi Mayer Schiller*

“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 Canaanites. 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 “Kaphthorim 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 Eagler (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 Pharaoh 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 Pharaoh. 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 Pharaoh'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 in the 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'erezt Mitzrayim*" - *I am Hashem your G-d who took you out of Mitzrayim* (*ibid* 20:2 and *Devarim* 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 Pharaoh's various responses to Moshe's demand to free *Bnei Yisrael*. Upon hearing Moshe's request for the first time, Pharaoh 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, Pharaoh 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*, Pharaoh 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*, Pharaoh 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*, Pharaoh 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*, Pharaoh 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 Pharaoh would've went 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*, Pharaoh even needs Hashem to give him the strength needed to deny Moshe's request once again (10:20). Finally, after *makkas bechoros*, Pharaoh 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 chavirecha 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 lere'ei'acha kamocha* (ibid:18) and *lo sisna 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 lekaf 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 lekaf 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 lekaf 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 chaver*", 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 Raphael 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 Address

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

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-

ing to the wisdom of the Torah itself.”

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” (*Vayeilech* 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 “) ”וְעַתָּה (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 *Hazeroth* and *Dizahab*" (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 places 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 ,לאני, 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
Avyeh 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:

וַיִּשְׁלַח יְהוֹשֻׁעַ בְּנֹן מִן־הַשָּׁטִיִּים שְׁנַיִם־אֲנָשִׁים מִרְגָּלִים תַּרְשֵׁשׁ לֵאמֹר לְכוּ רְאוּ אֶת־הָאָרֶץ
 וְאֶת־יְרִיחוֹ וַיָּלְכוּ וַיָּבֹאוּ בֵּית־אִשָּׁה זֹנָה וּשְׁמָהּ רָחַב וַיִּשְׁכְּבוּ־שָׁמָּה:

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:

וַיִּשְׁלַח־לֶךְ אֲנָשִׁים וַיְתַרְוּ אֶת־הָאָרֶץ כַּעֲשֵׂן אֲשֶׁר־אָגַן נָתַן לְבָנָי יִשְׂרָאֵל אִישׁ אֶחָד אִישׁ אֶחָד לְמִטָּה
 אֲבֹתָיו תִּשְׁלָחוּ לָלֶכֶת בְּהֵיאָה־בָּהֶם:

"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 עמו 'מלאך' או באהו דבר מהאלוה שזה לא יהיה בשום 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*,

bitachon, etc. As Hillel says in *Pirkei Avos*:

“אם אין אני לי, מי לי”

“If I am not for myself, who is for me?” (1:14)

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

Garriel 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. וְגַר זֶאֱבִים עִם-כֶּבֶשׂ וְנָמֵר עִם-גִּדִּי יִרְבֹּץ וְעֹגֶל וְכִפִּיר וּמְרִיא יִחְדּוּ. 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. תִּפְרֶה וְדֹב תִרְעִינָה יִחְדּוּ יִרְבְּצוּ יְלְדֵיהֶן וְאִרְיָהּ כִכְבֶּקֶר יֹאכְל־חֶבֶן. The cow and bear will graze together their young will lie down together and eat straw like an ox. אִשֶּׁעֶשֶׂע יִנָּק עַל-חֹר פֶּתֶן וְעַל מְאוֹרֶת צִפְעוֹנִי גְמוּל יָדוֹ הָדָה. A babe shall play Over a viper's hole, and an infant pass his hand Over an adder's den. לֹא-יִגְרְעוּ וְלֹא-יִשְׁחִיתוּ בְכָל-הָאָרֶץ כִּדְשִׁי בֵּי-מִלְאָה הָאָרֶץ דָּעָה אֶת-יְהוָה כָּמוֹם לַיָּם. 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.

YIRMIYAHU
When the Truth is Hard to Hear

Mr. Murray O'Grady

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:

אֶל־תִּבְטְחוּ לָכֶם אֶל־דְּבָרֵי הַשִּׁקָּר לֵאמֹר הִיכָל הַיְיָ הִיכָל הַהֵמָּה:
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 Zelenskyy 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

אהיה כטל לישראל יפרח כשושנה ויך שרשיו כלבנון

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 מבית ה' יצא והשקה את־נחל השטים

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 במשך הזרע והטיפו ההרים עסיס וכל הגבעות תתמוגגנה ושבתי את שבות עמי ישראל ובנו ערים נשמות וישבו ונטעו כרמים ושתו את יינם ועשו גנות ואכלו את פריהם ונטעתים על אדמתם ולא ינתשו עוד מעל אדמתם אשר נתתי להם אמר ה' א-לקיך

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 עמך בשבטך צאן נחלתך שכני לבדד יער בתוך כרמל ירעו בשן וגלעד כימי עולם
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

וגערתני לכם באכל ולא ישחת לכם את פרי האדמה ולא תשכל לכם הגפן בשדה אמר ה' צבא-ות

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 “*aschaltah 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 *Shavuot* morning, we will say in *akdamus*:

חדו שלמא במיתי ומנא דכותא, קריתא דירושלם כד יכנש גלותא, יקרה מטיל עלא ביומי

ולילותא, גנונה למעבד בה בתושבחן כלילתא, דזהור ענניא למשפר כילתא.

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 תמימי 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-l*” 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. negligent 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 *chesed* and staying away from sin. He then continues to explain how Dovid *Hamelech* began this *perek* by lauding the first archetype.

גרסה נפשי לתאבה אל משפטיך בכל עת"

“My soul is consumed with longing for Your rules at all times.” (119:20)
 "ואמר רבא לעולם ליגרים איניש ואע"ג דמשכח ואע"ג דלא ידע מאי קאמר שנאמר 'גרסה נפשי לתאבה', גרסה כתיב ולא כתיב טחנה"

“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 [*garesa*] 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

come.”

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 *Shavuot*. 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.

פרק ל"ח

Koren Translation

א ויען ה' את איוב מן הסערה [מן הסערה] ויאמר ב' מי זה מחשיך עצה במלין בלי דעת ג אור נא כגבר חלצ'ך ואשאלך והודיעני ד איפה היית ביסדי ארץ הגד אם ידעת בינה ה מי שם ממדיה כי תדע או מי נטה עליה קו ו על מה אדניה הטבעו או מי ירה אבן פנתה

1 Then the Lord answered Iyyov 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 Pitzchak Skuratovsky (23)

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

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-

ferings, to Hashem (*Shemos* 34:22-24, *Vayikra* 23:16-20, *Bamidbar* 28:27-31, *Devarim* 16:10). Additionally, the Torah commands *Bnei Yisrael* to have a holy convocation on the Festival day, refraining from work (*Vayikra* 23:21, *Bamidbar* 28:28) and rejoicing together (*Devarim* 16:11).

“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

Dor 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 וְתֹאמַר אֶסְתֵּר אִישׁ צָר וְאוֹיֵב הֵמֶן הָרֹעַ הַזֶּה וְהֵמֶן נִבְעַת מִלִּפְנֵי הַמֶּלֶךְ וְהַמַּלְכָּה “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 “הֵמֶן הָרֹעַ” 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. Shavuot 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.

DANIEL

Jewish Children in the Imperial Palace; Daniel Perek 1

Rabbi Tanchum Cohen

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*. Nevuchadnetzar 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 Yisrael* 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 independence. 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 Nevuchadnetzar 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 *rachamim* 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 *rachamim*. Those two elements were what saved him. The Malbim understands that the *chessed* was that Ashpenaz didn’t remove Daniel’s head, and the *rachamim* 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 Mlabim 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 idoliters, whose rationale is to create a barrier for over-socialization. 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 *machalei 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, Nevuchadnetzar 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 HaKodesh*, 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.

הוא עָזְרָא עֶלְהָ מִבָּבֶל וְהוּא סֹפֵר מְהִיר בְּתוֹרַת מֹשֶׁה אֲשֶׁר-נָתַן ה' אֶל-לֵקִי יִשְׂרָאֵל וַיִּתֵּן-לּוֹ הַמֶּלֶךְ כִּדְ-ה' אֶל-לִקְוֹ עָלָיו כֹּל בְּקוֹשָׁתוֹ

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*.

וַיָּבִיֵא עֶזְרָא הַכֹּהֵן אֶת-הַתּוֹרָה לִפְנֵי הַקָּהָל מֵאִישׁ וְעַד-אִשָּׁה וְכָל מִגֵּן לְשֹׁמֵעַ בַּיּוֹם אֶחָד לַחֹדֶשׁ הַשְּׁבִיעִי

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 ראוי היה עזרא שתינתן תורה על ידו לישראל אילמלא (לא) קדמו משה במשה הוא אומר

(שמות יט, ג) ומשה עלה אל האלהים בעזרא הוא אומר (עזרא ז, ו) הוא עזרא עלה מבבל מה עלייה האמור כאן תורה אף עלייה האמור להלן תורה במשה הוא אומר (דברים ד, יד) ואותי צוה ה' בעת ההיא ללמד אתכם חקים ומשפטים בעזרא הוא אומר (עזרא ז, י) כי עזרא הכין לבבו לדרוש את תורת ה' (אלהיו) ולעשות וללמד בישראל חוק ומשפט"

“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 Hashem” (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 *Shavuot*, 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?

Levi 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 Poppo ben Yehuda and discovers that Rabbi Akiva was teaching Torah in public. Poppo 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, Poppo 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 *Shavuot*, 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 hatehuyos 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 *chovos 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 *chovas 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 hafrashah* (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'oraisa* (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'oraisa* 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'oraisa*, 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'oraisa*. 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 *Shavuot* 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 “*artzechem*” *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 *betzira* (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 Zerner

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 “דמאי” literally “what is this?” because of the uncertainty whether proper maasros were separated. Others (Yerushalmi) explain that it comes from the root דמ meaning we can imagine it might be tithed or it might not. A third explanation is based on the Greek word דמוס, which means the masses.

The *Gemara* (*Sotah* 48a) tells that *Yochanan Kohen 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 persona on Shabbos in another *Mishna*. The *Mishna* in *Maseches Bava Kamma* (4:2) introduces the concept of a *מועד לשבתות* 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?

David 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 *Shemita* 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.

14:24).

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.

CHALLAH **Hafrashas Challah**

Rabbi Ezra Schwartz

Adapted from "Overview of Hafrashat Challa",

a Shiur given by on June 19, 2019, with his gracious permission.

Note that for the purposes of this article, Challah with a capital "c" is used to refer to the portion of bread that one is chayav to remove, and challah with a lowercase "c" is used to refer to the bread as a whole.

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*:

וְהָיָה בְּיוֹם הַשְּׁשִׁי וְהָכִינוּ אֶת אֲשֶׁר יִבְיֵאוּ...

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 *nichbad* 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:

דָּבַר אֶל־בְּנֵי יִשְׂרָאֵל וְאָמַרְתָּ אֲלֵהֶם בְּבָאְכֶם אֶל־הָאָרֶץ אֲשֶׁר אָנֹכִי מְבִיא אֲתֶכֶם שָׁמָּה

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* being 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’arte* 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'arte* because nowadays *Challah* is *dirabanan* and we have a *klal* that *safek dirabanan likula*.

The difference between *Eretz Yisrael* and *chutz la'arte* 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.

BIKKURIM **The Grand Entrance**

Noam Sheffey (25)

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 HaBikkurim*: a fitting title for such a holiday. *Shavuot* 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*. *Shavuot* 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 - ושמחת בחגך - “*You shall rejoice in your festival*” in the context of *Sukkos*, by *Shavuos* (*Ibid*, 16:11) it says - ושמחת לפני ה' אלקיך - “*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) “ - ויהיית אך 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*: *simchas Yom Tov* is a *mitzvah shel rabim*, whereas *availus* is a *mitzvah shel yachid*, and the former can override the latter, so *simchas 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 *availus*. 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 *tzadadim*, 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 simchaschem*) in the *midbar*, and *Sifrei*'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 *shte'i 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* (*midirabanan* 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

Elitan Rochwarger (23)

The *Gemara* in *Pesachim* (100b-101a) says:

אוֹתָם בְּנֵי אָדָם שֶׁקִּידְשׁוּ בְּבֵית הַכְּנֶסֶת, אָמַר רַב: יְדֵי יָין לֹא יֵצְאוּ, יְדֵי קִידּוּשׁ יֵצְאוּ. וְשִׁמוּאֵל
אָמַר אִם יְדֵי קִידּוּשׁ לֹא יֵצְאוּ. אֲלָא לְרַב, לְמָה לִּיהָ לְקִדּוּשֵׁי בְּבֵיתָהּ? כִּדִּי לְהוֹצִיא בְּנֵיו וּבְנֵי
בֵּיתוֹ וְשִׁמוּאֵל, לְמָה לִּי לְקִדּוּשֵׁי בְּבֵי כְּנִישְׁתָּא? לְאַפּוֹקֵי אוֹרְחִים יְדֵי חוֹבְתָן, דְּאֶכְלוּ וְשָׁתוּ וְגַנְנוּ
בְּבֵי כְּנִישְׁתָּא וְאַנְדָּא שִׁמוּאֵל לְטַעְמִיהָ, דְּאָמַר שִׁמוּאֵל: אֵין קִידּוּשׁ אֲלָא בְּמָקוֹם סְעוּדָה.

Those people 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* (קִידּוּשׁ בְּמָקוֹם סְעוּדָה).

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 קידוש במקום סעודה. 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'Yyun* 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:

ועוד יומא הוא איום, כי יום זה הוא איום ונורא

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 *mesechta* about *Yom Kippur Yoma*.

So while it makes sense to call *Yom Kippur* “Yoma,” why would *Chazal* call the *mesechta* 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 *mesechta*.

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 *Ma-harsha* 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 יום א', כלומר א' 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*.

TAANIS**Understanding Meseches Taanis***Moshe Lieberman (24)*

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 deservingly. 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 תורא קדש בכספא פסל במדברא שלה בוכרא. This is depicted by the following chart:

Continued on next page —>

Day of <i>Pe-sach</i>	<i>Pe-sach</i> day 1	<i>Pe-sach</i> day 2	<i>Pe-sach</i> day 3	<i>Pe-sach</i> day 4	<i>Pe-sach</i> day 5	<i>Pe-sach</i> day 6	<i>Pe-sach</i> , day 7	<i>Pe-sach</i>
<i>Torah</i> read- ing	משכו וקחו לכם צאן	שור או כשב	קדש לי	אם כסף תלוה	פסל לך	Story of פסח שני	ויהי בשלח פרעה	כל הבכור
Place to find <i>Torah</i> read- ing	שמות יב: כא- נא	ויקרא כב:כו- כג:מד	שמות יג: א- טז	שמות כב:כד- כג:יט	שמות לד: א- כו	במדבר ט:א-יד	שמות יג: יז- טו:כו	דברים טו:יט- טז:יז
Reason for read- ing that.	The reason for reading this is pretty obvious. We are talking about the <i>Korban Pesach</i> and <i>Bnei Yisrael</i> leaving Egypt on none other than the exact day they did that 3,000 years ago.	The reason for reading this is simple. It goes through all the holidays so why not talk about it on a holiday.	The reason for this is that these are the mitzvos that <i>Ha-shem</i> gave us when we left Egypt.	The reason for this <i>Torah</i> reading might be a little harder to figure out but towards the end it talks about the shalosh regalim.	The reason for this is the same reason as for אם כסף תלוה.	The reason for this is another obvious one. It is <i>Pe-sach</i> so we'll read about the story of <i>Pe-sach Shen</i> .	The reason for this is another obvious one. The 7th day of <i>Pe-sach</i> is the day of <i>krias yam suf</i> so what better thing to be reading than its story.	The reason for this is the same reason as for שור או כשב.

For *Shavuot*, on the first day we read about the giving of the *Torah*, which makes sense because *Shavuot* is *Z'man Matan Toratenu*, and on the second day of *Yom Tov* we read כל הבכור. This makes sense because כל הבכור 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 *zechus* 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 שור או כשב 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 , אפילו לעולם הבא , 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 *Shavuot* 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 Shavuot*. There are so many opportunities to learn and we can all gain so much from this *Shavuot* if we lock in, focus on learning, and take a few breaks just to replicate how it will be in *Olam Habbah*.

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 *posuk* 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 *posuk* 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*.

Rabbienu 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 *Yaaleh 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 Hamoed*, 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.

YEVAMOS

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:

לא יבטל אדם מפריה ורביה אלא אם כן יש לו בנים בית שמאי אומרים שני
זכרים ובית הלל אומרים זכר ונקבה שנאמר זכר ונקבה בראם

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

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

ויברא אלהים את־האדם בצלמו בצלם אלהים ברא אתו זכר ונקבה ברא אתם: ויברך אתם
אלהים ויאמר להם אלהים פרו ורבו ומלאו את־הארץ וכבשה ורדו בדגת הים ובעוף
השמים ובכל־חיה הרמשת עלי־הארץ:

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)

ויברך אלהים את־נח ואת־בניו ויאמר להם פרו ורבו ומלאו את־הארץ
"And Elokim blessed Noah 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 Noah 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*:

מצות פריה ורביה - בראשית יש בה מצות עשה אחת, והיא מצות פריה ורביה, שנאמר: (בראשית א כח) ויברך אותם אלהים ויאמר להם אלהים פרו ורבו.

The Mitzvah of priyah virivyah - Bereishis has in it one positive commandment, and this is the Mitzvah of priyah virivyah, 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:

היא שצונו לפרות ולרבות לכוין לקיום המין, והיא מצות פריה ורביה. והוא אמרו יתעלה
אתם פרו ורבו

"...this is the Mitzvah to be fruitful and multiply, and to intend to propagate the species. And this is the Mitzvah of priyah virivyah, as the possuk tells us "vi'atem peru urevu"

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:

משרשי מצוה זו, כדי שיהיה העולם מיושב (גיטין מא, ב במשנה), שהשם ברוך הוא חפץ ביישובו, כדכתיב: (ישעיהו מה יח) לא תהו בראה לשבת יצרה. והיא מצוה גדולה שבסבתה מתקיימות כל המצות בעולם, כי לבני אדם נתנו ולא למלאכי השרת (ברכות כה, ב).

“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 humankind.

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 *A vodas 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 *Meseches 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'chasudah*, 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 *Rebbs* as well as amongst the *chasinos* of the *chasidim* and their private families. The following is a selection of different manners in which *Rebbs* 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 hekdesch*, 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 *pesukim* state:

יחל דברו ככל־היצא מפיו איש כִּי־ידר נדר לה' או־השבֵּע שבעה לאסר אסר על־נפשו לא יַעֲשֶׂה

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)

מוצא שפתיך תשמר ועשית כאשר נדרת ליהוה אלהיך נדבה אשר דברת בפך
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 *pesukim* 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 hekdesch*, 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 himself, 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 *hekdesch*. This connection between the thing one is forbidding to himself 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 hanadur*.” The Ran proceeds to say why this must be true, seemingly explaining that the entire mechanism through which the *issur* 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 *muttar* 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-*ikar*“. 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 *parsheyos* 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 *Hatpasasa* 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 *Mishna 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

Rabbi Hershel Schachter

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 Raavid 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 Raavid 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 (*Tosfos 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 *bee'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'oraiysa* 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 *Gittin*, which requires both *eidus lekiyum hadavar* and a statement of *rotzeh 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.

KIDDUSHIN**The Importance of Dikduk***Natan Horowitz (23)*

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 *Nekeviah* 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

Ponah Jasse (22) & Sinyamin 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 Reish 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, Reish 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

Josef 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 *Kohen* 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 its 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 NishnisMeseches Eiduyos Was Taught On That Day*Yisrael-David Rosenberg (23)*

During his tenure as *nasi* (president) of the *Sanhedrin* (grand court), Rabban Gamiel 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 מן המחלוקת וחייב השבועות בא לדבר בענין עדיות... וסדר אותה אחר מס' שבועות בשביל שמס' שבועות יש צורך אליה תמיד ועדיות הם (הצעת) [הודעת] הדברים שהעידו בהם לפני השופטים בעתים ידועים וקבלו אותם מהם"

“And when it finished speaking about laws and judges and all the actions of judges...and the obligations of vows (i.e. *Masechtos Sanhed-*

rin, Makkos, and Shevuos)...it came to speak on the topic of testimonies (*Eiduyos*)...And it was placed after *Meseches Shevuos* because *Meseches Shevuos* is needed constantly and *Eiduyos* are the things that were testified about before the judges at known times and they accepted them from them.”

The *masechta* is placed in *Seder Nezikin* based on how it came to fruition. The topics may not fit in any one place in the six *Sedarim* of *Mishnayos*, but the very fact that these laws were given as testimony earns the *masechta* a place among the parts of the *Mishnah* which discuss legal proceedings.

AVODAH ZARAH

Understanding Meseches Avoda Zarah

Pinchas Cohen (24)

The Gemara says in *Meseches 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:

ומפני שאדם משיג אל מעלת החסידות בעשותו אחת מאלה הדברים שמוה בסדר נזיקין.
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:

מאי טעמא אמר קרא (ויקרא ד, ז) 'אל יסוד מזבח העולה אשר פתח אהל מועד'
 "הוא דפגע ברישא"

"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 *cohen* 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’avirin*- 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 *tevillah* 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, Tosfos 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 *tevillah*. make דברי 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 Toshiyos) 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?***Jonathan 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.

סָלַע זֶה לְצִדְקָה עַד שֶׁלֹּא בָּאָתָהּ לְיַד גַּבְאֵי מוֹתֵר לְשִׁנוּתָהּ

"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*.

"ת"ר יִשְׂרָאֵל נִשְׁתַּחֲוֶה מְנוֹרָה אוֹ נֵר לְבֵית הַתְּפִלָּה אֲסוּר לְשִׁנוּתָהּ סָבַר רַבִּי חִיָּיא בַּר אֲבָא לְמִימַר לֹא נִשְׁנָא לְדָבָר הָרָשׁוּת וְלֹא נִשְׁנָא לְדָבָר מִצְוָה אָמַר לִיהִי רַב אַמִּי הִכִּי אָמַר רַבִּי יוֹחָנָן לֹא נִשְׁנָא אֶלָּא לְדָבָר הָרָשׁוּת אֲבָל לְדָבָר מִצְוָה מוֹתֵר לְשִׁנוּתָהּ"

"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* specifies 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:

וערל זכר אשר לא־ימול את־בשר ערלתו ונכרתה הנפש ההוא מעמיה את־בריתי הפך
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 its physical host.

The *Gemara* in *Moed Katan* (28a) says:

מת בקמשים שנה — זו היא מיתת כרת. חמשים ושתים שנה — זו היא מיתתו של שמואל הרמתי. ששים — זו היא מיתה בידי שמים.

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.

ME'ILAH
Stealing from Hashem

Ari Weisler ('14)

The source for the *halachos* that pertain to *me'ilah* are found in *Parshas Vayikra* in the following *pesukim*:

"נָפֵשׁ כִּי־תִמְעַל מֵעַל וְחִטָּאָהּ בְּשִׁגְגָהּ מִקֹּדֶשׁ יְהוָה וְהֵבִיא אֶת־אֲשָׁמֹו לַיהוָה אֵיל תָּמִים
 מִן־הַצֹּאן בְּעֶרְכָּהּ כֶּסֶף־שֶׁקָלִים בְּשֶׁקֶל־הַקֹּדֶשׁ לְאַשָּׁם: וְנָתַתְּ אֲשֶׁר חִטָּא מִן־הַקֹּדֶשׁ יִשְׁלֹם
 וְאֶת־חֲמִישְׁתּוֹ יוֹסֵף עָלָיו וְנָתַן אֹתוֹ לַכֹּהֵן וְהִכְהֵן יִכְפֹּר עָלָיו בְּאֵיל הָאֲשָׁם וְנִסְלַח לוֹ:"

“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 use 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

Meseches 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 *tefillas* 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 menaing 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.

MIDDOS**Let's Learn Middos from Middos!***Aaron Gisser (23)*

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 watches 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 *Masechet 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 *Shavuot*, 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.

KINIMSacred Pigeons and the Pigeonhole Principle*Emmett Weisz ('22)*

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 *chataas*.

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 *olos* and at most half as *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 *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 *korban*.

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

The second chapter discusses what to do if we have separated groups of undetermined *kinim*, and an individual bird flies from one group to another. *Mishna* 2:1 states the general rule: if the bird flies to a group of *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 *k'revos* (birds to be brought as *korbanos*), one of the *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 *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 *korbanos*.

Let's take the example of *mishna* 2:3. Seven people are each bringing sets of undetermined *kinim*. The first has one *ken* (two birds), the second has two *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 *chata*s. 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 *chata*os. If more than three 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, 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 *chata*s. 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 *chata*os, so she has no invalid *korbanos*.

Person 7 originally had fourteen birds. Ideally, she should have brought seven *olos* and seven *chata*os. 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 *chata*os. The bird that leaves her group, even if it is brought as a *korban*, leaves a total of at most seven *olos* or seven *chata*os, 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

to 0.

- 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 *olos* and *chataos* mixed together, or *olos*, *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 *Shte 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*

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

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 *girsas* 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 *Mitzvas 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 *girsas*, 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 *girsas* 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

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'meis* 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 *magah* and *masah* creates the issue dealt with in the last *perek*: if a field that previously had a grave in it was, *r"ltzl*, 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'meis*, 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'meis* 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'meis*, 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*, unholy, 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 parah 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 melachim 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 Swimmngly!
Israel-David 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 Yitzchok 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 *birkas hatorah* before he starts to learn again. Indeed, this is the practice by other *Mitzvos*, such as *sukkah*, where one recites the *bracha* of *leisheiv 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 *Bnei 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-*

kas hanehenin: veharev na; and a berachah of shevach vehoda'ah: asher bachar banu.

Birchos Hatorah is very important. According to Rav Hammuna, 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

aleihem” - both Moshe and Aharon are commanded to teach these *dinim* to *Klal Yisrael*. The job of relaying the *Torah* to *Klal Yisrael* was almost always delegated solely to Moshe - why, in this instance, was Aharon also expected to be involved in teaching these *halachos*?

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 *tevil yom*, I think it would be helpful to clearly define what a *tevil 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 *tevil yom* is *mide'oraisa*. More specifically Rashi comments (D"H *de'oraisa*) that the *tumah de'oraisa* we are speaking about is that a *tevil 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 *tevil yom* whether a *tevil 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 *tevil yom* are lifted. How does the Rambam explain this *Mishnah*?

The *Tiferes Yisrael* (Boaz 18) tries to explain that the Rambam holds that any *tevil 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 *Mishnah* in *Parah*. However, a *tevilah* is still required in order that the *halachos* of *tevilah* remain intact and not forgotten.

UKTZINWar and Peace: The Message Concluding*Uktzin* and the Entire *Mishnah**Rabbi Michael Taubes - Rosh Hashivah*

Meseches 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'lerabanan* 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 *mishnayot* 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 "*milchamtah shel Torah*" - literally, the war of Torah (see, for example, *Sanhedrin* 42a with Rashi there, *d"h Milchamtah*) - 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.

