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Note from **Bill Kalish** - My birthday is the first day of Shavuos. In recent decades, I am privileged to have the Aliya for the Maftir on the second day – which I have done in memory of Rabbi M. P. Teitz of Elizabeth NJ who always did that Haftorah with the wonderful Yatziv Pigsaw.

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Laws of Staying Awake All Night on Shavuot
RAV SHLOMO AVINER

Shut She'eilat Shlomo - 1:26-27, 222 and Q&A from radio call-in show
The custom of learning Torah the entire night of Shavuot is mentioned by the Magen Avraham (Orach Chaim #494), based on the Zohar, that we dedicate the night to learning Torah in an attempt to rectify a mistake made by the Nation of Israel at the time of the Giving of the Torah. When Hashem "arrived" to give the Torah to the Nation of Israel, we were still sleeping and had to be woken up. The custom therefore developed to stay awake all night to spirituality rectify for the oversleeping and to show our zeal for the Torah. But one should be aware that if he cannot daven Shacharit with proper concentration, on account of the exhaustion of learning Torah all night, it is better not to stay up since davening properly is a clear obligation (the Magen Avraham makes this exact point regarding staying up all night on Yom Kippur – see Orach Chaim 611:11).

In fact, Ha-Rav Yitzchak Zev Soloveitchik, the Brisker Rav, was surprised that people are so particular to stay awake the entire night of Shavuot, which is a custom, while on Pesach night, where there is a law to discuss the Exodus from Egypt until one is overcome by sleep, people are not so

careful. And in the city of Brisk, people were not careful to follow the custom of staying awake the entire night of Shavuot, since why is this night different from all other nights... And also learning on Shavuot night is not more important than learning during the day... (Uvdot Ve-Hanhagot Le-Beit Brisk vol. 2, p. 79). And it is related in the book "Ha-Shakdan" (vol. 2, p. 240) that one of Ha-Rav Yosef Shalom Elyashiv's grandsons once asked him why he does not stay awake all night on Shavuot like everyone else, but follows his regular learning schedule of waking up at 2:00 AM to learn Torah... Rav Elyashiv explained that he calculated that if he changed his few hours of sleep on that night, he would not gain more time to learn Torah, and he would actually lose 15 minutes of learning! For a few precious minutes of learning Torah, he decided that it is preferable to go to sleep at the beginning of the night as usual...

Therefore, each person should therefore carefully consider if it is worthwhile for him to stay up all night since there is a concern that "his gain is offset by his loss."

For one who will remain awake all night, this is how he should act in the morning:

Talit One who wears Tzitzit all night should not recite a new blessing on it in the morning. One should try to hear the blessing said by someone who is obligated to recite it or he should have the Tzitzit in mind when he recites the blessing over his Talit (Shulchan Aruch, Orach Chaim 8:16 with Mishnah Berurah #42).

Netilat Yadayim One should wash "Netilat Yadayim" without a blessing or hear it from someone who is obligated to recite it (Shulchan Aruch Ha-Rav 4:13). It is preferable to use the restroom and one is then obligated according to all opinions to wash "Netilat Yadayim." After washing "Netilat Yadayim," he should recite the blessing of "Al Netilat Yadayim" and "Asher Yatzar" (Shulchan Aruch, Orach Chaim 4:13 with Mishnah Berurah #27, 29, 30).

"Elohai Neshamah" and "Ha-Ma'avir Sheinah" They should be recited without the ending of using Hashem's Name or be heard from someone who is obligated to recite them, since these blessings were established over the return of the soul and removal of sleep and neither of these occurred (Shulchan Aruch, Orach Chaim 47 with Mishnah Berurah #30 and Biur Halachah). If one sleeps a half an hour, one is obligated to recite these blessings (Shulchan Aruch, Orach Chaim 4:16 with Mishnah Berurah #34-35 and Biur Halachah).

"Ha-Noten Le-Yaef Koach" One should recite this blessing even if he is very tired, since this blessing was not established for the person's individual state, but as a general praise of Hashem who created His world which includes the removal of tiredness (Shulchan Aruch, Orach Chaim 46 with Mishnah Berurah #22 and Shulchan Aruch, Orach Chaim 47 with Mishnah Berurah #28). Chasidim recite all of the morning blessings even if they remain awake all night (Shulchan Aruch Ha-Rav 47:7 and Siddur Chabad in the laws before the morning blessings and blessings over learning Torah).

Blessings over Learning Torah There is a dispute whether these blessings should be recited if one remains awake all night. One option is that the morning before Shavuot, one make a condition that the blessings will be for the following day as well. One can also hear the blessings from someone who slept and both of them have in mind that the blessings will apply to both of them (Shulchan Aruch, Orach Chaim 47 with Mishnah Berurah #25-28). If neither of these is an option, one can recite the blessings based on the opinion of the Shut Sha'agat Aryeh (#24-25) that these blessings are a Torah Mitzvah and in the case of a doubt, one is strict to recite them. This ruling is found in Maran Ha-Rav Kook's commentary on the siddur "Olat Re'eiyah" (vol. 1, p. 59 #5) and in Ha-Rav Ovadiah Yosef's responsa (Shut Yabia Omer vol. 5, Orach Chaim #6 and Shut Yechaveh Daat 3:33). In this regard, women are also required to recite the blessings over learning Torah and these blessings are printed in all of the Siddurim for women. Since women are not obligated to learn Torah, how can they recite the blessing "Blessed is Hashem... who has made us holy and commanded us to engage

in words of Torah"? There are various answers, but the answer of Ha-Rav Yitzchak Zev Soloveitchik, known as the Griz, on the Rambam (at the end of Hilchos Berachot, p. 10) and Maran Ha-Rav Kook (Orach Mishpat 11, 2) is that these are not blessings over performing a mitzvah but blessings of praise. If the Torah was not given, the world would be in darkness for both men or women. Women therefore also thank Hashem for the Torah being in the world.

<http://dev.matzav.com/halacha-berurah-shavous-halachos-when-staying-up-all-night/>

Halacha Berurah: Shavous – Halachos When Staying Up All Night

By Rabbi Elli Bohm

Reviewed by Harav Yisroel Belsky

Staying Awake to Learn on Shavuos Night

Saying Tikun Leil Shavuos

Many people have the custom to recite tikun leil shavuos. This custom dates back to the Arizal. The Chida wonders why there are people who do not recite the tikun, since the Beis Yosef and many other gedolim did recite it. There is a well known story about the Dubner Maggid who once went to his Rebbe for Shavuos. On Shavuos night his Rebbe sat down and began reciting the tikun, while the Dubner Maggid sat down to learn. Seeing this, his Rebbe asked him why he wasn't reciting the tikun. The Dubner Maggid answered with a parable. A man who had been supplying his son-in-law with 'kest' (free room and board and additional support), refused to continue doing so and told the young man that it was time for him to earn a living on his own. When the son-in-law asked his father-in-law how he should go about earning a living, he told him to go out into the market and observe how the other merchants are conducting their businesses and do the same. The son-in-law went into the market and saw stores with signs above their doors advertising their merchandise. He then went and rented a store, placed as many signs as possible above the doors, and placed samples in the front window. However, he did not stock any merchandise. When the father-in-law noticed what his son-in-law had done, he scolded him. "You fool", he said. "A sign is only an advertisement for the merchandise in the store, but if you have no merchandise than there is no point in hanging signs and samples in front of the store." The Dubner Maggid concluded by explaining that the same idea applies here. Since the tikun is only the first and last part of every parsha and Mishnah, it is like a sign advertising merchandise. Therefore, he said, "Since you Rebbe have the entire Torah inside of you and have something worth advertising, you can show a sign or a symbol of your knowledge by saying the tikun. I, on the other hand, have no Torah inside of me. My store is empty, and I have no need for a sign. Therefore, I must sit down and learn, to accumulate as much merchandise as possible."

Therefore, one who follows the minhag to say tikkun, should continue saying it. One who does not follow that minhag, should spend the time learning. Whichever minhag one follows, one should utilize his time learning Torah, and not waste any of the precious time.

Limud Hatorah

Whenever one learns, one should actively pronounce the words he is learning and not merely read them with his eyes. Some poskim say that one does not fulfill the mitzvah of limud hatorah adequately if one only reads the words. However, one who is thinking in learning, and will not be able to think as well if he pronounces the words, is not required to do so. One who does not pronounce the words aloud as he is learning will forget his learning quicker. All poskim agree that one who hears someone else say words of Torah fulfills the mitzvah of limud hatorah. One should preferably learn in a beis medrash, for one who learns in a beis medrash will retain that which he has learned much longer. One who learns with modesty and humility will become smarter and will grow in learning.

The Chofetz Chaim maintained that one is obligated to repeat whatever Torah he learns four times. The Steipler Gaon considered the first four times

one learns something as 'limud'. 'Chazarah' refers to the additional times that one learns after having completed the first four. Until one learns something four times, he will not fully comprehend the topic that is being learned.

The Chazon Ish maintains that one who wants to have hatzlacha in his learning should be careful with regard to three things. 1) One should be careful with regard to the halachos of netilas yodayim (which are discussed in (אור"ה סי' ד' סעי' ה'). 2) One should say the Yehi Ratzon (printed in the beginning of many Gemaras) every day before learning. (The Rambam considers saying this Yehi Ratzon an obligation). 3) One should not lie under any circumstance.

The Vilna Gaon writes that every word of Torah one learns during the week fulfills another mitzvah. In addition, it is said that the Chofetz Chaim stated that every word of Torah one learns on Shabbos is equivalent to the 613 mitzvos.

The Steipler Gaon writes in numerous letters about the importance of learning halacha. He held that one should learn at least a half-hour of halacha (i.e. Mishnah Berura or Chayei Odam) every day.

The Morning Brachos One May Say After Remaining Awake

One who stays awake an entire night may not be permitted to recite all the birchos hashachar on the following morning. One reason for this is because several of the birchos hashachar are associated with one's sleep. Another reason is because by sleeping, one interrupts the blessing recited the previous day, thereby necessitating a new bracha for the next day. If one did not sleep, then several of the birchos hashachar he made the previous day are still in effect. Of the 21 brachos that comprise birchos hashachar, five present a halachic difficulty for one who stays awake all night.

A. Al Netilas Yodayim

There is a machlokes among the Rishonim as to why one washes his hands and recites the bracha of al netilas yodayim every morning. The Rashba is of the opinion that since a person is considered a 'new person' each morning, he must purify himself anew in preparation to serve Hashem. In this aspect, he is similar to a kohen who would wash his hands from the kiyor prior to performing the avodah in the Beis Hamikdash. However, the Rosh maintains that the reason for washing one's hands is because while one sleeps, one's hands normally move around and will most probably touch some uncovered part of one's body. Therefore, Chazal require one to wash his hands prior to reciting krias shema or davening. (Another reason why one washes his hands is because of a ruach rah that overcomes one's entire body during the night, and when one arises in the morning, the ruach rah leaves one's body and only remains on one's fingertips. However, this reason alone would not warrant a bracha, since one does not recite a bracha on an act which is performed to ward off danger).

Therefore, according to the Rosh, one who stays up all night would not be required to make a bracha or wash his hands, since there is no suspicion that he may have touched an uncovered part of his body being that he stayed awake. However, according to the Rashba, even one who stayed up all night is required to wash his hands and recite a bracha. The reason for this is because although one who remained awake all night is not considered a 'new' person in the morning, nevertheless, the bracha was established to reflect on the world as a whole, which is renewed each morning.

Based on this machlokes, the Rama rules that one should be stringent and wash his hands in deference to the Rashba's opinion, but no bracha is recited since this issue remains unresolved. Many poskim argue with the Rama, and maintain that a bracha is recited. The Mishnah Berurah therefore paskens that in order to be required to recite a bracha according to all opinions, one should go to the bathroom shortly after alos hashachar, and wash his hands. One would then be permitted to recite the brachos of al netilas yodayim and asher yotzar according to all opinions.

B. Birchas Hatorah

The poskim dispute whether one who remains awake all night is required to recite birchas hatorah on the following morning. Some poskim maintain that

the bracha from the previous morning remains in effect, since there was no significant interruption such as a significant amount of sleep. However, other poskim maintain that one should recite the bracha every morning, regardless of whether one slept the previous night or not. R' Akiva Eiger held that one who slept during the previous day on his bed in a permanent fashion (i.e. as many people do on Erev Shevuous) should recite the birchas hatorah on the following morning, even if he did not sleep the entire night. (The bracha of ahavas olamsaid by Maariv will not suffice as birchas hatorah for one who slept during the day, if he did not learn immediately after davening). In order for one to avoid this machlokes, one who did not sleep should find someone who did sleep to be motzie him. After hearing the brachos from someone else, those being yotze should recite the passages of Torah and Mishnah printed in the siddurim, so that the birchas hatorah are followed by learning.

One who cannot resolve this query with any of the above options should concentrate during ahavah rabbah, having in mind that it should be considered his birchas hatorah. One who follows this method should learn something immediately after finishing davening. One who was not yotze birchas hatorah and went to sleep after davening Shacharis, may recite it himself when he awakens.

Some poskim say that one who is learning does not have to stop doing so once alos hashachar arrives, and may continue learning even though he has not heard birchas hatorah from someone else. After one finishes learning, he should listen to birchos hatorah.

C. Elokai Neshamah and Hamavir Shainah

There is also a dispute among the poskim whether one who remains awake all night can recite the brachos of elokai neshamah and hamavir shainah the following morning. Therefore, one should preferably find someone to be motzie him.

D. The Bracha on Tzitzis

One should find someone to be motzie him with the bracha on tzitzis. One who took off his tzitzis prior to going to sleep after Shacharis, may recite the bracha on them when he awakens then put them back on.

E. The Rest of the Birchas Hashachar

One may recite the other sixteen brachos of birchas hashachar himself, regardless of whether one slept or not. It is important to note that one who is fulfilling his obligation by listening to another person recite the bracha must pay close attention to every word being said. Furthermore, some poskim hold that one may only be yotze these sixteen brachos by hearing them from another person, if there is a minyan present. The reason for this is because one can technically discharge his own obligation by reciting them himself. Therefore, if there is a chance that one may not hear every word being said, he should say these brachos himself, even if there is a minyan present.

<http://5tjt.com/?s=hoffman>

Shavuos: A Primer

May 25, 2017

By Rabbi Yair Hoffman

Shavuos is called Z'man Matan Toraseinu. Originally, this event occurred in the year 2448 since creation (3,329 years ago). Rav Dessler in his *Michtav M'Eliyahu* explains that time does not flow as a straight line, but rather as a circle. The day of Shavuos, which is the 6th of Sivan every year, is therefore the very day that we receive the Torah.

Similarly, the Nesivos Shalom explains that just as the Torah is eternal, so too is Kabbalas HaTorah eternal. Each and every year there is a new Kabbalas HaTorah. In other words, Shavuos is not just a commemoration of our receiving the Torah; we are receiving it once again.

Receiving the Torah is monumental. The entire essence of the nation of Israel is only for Torah (Sefer HaChinuch 273). The entire universe, heavens and earth, were only created for the sake of the Torah (ibid). Receiving the Torah, therefore, requires much preparation. Indeed, the Torah tells us in

Parashas Yisro that we needed to prepare for three days: "Heyu nechonim l'shloshes yamim (Sh'mos 19:15)."

One of the preparations that we make for receiving the Torah is that we learn Pirkei Avos on every Shabbos between Pesach and Shavuos. The Midrash Shmuel explains, "One who will be learning Torah must first know its method of study and how to treat Torah. Therefore, so that the heart of each member of K'lal Yisrael will be ready to accept Torah with a complete heart and to properly observe it, they enacted the learning of Pirkei Avos."

Let us also recall that Shavuos represents the zenith of our spiritual growth. When we left Mitzrayim we were on the lowest level of tumah, impurity. In a matter of 49 days we experienced record spiritual growth to the point where the nation of Israel was the greatest generation that ever lived.

We should also be aware that there is no limit to the heights and growth we can accomplish in our ruchniyus, indeed in any mitzvah. This can be seen from a passage of the Targum Yonasan on Sefer Rus. Boaz tells Rus that he is aware of both how she came and joined the nation of Israel and also of all the chessed that she had performed with her mother-in-law. The Targum Yonasan explains that because these two things were said in the same breath, the two mitzvos were equal to each other.

This is somewhat mind-boggling. Rus was a princess of Moav, a very powerful nation. It is remarkable that one of the top women in society would give it all up to become a lowly member of the Jewish nation who had to take tzedakah. Is this lofty mitzvah equal to the mere chessed that she does for her mother-in-law?

The answer, according to Rav Henschel Leibowitz, zt'l, is that there is no spiritual limit to any mitzvah that we perform. If we do a chessed, any chessed, with the right intentions, it can be equal to the greatest of mitzvos.

Preparing For Shavuos

The Shla HaKadosh explains that Erev Rosh Chodesh Sivan is a special time of preparation in terms of teshuvah, tefillah and tzedakah. This may be based upon the Rashi in Parashas Yisro (19:1-2) that the nation of Israel did teshuvah on this day when they traveled from Refidim.

The pesukim in the Torah give us the pre-history of Matan Torah:

On Rosh Chodesh Sivan itself K'lal Yisrael entered Midbar Sinai, a place wherein Har Sinai is located. On the second of Sivan, Moshe was told and gave over to K'lal Yisrael the two parashios of "Atem Ra'isem" and "You shall be for Me a nation of priests and a holy nation." This was when they answered, "Everything that Hashem spoke, we shall do." On the third of Sivan, Moshe related to Hashem the words of the nation. Moshe was then told the mitzvah of separating. On the fourth of Sivan, Moshe was told to go to the nation and sanctify them. He then told them to prepare themselves for three days. The Mechilta (Parashas Yisro) explains that part of the preparations involved the utter unity of the nation: "Vayichan sham Yisrael"—"b'lev echad k'ish echad," with one heart, like one man. It is clear from this Mechilta that there are levels of d'veikus and holiness that cannot be achieved alone but only through a joint and communal effort. We achieved this level at that time. It was through this unique achdus that we merited to say "Naaseh v'nishma—we will do and then we will listen."

Ultimately, Hashem placed the very mountain above them like a barrel. The verse tells us that they stood under the mountain: "Vayisatzvu betachtis ha'har" (Sh'mos 19:17). Rashi explains, "Kafah aleihem har k'gigis."

The Three Days Of Hagballah

"The essence of these days" of preparation, according to the Shaar HaMelech, "is to separate ourselves from all the vanities of this world to be prepared to greet Hashem. In each and every year we should look at ourselves as if we are preparing ourselves for Kabbalas HaTorah at the mountain of Sinai."

The separation means to focus on things spiritual and avoid an emphasis on aspects of the physical world that take us away from concentrating on Hashem and upon our relationship with Him. Our berachos should therefore be recited with more intensity and concentration; we should avoid unnecessary window shopping and looking at catalogues. Rather, our focus

should be on three more important things: (1) improving our davening; (2) focusing more on the life lessons inherent in our Torah studies; and (3) chessed. Each of these three brings us ever closer to Hashem.

Other Names Of Shavuos

Another name for the yom tov of Shavuos is Atzeres. There are actually two yomim tovim with this name. Both of them have a special quality to them that no other yom tov has. Shavuos is achieving a state of being alone with Hashem. The Beis Avraham explains in terms of the d'veikus that can be achieved through the yomim tovim that Pesach is considered like the period of engagement and Shavuos is like the wedding itself. When the mountain was placed upon the nation of Israel like a barrel, it was like a chuppah.

The closeness to Hashem that we achieved at Matan Torah makes Shavuos the ideal time to celebrate the first fruits of the seven species with which Eretz Yisrael is blessed. During this time, the first fruits were harvested and brought in decorated baskets to the Beis HaMikdash. Thus, another name for Shavuos is Chag HaBikkurim, the Festival of the First Fruits.

Shavuos is also the time when we celebrate the abundant wheat harvest that Hashem has given us. This is why it is called Chag HaKatzir, the Feast of Harvest. It is because Shavuos is also the beginning of the wheat harvest that we bring the Shte HaLechem (two loaves) as a meal-offering in the Beis HaMikdash.

Customs

Bloodletting. The Talmud (Shabbos 129b) tells us that a celestial damager was sent out against the nation of Israel on the day before Shavuos. Its name was T'voach. By virtue of K'lal Yisrael having accepted the Torah, they saved themselves from the destructive fate of T'voach. On the eve of Shavuos we do not engage in any form of bloodletting because of the dangers involved. Indeed, the sages forbade doing so on every erev yom tov on account of Shavuos. The minhag is cited by the commentators (Darchei Moshe CM 468:3) and the custom in K'lal Yisrael is to avoid blood testing unless there is medical need.

Sleeping on erev Shavuos. Some people have the custom to sleep on erev Shavuos in order to be able to stay up the entire night on Shavuos. The Magen Avraham (OC 290) quotes the Sefer Chassidim that when erev Shavuos falls on Shabbos, it is forbidden to say that one is resting so that he or she can be awake for the night of Shavuos.

Grass and trees in shul. There is a minhag mentioned by the Rema in Shulchan Aruch (OC 494) to place grass, flowers, and trees in shul on Shavuos. One explanation for this is found in the words of the Levush (Rabbi Mordechai Yaffe): It commemorates the grass that surrounded Har Sinai at the time of Matan Torah. As the verse states, "The sheep and flocks may not graze." The indication is that grass grew there. It is a worthwhile minhag to continue because it helps us relive the experience at Har Sinai, an experience that we actually go through once again.

Another explanation is that it commemorates the bringing of the Bikkurim, the first fruits, which were made from baskets woven from and decorated with grasses and flowers (Ziv HaMinhagim).

Another explanation is that Moshe Rabbeinu was saved on the banks of the river which had grassy knolls (Chiddushei HaRim).

The Brisker Rav explained that the decorations are minimal and show us that the only means by which one can acquire Torah is if we are satisfied with the minimum and do not pursue luxuries and other unnecessary consumption. Grasses are mentioned in this vein in the Gemara Eiruvin 22a by Rabbi Adda bar Ahava (Moadim L'Simcha p. 402).

Dairy. The Rema mentions that it is the custom to split the meal on Shavuos, where the first half of the meal is comprised of dairy foods and the second half is comprised of meat foods. Although it is no longer the custom to split the meal, we do have the custom to eat dairy foods on Shavuos. The reason for this custom is to remind us that when we received the Torah we were taught the laws of preparing meat in the proper, kosher manner. Since we were unable to do this immediately, we consumed only dairy foods at the time.

Waiting for nightfall. Although generally we are permitted to begin Shabbos or yom tov slightly earlier than is required, in regard to Shavuos the custom is to wait for nightfall. The reason is that we want to count the Omer completely and perfectly. Doing so would entail making sure that the last day is complete.

Staying up all night. Although the custom is not mentioned in the Talmud or in the Shulchan Aruch, the custom has developed in K'lal Yisrael to remain awake the entire night of Shavuos and to study Torah. The sefarim ha'kedoshim explain that one who stays up all night studying Torah merits gilui Shechinah, revelation of Hashem's Divine Presence on that night.

The Kaf HaChaim (OC 494) writes that women who have the custom of counting the Omer can indeed partake in perfecting the tikkunim involved in the mitzvah of Sefiras HaOmer by learning at night as well. Other poskim explain that there was no minhag for the women to stay up.

Shavuos davening. The Shacharis and full Hallel of yom tov are recited. The reading of the Aseres HaDibros takes place on the first day of Shavuos. On the first day, after the kohen is called for his aliyah to the Torah but before he makes the berachah, we recite the piyut (supplication poem) of Akdamus. On the second day, Megillas Rus is read before the reading of the Torah. During the kohen's aliyah on the second day, many recite "Yetziv Pisgam."

The reading of the Torah is followed by Mussaf and the birkas kohanim.

The piyut of Akdamus. The piyut was written by Rav Meir ben Yitzchak Shliachtzibbur, a Rishon who is often quoted by Rashi and Tosefos (see, for example, Rashi on Tehillim 73:12 and Tosefos R.H. 11a). It is a double-aleph-beis poem that describes the greatness of the Creator of the world, the nature of malachim, and the loftier stature that the nation of Israel has above the angels themselves. One section of it describes how, kavyachol, Hashem is longingly desirous of K'lal Yisrael learning Torah and desires their prayers. It ends with the statement that those who hear (and absorb the depth and meaning of the piyut) will merit to be among that group that will see fantastic miracles on the great day.

The piyut is recited in Aramaic so that the malachim will not understand it and take it for their own use. It should remain special for the Jewish people alone. It is recited while the sefer Torah itself is lying on the bima. This demonstrates how very special it is.

Why we read Megillas Rus. There is a debate among the poskim as to whether our custom to read the Megillah of Rus on Shavuos is a full-fledged obligation or rather a minhag. The reason we read the Book of Rus is to teach us that Torah is only given through hardship and poverty (Yalkut Shimoni 596). Another reason is that the entire episode took place during the z'man ha'katzir, and Shavuos is known as Chag HaKatzir too. A third reason is so that we will have read from all three parts of the TaNaCh on the day of Matan Torah (Otzar HaMinhagim).

Yizkor. On the second day of yom tov, after the Torah is read, a special prayer of Yizkor is recited. We daven for and pledge tzedakah in the merit of those in our family who have passed on. It is the custom in K'lal Yisrael for everyone who still has both parents to leave the shul during the recitation of Yizkor.

Yom Tov Halachos

As on Shabbos, there exists a prohibition of performing melachah on yom tov. The admonition against certain melachos should be used as a means of coming closer to Hashem as well. What is melachah exactly, and how can it be used as a tool for greater closeness to G-d?

Melachah is not defined as work, necessarily. Melachah is defined as a specific type of creative act. More precisely, melachah is defined as the specific creative acts that were necessary to create the Mishkan, the resting place for Hashem's concentration of the Shechinah Presence here on earth.

Our refraining from such creative acts on Shabbos and yom tov is the collective flag of the Jewish people. Just as any nation is proud and salutes its national flag, so too is the observance of Shabbos and the holidays the flag of the Jewish people. It symbolizes and embodies our belief that the

world was created for a purpose by a kind and benevolent Being who rewards good and punishes evil. A focus on this idea will cause us to become ever closer to Him. Mere contemplation of it when we refrain from melachah achieves this end.

While the definition of melachah is the same for both Shabbos and yom tov, the Torah made some exceptions for yom tov. The Torah states that actions that are necessary for people to eat are permitted on yom tov. This is called "ochel nefesh." Not all actions, however, are permitted for ochel nefesh purposes. If the food preparation could have been done with equal freshness and results before yom tov, and one had the time and opportunity to do it then, then it may only be done with a shinui (variation) on yom tov itself. There are some melachos on yom tov that are forbidden, or permissible only in a specific manner, even when it comes to food preparation.

It is also important to know that one may never do melachah on yom tov during bein ha'shemashos, twilight, that immediately follows a yom tov. Why is this so? Because we do not know exactly when the day changes from one to the other. It is forbidden to do melachah on yom tov for another day. Thus we might be doing melachah on yom tov for another day which is forbidden.

One is also not permitted to perform any tasks on the first day of yom tov for the second day of yom tov, even if the preparations involve no melachah. This is called hachanah and is something about which we must be very careful.

May it be Hashem's will that we merit a complete and full Kabbalas HaTorah this year!

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<http://gush.net/archive/salt-bemidbar/35-15naso-shavuot.htm>

S.A.L.T. – PARASHAT NASO / SHAVUOT

By **Rav David Silverberg**

Undoubtedly the most famous and stirring passage in Megilat Rut is Rut's resolute response to Naomi when she tried to dissuade her daughter-in-law from returning with her to Eretz Yisrael: "Do not implore me to leave you, to turn away from you, for where you go I will go; where you sleep I will sleep; your nation is my nation and your God is my God. Where you die I will die, and there shall I be interred..." (1:16-17). In these verses, Rut expresses unbridled and unconditional commitment to her mother-in-law. She proclaims that her conversion to the Israelite faith and entry into Naomi's family, which had taken place years earlier when she married Naomi's son, would endure regardless of the situation or circumstance. Although her husband is now dead, as is her father-in-law, leaving her mother-in-law penniless and without any reasonable hope of regaining financial stability, she would nevertheless remain by Naomi's side regardless of what this might entail. In this story, Rut shows what it means to follow through on a commitment, to remain loyal despite the personal sacrifices that this loyalty demands.

Boaz displays a similar quality later, toward the end of the Megila. He approaches Elimelech's relative, who was first in line to buy back Elimelech's property, and the relative expresses his willingness to make the acquisition. Then, Boaz informs him that the reclamation of Elimelech's lands includes as well the levirate obligation to Rut, and upon hearing this part of the deal the relative withdraws. It is then Boaz, of course, who accepts the responsibility to reclaim Elimelech's property and to perpetuate his memory by marrying Rut. The unnamed relative was prepared to follow through on his familial commitment to his kin – but only to a point. Boaz, by contrast, displayed unlimited and unshakable devotion, fulfilling his commitments to their very fullest, regardless of what this may entail.

This theme is perhaps one point of connection between Megilat Rut and the celebration of Matan Torah. The commitment exhibited by Rut and Boaz establishes a model that we must follow in our kabbalat ha-Torah, in our

commitment to the study and observance of Torah. Our commitment cannot go only half way. We cannot follow through only when it is convenient and straightforward, and when the demands are low. Our devotion to the word of God must remain steadfast through thick and thin, under all circumstances and conditions, following the inspiring example of Rut's steadfast devotion to Naomi and Boaz's steadfast devotion to Elimelech.

<http://dafyomi.co.il/parsha/shavuot3.htm>

SHAVUOT 5756

Rabbi Mordechai Kornfeld

BOAZ' REDEMPTION

(3)[Boaz] said to the relative (lit., "redeemer"), "Naomi, who has come back from the fields of Moav, has sold the portion of land that belonged to our brother Elimelech. (4)I thought that I would inform you, saying, purchase it in the presence of those sitting here and in the presence of the elders -- if you will redeem [the property], redeem it, and if not, tell me, so that I may know, because there is no one else [with rights to redeem it] before you, and I am after you." He said, "I will redeem it." (5)Then Boaz said, "On the day you purchase the field from Naomi and from Ruth, you must also take the [Ruth, the] wife of the deceased, in order to establish the name of the deceased in his inheritance." (6)So the relative (lit., "redeemer") said, "I cannot redeem it myself, lest I ruin my own inheritance. You redeem it, because I cannot redeem it." ... (8)So the relative (lit., "redeemer") said to Boaz, "Purchase it for yourself," and he took off his shoe. [Giving the shoe -- or any other object -- to someone as a symbolic barter, is an act that effects acquisition. The Gemara explains that Boaz was performing this act with the *relative*.] (9)Boaz said to the elders and to all the people, "You are witnesses this day that I have purchased all that was Elimelech's and all that was Machlon's and Kilyon's from the ownership of Naomi (10)and that I have also acquired Ruth of Moav, Machlon's former wife, for a wife, in order to establish the name of the deceased in his inheritance, so that the deceased's name should not be eradicated from among his brothers and from his place. You are witnesses this day!" (Ruth, 4:3-6, 8-10) On Shavuot, we read publicly the Book of Ruth. Most people are completely baffled by the proceedings that ensued between Boaz, Naomi and the relative in the above passage from the Book of Ruth. Firstly, the verses themselves are rather vague concerning the details of the transaction. Also, a knowledge of the basic laws of "redemption" is needed in order to begin to understand what took place. There are, in fact, a number of halachic difficulties involved in Boaz' redemption of the field that the commentators grapple with. Let us attempt to shed some light on this esoteric passage.

II

We must begin our discussion by defining exactly what is meant by the term "redemption," in reference to a piece of land. In Ruth 3:9 we read that Ruth told Boaz, "You are the redeemer." Rashi (ad loc.) explains her statement to mean, "Since you are a close relative of my husband's, you have the responsibility to reclaim the inheritance of my husband, as it says in Vayikra 25:25, 'If someone becomes poor and has to sell part of his ancestral property, his redeemer -- that is, his next of kin -- shall go and redeem the sale of his relative.'"

Every male who entered the land of Israel after the Exodus from Egypt was allotted a portion of property (Bemidbar Chap. 26). This portion was divided among the man's heirs upon his death, and so on throughout the generations. This ancestral property could not be completely sold; it could only be "leased" until the next Yovel [= Jubilee] year, when all property reverted to its original owner.

If someone found it necessary to sell (actually, lease) some of his inherited property in order to raise cash, the buyer -- perhaps someone of a different family, or even of a different tribe -- would now occupy this land. The Torah mandates that if the seller would at some point be able to raise the money necessary to buy back the property, the buyer was obligated to return the

property for a full refund (calculated according to the time still remaining on the lease) (Vayikra 25:26).

If the buyer himself did not find the means to repurchase ("redeem") his ancestral property, his next of kin was urged to redeem the family property in his place (ibid., 25:25). This relative is thus called a "redeemer." As the Gemara tells us (Kiddushin 21a), the duty of redemption rests upon the closest relative of the seller of the field. If he does not redeem the property, the next closest relative takes his place, and so on. There is one important restriction in the laws of redemption, however. A field may not be redeemed (even with the consent of the purchaser!) until at least two years have elapsed from the time of its sale (Erchin 29b).

III

Let us now return to the Book of Ruth. As we know, Naomi and Ruth returned penniless to the land of Israel after their husbands (Elimelech and Machlon, respectively) had passed away in the land of Moav (1:21). All that Naomi and Ruth had to their names, it appears, were the fields that their husbands had left behind in the land of Israel. (Although wives do not inherit their husbands in Jewish law, Naomi and Ruth apparently received their husbands' property as part of their Ketubah agreements -- a pre-nuptial agreement granting a woman property rights in her husband's property in the event of divorce or widowhood). As we read in Ruth 4:3, Naomi sold Elimelech's field, apparently in an attempt to support herself. Elimelech's relatives were thus expected to redeem the property from the buyer. (The identity of the person who had purchased the property from Naomi is not recorded, and is apparently irrelevant.) Elimelech had a living brother who was his next of kin. This man was Boaz' interlocutor in vv. 4:3-8 (Rashi to 2:1 and 3:12). According to the Sages, this man's name was Tov (see Rashi to 3:12). Boaz himself was only a nephew to Elimelech (his father, Salmon, was Elimelech's brother). This is what Boaz meant when he told Tov, "If you will redeem [the property], redeem it, and if not, tell me so that I may know, because there is no one else [with rights to redeem it] before you and I am after you."

This at least seems to be the background of the events recorded in the verses cited above. Upon further analysis, however, several serious questions arise on this reconstruction of the events.

(#1) Firstly, what is meant by, "You are witnesses this day that I have purchased all that was Elimelech's ... from the ownership of *Naomi*" (v. 9)? Didn't Naomi already sell the property to someone else (v.3)? It is from the hands of that other party that the redemption was taking place, not from Naomi's! Similarly, in v. 5 the property is described as being purchased from Naomi and from Ruth. How could either Naomi or Ruth be involved in this transaction, if they already sold the property?

(#2) The second question is, why does Boaz say (v. 5) that the redemption of the property is contingent upon taking Ruth as a wife? Why should marrying Ruth be a pre-condition for performing the mitzvah of redemption? The concept of redeeming a relative's field applies even when that relative is still alive, and certainly does not seem to have any relevance to his wife!

(#3) A third difficulty is, why did Boaz perform the acquisition ceremony of "taking off the shoe" with Tov (his uncle)? Boaz was redeeming property from the anonymous man who had purchased it from Naomi. It was with this anonymous party that he should have performed an act of acquisition, not with Tov! What was Boaz attaining from Tov?

(#4) Fourth and last, we mentioned above that redemption is not permitted until at least two years have passed following the sale. In the story of Ruth, we are told that Naomi sold her husband's field upon returning destitute from Moav (4:3). We learn (1:22) that Naomi and Ruth returned to Israel "at the beginning of the barley harvest" (which precedes the wheat harvest, in early spring). Ruth stayed at Boaz' field until the end of the wheat and barley harvests (2:23). During the winnowing process which followed the harvest, Ruth approached Boaz and brought the redemption of the field to his attention (3:2). Boaz acted upon his obligation of redemption the very next day (3:18). This latter event must have taken place no longer than several

months after the beginning of the barley harvest, which was when Naomi sold the property. Since two years had not passed, how was redemption possible?

These questions are raised by Rav Shlomo Alkabetz (16th cent. Safed, Israel) in his work "Shoresh Yishai" on Megillat Ruth, and he discusses them at length. Let us follow his lead, and see how we may resolve these difficulties.

IV

Perhaps the simplest approach to our questions can be found in a comment made by the Ramban in his commentary to Vayikra 25:33. The Ramban proposes that the term "redemption" is also be applied to a situation other than the one outlined above. When a person found it necessary to sell his ancestral property due to poverty, it was customary (although not obligatory) for a relative of his to offer to buy the field *directly* from him. This was done in order to prevent the field from going into the hands of a non-relative in the first place. The Ramban asserts that this, too, is referred to by the Torah as "redemption." The Ramban tells us that although such "preventative redemption" was not a Mitzvah, it was nevertheless an ancient custom. With this in mind, the Ramban suggests that the property being redeemed by Boaz still belonged to Naomi -- she and Ruth had never sold the fields! Nevertheless, the Torah -- and the Book of Ruth -- refers to Boaz' act as one of "redemption," because he stepped in to ensure that the property would not have to be sold to a stranger in the future. This seems to be the opinion of Rashi as well, in his comments to Ruth 3:9 and 4:5.

The problem with this interpretation is that in 4:3 Boaz says, "Naomi, who has come back from the fields of Moav, has *sold* the portion of land that belonged to our brother Elimelech." According to what we have just said, Naomi had not sold the property yet! The Ibn Ezra (who also apparently understood the verses as the Ramban did) provides us with a solution to this problem in his commentary on that verse. He explains that the word "sold" in this case should not be taken literally, but should be understood to mean that Naomi had *planned* to sell the property. (Alternatively, as the Bach [17th cent. Poland] suggests in his work "Meishiv Nefesh" on Ruth, 4:3, Naomi had entered into an agreement to sell the land but did not actually conclude the transaction.)

(#1,#4) To return to our four questions -- as Shoresh Yishai points out, the Ramban's interpretation clearly answers question #1, as the sale was indeed directly from Naomi and Ruth to Boaz. It also explains how the redemption could be carried out before the requisite two-year waiting period (question #4). It is obvious that the waiting period is necessary only when redeeming a field from a purchaser, and not in this "preventative" type of redemption.

(#2) As for question #2, or how did the marriage of Ruth become a condition for redemption, Rashi (to 3:9 and 4:5) deals with this issue. Rashi, as mentioned above, agrees with the Ramban's interpretation that Naomi and Ruth themselves were selling the fields to Boaz. He asserts that Ruth, as the seller, stipulated that she was not willing to sell her field to anyone unless he would agree to marry her. She wanted to retain an attachment to the field so that, through the combination of Machlon's wife and Machlon's field, people would not forget her deceased husband. This is the meaning of Boaz' statement (4:10), "I have also acquired Ruth of Moav, Machlon's wife, for a wife, to establish the name of the deceased in his inheritance so that the deceased's name should not be eradicated from among his brothers and from his place."

(#3) We must still solve the problem raised in question #3 -- why did Boaz conduct a transaction with Tov, being that he was not buying anything from Tov? Shoresh Yishai deals with this issue by noting that an act of transaction is not necessarily indicative of a sale. Sometimes it is done as a mark of an *agreement* between two parties, without any connection to an actual purchase (the equivalent of a handshake in today's society). The "removal of the shoe" was carried out in order to officially ensure that Tov was indeed waiving his rights as primary redeemer, and would not be able to change his mind before Boaz purchased the field. (In actuality, there was not much time

for Tov to change his mind since Boaz ended up redeeming the fields immediately thereafter).

(#5) It is interesting to note that although Ruth is mentioned in 4:5 as one of the sellers in the transaction that was about to take place, the subsequent verses do not mention her again. Rather, they portray Naomi alone as the seller of Elimelech's, Machlon's and Kilyon's properties. How can this be accounted for? Perhaps the answer is that once it was made clear that Ruth was only willing to sell her property to someone who would marry her (4:5), it became apparent that her need for cash was considerably less urgent. By marrying a wealthy man such as Boaz, she would no longer need to resort to the sale of her husband's ancestral property in order to raise money. Thus, it is only Naomi's property that was actually purchased by Boaz in the end, and not Ruth's!

V

An entirely different approach to all the problems mentioned above is presented by the Bach in his "Meishiv Nefesh" on Megillat Ruth (4:3). (See also Sefer HaMikneh, Kiddushin 21b s.v. Hahu. It is to be noted that Rav Shlomo Alkabetz also presents other approaches to these verses. However, as the Bach points out, they are rather hard to reconcile halachically.) The Bach preserves the literal meaning of the statement (ibid.) that "Naomi *sold* the portion of land that belonged to our brother Elimelech." Naomi had indeed sold the field, and thus, this was a normal actual case of redemption from the hands of an unspecified buyer (as opposed to the "preventative redemption" described by the Ramban). The Bach deals with the four questions raised above in the following manner.

(#1) Why did Boaz conduct a transaction with Naomi, rather than with the buyer of her field (question #1)? The Bach quotes a suggestion made by Rav Yehudah Ibn Shushan (as quoted in Shoresh Yishai, Ruth 4:5) that perhaps the redemption of sold ancestral property can only be carried out with the express permission of the inheritor who had originally owned the property and who would eventually reclaim the land in the Jubilee year.

Who was the inheritor of the piece of land that Naomi sold? The verse (4:3) states that Naomi's husband, Elimelech, had inheritance rights to the property. Elimelech and his offspring had all passed away, however. Even though his wife, Naomi, had received the land in payment of her Kettubah, since a woman does not inherit the possessions of her husband, she could not be called the "inheritor" of the property. She was simply a "purchaser" of the property, and would have to forfeit it on the Jubilee year. Who, then, *did* inherit Elimelech's property?

According to the Jewish laws of inheritance, when one dies without leaving behind a living child or father, his inheritance goes to the living descendants of his father (i.e. his brothers or their families). Rashi (2:1) tells us that Elimelech had three brothers: Tov, Boaz' father and Naomi's father. If so, Tov, Boaz and Naomi were each rightful heirs to 1/3 of Elimelech's property. The transaction Boaz made with Naomi was not an act of acquisition or purchase, but merely a formal act indicating consent on the part of Naomi (the "non-purchasing" type of transaction mentioned earlier).

(I have added this point on my own to the words of the above-mentioned commentators. Their own presentation is slightly different, and contains some questionable points.)

(#2) Since Naomi was a partial inheritor of the property, and the inheritor must grant the redeemer permission to redeem the property (according to the suggestion of Rav Yehudah Ibn Shushan), Naomi's consent was required before anyone could redeem the property of Elimelech. This is why a transaction had to be made with Naomi.

How did marrying Ruth become a part of the redemption process (question #2)? We saw before that Rashi (quoted above, section III answer #2) asserts that Ruth, as the seller of the property, was entitled to stipulate anything she desired as part of the sale, and she insisted that the buyer marry her. We can apply this same line of reasoning to the Bach's approach. Naomi's permission was necessary in order to allow the redemption process to take place, as we just explained. She was entitled to make her permission contingent on

anything she pleased, and she desired to make it contingent upon her daughter-in-law's marriage to the redeemer. This is why it was not possible to redeem the land without first accepting Ruth's hand in marriage.

(#3,#4) How was it possible for redemption to take place before the mandatory two-year waiting period (question #4)? The Bach suggests that perhaps Boaz did not actually *purchase* the property at this juncture. He simply agreed to redeem it after the two-year waiting period had lapsed. At this point in time, he simply made a transaction with Naomi (as explained above, in answer to Q#1) in order to extract a legal commitment from Naomi not to withdraw her consent before the two years had passed.

This, in turn, provides an answer to question #3 -- what was the need for the transaction between Boaz and Tov? As we explained in the first approach (section III answer #3), this transaction was not a transaction of purchasing, but rather one of agreement to an understanding between two parties, like a handshake. Now that we have shown that the acquisition of the field would not actually take place for two years hence, it was particularly important for Boaz to extract a legal commitment from Tov not to change his decision.

(#5) As for the last question raised above -- why is it not mentioned in verse 4:9 that Boaz bought Machlon's field from *Ruth*, and not from Naomi? The answer is that the transactions being discussed were not actual acquisitions, but rather a procurement of *permission* from the inheritor to perform the Mitzvah of redemption. If so, we understand very well why Ruth was not involved in this. She was not one of the heirs of the original owner of the property, Elimelech, and was thus not a party to this transaction as Naomi was.

If anything, we must wonder why Ruth's name *does* come up in verse 4:5. Shoresh Yishai (to 4:5) deals with this question, and answers that the verse does not mean to say that Ruth was the inheritor of the property, but that Naomi (who *was* an inheritor) had made the sale contingent on Ruth. It is therefore "as if" Ruth was one of the sellers of the field, since her consent was necessary for the sale!

From: ymkaganoff@gmail.com date: May 28, 2017

Akdamus Practices

By Rabbi Avraham Rosenthal

Edited by Rabbi Yirmiyohu Kaganoff

A common *minhag* among *Ashkenazim* is to read the beautiful poem of *Akdamus* at the beginning of the *kerias haTorah* on *Shavuot* morning. This article provides some basic historical and *halachic* background to this magnificent work.

The Author The name of the person who composed *Akdamus* can be found as an acronymic in the lines of the poem. The first forty-four lines begin with the twenty-two letters of the *aleph-bais*, two lines per letter. The opening letters of the remaining forty-six lines of the poem spell out: "Meir bar Rebbi Yitzchok, *yigadel baTorah ubemaasim tovim, amein, chazak ve'ematz*" -- "May Meir, the son of Rebbi Yitzchok, grow in Torah and good deeds, amein, be strong and fortified." Rebbi Meir ben Yitzchok, one of the early *Rishonim*, is mentioned by both *Rashi* and *Tosafos* (see *Rashi, Tehillim* 73:12 and *Hoshei'a* 6:9; see *Tosafos, Rosh Hashanah* 11a, s.v. *ela*). Rebbi Meir lived in the city of Vermeisa (Worms), the same city where *Rashi* lived when he traveled to Germany to study in yeshiva. The *Shibbolei Haleket* (#290) cites a responsum of *Rashi*, who writes, "I heard from the mouth of that *tzaddik*, Rebbi Meir bar Yitzchok..." No doubt upon this basis, the *Sefer Hatodaah* cites that *Rashi*, when a young man, studied Torah under Rebbi Meir bar Yitzchok. Both *Rashi* and *Tosafos* refer to Rebbi Meir bar Yitzchok with the appellation "*shaliach tzibbur*." It is recorded that he created a *kiddush Hashem* by valiantly defending *Yiddishkeit* in a forced debate with clergymen of the church, and it is also reported that the son of Rebbi Meir ben Yitzchok was killed *al kiddush Hashem* during the crusades in 4856 (1096), which occurred in *Rashi's* lifetime.

Earliest Sources The earliest extant sources of the custom to recite *Akdamus* on *Shavuos* morning appear in the fourteenth-century works, *Sefer Haminhagim* and *Minhagei Maharil*. These two collections of *minhagim* compile the vast majority of the customs of *Ashkenazic* Jewry. Although neither the *Shulchan Aruch* nor the *Rema* mentions the custom, numerous *Acharonim*, such as the *Levush*, *Taz*, *Elyah Rabbah* and others, do cite it.

The Poem's Structure There are several other interesting facts concerning the structure of *Akdamus*: 1) Each line contains ten syllables. (*Sheva* and *chataf* sounds are not reckoned when counting syllables.) These ten syllables apparently represent the *Aseres Hadibros* which are read on *Shavuos* and in whose honor the poem was written (*Moadei Kodesh* [Rav Binyamin Adler] page 277). 2) Each line concludes with the letters *tav-aleph*. This alludes to the fact that the Torah has no end and no beginning. As soon as one "finishes," symbolized by the letter "*tav*," he goes back to the "*aleph*," or the beginning (*ibid.*).

Why Aramaic? 3) *Akdamus* was composed in Aramaic, and the question has been raised why the composer chose this language. One possible reason is similar to the comments of *Tosafos* (*Brachos* 3a, s.v. *ve'onin*) concerning the fact that the *Kaddish* is written in Aramaic. *Tosafos* write, "Since this *tefillah* is so beautiful and it is a great praise, it was composed in the language of the *targum* (Aramaic) so that the angels will not understand it and be jealous of us." Similarly, it can be said that the poem of *Akdamus* is so exceedingly beautiful that the author did not want to arouse the jealousy of the angels. This reason is especially befitting when one takes into account the discussion cited in the *Gemara* (*Shabbos* 98b-99a) that took place prior to *Matan Torah*. The *Gemara* relates that when Moshe ascended to Heaven to receive the Torah, the angels were upset, complaining to *Hashem* that He intended to give His precious Torah to mere humans. *Hashem* instructed Moshe to respond. Moshe answered them that we can see from the various *mitzvos* of the Torah that the Torah is relevant only to human beings, and not to angels. Since the angels had such a strong desire to keep the Torah for themselves, it would not be appropriate to read *Akdamus*, which speaks about the giving of the Torah to *Klal Yisrael*, in a language understandable to the angels (see *Moadim Lesimcha*, volume VI, page 466, footnote #6).

Fear of the Non-Jews Another reason that has been suggested as to why *Akdamus* was composed in Aramaic is due to the fear of retribution by the non-Jews. One of the themes mentioned in *Akdamus* is the praise of *Klal Yisrael*, as well as the denigration of non-Jews (*ibid.*, page 469).

Worms Exception

As an interesting aside, one of the *Ashkenazic* European communities that did not follow the practice of reciting *Akdamus* is none other than the composer's home town of Vermeisa, Worms. According to a comment in the *sefer minhagim* of the Vermeisa community, the traditional reason why they do not recite this poem is because one year, a *chazzan* gave a particularly beautiful rendition of *Akdamus* with an exceptional level of intensity, and upon completing it, the *chazzan* suddenly passed away. Due to this, the community discontinued reciting it. However, the author of this comment takes issue with this reason and maintains that such a reason is insufficient. *Akdamus* is such a lofty poem it should be recited every year. Rather, the commentator suggests that the Vermeisa community did not recite *Akdamus* out of fear, because the local anti-Semites were once defeated in a debate by the poem's composer (see *Moadim Lesimcha*, page 469, footnote #7).

Permission to the Translator In order to understand the next suggestion as to why *Akdamus* was composed in Aramaic, an introduction is required. During the time of *Chazal*, it was customary that, during *kerias haTorah*, a person would read the Aramaic translation of the *pesukim*, the *Targum*, which was the spoken language at the time. This was to ensure that the participants would understand what was being read. During the time of the *Rishonim*, this practice began to fall into disuse and the *Targum* was read only on special occasions, such as during the *Yomim Tovim*. Additionally, it became the practice to begin the Aramaic translation of the *parsha* being read with a "*reshus*" – an introduction of sorts in which the translator asks

for "permission" to begin the translation. This "*reshus*" was also recited in Aramaic. This idea of beginning with a "*reshus*" is similar to the practice of the *shaliach tzibbur* asking "permission" to interrupt the *davening* with the *piyutim*. Since most congregations today recite *piyutim* only on the *Yomim Nora'im*, the *reshus* is usually recited only on those days. It has been suggested that *Akdamus* was composed as a *reshus* for the translator prior to beginning his translation of the *Aseres Hadibros*. Since the spoken language was Aramaic, it was logical that the *reshus* should be in that language (Rav Wolf Heidenheim, *Chumash Me'iras Ainayim*, cited in *Moadim Lesimcha*, page 470).

The Great Controversy A great *halachic* debate arose concerning when to recite the poem of *Akdamus*. The early sources that cite the *minhag*, such as the *Maharil* and the *Sefer Minhagim*, write that *Akdamus* is recited after the *baal kriyah* has read the first *pasuk* of the *leining*. Apparently, this was the practice for several hundred years. However, during the early seventeenth century, the *Acharonim* began to question this practice. Possibly, the first to do so was the *Taz* in his comments to the *halachos* of *Shavuos* (494:1), where he writes: "Concerning the custom of these countries to read the first *pasuk* and then start *Akdamus*: One must wonder how they are permitted to interrupt the reading, for it is forbidden to interrupt, even by reciting words of Torah, as it states in chapter 146. Certainly, why should one interrupt with this praise that is not even related to the reading?" "I have heard that, recently, great rabbis have introduced the practice of singing *Akdamus* before the *kohein* recites the *bracha* of *kerias haTorah*, and this is proper to do in all the communities." Numerous *Acharonim* defended the custom of reciting *Akdamus* after the first *pasuk* of the *leining*, as it had been practiced over the centuries. Some of their arguments include: Rav Efrayim Hakohein of Vilna wrote an extensive responsum providing several approaches to justify the custom (*Shu"t Shaarei Efrayim* #10). One of his arguments is that the *Rishonim* who practiced the custom of reciting *Akdamus* after the first *pasuk* of the *leining* certainly knew the *halachah* that one is not allowed to interrupt the reading. It must be that they did not consider *Akdamus* to be an interruption. Perhaps they held that, just as the recital of the Aramaic translation during the *leining* was not an interruption, so, too, *Akdamus* is not. A second approach suggested by Rav Efrayim Hakohein is that, according to our custom that the person who receives the *aliyah* and recites the *bracha* is not the one who *leins*, it is not considered an interruption for the *baal kriyah* to recite *Akdamus*. In order to understand another of the *Shaarei Efrayim*'s arguments, a brief introduction is required. There is a concept cited in a *Mishnah* (*Brachos* 2:1), concerning the *halachos* of *kerias Shema* and its *brachos*, called "*sho'el mipnei hakavod*." This refers to the idea that it is permissible, in the middle of the *birchos kerias Shema*, to greet an honorable individual. (For reasons beyond the scope of this article, this is no longer practiced.) The *Shaarei Efrayim* argues that reciting *Akdamus*, a poem giving great praise and honor to *Hashem*, is no worse than "*sho'el mipnei hakavod*," and one is allowed to do so, even during the *leining*. One of the leading *poskim* in Poland and Austria during the late seventeenth and early eighteenth centuries was Rav Meir Eisenstadt, also known as the *Maharam Ash* or *Maharam Eish*. (The *mem* of *Maharam* is for Meir; the name of the city of Eisenstadt was often abbreviated in Hebrew to *Aleph/Shin*, similar to the way we refer to "L.A.") Thus, *Maharam Ash* is similar to referring to *Maharam Rottenberg* or *Maharam Lublin*, after their respective cities.) In one of his responsa (*Shu"t Panim Meiros*, volume III, #31), the *Maharam Ash* discusses the *minhag* of reciting *Akdamus* after one has already begun the *kerias haTorah*, and the *Taz*'s objection to this custom. The *Maharam Ash* notes that there was once a *rov* who attempted to change the custom and follow the ruling of the *Taz*, but his *kehillah* would not permit it. The *Panim Meiros* writes that he does not understand the *Taz*'s objections. A much stronger *halachic* argument can be made to annul the widespread custom of reciting the "*Krovetz*" *piyutim* added to the *brachos* of *Shemoneh Esrei* on various occasions. He cites the arguments of the *Tur* (*Orach Chayim* 68) why we may not add *piyutim* to the *davening*, and,

nevertheless, the custom remains to recite *Krovetz*. Similarly, we do not need to change the custom of where to recite *Akdamus*. This is especially true, since the problem raised by the *Taz* that it is an interruption is not entirely accurate. Had the custom been to recite *Akdamus* after the *kohein* recites the first *bracha*, and before the *baal kriyah* begins *leining*, then one could argue that it is an interruption between the *bracha* and the *mitzvah*. However, in the case of *Akdamus*, it is recited after the first *pasuk* has been read. Thus, it is no different from one who recites a *bracha* over food and eats a bit. There is no reason for him to refrain from speaking while he is eating the remainder. Maharam Ash concludes by saying that even if Eliyahu were to tell us to annul a *minhag*, we would not listen, because “a custom uproots *halachah*.” In his opinion, one who annuls this custom detracts from the honor of the *Rishonim* who accepted this practice. 3) Another of the great *Acharonim* who disagreed with the *Taz* was Rav Yaakov Reischer, a prolific author of many *halachic* works, including the *Minchas Yaakov* (the classic commentary on the *Rema*’s *Toras Chatas*), *Toras Shelamim* on *Yoreh Deah*, and *Shu’t Shevus Yaakov*. In his commentary to the *Shulchan Aruch Orach Chayim*, *Chok Yaakov* (494:3), he supports the view of the *Shaarei Efrayim* and maintains that one should not change the *minhag*. He also mentions that those who attempted to introduce the change, as per the ruling of the *Taz*, were unsuccessful. As an interesting aside, it is reported that the author of the *Shaagas Aryeh*, who served as the *rov* of Metz after Rav Yaakov Reischer, attempted to change the local custom and have them recite *Akdamus* before the *leining* began. Several strong-willed members of the community fought him on this issue, and the original custom was left in place. The story goes that this incident prompted the *Shaagas Aryeh* to say, “If only these people would be as particular to adhere to the *Aseres Hadibros* as they are to keep the *minhag* of reciting *Akdamus*!” (*Moadim Lesimcha*, page 472, footnotes #10-11)

Current Practice Although numerous *Acharonim* disagree with the *Taz* and maintain that *Akdamus* should be recited after the first *pasuk* of the *leining*, nevertheless, over the course of time, the most common observed custom, indeed, changed. Nowadays, most communities recite *Akdamus* before the *kohein* begins reciting the *bracha* prior to his *aliyah*. (see *Chasam Sofer*, comments to *Shulchan Aruch* 494; Rav Yaakov Emden [Siddur]; *Pri Megadim*, *Mishbetzos Zahav* 494:1; *Mishnah Berurah* 494:1). For example, the *Shulchan Aruch HaRav* (494:7) writes that those who recite *Akdamus* after the first *pasuk* of the *leining* have a *halachic* basis; however, in places where there is no fixed custom, it is preferable to recite it before the *kohein*’s *bracha*. It is interesting to note that Rav Yaakov Emden, who wrote very strongly in support of the *Taz*’s view, was a grandson of the *Shaarei Efrayim*, who argued against the *Taz*.

Another Halachic Discussion The above-mentioned argument concerning whether *Akdamus* should be recited after the first *pasuk* of the *leining* or prior to the *kohein*’s *bracha* over the Torah reading has ramifications elsewhere in *halachah*, as well. The *pasuk* in *Yeshayahu* (1:28) states: “Those that abandon *Hashem* will be destroyed.” The *Gemara* (*Brachos* 8a) explains that this is referring to someone who leaves the room when the *sefer Torah* is present. When codifying this *halachah*, the *Shulchan Aruch* (*Orach Chayim* 146:1) writes: “It is forbidden to go out and leave the *sefer Torah* while it is open. However, in between *aliyos*, it is permitted.” When the *Gemara* discusses this topic, the question is raised concerning whether one may leave the room in between *pesukim*. Although the *Gemara* leaves this point unresolved, the *Tur* (*Orach Chayim* 146) rules stringently that one may not leave in between *pesukim* while the Torah is being read. At first glance, this ruling of the *Tur* sounds strange. Why would one imagine that he could leave in between *pesukim*? Once he leaves, he will miss the subsequent *pesukim* and be guilty of abandoning the *sefer Torah*! However, the *Machatzis Hashekel* (146:1) explains that there are actually two scenarios where this *halachah* is relevant. One possibility is during the times of *Chazal* and the *Rishonim*, when the Torah reading was interrupted for the Aramaic translation. After each *pasuk*, the translator would provide the Aramaic

explanation. This *halachah*, that one may not leave in between *pesukim*, is relevant in such a situation. Although it would stand to reason that one is permitted to exit for a moment and return before the *baal kriyah* reads the next *pasuk*, nevertheless, the *halachah* is that one may not leave, even during *pesukim*. Another scenario is during the recital of *Akdamus*. According to the original custom when *Akdamus* was said after the first *pasuk* of the *leining*, one might have thought that he could leave during *Akdamus* as long as he returned before the *leining* resumed. This *halachah* instructs that such a practice is forbidden, since the *leining* has already begun and one may not leave in between *pesukim*.

Conclusion The *Gemara* (*Berachos* 35b) teaches that the *pasuk* *Listen my son ...to the teaching of your mother* (*Mishlei* 1:8) refers to the practices accepted by the Jewish people. Just as a mother has an emotional, instinctive understanding of what is best for her children, *Klal Yisroel* inherently understands what is best for transmitting to its future generations the spirit of our mission in this world. Therefore, when *Klal Yisroel*, or a community of *Klal Yisroel*, adopts a *minhag*, there is an inherent understanding of the need and value for this practice that transcends the more obvious reasons for customs. Wishing all a *chag somayach*!

<http://www.torahmusings.com/2017/05/davening-early-shavuot/>

Davening Early on Shavuot

Rabbi Daniel Mann

May 24, 17

Question: In a shul with many elderly members who have trouble staying up late, may we have a minyan for Ma’ariv of Shavuot before tzeit hakochavim (=tzeit)?

Answer: The idea of waiting until tzeit to start Shavuot is not found in Chazal but arises first in early *Acharonim*, beginning with the *Masat Binyamin* (*Chiddushei Dinim*, *Orach Chayim* 4). The matter is related to the idea that since Shavuot follows a 49-day period, it should not start before its time. One can ask whether the problem is that Shavuot is “not ready,” or whether Shavuot can start early but it is improper to “shortchange” the omer period.

The *Netziv* (*Meishiv Davar* I:18) sees in “you shall call, on the midst of this day, a holy convocation” regarding Shavuot (*Vayikra* 23:21) a special rule that it cannot start early. This puts the stress on Shavuot. However, the earlier sources (*Masat Binyamin* *ibid.*, *Shelah*, beginning of *Massechet Shvuot*) focus on “they shall be seven complete (temimot) weeks” (*Vayikra* 23:15), positing that starting Shavuot early impinges on the completeness of the omer period. (This is likely related to the concept of counting promptly on the first night because of *temimot* – see *Mishna Berura* 489:2). *L’horot Natan* (VII:31) prefers the earlier sources and claims that, as a result, one who made *Kiddush* early fulfilled his *mitzva* and need not repeat it.

From what Shavuot element(s) must one refrain? The *Masat Binyamin*, *Shelah*, and *Magen Avraham* (intro. to *Orach Chayim* 494) refer only to *Kiddush*, and the *Shelah* says explicitly that Ma’ariv (and *Kiddush* in shul) can be done earlier. The *Taz* (intro. to *OC* 494) says that Ma’ariv should also be delayed. The *Pri Megadim* (ad loc.) stresses the *Taz*’s cogency based on the fact that regarding several *halachot*, Ma’ariv ushers in a new day. The *Mishna Berura* (494:1) posits that Ma’ariv should wait until tzeit, and this is the widespread *minhag*. (*Hitorerut Teshuva* II,31 likes the delay of Ma’ariv for a side reason. Because people stay up all night and do not recite *Kriat Shema* *Al Hamita*, it is important for *Kriat Shema* to be after tzeit (see *Rashi*, *Berachot* 2a).)

What about candle lighting? Since it can be done on *Yom Tov* and usually ushers in *Shabbat* (see *Shulchan Aruch* and *Rama*, *OC* 263:10), it is logical to compare it to *Kiddush* and Ma’ariv. However, while there is an opinion to wait for candle lighting, the *minhag* is to light at the regular *Yom Tov* time (see *Halichot Shlomo*, *Moadim* 12:2). One explanation is that it is not an absolute acceptance of *Shabbat*. One could claim that women, who are the

ones who accept Shabbat with lighting, may ruin temimot because they are exempt from counting. However, L'horot Natan (ibid.) argues powerfully that this application of temimot is not a function of the mitzva to count, but of respecting the time period's integrity, which applies also to women.

The main reason, though, is probably that there is no intrinsic problem at all. One violates no mitzva by doing an act of Shavuot, and omer is seven complete weeks anyway. Chazal, who are our source of formal limudim, are silent on the matter. Rather, the matter of waiting, even though the rule is that one may perform Shabbat and Yom Tov activities early, is a minhag instituted because it looks like (language of the Shelah) we are shortchanging the omer. Thus, there is no need to separate between the time of omer and Shavuot absolutely, but only according to the extent the minhag prescribed. There is a consensus regarding Kiddush; it has extended for most to Ma'ariv; only a few apply it to candle lighting.

Because many classical poskim allow early Shavuot Ma'ariv, it is legitimate for a shul/minyan with a special need to do so, despite the prevalent minhag. If feasible, it should be stressed that only those with a real need attend (it is unclear if accommodating children's sleep patterns qualifies). It is proper to communicate that all who can should not make Kiddush before (the earliest opinion of) tzeit. The level of compliance need not affect plans for Ma'ariv unless it is known there is widespread "abuse."

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**Just Saying by Rabbi Moshe Schapiro
Say What?**

The Ten Commandments are introduced by the verse, "Va-yedaber Elokim et kol ha-devarim ha-eleh lemor," - "And God spoke all these matters, saying" (Shemot 20:1) a variation of the more common, "Va-yedaber Hashem el Moshe lemor" - "And Hashem spoke to Moshe, saying." The problem in translating this ubiquitous verse is the redundancy of the two verbs va-yedaber and lemor. The translation "Hashem spoke to Moshe saying," which is suggested by many commentators ((See Ibn Ezra Shemot 31:12 and Rashbam Bereshit 8:16.)) is awkward and redundant. It would have read more concisely and simply as, "and God spoke to Moshe," followed by the specific commandment. Ramban adds a new dimension to the word lemor, suggesting that it comes to emphasize the "clarity of the matter," implying exactness and explicitness. ((Ramban Shemot 6:10.)) However, R. Yaakov Tzvi Mecklenburg ((HaKetav VeHaKabbalah, Shemot 20:1 and Vayikra 1:1)) points out that in many cases, particularly in the context of the Ten Commandments, the wording would still be redundant. The verse already states that "God spoke all these matters"; there is no need to further stress the clarity or exactness of God's speech.

The Sifra (Vayikra 1) understands that the familiar translation "saying" is really not correct. The word lemor is an infinitive and the more precise translation should be, "And God spoke to Moshe, to say." In other words, God taught Moshe a commandment and instructed him "to say," i.e., to repeat it to the Jewish people. Even with this new insight the opening verse of the Ten Commandments is still problematic. According to our new reading it should be rendered, "And God spoke all these matters, to say." However, here God was not speaking to Moshe Rabbenu and telling him to communicate the mitzvot to the Jewish people. He was speaking directly to each and every Jew at the foot of Mt. Sinai. What do the words "to say" mean in such a context? To whom was God directing the instruction "to say?"

Not To Say the Least

When God set forth the Ten Commandments before the Jewish people at Mt. Sinai, we could not witness the events in a detached manner. God's Torah should not be an object of disinterested observation. "And God spoke all these matters, to say" means that God demanded from us "to say"- to respond. The Mekhilta ((Yitro, BaChodesh 4)) records a dispute between R. Yishmael and R. Akiva regarding the nature of that response. R. Yishmael contended that when God presented a positive commandment such as, "Honor your father and mother" the Jewish people responded "Yes! We will honor our fathers and mothers." When God introduced a negative commandment like, "Do not murder," the response was, "No! We will not murder." However, R. Akiva envisioned the exchange differently. Even the negative commandments like "Do not murder" were accepted with the positive response, "Yes! We will not murder." R. Yishmael's opinion is more intuitive linguistically and conceptually. Why did R. Akiva claim that the Jewish people responded to both positive and negative commandments with the affirmation "Yes?"

R. Gedalyah Schorr ((Or Gedalyahu, Mo'adim, Likutei Dibburim 'al Inyanei Shavuot, 5.)) explains that the appreciation for the depth and breadth of the mitzvot is what underlies R. Akiva's insistence that the Jewish people responded to both positive and negative commandments in the affirmative. When God said, "Do not murder," the nation understood in that proscription something far more lofty and demanding than a prohibition against taking human life. To merely answer: "No! We will not murder," would have been incomplete. The true depth of the commandment called for a positive response: "Yes! We will not murder. We will appreciate the value and sanctity of every human life. We will not embarrass or cause harm to another human being, which can be likened to murder. Yes! We understand that in this seemingly simple social restriction there lies the loftiest guidelines for human interaction and for the development of a noble spirit!"

Easier Said...

The basic structure of the Yom Kippur Machzor is built around the Vidui Arukh, a long list of sins (46 in all) to which we confess at various points in the Yom Kippur service. Obviously, each individual could not have committed all of the sins on the list, yet we all recite the same long, detailed confession. Wouldn't it be more appropriate to confess only for the specific sins that we actually committed? The Chida ((Chasdei Avot, Avot 2:8)) quotes a tradition that he received, that there was a righteous individual in the days of Rambam who did not want to recite this confession because he knew that he had not done any of the sins listed. Rambam strongly rebuked him, telling him that if he only knew the extent of true avodat Hashem, he would realize that he had committed every sin on the list, in some respect.

David ha-Melekh proclaimed, "To every goal I have seen an end, but Your commandment is exceedingly broad" (Tehillim 119:96). Every mitzvah contains within it an incalculable number of ever-ascending levels of perfection. Even if one did not perform the literal sins which are described in the Yom Kippur confession, it is certain that one did violate some of the more subtle aspects of those commandments and therefore confession is totally appropriate. The commandment to observe the Sabbath, for instance, which the Torah delineates in only a few verses, comprises 156 folio leaves in the Babylonian Talmud, about 174 sections of the Shukhan Arukh and countless halakhic compendia and responsa. David ha-Melekh saw that every material enterprise is by its very nature restricted. However, the commandments are limitless, because they emanate from God, who is infinite.

Undaunted by infinity, Chazal placed the Torah's expansiveness in perspective. The prophet Yechezkel tells of a wondrous vision in which he saw a scroll of parchment that was "inscribed both front and back" (Yechezkel 2:9-10). The prophet Zechariah also describes a vision in which he saw "a flying scroll (megillah afah), twenty cubits wide and ten cubits long" (Zechariah 5:1-2). The Talmud (Eruvin 21a) makes three assumptions about these two prophecies. First, both Yechezkel and Zechariah saw the same scroll. Second, the scroll was the embodiment of the Torah. And third, the word afah does not mean "flying" but rather, "double," meaning the scroll was folded over. The Talmud then goes on to calculate that the twenty by ten scroll, when unfolded, would be twenty by twenty. Since it was "inscribed both front and back" the words cover an area of forty by twenty. This yields an area of 800 square cubits. Now, Yeshayahu proclaimed that God measured the entirety of the heavens as "one span" (Yeshayahu 40:12) which is half a cubit. In an area of 800 square cubits there are 3200 spans, and therefore the Talmud concludes that the ratio of the heavens, i.e. the entire universe, to the Torah, as represented by the scroll, is 1:3200. But are Chazal limiting the Torah in this Talmudic passage or expanding its dimensions?

The curious thing about the above passage is that Chazal did not express the size of the Torah in absolute terms, but as a ratio to the size of the universe. This is because the Torah is not limited, but constantly growing. In one of his final speeches to the nation, Moshe Rabbenu recounted the Jews' experience at the foot of the mountain, "These words Hashem spoke to your entire congregation on the mountain, from the midst of the fire, the cloud and the thick darkness - a great voice, ve-lo yasaf- and He inscribed them on two stone tablets and gave them to me" (Devarim 5:19). The phrase ve-lo yasaf can be understood in two mutually exclusive ways. Rashi and many other commentaries ((See Rashbam and Ramban.)) translate the phrase to mean "that will never repeat." However, Targum Onkeles, following the tradition of the Talmud (Sanhedrin 17a) translates it as "that will never cease." What does it mean that God's voice never ceased even after Matan Torah? R. Avraham Chaim Schor ((Torat Chaim, Sanhedrin ad loc. and at greater length in Bava Metzria 85a.)) connects this translation with the assertion of the Midrash (Vayikra Rabbah 22) that, "Scripture, Mishnah, Halakhot, Talmud, Tosefot, Haggadot, and even what a faithful disciple would in the future say in the presence of his master, were all communicated to Moshe at Sinai." ((Shemot Rabbah 28 explicitly quotes the words ve-lo yasaf to prove that, "Each of the Sages that arose in every generation received his wisdom from Sinai.")) Everything was given at Mt. Sinai, because the revelation is ongoing. Every time a Torah scholar proffers a true insight, he is tapping into the flow of divine revelation that first emanated from Sinai. Perhaps

Chazal did not posit, as current science does, an expanding universe. However, our Sages clearly believed in an expanding Torah, and they expressed the relationship between the Torah and the universe in terms of a ratio. If the universe is expanding and the Torah growing accordingly, we must conclude that indeed, "Your commandment is exceedingly broad."

Say it Together!

The boundlessness of Torah in the realm of those commandments that regulate the relationship between finite man and an infinite God (bein adam la-Makom) is readily apprehended. However, regarding the commandments that govern between man and his fellow (bein adam la-chavero) we would be tempted to suggest that there really isn't much more to the commandment "Do not steal" than what it says. The Ten Commandments themselves can give this impression. The first five commandments which are primarily bein adam la-Makom are quite lengthy, developed in multiple verses; whereas the latter five, which are mainly bein adam la-chavero, are stated succinctly without any elaboration. However, Rashi's comment ((Shemot 31:18, citing the Midrash Tanchuma (Ki Tisa 16).)) that the two luchot were exactly equal, despite the obvious fact that the first tablet contained many more letters, indicates that though the Torah may offer more explicit information in certain areas, the extent of every mitzvah is infinite and therefore they are all equal.

In its translation of the Ten Commandments, the Targum Yonatan may also be trying to highlight the equality and immeasurability of all the mitzvot, even those that govern interpersonal relationships. While translating the first five commandments essentially literally, the Targum elaborates much more on the latter five: "My nation, Children of Israel, do not be murderers, not companions or partners with murderers, and there should not appear in the Congregation of Israel murderers, and your children after you should not learn to be with murderers." The same lengthy formulation is given regarding adulterers, thieves, false witnesses and coveters. R. Eliyahu Lopian ((Quoted by R. Yehudah Heshil Levenberg, Imrei Chen al HaTorah, v.3 p.12.)) suggests that the Targum was trying to prevent the mistaken impression that somehow the mitzvot bein adam la-chavero do not have the same limitless potential as the mitzvot bein adam la-Makom. "Do not steal," is an injunction against taking another person's possessions, but there are many more subtle levels and aspects, with increasingly more demanding expectations for the development of the religious personality and the perfection of the human character. As a person grows spiritually, these seemingly straightforward commandments take on more meaning. "Do not steal" also means, "Be quiet when others are sleeping" so their sleep is not stolen. It means, "Do not jaywalk" causing drivers to stop or slow down, thereby stealing their time.

As the Saying Goes...

Although Rashi, by stressing the equality of the commandments on the Luchot, and Targum Yonatan, by elaborating on the last five commandments, both imply that even the Written Torah is more expansive than might appear at first glance, the Written Torah and the carved Tablets of the Law are essentially finite. The Torah that is constantly expanding and developing is the Oral Torah, the Torah she-be-al peh. Rashi ((Eruvin 21a s.v. Vayifros.)) identifies the scroll that Yechezkel and Zechariah saw as being the physical embodiment of the Torah she-be-al peh. It was to accept this limitless Oral Torah that the Jews at Mt. Sinai responded "Yes" with all the boundless possibilities that an affirmative response evokes.

As we noted, R. Yaakov Tzvi Mecklenburg ((Op cit. Vayikra)) questioned the opinion of Ramban, that the word "lemor" comes to emphasize the "clarity of the matter," because in many occurrences of the word, such as in the opening verse of the Ten Commandments, the clarity is already implied. However, he does not entirely abandon Ramban's concept of clarity. He suggests that whereas Va-yedaber refers to the speaking of the words of the written Torah, lemor connotes the further clarity and elucidation of the Oral Tradition. Every mitzvah was given not only with its exact, recorded wording, but with the additional clarifications, stipulations and principles contained in the Torah she-be-al peh. ((Cf. Malbim, Shemot 12:1 who offers a similar interpretation, but inverts the meaning of va-yedaber and lemor.))

The Netziv, like R. Mecklenburg, understand the word lemor as a reference to Torah she-be-al peh, but he retains Chazal's translation of the word lemor as "to say." The Talmud Yerushalmi (Sanhedrin 4:2) quotes an intriguing statement from the sage R. Yannai: "If the Torah had been given cut and dried we would not have a leg to stand on." In other words, had every halakhic decision been rendered unambiguously in the Chumash, we would not have been able to adapt and apply the Torah to new situations and circumstances. The Talmud states that R. Yannai's source is the verse "And Hashem spoke to Moshe" and posits a conversation in which Moshe pleaded with Hashem to render decisive halakhic rulings. However, God responded that He would not do so and that we must follow the majority "so that the Torah may be interpreted in forty-nine ways to impurity and in forty-nine ways to purity."

The Yerushalmi's message is that the Torah must be flexible and open to multiple interpretations in order to be relevant. However, it is not clear how R. Yannai derived

this lesson from the verse "And Hashem spoke to Moshe." The Netziv ((Ha'amek Davar, Vayikra 1:1. R. David Frankel in his commentary on the Yerushalmi (Sheyarei Korban ad loc.) quotes a similar interpretation from the Yefeh Mareh, but rejects it. He offers a different suggestion in his commentary (Korban HaEdah ad loc.). See also Penei Moshe ad loc.)) insists that the passage in the Yerushalmi meant to quote the verse in full, "And Hashem spoke to Moshe to say." He points to Rabbeinu Chananel in his commentary to Sanhedrin 36a, who quotes this passage with the full verse. God spoke (va-yedaber) to Moshe the specific words that are recorded in the Torah. However, lemor means that Hashem gave us the Torah "to say." We must argue and debate the forty-nine possibilities of impurity and the forty-nine possibilities of purity. And it is we who must reach a conclusion and say it aloud. The Torah was not given as a static body of law, but as a dynamic, living interaction between the infinite wisdom of God and the finite mind of man.

R. Samson Raphael Hirsch ((Bereshit 1:22.)) applies this understanding directly to the introductory verse of the Ten Commandments. Lemor was not a demand for a response, as the Mekhilta understood it, rather a directive to the Jewish people "to say," namely to inform and educate others. "And God spoke all these matters, to say" means we must transmit the Tradition received at Mt. Sinai, which is encapsulated in the Ten Commandments, to our children and our students. R. Hirsch suggests that Chazal understood the connotation of the word lemor in this way as well. Although the seven Noahide Commandments are associated with the eponymous Noah, six of them were originally given to Adam on his first day in Gan Eden. The Talmud (Sanhedrin 56b) derives each commandment from a different word in the verse, "And Hashem commanded Adam to say, 'Of every tree of the Garden you may freely eat'" (Bereshit 2:16). The word lemor is the source of the prohibition against forbidden sexual relations (gilui arayot). While the Talmud supports its assertion from another verse containing the Hebrew root amr, the connection seems tenuous at best. R. Hirsch ((Bereshit 2:16.)) explains that the word lemor (to say) implies that each command of God is not only to be followed, but transmitted to others, particularly the next generation. The transmission of the Masorah takes place primarily within the context of the family. It is therefore essential that there be healthy, intact families. Since gilui arayot threatens and undermines the very existence of the family unit in which the Tradition can thrive and continue, Chazal saw in the word lemor a command to preserve the family.

What Are We Saying?

Every word in the Torah can teach us important lessons and impart precious insights. The word lemor, which often just slips by us as we read through Chumash, is no exception. Lemor is a direct appeal that demands a response. Lemor is a profound statement about the possibilities of growth and spiritual elevation. In a generation when we see Jews, superficially religious, paraded on the front page of newspapers indicted for stealing and cheating and worse, we must tremble when we read "Va-yedaber Hashem el Moshe lemor." In a generation when the vast majority of Jews do not observe Shabbat on even the most basic level we must tremble when we read "Va-yedaber Hashem el Moshe lemor." Engaging in actual melachah on Shabbat, actually stealing and murdering- these are basic laws whose violation should have been unthinkable. They should be taken for granted. We should be striving for the loftiest levels of human perfection both in the areas of bein adam la-Makom and bein adam la-chavero.

Unfortunately, we cannot climb the ladder to heaven if we have not yet placed our feet firmly on the first rung. Ultimately, lemor is a challenge to every generation to devotedly transmit the content, methodology and sensibilities of Torah to the next generation so that we will continue to grow spiritually as a people. Shavuot is the holiday on which we celebrate the giving of the Torah at Mount Sinai. It is our sacred obligation to educate our children and the wider Jewish community, to reach out to every Jew and say the words of Torah that God asked us to say so many millennia ago. The challenge that sincerely religious people face is to continue to grow in personal sanctity, refining and elevating our observance of the Torah's commandments, while at the same time remaining aware of and sensitive to the most elementary spiritual needs of our children and our neighbors. We must work for the day when all Jews will respond "Yes!" to God's call to the covenant and together we will explore the full depth and breadth of the Torah and its commandments.

Footnotes at <http://www.torahmusings.com/2017/05/just-saying/>

from: Rabbi Kaganoff <ymkaganoff@gmail.com> date: Mon, Mar 27, 2017

Which Mitzvah Should we Drop?

By Rabbi Yirmiyohu Kaganoff

There are sources that mention that one should study or at least review the 613 mitzvot on Shavuot. In advance of the holiday's arrival, let us study:

What do you mean by "dropping" a mitzvah? Drop it from what?

To understand the question properly, we need to study some background material. The Gemara (Makkos 23b) teaches that Hashem commanded 613 mitzvos, 365 negative mitzvos (lo saaseh) and 248 positive ones (mitzvos aseh), although it does not list them. Yet we know that the Torah commands us what to do thousands of times. Obviously, most of these commands are not counted, but which ones? Furthermore, by mentioning that there are 613 specific mitzvos, the Gemara implies the importance of identifying them. This last factor led many early authorities to pinpoint the exact identity of these 613 mitzvos. In fact, the Geonim and Rishonim authored a vast literature debating and categorizing what exactly comprises these 613 mitzvos.

Two early counts Rav Saadia Gaon authored one of the earliest lists. He wrote an alphabetic poem that mentions all the mitzvos, without any explanation why he counted the commandments he did and did not count others. Rav Yeruchem Fishel Perla, a talmid chacham of note who lived in Warsaw during the time of the First World War, analyzed Rav Saadia's mitzvah list and compared it with the other opinions found among the Geonim and Rishonim. This three-volume magnum opus remains a classic, if underutilized, resource.

Baal Halachos Gedolos The Rambam mentions that the accepted counting of the 613 mitzvos prior to his own Sefer Hamitzvos was that of the Halachos Gedolos, a halachic work authored by Rav Shimon Kaira in the era of the Geonim, which is usually referred to as the Behag, short for Baal Halachos Gedolos. (Although the Behag is often cited as the work of the early gaon, Rav Yehudai Gaon, since the Halachos Gedolos quotes Rav Yehudai Gaon many times, he obviously cannot be the author.) Subsequent to the Behag's list, many other authors followed this list, while others amended it in minor ways. In addition, it spawned many liturgical poems based on it. However, it appears that until the Rambam penned his Sefer Hamitzvos no one disputed the basic approach that the Behag used to determine what counts as a mitzvah.

Will the real mitzvah please stand up? The Rambam disagreed sharply with the Behag's list, and devoted much of his work, the Sefer Hamitzvos, to clarifying what the 613 mitzvos really are. The Rambam even mentions that the many *piyutim* based on the Behag's list are in error; however, he does not fault the authors involved, noting that they were poets and not rabbis (Introduction to Sefer Hamitzvos).

What difference does it make whether something is a mitzvah or not? Although many authors discuss what to include in the count of the 613 mitzvos, it is noteworthy that few of them discuss why it is important to know what are the 613 mitzvos -- other than to understand the Gemara's statement quoted above. On the other hand, the Rambam does explain why he listed the mitzvos. In his introduction to Sefer Hamitzvos, he describes that he had decided that he would write a work that includes all of the halachos of the Torah, but without any sources and debate. The work he indeed eventually wrote is called the Mishneh Torah. The Rambam describes how he decided to structure the Mishneh Torah according to related mitzvah topics, rather than follow the order of the Mishnah. The Rambam then mentions that he decided to precede each section of the Mishneh Torah with an introduction in which he would list the mitzvos included in that section.

Why the Sefer Hamitzvos? At this point, the Rambam notes a concern. Prior to his time, the standard work listing the 613 mitzvos was the Behag, a list with which the Rambam disagreed. This meant that if the Rambam listed the mitzvos before each section of his Mishneh Torah according to his own list, he would be disputing an accepted approach to Judaism. Thus, he was in a quandary. On the one hand, his Mishneh Torah would be incomplete without listing the mitzvos involved in each of its sections; on the other hand, people might reject his list of mitzvos unless he explained its rules and why he disputed what was heretofore accepted. For this reason, the Rambam explains, he wrote the entire Sefer Hamitzvos as an introduction to his Mishneh Torah in order to explain the rules that determine what counts as a mitzvah and what does not. In a way, writing the Sefer Hamitzvos was bolder and more innovative than writing either the Moreh Nevuchim or even the Mishneh Torah itself, since the Sefer Hamitzvos disputed a theretofore completely accepted system. Although some authors subsequently disputed parts of the Rambam's system, in general, the Jewish people have more-or-less accepted his list of mitzvos and his rules determining what counts as a mitzvah. For example, a later work, the Sefer Hamitzvos HaGadol, usually called by its Hebrew acronym, the Smag, compiled his own list of the 613 mitzvos. Although he disputes with the Rambam's conclusions on a number of occasions, he still accepts most of the Rambam's basic definitions as to what comprises a mitzvah and what does not. His disagreements with the Rambam generally involve specific interpretations and applications, not the basic rules.

The Sefer Hachinuch The most familiar list of the 613 mitzvos is that of the Sefer Hachinuch. Actually, this author did not develop his own count of 613 mitzvos, as he mentions himself several times in his work. Rather, he followed the Rambam, with only one exception. However, whereas the previous mitzvah counters, Rav Saadia, the Behag, the Rambam and the Smag, all listed the mitzvos in a logical pattern, the Sefer Hachinuch rearranged the list, numbering each mitzvah according to its appearance in

the Torah. He further introduced each parshah with its list of mitzvos. The Sefer Hachinuch's reorganized list is the most commonly used today to count the 613 mitzvos. By the way, although it is important to know and understand the 613 mitzvos, there is no halachic significance in knowing the chronological number associated with a particular mitzvah. For this reason, there is no reason to memorize the mitzvos according to the number assigned them by the Sefer Hachinuch, notwithstanding that I know that many schools devote major projects to having their students memorize the mitzvos by their number according to the Chinuch. Now I can finally explain what I meant about "dropping" a mitzvah. For example, in parshas Vayikra, the Sefer Hachinuch counts sixteen mitzvos, eleven positive and five negative ones. The problem is that, according to most authorities, both he and the Rambam should have counted one more negative mitzvah. Which mitzvah are they accused of omitting? The Torah mentions many types of korbanos in the course of the parshah, some of animals, some of birds, and some of flour. When the olah offering is placed on the *mizbei'ach*, the altar, the Torah requires that it first be cut up into large pieces, similar in size to the large pieces of meat that a butcher may receive. It is forbidden to cut the meat into smaller pieces in order to place them on the *mizbei'ach*, nor may one place the entire carcass on the *mizbei'ach* without first cutting it up. However, when the Torah discusses offering a bird as an olah, usually called the *olas ha'of*, the halachah is different. One may place the entire bird on the *mizbei'ach* at once, just as people commonly barbecue an entire bird. But what happens if the kohen chose to cut the bird in half before placing it on the *mizbei'ach*? According to the Rambam, one may separate the bird into parts if one chooses (*Hilchos Maasei Hakorbanos* 6:22). However, most authorities prohibit this, contending that severing the bird violates one of the 365 negative commandments of the Torah (*Behag; Yerei'im*). Thus, in their opinion, one who severs the bird commits a punishable offense similar to wearing *shatnez* or eating non-kosher!

Lo yavdil The above dispute stems from two differing approaches how to interpret two words in this week's parshah: "lo yavdil" (*Vayikra* 1:17). Does the Torah mean, he (the kohen processing the *olas ha'of*) is not required to separate it, or does the Torah mean, he shall not separate it? Since the Rambam interprets the words according to the first explanation, and therefore rules that one may separate the bird, he does not count this as a mitzvah, and the Sefer Hachinuch follows this approach and also does not count this mitzvah.

Explaining our question Now I can explain what I meant in the title to this article. Although we generally follow the Rambam's count of mitzvos, in this instance the Rambam is a minority opinion. Based on substantive proofs, the later authorities contend that we should not follow his approach, but consider lo yavdil as a *lo saaseh* (*Malbim* and *Hirsch* commentaries on the verse in *Vayikra; Sfas Emes, Zevachim* 64a; *To'afos Re'im* in his commentary to Sefer *Yerei'im*; Rav Yeruchem Fishel Perla in his commentary on Rav Saadia, *Lo Saaseh* 194). That means that we have a total of 614 mitzvos, the Rambam's 613 plus this mitzvah, or, even more specifically, we will have 366 negative mitzvos, rather than the 365 that the Gemara mentions. Obviously, we have counted something as a mitzvah that we should not have! We need to determine which negative mitzvah counted by the Rambam must be removed from the list in order to make room for this one.

Since none of the mitzvos that the Rambam selected have volunteered to resign, we are left with the unenviable responsibility of deciding which one to remove. Assuming this awesome responsibility brings to my mind the epigram originally written by the Eighteenth Century English poet, Alexander Pope: Fools rush in where angels fear to tread. Of course, I am not advocating the rewrite of any part of Sefer Hachinuch. I am merely suggesting that there is much to gain by exploring some candidates for de-mitzvah-ization. This certainly provides an opportunity to examine and appreciate what is involved in "counting mitzvos."

Watch that mikdash! One possible candidate could be the *lo saaseh* requiring the kohanim and the *levi'im* to guard the Mishkan/Beis Hamikdash by posting watchmen in various places. Just as Buckingham Palace has a military detail guarding the monarch's residence, so, too, the "palace" that we erect in Hashem's honor must have an honor guard (Rambam, *Hilchos Beis Habechirah* 8:1). The Mishkan and the Beis Hamikdash certainly deserve as much pomp and honor as a mortal king receives! This requirement would appear to be a positive mitzvah: Safeguarding the holy place. Yet, the Rambam and the Sefer Hachinuch (*Mitzvah* 391) count the observance of this requirement as both a positive mitzvah, to maintain the watch (*Sefer Hamitzvos aseh* 22; *Sefer Hachinuch, Mitzvah* 388), and a negative one, not to abandon the guard (Rambam, *Hilchos Beis Habechirah* 8:3; *Sefer Hamitzvos, lo saaseh* 67; *Sefer Hachinuch, Mitzvah* 391). Even more interesting is that their source for the negative mitzvah in Parshas Korach sounds like a positive mitzvah: And you shall safeguard the charge of the holy area (*Bamidbar* 18:5). Furthermore, this verse is an almost verbatim repeat of the previous verse, which is quoted as the source for the positive mitzvah, And they shall safeguard the charge of the holy area (*Bamidbar* 18:4). Indeed, this is presumably the

reason why other Rishonim count this only as a positive command and not as a negative one (Smag). To explain the Rambam's position, the Sefer Hachinuch and the Mahari Korkos note the Gemara that states that the word *hishameir*, Guard, always introduces *lo saaseh* mitzvos, and both the Sefer Hachinuch and the Rambam quote a midrash halachah that explains that the repeated verse is to teach that this mitzvah is both a positive mitzvah and a negative one. Many later authorities debate whether to accept this conclusion of the Rambam, and offer other interpretations of this midrash (Birkei Yosef, Orach Chayim 30:1).

A Tamei entering the mikdash We will now explore a different approach to resolving our original question. The Torah prohibits a tamei person from entering the Beis Hamikdash area. People usually become tamei by contacting tumah from a tamei source, such as a corpse or animal carcass. Such people are prohibited *min haTorah* from entering the courtyard (*chatzeir*) of the Mishkan, or its corresponding area of the Beis Hamikdash, the Azarah, but not the rest of the Mishkan or the Beis Hamikdash (Pesachim 67a). The Rambam counts this prohibition as *lo saaseh* 77, deriving it from the verse: They shall not contaminate their encampments (Bamidbar 5:3). There is another, more severe, category of tumah called *tumah yotzei migufo*, tumah that originates in the body, which includes such types of tumah as *zav*. These types of tumah are listed in Parshas Tazria. People afflicted with these types of tumah may not enter the entire area called *machaneh leviyah*, which includes the entire Har Habayis, called in English, "The Temple Mount."

One mitzvah or two? Although everyone agrees that the Torah created two different levels of prohibition, the question is whether we count them as two separate mitzvos within the count of 365 negative mitzvos, or as one. The Rambam counts them as two separate *lo saaseh* mitzvos, numbers 77 and 78, deriving the second prohibition from the verse, He shall not enter the middle of the camp (Devarim 23:11), whereas others count these as one mitzvah (Smag, *Lo saaseh* 304). Thus, by following the Smag's decision to count these two laws as one mitzvah, we would now have only 364 mitzvos *lo saaseh* and be able to add our parshah's extra mitzvah, not to sever the *olas-ha'of*, in order to bring our numbers back up to 365.

Kosher choices Having discussed several mitzvos germane to the Beis Hamikdash where we might be able to "delete" a mitzvah, let us see if there are any other candidates. In the world of *kashrus* we can nominate not one, but two candidates. The Rambam counts a total of five different negative commandments connected with eating insects and other small creatures (*Lo saaseh* numbers 175- 179) that fall under five different categories. These mitzvos are not mutually exclusive; quite the contrary, a particular creature may be included under several, or perhaps even all, of these prohibitions. The five prohibitions are: 1. Not to eat small flying creatures. 2. Not to eat small crawling creatures. 3. Not to eat creatures that appear to generate from rotting material (*Hilchos Maachalos Asuros* 2:13). 4. Not to eat creatures that develop within fruits and seeds (*Hilchos Maachalos Asuros* 2:14). 5. Not to eat any small creatures (*Hilchos Maachalos Asuros* 2:12). The fifth category includes any of the others, as I will explain. One who consumes a creature that has several of the features in this list violates a separate *lo saaseh* for each category under which it is included. Thus, eating a small swimming creature will violate only one of these prohibitions (the fifth one); consuming a creature that both flies and crawls will involve three prohibitions (1, 2 and 5); if it also appears to develop from rotting material, one will violate four prohibitions (1, 2, 3, and 5), and if it develops within fruit or seeds, one will violate all five.

Where is the dispute? Although the Rambam counts all five of these prohibitions as different mitzvos, each with its own rules, many of the other Rishonim do not count the third and fourth mitzvos that the Rambam counts as separate mitzvos (Smag; Ramban, Notes to Sefer Hamitzvos, Shores 9:9). Thus, according to the latter approach, someone who ate a small creature that flies, crawls and appears to develop from rotting material, will violate three prohibitions, not four. Consequently, they could count our original candidate, not to sever the *olah-bird*, without exceeding the limit of 365 negatives mitzvos. In fact, by excluding two mitzvos and adding only one, we would end up one mitzvah short and need to find one more to add to the list. We will leave that question for a different time.

Conclusion Should one count the mitzvah of *lo yavdil* in this week's parshah as one of the 613 mitzvos? According to most authorities, one should. Regarding the follow-up question, "But then we have 366 *lo saaseh* mitzvos, and the Gemara says that there are only 365," I would answer that although it is not our place to determine definitely which the 613 mitzvos are, we should study the topic thoroughly to see which mitzvos are disputed. We have now seen some possible choices and deepened our understanding of what it means to count something as a "mitzvah."