

BS"D



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**Rav Soloveichik ZT'L Notes ( Volume 1)**

Notice These are unapproved unedited notes of classes given by Rav Soloveichik. We do not know who wrote the notes. However we offer this to the world that maybe someone can get some use out of these notes.

A member of the family has looked at the notes and said that look like the real thing .( Rav Soloveichik did NOT write these notes )

**Avot** (fathers or patriarchs)– Lecture of November 8, 1975

The Torah should have closed the book at the end of Sedra Noach and begun a new book entitled Avot (fathers or patriarchs). This would have been the end of creation.

Whatever happened to the avot is a mirror of what will happen to their descendants. It concerns not only the past but the future of the Jewish people. The Rambam (Maimonides) says that Jewish history was determined by the activities of the patriarchs.

Why is it so important how many wells were dug or other irrelevant details? It is important because it cast a light on the future. It tells what will happen in the future; to determine, you study Sefer Breishit (Genesis). It is said that in Roman times before Jewish representatives went to Roman officials about matters of vital importance pertinent to Jewish security. They studied Sedra Vayishlach (where Jacob sought to appease his brother Esau when Jacob was returning from his sojourn with his uncle Laban). Our lives were established 3500 years ago by the avot.

The action taken by man validates the prophecy from G-d. Man must be a partner symbolically with G-d. That is what Maimonides said. What the avot did before was the symbolic action for future Jews. They acted as messengers of the Almighty! Therefore, it would seem that future generations were not free to shape their destinies; this contradicts the right of man.

The wells dug in the days of Isaac are symbolic of the Beit Hamikdash. The first was destroyed by the Babylonians, the second by the Romans and the third will exist forever. The first wells dug by Isaac's servants were filled by the people of Grar and are called by the Torah Esek (conflict). Thus, when Nebuchadnezer destroyed the first Temple, he was out for victory only, not to destroy the people. Many captives were taken to Babylon and established. The second wells dug by Isaac and filled by the inhabitants were called Sinah (hatred). Thus, the second destruction under the Romans was irrational; their purpose was to destroy the people and the land. Thus, if the theory of Maimonides is true, the people were not free to shape their destiny. Then why do the prophets Isaiah and Jeremiah rebuke the people and tell them to reform, t'shuvah (repentance)? They were urged to amend their ways.

However, there are many ways to interpret signs and symbols. We can have A and B logic, contradictory and yet both true. Such an example are the halachic (law) arguments of Shamai and Hillel--both right. The event was

determined by the avot, but how to interpret the event is up to the individual. The beam of light is refracted with colors. We have to choose the right color.

What was the most important action of Abraham concerning the future? There were two: 1) The galut (the revelation of the coming enslavement in a land not theirs) and 2) the akeida (the sacrifice of Isaac). Especially so is the first one. Some sources believe that Abraham truly discovered G-d at the age of forty. Therefore, shouldn't G-d have revealed Himself at once to Abraham once he discovered the Almighty? No--many years (35) elapsed until the first revelation to leave the land of his birth at the age of 75. His life was one of an exile. Also Isaac was a constant wanderer (although not out of the land known as Israel). The Jewish community has experienced exile almost constantly. To keep changing one's language is almost disastrous. Nothing is quite as discouraging as having beautiful thoughts to express and being unable to do so because of the language barrier--being unable to make one's self understood.

Galut (Diaspora or dispersion) started with the destruction of the first Temple. During the second Beit Hamikdash more Jews lived outside of Israel than within. The three avot (especially Jacob) were in exile. It would seem that for the last 2500 years we have had no choice. In galut (Diaspora) we have either an "idea galut" or a historical fact. The galut of Adam began after the first sin. Basically, galut means homelessness--the feeling of being uprooted. Man is homeless because he is aware of the passing time--that he is closer to the awesome destination--death. The animal doesn't experience this. This is the concept of galut. It doesn't necessarily mean banishment from one geological spot to another. Galut began when man became mortal. When G-d says to Adam, "You will die on the same day," it does not mean that very day. It means he became mortal and never thus knew the day of death. Galut is described in the Torah "at the rivers of Babylon where we cried" (after first destruction). This is physical galut.

How do we know that Rosh Hashanah is Yom Hapachad (a day of fear)? We know because we don't recite the Hallel (song of praise). How can we say Hallel when there is fear? Waking up destroys all the delusions.

When a man is proud and prideful, this is a form of galut. Man should realize that he is not a supreme being but a very weak one. Thus by experiencing the worthlessness of man, Israel could have supplanted the galut predestined by the avot. They would have experienced galut by t'shuvah (repentance). Galut has this many interpretations.

Also in our days we have an alternative. If a man were decreed on Yom Kippur to galut, he can supplant it by the holiday of Succot. By moving out of his house into the succah for seven days, he has experienced a physical galut without the trauma of a galut as we imagine it. Just as Rosh Hashanah portrays fear, Succot portrays fear and joy. The joy is the lulav and etrog. The fear (galut) is the succah. He does not have to go into actual exile.



From: **Rabbi Yissocher Frand** [[ryfrand@torah.org](mailto:ryfrand@torah.org)]  
Sent: November 03, 2005 Subject: Rabbi Frand on Parshas Noach "RavFrاند" List - Rabbi Frand on Parshas Noach This class is dedicated by Ephraim Sobol in loving memory of his father, Shlomo Mordechai ben Yaakov a"h.

**Priorities Define A Person**

There are two famous comments of Rashi toward the end of our Parsha. At the end of the parsha, the Torah says that "Noach – the man of the land – planted a vineyard" [Bereshit 9:20]. Rashi comments on the words "the man of the land" (ish ha'adama) that this connotes that Noach was defined by the land (similar to Elimelech who is described as "ish Naomi" [Rus 1:3]). Noach was the "master of the land".

Ramban notes that this usage sets a precedent (zeh bana av) for such constructs elsewhere in Tanach. The person -- "ish" -- is defined by what

comes after it. The Ramban cites the additional example of "ish haElokim" [Devorim 33:1] by Moshe – the man of G-d, meaning a person who defined himself by G-d. Noah, on the other hand, became a person who was defined by the land.

Earlier, Rashi comments on the expression "vaYachel Noah" (literally "Noah began" – from the same root as "techila" – beginning). Rashi explains that the word "vaYachel" connotes that Noah profaned himself (from the root 'chulin' – non-sacred) because his initial planting after the Flood should have been something other than a vineyard.

If we ask the question "Should Noah have planted a vineyard?" the answer is most certainly yes. After all, we must ponder – where did Noah get the vines from, if everything on earth had been totally destroyed? The answer is that together with all the animals which Noah brought onto the Tayva [ark], he took seeds of every kind of tree and plant, to eventually remedy the agricultural destruction that took place during the flood. There is no question that eventually Noah was supposed to replant vineyards. The criticism which Rashi cites in the name of Chazal, is criticizing Noah for making the vineyard his initial planting.

Rav Yeruchum Levovitz explains that this teaches a lesson regarding the importance of proper priorities. There are many things which we must do in this world. We have many obligations. But priorities DEFINE what a person will become. The pasuk says "vaYachel Noah ish haAdamah". Our Sages note that earlier Noah was referred to as a pure and noble spirit (Noah ish Tzadik tamim). Look what happened to him! Suddenly he is called a "man of the earth." Where did he go wrong? Chazal explain that his spiritual descent was extremely subtle. It was not a dramatic rebellion or change of life style. Heaven Forbid! Noah merely misplaced his priorities and planted what should have been a later crop ahead of what should have been earlier plantings.

Noah's inappropriate first priority became his defining essence as mentioned in the previously quoted Rashi. [Ish haAdama <-> Ish haElokim <-> Ish Naomi] The vineyard defined him because that became the number one priority in his life. It is crucial to maintain appropriate priorities.

### Rejection of Unity Results in Dis-Unity

The second insight I would like to share is also from Rav Yeruchum Levovitz. The end of the parsha contains the incident of the people of Bavel. They wanted to build a tower in the sky. Everyone spoke a single language. We know the rest of the story: "Let's build a tower; let's do battle with G-d." The Master of the World descended, He mixed up their languages and, as such, they were unable to communicate with one another.

This is a nice story. It is well known. However, most people do not realize that this story is the story of world history. This incident is one of the most seminal events in the history of mankind. What does this event symbolically represent?

The narration begins, "And behold the entire earth spoke one language". Rashi states that this was "the holy tongue". G-d's "Grand Plan" of the world was that there should be unity among people. One of the biggest blessings that the Almighty gave mankind was that there should be unity among people and unity among nations.

G-d is One. He is defined by his Oneness, His Singularity. The master plan for the world was for the world to mirror this sense of unity: One G-d <-> One Language. Had society been able to maintain an environment of One G-d and One Language, people would be able to get along. The people of Bavel, however, rebelled against this concept. They rejected 'One G-d.' They planned to build a tower in heaven and wage war against this 'One G-d.' "We want variety. We do not want to be subject to 'One God.'"

G-d responded: "I gave you the opportunity for the greatest blessing in the world and you did not appreciate it. You rebelled against 'oneness.' I will punish you with the worst curse. I am going to give you different languages." G-d allows sinners to walk in the path they choose for

themselves. Since they rejected unity, that is exactly what was withheld from them through the 'curse' of many languages.

I once saw a statistic that during the average person's lifetime, he lives through over 500 wars! We are obviously not just counting the 'big' wars (such as WWII, Korea, Vietnam, Gulf Wars, etc.) This also includes the 'little' wars (such as Bosnia, Nicaragua, East Timor, Rwanda, Burundi) which are certainly all wars as well. Why do people fight? The Croats do not like Serbs; the Serbs do not like the Croats. One literally "cannot differentiate the players from one another without a scorecard." It gets so complex that one does not even know for whom to root!

Where does this stem from? Why are the Indonesians and the people from East Timor killing each other? Why have the people of Northern Ireland been killing each other for hundreds of years? There are situations like that all over the globe. People cannot get along. The primary reason for the strife is because of differences between peoples. How did that all start? It all started due to their rejection of 'Oneness.' The Almighty, as a punishment, precluded 'oneness' from the people of Bavel and from the seventy nations who dispersed from that place after that historic event.

Beginning from the Tower of Bavel, people stopped communicating, cultures went their own separate ways, and fighting and strife became inevitable. The current concept that there will one day be a unified language and a unified Europe will never succeed. It will never succeed because of the curse that descended to the world as a result of the Tower of Bavel. Mankind had their chance for unity, but they blew it. G-d assured that mankind would forever live with the disunity that they chose for themselves.

There is a movement in this country to make English the mandatory national language. All documents should be printed only in English. What is the reason for this effort? The reason is the recognition that multiplicity of languages is the first step in the breakdown of society. It is not inconceivable that in our lifetime Canada will break apart because of the French – English dichotomy in various parts of that country. The curse of this week's parsha continues to plague mankind in our own time. When "Hashem Echad" is rejected, the result is a world such as we have witnessed throughout history until this very day.

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From: Rabbi Kalman Packouz  
[mailto:[newsletterserver@aish.com](mailto:newsletterserver@aish.com)] Sent: October 30,

2005 Subject: Shabbat Shalom - Noah

Dvar Torah based on Love Your Neighbor by Rabbi Zelig Pliskin

The Torah states:

"And G-d said to Noah: The end of all flesh is come before Me, for the earth is filled with corruption (chomos)." (Genesis 6:13)

Rabbi Yochanan said, "Come and see the power of corruption. The generation of the flood violated everything, but the final decree against them was not signed until they were guilty of stealing" (Talmud Bavli, Sanhedrin 108a).

Rabbi Alexander Ziskind explained the severity of stealing in the following manner: When one steals a few dollars from another person, he is actually causing more damage than might initially appear. The victim might have invested the money and received a profit, and when his children would have inherited his money, they too could have gained profit from it. The same with their children and children's children until the end of time. This could amount to a fortune and ultimately the thief will be judged in the

heavenly court for this accounting. We must realize the gravity of stealing even small sums and resolve to keep far away from this crime.

The Midrash defines the term *chomos*, found in this verse, as stealing less than the value of a prutah, an amount so monetarily insignificant that courts do not force a thief who has only stolen this amount to return it.

In Noah's generation, when a person would take out a box full of beans to sell, someone would come along and grab less than a prutah's worth. Then another would do the same, and then another; and although the victim would be left without any beans, he could not take anyone to court for the thefts. (Braishis Rabba 30). This was done publicly and condoned.

Our lesson: When you're in a fruit store don't sample the grapes -without permission!



From: **Rav Kook List** [[RavKookList@gmail.com](mailto:RavKookList@gmail.com)]  
Sent: Wednesday, November 02, 2005 6:57 AM To:  
Subject: Rav Kook on Noah: The Age of the Universe  
**Noah: The Age of the Universe**

Contradictions between Science and Torah appear particularly irreconcilable with respect to the Torah's description of the creation of the world and the beginnings of mankind. Are these accounts meant to be taken literally? Should we believe that the universe

came into existence 5,760 years ago? Must we reject the theory of evolution out of hand?

In a letter written in 1905, Rav Kook responded to questions concerning evolution and the geological age of the world. He put forth four basic arguments:

1. Even to the ancients, it was well known that there were many periods that preceded our counting of nearly six thousand years for the current era. According to the Midrash, "G-d built worlds and destroyed them," before He created the universe as we know it. Even more astonishing, the Zohar states that there existed other human races, in addition to the 'Adam' who is mentioned in the Torah.

2. We must be careful not to regard current scientific theories as proven facts, even if they are widely accepted. Scientists are constantly raising new ideas, and all of the scientific explanations of our time may very well come to be laughed at in the future as imaginative drivel.

3. The fundamental belief of the Torah is that G-d created and governs the universe. The means and methods by which He acts, regardless of their complexity, are all tools of God, Whose wisdom is infinite. Sometimes we specifically mention these intermediate processes, and sometimes we simply say, 'G-d formed' or 'G-d created'.

For example, the Torah writes about "the house that King Solomon built" [Kings I 5:2]. The Torah does not go into the details of Solomon speaking with his advisors, who in turn gave instructions to the architects, who gave the plans to the craftsmen, who managed and organized the actual building by the workers. It is enough to say, 'Solomon built'. The rest is understood, and is not important. So too, if G-d created life via the laws of evolution, these are details irrelevant to the Torah's main message: the ethical teaching of a world formed and governed by an involved Creator.

4. The Torah concealed much with regard to the process of creation, speaking in parables and ciphers. Creation - referred to as "Ma'aseh Breishit" by the Kabbalists - clearly belongs to the esoteric part of Torah [see Chagiga 11b]. If the Torah's account of creation is meant to be understood literally, what are its profound secrets? If everything is openly revealed, what is left to be explained in the future?

G-d limits revelations, even from the most brilliant and sublime prophets, according to the ability of that generation to absorb the information. For every idea and concept, there is significance to the hour of its disclosure. For example, if knowledge of the rotation of the Earth on its axis and around the sun had been revealed to primitive man, his courage and initiative may have been severely retarded - by fear of falling. Why attempt

to build tall buildings on top of an immense ball turning and whizzing through space at high speeds? Only after a certain intellectual maturity, and scientific understanding about gravity and other compensating forces, were human beings ready for this knowledge.

The same is true regarding spiritual and moral ideas. The Jewish people struggled greatly to explain the concept of Divine providence to the pagan world. This was not an easy idea to market. Of what interest should the actions of an insignificant human be to the Creator of the universe? Belief in the transcendental importance of our actions is a central principle in Judaism, and was disseminated throughout the world by her daughter religions. But if mankind had already been aware of the true dimensions of the cosmos, and the relatively tiny world that we inhabit - could this fundamental concept of Torah have had any chance in spreading? Only now, that we have greater confidence in our power and control over the forces of nature, is awareness of the grandiose scale of the universe not an impediment to these basic ethical values.

To summarize:

(1) Ancient Jewish sources also refer to worlds that existed prior to the current era of six thousand years; (2) One should not assume that the latest scientific theories are eternal truths; (3) The purpose of the Torah is a practical one - to have a positive moral influence on humanity, and not to serve as a primer for physicists and biologists. It could very well be that evolution, etc., are the tools by which G-d created the world. (4) Some ideas are intentionally kept hidden, as the world may not be ready for them, psychologically or morally.

[adapted from Igrot HaRi'eya vol. I, pp. 105-7]

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<http://ravkook.n3.net> - Rav A.I. Kook on the Weekly Parasha



<http://www.artscroll.com/Chapters/>  
Parashas Noach from **Living Each Week**  
**By Rabbi Abraham J. Twerski**  
Parashas Noach

Noah went in, with his sons, and his wife, and his sons' wives with him to the ark, because of the waters of the Flood (Genesis 7:7).

Rashi remarks that Noah did not fully believe in the coming of the Flood, and did not enter the ark until forced to do so by the rising water.

When we study the Midrash, the opinions about Noah appear to be contradictory. At one point the Midrash states that Noah occupied himself with construction of the ark for one hundred and twenty years, and when he told the sinful people that G-d had instructed him to build the ark because of the impending Flood, they ridiculed him and turned a deaf ear to his warnings. On the other hand, we are told that Noah was at fault for failing to reprimand his wayward generation. Which way was it?

The solution to this apparent contradiction lies in the comment by Rashi. Noah did indeed warn the people of the punishment that G-d intended to inflict upon them. The reason that Noah's words were ineffective was that Noah himself was not fully convinced of the inevitability of the punitive decree, as evidenced by the fact that he did not enter the ark until forced to do so by the rising water.

We may think that when we teach or guide, whether it be our children, our students, or people who look to us for leadership, we fulfill our obligation when we merely convey the message. The Midrashic comments on Noah indicate that this is not enough. Unless we are firmly convinced of the truth of the message, our words will have a hollow ring.

Noah may have been a tzaddik, but he was not a leader. When the Talmud holds him accountable for the loss of his generation, it is not because he did not preach, and not because of any duplicity in being a man whose behavior did not conform to his words, but because he did not fully believe his own message.



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Covenant & Conversation  
Thoughts on the Weekly Parsha from

**Sir Jonathan Sacks**

Chief Rabbi of the United Hebrew Congregations of the  
British Commonwealth

[From 2 years ago]

<http://www.chiefrabbi.org/tt-index.html>

Noach

### **Babel: A Story of Heaven and Earth**

Set between the pre-history of humanity as a whole and the particular covenant with Abraham, the story of the Tower of Babel is one of the turning points of the biblical narrative, central to its vision of what can go wrong in civilizations and societies.

The story itself - told in a mere nine verses - is a compact masterpiece of literary and philosophical virtuosity. The first thing to note is that its historical background is exceptionally precise. The tower or ziggurat was the great symbol of the ancient Mesopotamian city states of the lower Tigris-Euphrates valley, the cradle of civilization. It was here that human beings first settled, established agriculture, and built cities.

As the Torah makes clear with unusual attention to what seems like a peripheral fact, one of the great discoveries of Mesopotamia (along with the wheel, the arch and the calendar) was the ability to manufacture building materials, especially bricks made by pouring clay into moulds, drying it in the sun, and eventually firing it in kilns. This made possible the construction of buildings on a larger scale and reaching greater heights than hitherto. From this came the ziggurat, a stepped building of many stories, which came to have a profound religious significance.

Essentially these towers - of which the remains of at least thirty have been discovered - were man-made "holy mountains," the mountain being the place where heaven and earth most visibly met. Inscriptions on several of these buildings, decoded by archeologists, refer, as does the Torah, to the idea that their top "reaches heaven." The largest - the great ziggurat of Babylon to which the Torah refers - was a structure of seven stories, 300 feet high, on a base of roughly the same dimensions (further details can be found in Nahum Sarna, Understanding Genesis).

Not only is the story of Babel historically precise. It is also shot through with literary devices: inversions, word plays, ironies and puns. One of the most masterly is that the two key words, l-v-n, "brick," and n-v-l, "confuse," are precise inversions of one another. As so often in the Torah, literary technique is closely related to the moral or spiritual message the Torah wishes to convey. In this case it is the phenomenon of inversion itself. The results of human behaviour are often the opposite of what was intended. The builders wanted to concentrate humanity in one place ("Let us build a city . . . and not be scattered over the face of the whole earth"). The result was that they were dispersed ("from there the Lord scattered them over the face of the whole earth"). They wanted to "make a name" for themselves, and they did, but the name they made - Babel - became an eternal symbol of confusion.

Their pride lay in their newfound technological ability to construct buildings of unprecedented grandeur. They did not realise (the message signalled in the opening verses of the Torah) that the greatest creative power is language ("And G-d said . . . and there was"). It was not a technical problem that caused them to abandon the project but the loss of the ability to communicate. What is holy for the Torah is not power but the use to which we put it, and this is intrinsically linked to language - the medium in which we frame our ideals, construct imaginative possibilities, and call others to join us in realising them. The word is prior to the work.

WHAT, though, was the builder's sin? The narrative signals this, again, by a series of verbal cues. The first is the phrase with which the episode both begins and ends, kol ha-aretz, "the whole earth." It begins, "And the whole

earth was of one language," and ends, "from there the Lord scattered them over the face of the whole earth." (The phrase kol ha-aretz appears five times in the nine verses: all three-, five- and especially seven-fold repetitions in a biblical passage signal the presence of a key theme). A framing device of this kind is highly significant.

The second is the phoneme (a basic unit of sound) sh-m, either as sham, "there," or shem, "name." This appears seven times in the passage. It is clearly linked to the word shamayim, "heaven" - the place the builders attempted to reach in building the tower. The thematic elements of the narrative are thus clear. This is a story about heaven and earth - but in what way? To understand the point at issue we must return to the opening chapter of Bereishith and its description of creation.

Two words in that account are decisive. The first is tov, "good," which appears seven times. G-d says, "Let there be," there is, and G-d sees "that it is good." Creation in Bereishith 1 is not primarily about the power of G-d but about the goodness of G-d and the universe He made. In historical context, this is an extraordinary statement. For the most part, the ancients saw the world as a dangerous and threatening place, full of dangers, disasters, famines and floods. There was no overarching meaning to any of this. It was the result of clashing powers, personified as conflicts between the G-ds. Religion was either an attempt to assert human power over the elements through magic and myth, or a mystical escape from the world into a private nirvana of the soul. Against this, Judaism made the astonishing assertion that the world is good. It is intelligible. It is the result not of blind collisions and random mutations but of a single creative will. This alone is enough to set Judaism apart as the most hopeful of the world's faiths.

There is however another key word, the root b-d-l, "to separate, distinguish, divide." This appears five times in Bereishith 1. The goodness of the universe is itself a matter of order, boundaries and distinctions. G-d separates the different domains (day 1, light and dark; day 2, upper and lower waters; day 3, land and sea) and fills each with its appropriate objects or life-forms (day 4, sun and moon; day 5, birds and fish; day 6, land animals and mankind). So important was this idea to Judaism that we have a special ceremony, havdalah, to mark the end of Shabbat and the beginning of each cycle of "the six days of creation." Like G-d, we begin creation by havdalah: making, noting and consecrating distinctions.

This too is fundamental to the Judaic world view. Goodness is order; evil is disorder, an act or person or entity in the wrong place. The word chet, sin, comes from a verb meaning "to miss the target." The word averah, like its English equivalent "transgression," means to stray across a border, to enter forbidden territory. Many of the chukkim or "statutes" of Judaism are about inculcating respect for the inherent orderliness of the universe - and thus not mixing milk (life) and meat (death), wool (an animal product) and linen (a vegetable product) or sowing a field with "mixed kinds" of seed.

Creation itself is seen as the slow emergence of order from chaos. This, as the physicist Gerald Schroeder points out (in Genesis and the Big Bang) is implicit in the Hebrew words erev and boker, "And it was evening (erev) and it was morning (boker)." Erev in Hebrew means an undifferentiated mixture of elements. Boker comes from a root meaning "to reflect, contemplate, seek clarity." Much recent work in physics, biology and cosmology has converged on the discovery that the birth of stars, planets and life itself is a matter of the slow emergence of ever more complex systems of order swimming, as it were, against the tide of entropy.

An ordered universe is a peaceable universe in which every form of being, inanimate, animate and human, has its proper place. Violence, injustice and conflict are forms of disorder - a failure to respect the integrity of each life-form or (in the case of humanity, where "every life is like a universe") each person. That was the state of the universe before the Flood, when "all flesh had corrupted its way on earth."

This was not an abstract idea. The world of myth, against which Judaism is a sustained protest, was one in which boundaries were not observed. There were human beings who were like G-ds and G-ds who were like human beings. There were strange mythological hybrids - like the sphinx, half

human, half animal. Religious ecstasy was often accompanied by a ceremonial breaking of boundaries in various ways. To the Judaic mind this is paganism, and it is never morally neutral. G-d creates order; man creates chaos; and the result is inevitably destructive.

The most fundamental boundary is stated in the Torah's first sentence - that between "heaven" and "earth." Never before or since (except among religions or cultures influenced by Judaism) has G-d been conceived in so radically transcendent a way. G-d is not to be identified with anything on earth. "The heavens are the heavens of the Lord," says the Psalmist, "but the earth He has given to man." This ontological divide is fundamental. G-d is G-d; humanity is humanity. There can be no blurring of the boundaries.

That was the sin of the builders of the tower. Their aspiration (to "reach heaven") was laughable, and indeed the Torah makes a joke of it. They think that their construction - three hundred feet high - has reached heaven, whereas G-d has to "come down" to look at it (in general, the one thing that makes G-d laugh in the Torah is the pretensions of human beings when they think of themselves as like the G-ds). However it was worse than laughable. The Netziv (R. Naftali Zvi Yehudah Berlin, 1817-1893), writing in Czarist Russia and prophetically foreseeing the worst excesses of communism, sees Babel as the world's first totalitarianism, in which to preserve the masses as a single entity, all freedom of expression is suppressed (that, for him, is the meaning of "the whole world had one language and a unified speech"). Intoxicated by their technological prowess, the builders of Babel believe they had become like G-ds and could now construct their own cosmopolis, their man-made miniature universe. Not content with earth, they wanted to build an abode in heaven. It is a mistake many civilizations have made, and the result is catastrophe.

In modern times, the re-enactment of Babel is most clearly associated with the name of Nietzsche (1844-1890). For the last ten years of his life, he was clinically insane, but shortly before his final breakdown he had a nightmare vision which has become justly famous:

Have you not heard of that madman who lit a lantern in the bright morning hours, ran to the market place, and cried incessantly, "I seek G-d! I seek G-d!" . . . "Whither is G-d? he cried. "I shall tell you. We have killed him - you and I. All of us are his murderers . . . G-d is dead. G-d remains dead. And we have killed him. How shall we, the murderers of all murderers, comfort ourselves? What was holiest and most powerful of all that the world has yet owned has bled to death under our knives. Who will wipe this blood off us? . . . Is not the greatness of this deed too great for us? Must we not ourselves become G-ds simply to seem worthy of it?"

As George Steiner pointed out (in his *In Bluebeard's Castle*) there was less than three-quarters of a century between Nietzsche and the Holocaust, between his vision of the murder of G-d and the deliberate, systematic attempt to murder the "people of G-d" (Hitler called conscience "a Jewish invention").

When human beings try to become more than human, they quickly become less than human. As Lord Acton pointed out, even the great city-state of Athens which produced Socrates, Plato and Aristotle, self-destructed when "the possession of unlimited power, which corrodes the conscience, hardens the heart, and confounds the understanding of monarchs, exercised its demoralising influence." What went wrong in Athens, he writes, was the belief that "there is no law superior to that of the State - the lawgiver is above the law."

Only when G-d is G-d can man be man. That means keeping heaven and earth distinct, organising the latter only under the conscious sovereignty of the former. Without this there is little to prevent human beings from sacrificing the many for the sake of the few, or the few for the sake of the many. Only a respect for the integrity of creation stops human beings destroying themselves. Humility in the presence of Divine order is our last, best safeguard against mankind arrogating to itself power without restraint, might without right. Babel was the first civilization, but sadly not the last, to begin with a dream of utopia and end in a nightmare of hell. A world of tov, good, is a world of havdalah, boundaries and limits. Those who cross those

boundaries and transgress these limits make a name for themselves, but they name they make is Babel, meaning chaos, confusion and the loss of that order which is a precondition of both nature (the world G-d creates) and culture (the world we create).

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**EMES LIYAAKOV**

**Weekly Insights from MOREINU**

**HORAV YAAKOV KAMENETZKY zt"l**

[Translated by Ephraim Weiss <Easykgh@aol.com>]

Weekly Insights from Moreinu HaRav Yaakov Kamenetzky zt"l

"The end of all life has come before me, for the world has become filled with chamas because of them, and I will now destroy them from the Earth." Rashi explains that the word chamas means thievery, and that the pasuk is teaching us that the final decree was sealed due to the sin of stealing. However, there is a Midrash that tells us that chamas refers to the three cardinal sins; murder, idolatry, and immorality. The Midrash brings pesukim to prove that chamas can refer to each aveirah, and the Midrash uses our pasuk to show that chamas can denote avodah zarah. How is this pasuk a proof that chamas means avodah zarah? On the contrary, the simple meaning of the word chamas is stealing, not avodah zarah? How did the Midrash see this psuk as a confirmation that chamas means idolatry?

HaRav Yaakov Kamenetzky zt"l answers, that indeed, Rashi and the Midrash are in agreement that the word chamas in our psuk refers to stealing. When the Midrash used this pasuk as a proof that chamas means avodah zarah, it was not referring to the conventional type of idolatry. There is another type of avodah zarah that does not involve bowing down to an actual idol. The pasuk tells us that "SMX JRAH HALM," "The land was full of thievery." The pasuk does not say that there was thievery in the land, but rather that the land was full of thievery. Thievery was a fact of life that was accepted by all as an acceptable thing to do. This is a type of avodah zarah in its own right; when a group of people decide to annul even one law of the Torah, they are no longer serving Hashem, but rather they have created their own religion. As such, the fact that the people of the dor hamabul decided not to keep the mitzvah of "BNGT AL" was in itself a form of avodah zarah.

Rav Yaakov uses a Rambam that discusses the laws of Ir HaNidachas as a proof to this pshat. An Ir HaNidachas is a city that as a whole starts to worship avodah zarah. The Torah tells us that if this happens, the inhabitants of the city are killed, and the city is burned to the ground. The Rambam is of the opinion that a city that decides as a whole not to keep any of the laws of the Torah is considered an Ir HaNidachas, even if they still purport to believe in Hashem. Once they consciously decide not to keep a certain mitzvah, they are considered to be practicing a foreign religion. Since all the people of the dor hamabul agreed that larceny was acceptable, they were considered to have stopped serving Hashem. As such, while the chamas practiced by the dor hamabul took the form of thievery, it nonetheless constituted avodah zarah.

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From: [Peninim-bounces@shemayisrael.com](mailto:Peninim-bounces@shemayisrael.com) on behalf of Shema Yisrael Torah Network [[shemalist@shemayisrael.com](mailto:shemalist@shemayisrael.com)] Sent: Thursday, November 03, 2005 5:03 PM To: Peninim Parsha

**Peninim on the Torah**

**by Rabbi A. Leib Scheinbaum**

Parshas Noach

Noach walked with G-d. (6:9) Rashi contrasts the spiritual plateau of Noach with that of Avraham Avinu. Noach walked with G-d; he needed the Almighty's support as he walked. Concerning Avraham, however, it is

stated (17:1), "Walk before Me and be perfect." Avraham was able to walk independently, without the added support. What is Rashi teaching us? The Piascesner Rebbe, zl, takes a novel approach towards explaining the distinction between Avraham and Noach. He feels that the difference between the two was in the areas of intellectual activity and creative endeavor under adverse circumstances. The Rebbe was an individual who might be uniquely qualified to expound on the issue, as he had been the Rebbe in the Warsaw Ghetto. He had written and delivered his brilliant innovative homilies in the darkness and devastation of the ghetto.

The Rebbe first cites a text in the Talmud Sanhedrin 104A which describes two Jews who had been taken captive and were now being led away as slaves. As they were walking along, they exchanged perceptive, insightful remarks. Their captor, who was listening to the conversation, expressed his amazement that the "stiff-necked" Jews were imagining themselves capable of wisdom even under the cruel circumstances of defeat and torment. The Maharsha explains that the trait of *kshei oref*, stiff-neckedness, is the only reason that the Jews are able to think rationally and creatively, despite being subjected to pain and misery.

The Rebbe explains that every negative character trait has a positive aspect to it. Thus, the constructive side to the quality of stiff-neckedness is the ability to remain steadfast and resolute, to maintain one's fortitude -- even at a time of crushing difficulty. The Rebbe adds that while remaining steadfast and committed during a period of anguish is in itself by no means a simple matter, the real challenge is to be able to engage in Torah study, specifically intellectual and conceptual analysis during these times. That is a greater achievement. Indeed, stories have been recounted of people putting on Tefillin and performing other mitzvos in times of trouble, but to study Torah, especially if one is involved in penetrating analysis, is particularly difficult.

This is the meaning of the dialogue that the captor overheard between his two Jewish slaves. The captor had heard of Klal Yisrael's character trait of *kshei oref*, stiff-neckedness. Thus, he could understand their ability to maintain their conviction and carry out their commitment despite the pain and despair. What impressed him so was their ability to establish an intellectual dialogue, to think cognitively and express their uncanny wisdom at such a difficult moment.

Noach did not have an easy life. Rashi says that members of his generation declared that if they were to see him enter the Ark, they would demolish it and kill him. He certainly had his detractors and, obviously, he was not universally popular. Yet, he persevered - with Hashem's Divine Assistance. Every time he was about to fall, Hashem caught him and held him up. He did not have the degree of *kshei oref* that was intrinsic to Avraham's character. Avraham also had his enemies. After all, he was *b'eiver echad*, on one side, of the philosophic conviction, while the rest of the world was on the other side. He was alone in a pagan world, labeled public enemy number one. He, however, remained committed, as he reached out to others and encouraged them to accept monotheism. He was the first *kshei oref*, a man who was steadfast, resolute, committed with fortitude to his belief in Hashem. He never waned; he never fell. He did it alone.

My rebbe, the Veitzener Rav, Horav Tzvi Hirsch Meisels, zl, was like that. In the years 1943 and 1944, while he was still in Veitzen, Hungary, he heard about the exterminations carried out by the Nazis, killing towering rabbis, tzaddikim, scholarly Roshei Yeshivah, together with their students and families. Since the disaster arrived without warning, many of these individuals did not have the opportunity to publish their writings.

Rav Meisels had a large number of responsa from these rabbis in his possession. He considered it his duty to publish their treatises as an everlasting memory to these Torah giants. He published these works, along with short glosses which he added. Even when Hungary was overrun by the Nazi beasts, and Jews were confined to the ghettos, he continued ceaselessly to write, publish and disseminate their Torah thoughts. As he was about to complete his first volume, his entire family was taken to Auschwitz where his wife and seven of his children were put to death. As

he stood before the furnace and was himself almost burned, he pledged that if he survived this terror, he would do his utmost to publish these Torah insights. He did. He survived, and he published the *divrei Torah*. He exemplified *kshei oref*.

Upon entering Auschwitz, all of the Jews' possessions, including Tallis and Tefillin, were confiscated. Yet, someone was somehow able to procure a few small volumes of *Tehillim* with the commentary *Tefillah LeMoshe* from the Uhelel Rav, Horav Moshe Teitelbaum, zl. The Veitzener used this sefer as a text, delivering lectures and commentary to the broken inhabitants of Auschwitz. I know, because my father, zl, was one of the people who benefited from these *drashas*. These lectures gave the inmates strength and hope with which to cope with the horrors they faced each day. These Jews developed the true essence of *am kshei oref*.

...  
Mazel Tov to Rabbi and Mrs. Doniel Neustadt upon the forthcoming marriage of their son, Binyomin n"y to Shoshana Kirzner shetichye Eli and Lisa Adler and Family Peninim mailing list [Peninim@shemayisrael.com](mailto:Peninim@shemayisrael.com)  
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From: Kerem B'Yavneh Online [[feedback@kby.org](mailto:feedback@kby.org)] Sent: Thursday, November 03, 2005 5:05 PM To: Parsha KBY Subject: Parshat Noach

**"Man's Inclination is Evil from his Youth"**

**Rosh Hayeshiva Rav Mordechai Greenberg shlita**

"Noach was a righteous man, perfect in his generations." (Bereishit 6:9) Some of our Sages expound this positively: Certainly, had he been in a generation of righteous people he would have been more righteous. Some expound it derogatorily: Relative to his generation he was righteous, but had he been in Avraham's generation he would not have been considered at all. (Rashi)

The question is: If it is possible to expound positively, why do some expound derogatorily? Furthermore, "Had he been in Avraham's generation he would not have been considered at all." Just because Avraham was greater, Noach would not have been considered at all?

In the Ger school of thought, they explain as follows: "Noach walked with Elokim." Elokim in *gematriya* equals *hateva* (Nature). Noach's fear of G-d came from contemplation of Nature and natural science. In contrast, Hashem told Avraham: "Go out of your horoscope!," since from Avraham begin the two-thousand years of Torah, and only through Torah is it possible to reach true fear of G-d. This is the derogatory interpretation, that Noach thought it possible to reach fear of G-d through worldly wisdom. This is why it says, "perfect in his generations," since in Avraham's generation, after it was possible to delve in Torah wisdom, one who learns fear of G-d through natural wisdom is not considered anything.

About Avimelech's self-exoneration, "In the innocence of my heart ... I did this" (Bereishit 20:5), Avraham responds, "I said: There is but no fear of G-d in this place." (20:11) The Malbim explains:

[Avraham] informed him that even if we see a person, or nation, that is a great philosopher, and he set for himself just practices and trained himself in good traits based on his intelligence, and he does justice and righteousness based on his understanding -- even so, we cannot trust this person or nation that at the time that his desire sways him to do bad, that his intelligence will always overcome his desire. Just the opposite, when his desire burns in him for a beautiful woman or his friend's wealth and no one sees, then his mind will also mislead him to murder, commit adultery, and do all evil. Only one force exists in a person's soul that we can rely on it that he will not sin, and that is the trait of fear of G-d, as it says, "Fear of G-d is the discipline of wisdom," "Fear of G-d is the beginning of wisdom." About this [Avraham] said: "I said -- even though I see that your nation are people of good traits, doing justice and righteousness, and I did not see in them anything wrong, [there is] just one fault -- that there is no fear of G-d in this place."

Similarly, Rav Kook zt"l opened his work *Orot Hakodesh* as follows:

The sacred wisdom is above all wisdom, in that it turns the desire and character of those who learn it ... whereas all secular sciences do not have this ability ... Therefore they cannot make those who delve in them into a new being, to uproot him from the essence of his negative traits, and to establish him in a state of a new reality, pure and alive with the light of true life, which endures forever.

So, too, in the beginning of his work, Mussar Hakodesh:

Secular ethics are not deep, and do not enter the inner parts of the soul. Even though a person is drawn after it to good, by recognizing the integrity that is in logic, this guidance does not have enduring grasp before the storming of various desires, when they arise strongly. Certainly this weak ethic is not able to lead broadly, human society in its depth and vastness, to penetrate the depths of the soul, and to turn for mankind and the individual person a heart of flesh in place of a heart of stone. There is no alternative, other than he should be directed based on Divine ethics.

He further wrote at length about the goal of education (Igrot HaReiyah #170):

The goal of education is to prepare a person for his ideal form, whose central point is to make him good and just. From the time that Avraham Avinu began to call in G-d's Name, it was our heritage, that the more that calling in G-d's name is rooted in a person's heart – his goodness and justness will increase, and he will be more satisfied to himself and the entire society. Knesset Yisrael was designated of all the nations to raise high the flag of this axiom in the world: That the goodness and justice of a person is his loftiest goal, and that calling in G-d's name and implanting this point is the most guaranteed preparation for this goal. And since the purpose of rooting the calling in G-d's name, with heart and soul, in the individual and nation as a whole requires regular study from man's early childhood, therefore the study of Torah took the primary place in Jewish education. Specifically the study of Torah, and not other studies, whose goal is only to prepare a person for the battle of life, and not to make him good and just before G-d and man. This is the classical way that our ancestors always followed, and in this way Israel's name was preserved, and they succeeded and flourished, that from the outstanding Sages of each generation came out beacons of light for the nation and the entire world.

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From: Halacha [[halacha@yutorah.org](mailto:halacha@yutorah.org)] Sent: Monday, October 31, 2005 9:47 AM  
To:

#### **Weekly Halachic Overview**

**By Rabbi Josh Flug -**

Saving a Life on Shabbat Part I

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#### **Pikuach Nefesh: Saving a Life on Shabbat**

##### Part I

The value of human life is so dear that the Torah mandates violation of Torah law in order to save a life (pikuach nefesh). Although there are three exceptions to this principle (murder, idolatry and incest), violation of Shabbat is not an exception to the rule. Therefore, if a life threatening situation arises on Shabbat, one is required to do whatever is necessary to save the life of the individual, even if it means performing a melacha that would otherwise be prohibited on Shabbat. In fact, the Beraita (cited by the Gemara, Yoma 84b) states that one who is expeditious in saving a life on Shabbat (in a situation that involves performing a melacha) is considered praiseworthy (harei zeh meshubach). This article will explore the source for performing melacha in a life threatening situation as well as the nature of the mandate to perform melacha.

##### The Source That Pikuach Nefesh Overrides Shabbat

The Gemara, *ibid*, quotes numerous opinions as to the source that one violates Shabbat (or other transgressions) in order to save a life. Two sources emerge as the source that pikuach nefesh overrides Shabbat. The first is "v'shamru b'nei yisrael et haShabbat" (Shemot 31:16) from which the Gemara derives that one should violate one Shabbat in order that someone else should be able to observe many Shabbatot. The second source is *vachai bahem* (Vayikra 18:5), from which the Gemara derives that mitzvot are meant to be a source of life and not the cause of someone's death. The Gemara then states that the second source is more encompassing than the first source. The first source may only apply in a situation where a life will definitely be

saved through the violation of Shabbat. The second source applies even in a situation where it is questionable whether a life will be saved. Tosafot, Yoma 85a, s.v. U'Lifake'ach, note that the second verse serves as the source for the opinion of Shmuel (Gemara, *ibid*) that *lo halchu b'pikuach nefesh achar harov*, when it comes to life and death matters statistical data is ignored. If there is remote possibility of saving someone's life, all means are employed to do so, even if this entails violation of a Torah prohibition. Tosafot explain that the verse *vachai bahem* teaches that a mitzvah can never be a possible factor in the death of an individual.

##### The Differences Between the Two Sources

R. Naftali Z.Y. Berlin, Ha'Amek She'elah 1:8, and 167:17, introduces a novel difference between the two sources presented above. As mentioned previously, the source of *v'shamru b'nei yisrael et haShabbat* only applies to a case where a life will definitely be saved. R. Berlin proposes that the second source of *vachai bahem* is limited to a person who is considered a "live" individual. Thus, the second source does not serve as a source to permit violating Shabbat to save an endangered fetus. One can only violate Shabbat to save a fetus based on the first source. However, since the first source only applies to a situation where a life will definitely be saved, R. Berlin suggests that one cannot violate Shabbat to save the life of a fetus in a situation where the life saving mission will have questionable success.

Approximately fifty years prior to the publication of R. Berlin's Ha'Amek She'elah, Shulchan Aruch HaRav, Kuntrus Acharon 306:1, anticipated the possibility that one can argue that one may not violate Shabbat to save a fetus if the mission has questionable success (a position later to be adopted by R. Berlin). Shulchan Aruch HaRav rejects this possibility by claiming that the verse *vachai bahem* encompasses all life threatening situations including the saving of a fetus. R. Shlomo Zalman Auerbach (cited in Nishmat Avraham Vol. IV, pg 50) rules that R. Berlin's opinion is only accepted in a situation where it is known that the fetus will not survive and Shabbat is violated in order to delay the death of the fetus. However, if there is any possibility that the fetus will survive, it is treated as a regular case of *pikuach nefesh* and Shabbat is violated to save the fetus.

The Gemara, Yoma 85a, states that one may even violate Shabbat in a situation where it is known that the life saving mission will only extend the individual's life for a few hours. Me'iri, *ad loc.*, s.v. HaMishna HaChamishit, explains that the reason why this is permitted is because in those few hours the patient has the opportunity to repent for his sins. Mishna Berurah, Biur Halacha 329:4 s.v. Ela, notes that Me'iri is operating within the first source for saving a life on Shabbat. According to the first source – based on the principle that one should violate one Shabbat in order that the patient may observe many more Shabbatot – the life saving mission does not necessarily have to produce the possibility that the patient will be able to observe other Shabbatot. It is sufficient if he is able to perform other mitzvot. Me'iri's opinion is that since one can perform the mitzvah of Teshuva in mere seconds, it is worthwhile to violate Shabbat to temporarily extend the life of the patient. It is implicit from Me'iri's comments that if the patient's state of consciousness does not allow him to perform any mitzvah, one may not violate Shabbat to extend his life. Mishna Berurah posits that most Rishonim accept *vachai bahem* as the source that one violates Shabbat to save a life. Accordingly, one would violate Shabbat to extend the life of an individual even in a situation where he will only live temporarily and his state of consciousness does not allow him to perform any mitzvah whatsoever.

##### Hutrah or Dechuyah

The Gemara, Yoma 83a, quotes a Beraita that if one is in a life threatening situation and his condition requires him to eat one of two types of non-kosher food, he should choose to eat the food item whose violation is less stringent. [This principle is known as *hakal hakal techilah* (the lesser one comes first).] For example, if he must choose between *neveilah* (meat that was not slaughtered properly) and *tevel* (fruits that were not yet tithed), he should choose the *tevel*. This is because one who wantonly eats *neveilah* is punished through lashes and one who eats *tevel* is not.

Rabbeinu Asher, Yoma 8:4, discusses a case of someone in a life threatening situation whose condition requires him to eat meat on Shabbat. The question arises: is it preferable for him to eat *neveilah* meat, or is it preferable to slaughter an animal on Shabbat so that he may eat a kosher meat? At first glance, the principle of *hakal hakal techilah* should dictate that the violation of *neveilah*, which is only punishable by lashes, should be preferable to the violation of Shabbat whose transgression is punishable by death. Nevertheless, Rabbeinu Asher presents a few reasons why one should slaughter the animal and forgo the *neveilah*. One of those reasons (Rabbeinu Asher attributes this reasoning to Maharam MiRutenberg) is because *pikuach nefesh* on Shabbat is *hutrah* (permitted). This means that Shabbat is suspended in the face of a life threatening situation. However, the prohibition of eating *neveilah* is *dechuyah* (pushed aside) for *pikuach nefesh*. This means that the prohibition of eating *neveilah* remains and the life threatening situation overrides the prohibition. Since Shabbat is suspended in the face of *pikuach nefesh* and *neveilah* is not (but is overridden), it is preferable to slaughter the animal on Shabbat. [Rabbeinu Asher

notes that this is only applicable if there will be no delay in preparing the kosher meat.]

Rashba, Teshuvot HaRashba 1:689, agrees that the question of whether to give the patient neveilah or whether to slaughter the animal on Shabbat is contingent on whether pikuach nefesh on Shabbat is hutrah or dechuyah. However, Rashba contends that pikuach nefesh on Shabbat is dechuyah and therefore advocates feeding neveilah to the patient.

Some Poskim see the question of whether pikuach nefesh on Shabbat is hutrah or dechuyah as central to many discussions regarding pikuach nefesh on Shabbat (see for example R. Ovadia Yosef, Yechaveh Da'at 4:30). However, R. Moshe Feinstein, Igrot Moshe, Choshen Mishpat 2:79, claims that the only practical application of the question of hutrah or dechuyah is the case of whether the patient should eat the neveilah or whether it is better to slaughter an animal on Shabbat. Other issues that may relate to this question will be discussed in the next issue.

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WEEKLY-HALACHA FOR 5766

By **Rabbi Doniel Neustadt**

Rav of Young Israel in Cleveland Heights

A discussion of Halachic topics. For final rulings, consult your Rav

#### **MECHITZAH IN SHUL: WHY and HOW?**

The halachah that requires men to be separated from women while davening in shul has its origins in the procedure followed in the Beis ha-Mikdash. Our Sages in the Mishnah(1) report that a major "adjustment" was made in the Beis ha-Mikdash during the festive holiday of Succos. The Talmud explains that the adjustment consisted of building a balcony over the men's section so that the women could witness the festivities of Simchas beis ha-shoeivah. Had they stood where they normally did, the mingling of the crowds and the festive holiday air would have led to kalus rosh, excessive frivolity. The Talmud attests that the need for a balcony was so pressing that its construction was approved even though it is generally prohibited to expand or modify the original structure of the Beis ha-Mikdash. The Biblical source for the separation of men and women, says the Talmud, is found in the verse in Zecharyah in which the prophet foretells the eulogy of Mashiach ben Yosef, where men and women will be seated separately. If separate seating is required even at so solemn an affair as a eulogy, how much more so must separate seating be required on a joyous occasion!

Following the example set by our Sages in the Beis ha-Mikdash, the age-old tradition has been to make a clear division and a separation between the main sanctuary and the women's section. Some shuls built a balcony, like the Beis ha-Mikdash had, while others constructed a thick wall that completely separated the two sections. This arrangement was so taken for granted, so undisputed, that it is not even explicitly cited in the Shulchan Aruch as a requirement(2). About a hundred years ago, when some shuls in Germany and Hungary began to question the need for a mechitzah, all the leading rabbis(3) strictly prohibited davening in any shul that lowered or removed the traditional separation between the two sections.

With the mass immigration of Jews to the United States in the late 1800's, many modern synagogues did not insist upon a mechitzah that completely blocked off the women's section. First Reform and Conservative temples, and then even more traditional ones, began to gradually lower or remove the barrier which separated the men from the women. The following questions were then posed to the venerable poskim in the U.S.: Is this practice justified? Is a mechitzah halachically required? How high does a mechitzah have to be?

Reason for the balcony in the Beis ha-Mikdash:

In order to answer these questions correctly, we must first examine what, exactly, was the purpose of the balcony in the Beis ha-Mikdash. We explained earlier that a balcony was constructed to prevent kalus rosh, excessive frivolity. The Talmud does not, however, elaborate on how the separation was effective in guaranteeing that kalus rosh did not prevail. There are two possible ways to understand this:

\* Kalus rosh prevails when the men can freely gaze at the women. It interferes with their concentration and profanes the sanctity of the Beis ha-Mikdash. By seating the women on a balcony over the men's section, the men can no longer view the women(4). To accomplish this purpose, the balcony was constructed in one of two ways: 1) The men's section was directly underneath the balcony, hidden from the women's line of vision. The women were nevertheless able to see a small clearing in the middle of the men's section where the few dancers would perform(5). (The

majority of the men did not actively participate in the festivities; they were merely spectators(6).) 2) The balcony was built above the sides of the men's section, but it was enclosed with a curtain or a one-way mirror. This permitted the women to watch the men from above but completely blocked the men's view of the women(7).

\* Kalus rosh prevails when men and women are free to mix socially with one another. By use of a balcony and physically separating women from "mixing" with the men, the proper decorum and sanctity of the Beis ha-Mikdash was duly preserved(8). According to this understanding, then, the balcony did not completely block the men's view. Rather, it separated the two sections and prevented the men and women from communicating or interacting with each other in any way.

The question, then, as it applies to present day mechitzos, is as follows: Do we follow the first interpretation and require a mechitzah that completely blocks the men's view, or is it sufficient to have a mechitzah that divides the two sections in a way that prevents frivolity?

The two views of the poskim:

There are two schools of thought among contemporary authorities as to the practical halachah. Many poskim(9) hold that the purpose of the mechitzah is that the men should not be able to view the women. Accordingly:

\* The mechitzah must be high enough to completely block the entire women's section.

\* The mechitzah must be made entirely from an opaque material. Glass, flowers and decorative wood slats are not acceptable for any part of the mechitzah.

\* Even a balcony must be completely encircled by a curtain, etc.

As stated previously, this practice was universally accepted, wherever Jews davened. The women's section, whether in the balcony or at the back of the shul, was totally separated from the men's. Such a separation was a fundamental feature of shul architecture, as basic as positioning the amud at the front of the shul and a bimah in the middle. It was and still is part of the standard model for a Jewish place of worship.

Harav M. Feinstein(10), however, after establishing that the basic requirement for separating men and women during prayer services is a Biblical obligation, holds that the basic halachah follows the second approach that we mentioned earlier. Although he agrees that it is commendable and praiseworthy to maintain the age-old traditional mechitzah, he nevertheless rules that the widespread practice of many shuls to lower the mechitzah somewhat is permitted according to the basic halachah. As long as the mechitzah is high enough to effectively block out any communication or interaction between the men's and women's sections, it is a halachically valid mechitzah. Accordingly:

\* The minimum height for a mechitzah is shoulder-high, which the Talmud (11) calculates to be 17 to 18 tefachim high. Allowing for a difference of opinion concerning the exact size of a tefach, Harav Feinstein rules that a 66-inch mechitzah is permitted(12), while in extenuating circumstances 60 inches will suffice(13). Any mechitzah lower than that, however, is not considered a mechitzah at all.

\* A balcony does not need to be encircled with a partition or a curtain. It is preferable and recommended, however, to do so if possible(14).

\* Although, technically, the upper part of the mechitzah may be made out of glass since it serves as a physical barrier between the sections, it is self-defeating and inadequate to use glass, as many women, unfortunately, come to shul improperly dressed and/or with their hair not covered properly(15).

\* A mechitzah which has sizable gaps towards the top is not acceptable since it does not effectively guard against kalus rosh(16). A mechitzah which has tiny openings in the lattice work is permitted(17).

\* The mechitzah must reach the required height (60") in both the men's and women's sections. Raising the floor of the women's section - which in effect lowers the height of the mechitzah - defeats the purpose of the mechitzah(18).

FOOTNOTES: 1 Succah 51a. 2 Tzitz Eliezer 7:8. 3 Led by R' Shlomo Ganzfried, author of Kitzur Shulchan Aruch, and M'haram Ash, disciple of Chasam Sofer, and countersigned by the Divrei Chayim. The proclamation is published in Lev ha-Ivri. See also Chasam Sofer 5:190, M'haram Shick 79 and Zichron Yehudah 1:62 who also voiced strong objections to any tampering with the traditional mechitzah. 4 Rambam (commentary to the Mishnah Succah 5:2) 5 Tosfos Yom Tov (commentary to the Mishnah Succah 5:2). 6 Rambam Hilchos Lulav 8:14. 7 Piskei Rid Succah 51; Meiri Midos 2:5; Korban Eidah (Yerushalmi Succah 5:2) as explained in Divrei Yoel 1:10. 8 Rambam Hilchos Lulav 8:12 and Hilchos Beis ha-Behirah 5:9; Meiri Succah 51a; Tiferes Yisrael Succah 5:6; Aruch ha-Shulchan ha-Asid 11. 9 M'haram Shik 77; Divrei Yoel (Satmar Rav); Harav E. M. Bloch (Taharas Yom Tov, vol. 6); Shevet ha-Levi 1:29. 10 Igros Moshe O.C. 1:39 and in various other responsa; Seridei Eish 2:14. See also ruling of Harav E.E. Henkin (quoted in Teshuvos Bnei Anim, pg. 12). 11 Shabbos 92a. 12 Igros Moshe O.C. 4:31. 13 Ibid. O.C. 3:23; 3:24; 4:30; 4:31. 14 Ibid. O.C. 1:42. 15 Ibid. O.C. 1:43; 3:23. 16 Ibid. O.C. 4:29. 17 Ibid. O.C. 4:32. 18 Ibid. O.C. 3:23; 3:24; 4:31.



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