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ON EIKEV - 5760

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OU Torah Insights Project

Parshat Eikev

RABBI SAMUEL KLIBANOFF

Parshat Ekev presents the mitzvah of Birchat Hamazon. < The Torah tells us that after one has eaten and been sated, you shall bless Hashem your G-d for the good land He has given you.

The Talmud analyzes this verse to determine that the first three of the four blessings in Birchat Hamazon are Torah obligations. It wasn't until many years later that the Beit Din at Yavneh, led by Rabban Gamliel Hazaken, added the fourth blessing, Hatov Vehameitiv, after the destruction of the second Beit Hamikdash.<

This blessing commemorates the miracle that occurred in Beitar in the year 3895 (135 C.E.) following the Bar Kochba rebellion. After many in the city had been massacred, Hashem preserved their bodies so that they would be able to receive a proper Jewish burial.

Many commentaries ask why this episode has been singled out. < There have been countless miracles and kind acts from Hashem. < Why did this event merit the creation of a blessing?

A <very meaningful answer in the sefer, BeEirot Yitzchak, written by a talmid chacham from London named Rav Yitzchak Greenbaum. < He writes that one must understand and appreciate the mentality of the Jews who lived at the time of the Churban and Beitar.

Even after the monumental casualties and unspeakable tragedies that occurred along with the destruction of the second Temple, the Jewish nation managed to regroup and seemed poised to reconquer the land of Israel.

The fall of Beitar crushed that dream. The future was dire. Many were forced to leave the land. Even the great Rabbi Akiva had to admit his misjudgment of Bar Kochba's Messianic abilities. Beitar represented a new low. The people had finally become hopeless.

It was exactly at this time, when the Jews had sunk into the abyss of despair, that Hashem performed this miracle at Beitar. < This was not a miracle of salvation or victory, but rather one of hope and guidance. < Hashem was telling Klal Yisrael that even in their darkest days Imo Anochi Betzarah - I am with them in suffering.

In times of exile and spiritual malaise Hashem will not forsake us. Our Sages, recognizing that the length of the exile would extend far beyond their years, instituted this blessing for all time. <

We too have witnessed much tragedy and upheaval in our times. < It is incumbent upon us to concentrate intently on the meaning of this fourth blessing and to realize and appreciate that Hashem will always be with us until this chapter of our exile ends and we begin anew with redemption and salvation.

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SHABBAT SHALOM: The price of rain

By RABBI SHLOMO RISKIN

(August 17) "And now, Israel, what does the Lord your God ask of you, but to revere the Lord your God, to walk in all His ways, and to love him, and to serve the Lord your God with all your heart and all your soul." (Deut. 10:12-13)

Anybody who visits Niagara Falls is overwhelmed. But when Israelis return from this majestic border between Canada and America, they usually lace their descriptions with the observation that if only our little country were blessed with that much water, all its problems would be solved.

If we turn to this week's portion of Ekev, we find evidence that the holiness of Israel comes precisely from the fact that we don't have an expanse of water like Niagara Falls!

Examining our portion, we discover that one of its more puzzling aspects is the seemingly contradictory approach to the land of Israel. On the one hand, Israel is blessed with luscious fruit, "a land of wheat, barley, grapes, figs and pomegranates; a land of olives and honey dates. It is a land where you will not eat rationed bread, and will not lack anything." (Deut. 8:8) But despite these glorious assets, the Bible goes on to describe a tough land, where eking out one's daily bread is fraught with unknowns. "The land which you are about to occupy is not like Egypt, the place you left, where you could plant your seed and irrigate it by yourself, just like a vegetable garden. But the land which you are crossing to occupy is a land of mountains and valleys, which can be irrigated only by the rain. It is therefore a land constantly under God your Lord's scrutiny; the eyes of God your Lord are on it at all times, from the beginning of the year until the end of the year." (11:10-12)

How then are we to understand the Torah's view of Israel? If the Torah states that we will never lack anything, does this imply that God promises us a tropical paradise? That flies in the face of the facts.

I'd like to suggest that the Torah sets up these two seemingly contrasting images in order to sharpen our sensitivity as to how the land provides us with a personal approach to the Divine, as well as to the humility which this naturally engenders. But let's first examine another verse in our portion which might also seem problematic.

As quoted above, our Torah portion teaches that what God wants from us is "to revere the Lord your God, to walk in all His ways... to observe the commands of God." (Deut. 10:12-13) How do we approach the almost casual introduction of these essential requirements? Let us return to the initial contrast between Israel and Egypt. The ancient Israelites could have worked their hands to the bone, but nothing would make the land yield its blessings unless God sent rain. There was to be a great distance between the magnitude of one's efforts and the reality of putting bread on the table. An Israelite who believed exclusively in his own strength could find himself starving because of a drought.

In Egypt, on the other hand, it was possible to forget the ultimate source of the river. There it became very easy to believe that "my power and the might of my hand have gotten me this wealth." (Deut 8:17) In Egypt, where such false conclusions were the norm, belief in one's own power led to a corrupt system that controlled the distribution of wealth, culminating in the office of the Pharaoh, who naturally believed that he was a god.

But the very nature of Israel inculcates a sense of humility, leading toward greater sensitivity to every other creature.

The Kotzker Rebbe was once asked to explain God's punishment of the serpent in the Garden of Eden; "and dust shall you eat all the days of your life" (Gen. 3:14) hardly seems that difficult, given that dust is everywhere. If God had really wanted to punish the serpent, He might have said, "and silver or petroleum shall you eat."

That's exactly the point, answered the Kotzker. Since the serpent rebelled against God, the punishment reflects this rebellion. By being consigned to dust, which is everywhere, the serpent crawls about without ever having to lift its eyes to God. Abundance of nourishment in a life devoid of God and so empty of the humility and grandeur which association with the Divine must bring is the worst punishment imaginable.

Egyptian farmers, who never lifted their eyes to God, lost sight of the true source of the Nile's abundance. Their automatic supply of water created a scarcity in faith. But in Israel, where water depends on God-sent rain, its scarcity creates an abundance of faith.

Taking this one step further, we realize that the two different views of the land in our portion can be understood in the light of one more "small" item: "To revere God!" If we keep reading, the verse instructs us "to walk in all His ways, and to love Him, and to serve the Lord your God with all your heart and with all your soul to observe the commandments of the Lord." (10:12,13)

Note that the Torah does not command us to fear God (pahad), but rather to revere Him (yirah), to walk in His ways and to love Him, much like a child following a parent. In a land in which rain can be scarce, the enticement always exists to try and propitiate the gods who are beyond our control - by voodoo magic at best and the sacrifice of innocent children at worst. But our God declares about Himself: "For the Lord your God, He is God of gods, and Lord of lords, the great God, the mighty, and the awesome, who does not grant special favors to persons, nor does He take bribes... He executes justice for the orphan and the widow, and loves the stranger." (Deut. 10:17,18)

With such a loving and moral God, one need never be in terror; all that our God requires is that we revere and love Him, performing the commandments of ethical monotheism.

And even if there may be a shortage of rain one year, that scarcity will only bring us back to the God of compassion, tolerance and truth.

If the entire nation listens to His voice and observes His commandments, He will provide rain in its proper time.

Shabbat Shalom

From: listmaster@jencom.com peninim@shemaisrael.com
PENINIM ON THE TORAH
by RABBI A. LEIB SCHEINBAUM
Parshas Eikev

"To love Hashem, your G-d, to walk in all His ways and to cleave to Him. (11:22)

To walk in Hashem's ways, is to act as He acts; as He is merciful, so should we act with compassion. As He bestows kindness, so should we be kind to others. While it is possible to follow in some of Hashem's ways, there certainly is a limit to a mortal's abilities. Hashem is, after all, mechaye meisim, resurrects the dead. Ostensibly, this is not something a human being could do - or can he? I once heard that, indeed, a caring, sensitive human being has the ability to be mechaye meisim in a figurative sense. Let us take a moment to observe the people around us. While it is true that they appear to be alive, are they really alive or are they just existing? Do they enjoy life? Do they have a zest for living?

Regrettably, we know the answer to these questions. Many people are beset by problems, be they personal, family, or work-related which take their toll upon their outlook on life. It is difficult to be happy when problems are gnawing away at one's mind. These people walk around as in mourning - for themselves. Yes - they appear to be alive, but if one penetrates beneath the veneer of existence, we note a totally different picture. These people live by rote. They have lost their vivacity; they have lost their life.

One who goes over to say, "Hello," or "How are you?" - or simply offers to listen to help out in some way -- is mechaye meisim, gives them

life. It gives them hope; it encourages them and, quite possibly, may be the turning point for them between living and giving up altogether. Rav Nachman M'Breslov says, "There are people who are in great pain. They cannot share this pain with others. They would like to talk about it, but they do not have anyone to whom to turn. They walk around in deep depression, waiting, seeking, looking for that one person who will lend them a listening ear. That person can save their life."

When we think about it, we all know someone in need. Yet, we do nothing about it. We conjure up any of a number of excuses to validate our passivity. Perhaps, if we would realize that it takes so little to accomplish so much, we might be less inclined to shirk our duty towards our fellow man.

RABBI AVI WEISS

Shabbat Forshpeis

As a child I attended Yeshiva Torah Vodaath. Every day when coming to morning services I was mesmerized by an older man named Rabbi Chaim Gelb. I can still remember Reb Chaim calling out "Amen." Sometimes he'd give me a candy and ask me to recite a blessing so that he could mightily respond "Amen."

At Yeshiva University rabbinical school years later, I was deeply influenced by the saintly Rav Dovid Lifschitz. I can still remember Rav Dovid on Simchat Torah surrounded by his students leading us in the niggun "ve-taher libeynu" - words in which we call out to God to purify our hearts. It seemed to me whenever Rav Dovid would pray it would be in the spirit of that niggun.

This week's portion offers a halakhic base that enhances the meaning of both of these stories. The torah states "u'leavdoh bekhil levavkhem." "And you shall serve God with all your heart." (Deuteronomy 11:13) Maimonides concludes that this is the source of prayer. U'leavdoh means that every day we are obligated in prayer. It would seem that Rambam believes that prayer is a religious obligation. I may not feel like praying-still there is a religious imperative to serve God daily.

This was my sense of Reb Chaim Gelb's prayer. Standing before God he would call out "Amen." One could sense the great joy he felt in fulfilling the mitzvah of prayer.

There may be another way to understand Maimonides. Without God many people feel a deep sense of loneliness. For these individuals, life has no meaning if God is absent. Like a lover who constantly longs for his beloved, so does one feel constant despair without God. From this perspective, one prays daily as one is in constant search of the Lord without whom life is impersonal, void and empty.

This latter approach to Rambam fundamentally differs with the first. In the first, the desire to pray does not emanate from the petitioner but from God. We, therefore, have an obligation, whether we feel it or not, to serve God daily. In the second approach the need to pray comes from the petitioner as an expression of constant angst if God is not present.

This was the feeling behind the fervent prayer of Rav Dovid Lifshitz. In his heartfelt "ve-taher" I sensed a tzaddik who felt ongoing emotional spiritual pain if he was not in rendezvous with God. Like a fish seeking water, Rav Dovid sought the ongoing presence of God.

My father-in-law, Zalman Aryeh Hilsenrad, was a deeply devout Jew. He named his first book (a compilation of articles he wrote for the Jewish Press) "Tzam'ah Nafshi, My Soul Thirsts." Years later he penned a second volume. He called it "My Soul Thirsts Still," nothing less than our second approach to Rambam.

The challenge is to realize that during prayer both approaches are necessary. Solely praying to God without listening to our souls minimizes our individual worth. At the same time, expressing only our individual needs to God is selfish. May we be blessed to find the balance of listening to God and listening to ourselves.

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ou luach & limud eikev
DEVAR TORAH/PARSHAS EKEV

This shall be the reward for you when you hearken these ordinances and you observe and perform them and "Hashem Bwill safeguard for you the covenant and the kindness that he swore to your forefathers."

Deuteronomy 7:12

Says the Otzar Chaim, the word, ekev refers to steps, meaning that a person should always be guarded in the path he takes in life and carefully contemplate and consider the steps he takes. That will lead him to "observe and perform them. That will bring the fulfillment of "Hashem will safeguard for you the covenant and the kindness that he swore to your forefathers."

From: RABBI PINCHAS WINSTON winston@torah.org

Subject: Perceptions - Parashas Aikev - Faith-Heeler

Remember the way G-d, your G-d, led you for these forty years in the desert in order to test you, to see what you really thought, and whether you would keep His commandments or not. He afflicted you, and caused you to go hungry, and gave you manna to eat which you did not recognize, nor did your ancestors experience it, so that He could teach you that man does not live by bread alone, but by whatever G-d says should exist does man live. (Devarim 8:2-3)

Food and Jews seem to go together, at least in modern times. I remember how, when I first moved to Eretz Yisroel, Meah Shearim barely had one fast food shop. Now, almost every other store is a falafel store, or pizza shop, or something to do with food.

And, Shabbos, and simchas Π what spreads! Food like never before. It is amazing how central a role food plays today in making simchas "work" (as I drink my coffee and enjoy my piece of cake Π). It is almost as if we are rebounding from all the decades of poverty and starvation that we suffered in more difficult times. Acceptance among the non-Jews and affluence has made eating and eating well an easy part of being Jewish.

As a result of this, and other more materialistic issues, the concept of dieting has become quite integrated in the Jewish mind today, on all levels of observance. As a teacher of just-about-to-begin-dating young women, and, even younger girls than that, it is rather distressing how much emphasis is being placed on becoming VERY thin, and remaining so. From many discussions, it seems that the reasoning has little to do with health, especially since it often results in erratic and even dangerous eating habits.

The Rambam would not have approved.

There is no question that so much of Judaism lends itself to eating. As a young yeshivah student, I first began to gain weight (after so many years of never gaining a pound) attending so many simchas back-to-back. I didn't always want to eat, well, at least THAT much, but, it was a "mitzvah." And, since making after blessings requires consumption of at least an "egg's-worth" of food -- often cakes or cookies -- I ate just that (and more, just to be safe).

Sometimes, the bris took place straight after the morning service, when, we had yet to have breakfast and were quite hungry. We were sitting ducks; self-control under such conditions was almost non-existent. I gained the rest of my weight eating leftovers from Shabbos I didn't want to throw out, after serving more food to the guests than they could have ever eaten. And, we're modest compared to other homes. At one home, I was "forced" (I had to be a polite guest Π) to eat so much at the Friday night meal that I had to go to sleep sitting up!

The Rambam would definitely not have approved.

I think we have paid too much attention to the first part of the posuk:
 Π man does not live by bread alone Π

-- when it is the second part of the posuk that holds the most meaning:

Π but by whatever G-d says should exist does man live.

It is as my Rosh HaYeshivah used to ask us: Are you eating to live, or, living to eat? Or, as the Nefesh HaChaim asked long ago: Do you make your brochah in order to be able to eat, or, do you eat in order to be able to make your brochah? When you eat to live, and you eat to make a blessing, then, you are clearly in This World to serve G-d, and to bring creation to its holy completion. Eating, for such people, is a mundane means to a holy end, even when they thoroughly enjoy what they are eating.

However, when we do just the opposite, not only do we complicate our health situation and spend money unnecessarily on something we don't need, but, in the words of one rav, we eat our way out of the World-to-Come. For, physical pleasure in This World, though perfectly permissible when enjoyed in the correct halachic context, is meant only as a lovely by-product of serving G-d. When it becomes an end unto itself, it becomes OUR end unto itself.

Lest we forget, the sin that started us off on the wrong track, way back at the beginning of history, back in the Garden of Eden, involved eating. And, seeing how, as of 1990, we entered a period of history that corresponds to the hour on Day Six that Adam ate from the Tree, we would do well to consider, and re-consider our eating habits -- be they physical OR intellectual.

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Shabbat-B'Shabbato - Parshat Eikev 18 Av 5760 (19 August 2000)

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A MITZVA IN THE TORAH PORTION: Reciting 100 Blessings a Day BY RABBI BINYAMIN TABORY

In his words of rebuke to the nation, Moshe says, "And now, Yisrael, what does G-d ask of you, except to fear your G-d ..." [Devarim 10:12]. Rabbi Meir uses this verse as a source that it is necessary to recite 100 blessings every day (Menachot 43b). Rashi explains that the Midrash sees the word "ma," what, as if it were "mei'ah," one hundred. In the Tosefta of Berachot, the text is somewhat different. "Rabbi Meir said, There is no person among Yisrael who does not perform 100 mitzvot each day" [6:24]. According to this version, there is no obligation to recite 100 blessings a day, but Rabbi Meir praises the nation for performing 100 mitzvot each day. Perhaps by mitzvot he means blessings.

Some commentators, such as the BAHAG and the Yerai'im, listed the obligation to recite 100 blessings as a mitzva. The BAHAG included rabbinical mitzvot in his list (and was criticized for this by the Ramban), so it may be that he considers this a rabbinical obligation. However, the author of the book Hamanhig wrote that this matter "is a tradition from our fathers, handed down from Moshe at Sinai, that we must recite 100 blessings a day."

The Rambam (in Hilchot Tefilla 4:4) and other early commentators took the trouble to give a detailed list of 100 blessings to be recited each day. On weekdays, one who recites the "Shemona Essrei" three times a day is already reciting 57 blessings, and it is not difficult to reach a total of 100. However, on Shabbat and holidays, when the prayers consist of a total of only 28 blessings, how is it possible to reach the number of 100? According to the Talmud in Menachot, Rabbi Chiya would round out the number of blessings to 100 by smelling perfumes and eating delicacies, for which it is necessary to recite a blessing.

The Rambam did not list this as a mitzva, in view of the fact that he

does not consider rabbinical obligations in his list. Other commentators do not list this mitzva, even though in general they do list rabbinical decrees. Rabbi Perla writes that it is only an extra measure of piety to count the number of blessings each day, which explains why the Talmud emphasizes that Rabbi Chiya was careful to observe the requirement.

The Rambam rules that it is necessary to recite 100 blessings. He notes that one who was not obligated by the usual daily blessings (for example, one who did not sleep all night and is therefore not required to say some of the usual blessings) should make up the difference by eating fruit.

The author of "Halichot Beita" discusses whether women are obligated by this mitzva. The Tur quotes from a Midrash that King David instituted the requirement of 100 daily blessings in order to stop a plague in which 100 people died each day. This would imply that women are obligated too. However, Rabbi Shlomo Zalman Auerbach noted that women are probably not obligated, since they are not required to recite many of the daily blessings (such as tefilin, tzitzit, and the blessings for Shema Yisrael). It would therefore be difficult for them to reach the daily minimum. This is especially true according to the Sephardi tradition that women do not recite a blessing for a mitzva that they perform voluntarily.

In terms of hints and hidden meanings, it has been said that a truly righteous person spells out the letters of the word "tzadik." He does this by saying "amen" 90 times (the letter tzadik), by reciting the verse "holy, holy, holy" 4 times (daled), by answering to kadish 10 times (yud), and by reciting 100 blessings (kuf).

From: Aish.com[SMTP:aishlist@aish.com]
Aish.com APPEL'S PARSHA PAGE
Parshat Ekev - Deut. 7:12 - 11:25
by RABBI YEHUDA APPEL
Aish HaTorah Cleveland

Some years ago, when my wife and I were living in Israel, we bought our apartment from a fellow who (at the risk of severe understatement) was anti-religious. Given this background, a passing comment he made at our deal's closing seemed rather odd. He assured us that all the Mezuzahs in the house were completely kosher. Noting my quizzical look, he then told my wife and I the following story:

Many years prior, his daughter had been born with a serious heart defect. After being told at the hospital that she didn't have long to live, he wandered the streets of Jerusalem in a daze. Finally, he came across an old Yemenite man and poured out his heart to him. The Yemenite advised him to buy Mezuzahs and put them on his door posts immediately.

Desperate for anything that could help his daughter, he ran to a religious neighborhood, asked where the nearest scribe lived, and bought several Mezuzahs. After putting them up, he returned to the hospital where he was greeted with great news. Lo and behold, a miracle had occurred: His daughter's heart defect had disappeared!

When he finished telling us his story, the man then made a comment I will never forget. "You see" he said, "the Mezuzahs are kosher. And if my daughter should ever decide to become religious, I can't stand in her way - because she belongs to G-d. But if my son ever tries to become religious... I'll kill him!"

The Yemenite man's advice to put up Mezuzahs, as strange as it may sound, is actually in line with Jewish tradition. In this week's parsha, the verse dealing with the Mezuzah is juxtaposed with a verse promising long life to one's children. (see Deut. 11:20-21) Both these verses are written on the parchment of the Mezuzah, and many commentators therefore explain that Mezuzahs help to protect children's health.

But it is not children alone who benefit from the Mezuzah's presence. Written on the outside of each parchment is the name of G-d, "Sha-dai."

Among other things, this divine appellation is an abbreviation for the words "Shomer D'latei Yisrael" - "Guardian of the Gates of Israel." The Mezuzah, so to speak, guards the doors of a Jewish home.

Other sources see a different meaning to the Mezuzah. The Alshich notes that the Mezuzah is placed even upon the doors of rooms inside the house. Oftentimes, how a person appears in public is a far cry from how they act in private. The Mezuzah therefore reminds us of the sanctity of the Jewish home.

Maimonides presents what is perhaps the most widely accepted understanding of Mezuzah. He explains that oftentimes people get so caught up in the hustle and bustle of making a living, that they lose their "G-d consciousness." The Mezuzah, however, provides a wonderful solution to this problem.

The Mezuzah contains a declaration of our Love of G-d and our commitment to observe His mitzvahs. As we pass through the door and kiss the Mezuzah, we focus on G-d's inspirational "instructions for living," posted on the wall.

Says Maimonides: The Mezuzah is a constant reminder "that nothing endures forever; nothing is eternal but knowledge of the Almighty. Upon reminding himself of this fact, a person will return to a proper consciousness and walk in a proper path."

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RABBI JONATHAN SCHWARTZ

From: jschwartz@ymail.yu.edu To: chaburah@hotmail.com Subject: Internet Chaburah-- Parshas Eikev

Prologue: One of the biggest challenges facing people who try something new, is the sticking to it. Once things lose their initial drive, they must be internally motivated to "stick to it" or watch their new drive fade away.

Interestingly, Moshe spends much of Parshas Eikev reminding us why we should follow the Torah and do Mitzvos and how easy the process is. Toward the end (Devarim 11:22), he reminds us that if we keep the Mitzvos and remember to "stick to him" (U'L'Davkah Bo). How interesting is it that the sticking process is not to the Torah but rather to Hashem, and how are we to achieve that?

The Ramban cites the Ibn Ezra who explains that true Devaikus is achieved with a sense of completeness. The Ramban adds that he who is Davuk L'Hashem manages to turn even his mundane activities L'Shem Shomayim. Rav Yerucham Levovitz (Daas Chochma U'mussar I:97) noted that the fear of the Avos who were totally Davuk L'Hashem was that they might do something that could sever or even weaken their tie to Hashem. Hence, Avraham asked Hashem not to leave him (Berashis 18:3) and Yaakov never left the Beis HaMidrash (Yosheiv Ohalim), in order to protect their Keshet to God.

Rav Yerucham adds that the Avos did live lives and occasionally had to foray into the world. Still, they took the Beis HaMidrash with them, in the process. He adds that it is a terrible mistake that people in the world today make when they think that Torah and Torah study must be reserved for those few who can remain in the specific Beis HaMidrash. Deveikus, an obligation for Klal Yisroel applies to all of us, even when we are out of the Beis HaMidrash building. The obligation to bring the Beis Hamidrash of our hearts with us on the road, Lo L'Hafsiq M'Limud, remains with each Jew constantly. Interestingly, this message is especially relevant during the time of Tu B'Av. Lo HaYu Yamim Tovim L'Yisroel like Tu B'Av. This time of the year marks the beginning of the season of the longer nights. The ability to extend one's nightly Torah study begins with Tu B'Av. Yet, what is that obligation of nightly Torah study? Are there areas of Torah which shouldn't be studied

at night? This week's Chaburah examines the issue. It is entitled:

Nittul Far Nacht?: Learning Tanach at night The Be'Er Heiteiv (Orach chaim 238) quotes the Arizal who maintains that one cannot study Mikra at night. The Sefer Mishnas Chassidim explains that the reason for this Psak is that one should not study Mikra while the Dinim are at their strongest heights which is at night. The Chida (Birkei Yosef) explains that Moshe was able to determine day from night while on Har Sinai by checking to see if Hashem taught him Mikra (so it was day) or Mishna/Talmud (proving it was night). (See also Midrash Socher Tov Mizmor 19). This it seems that Mah Hu Af Ata, we too, should not study Mikra at night like the Psak of the Beer Heiteiv.

The Malbim (Artzos HaChaim 1:36) explains that Yom L'Yom Yabia Omer refers to Mikra (studied at daytime) V'laila L'Laila Yichaveh Daas refers to Mishna study (ostensibly studied at night - This is based on Pirkei D'Rav Eliezer chap. 46).

This raises an interesting question. Can one offer or study with a Chumash Shiur at night? The Shut Avnei Tzedek (Yoreh Deah 102) says yes. His reasoning is based upon a Gemara in Avoda Zara (Daf Daled) where the Gemara notes that on Rosh HaShanna one should not recite Shmoneh Esrai of Musaf during the first four hours of the day because that's when Hashem is judging the world. Yet, if one is davening with a Minyan, this Gemara doesn't apply. The reason is that a Minyan arouses the Rachamim of Hashem. Similarly, if the Issur of learning Mikra at night is due to Dinim which are aroused at night, the study of Torah in public which brings Rachamim from Hashem should remove the Shaas HaDin and making it an Es Ratzon, creating an ideal time for the study of Mikra.

It should be pointed out that the Issur of studying Mikra at night clearly does not apply to a situation where Pirushim are being used. These commentaries are Torah She'Baal Peh and as a result the Mikra that their study elucidates, is merely Mikra Im Mishna, not a Halachic difficulty.

But what about the recitation of Tehillim? How can Tehillim be recited at night without commentary? The Eishel Avraham explains that Since Dovid requested that his Mizmorei Tehillim be accepted as Negayim and Ohalos, they count like Torah She'Baal Peh. The trouble is (as pointed out by the Nefesh HaChaim Shaar Daled), we don't find that Hashem agreed to this request? The Shut Mei Yehuda (Siman 22) explains that when we recite Tehillim at night, we do so as a Tefilla and not Torah study. And Tefilla is designed, by definition, to turn Midas Hadin into Rachamim. Hence we can say V'Yiten Lecha or the Possukim in Kriyas Shema Al Hamitta to protect us from Mazikin (See Shavuos 16).

Now the Kaf HaChaim (237:9) notes that the minhag is to recite Tehillim only after Chatzos HaLaila. This is the Psak of the Shut Yaskil Avdee (IV: Kuntres Achron Orach Chaim 2). The Chida seems to imply that one must wait until Ashmores HaBoker (See Shut Yosef Ometz 54).

Now the Levush (Siman Alef) notes that the whole purpose of reciting Tehillim is to provide a means to allow a Tefilla to enter without Mikatrigim. Hence, he feels that they should only precede Tefilla and not interfere or follow it. The Shut Beis Yaakov (127) only allowed recitation of Tehillim in a Tzibbur but the later achronim seem to side with the Levush here. Still, the Aishel Avraham adds that the Hakpada on nighttime recitation of Tehillim is only individual. A public recitation is clearly no problem (See also Shut Tzitz Eliezer Vol. VIII:2).

Battala News

Mazal Tov to Rabbi and Mrs. Zev Reichman upon the birth and bris of their Bechor Shimon Yitzchak.

Mazal Tov to Rabbi and Mrs. Evan Kroll upon the birth of Aliza Nechama.

Mazal Tov to Rabbi and Mrs. Yoni Kresst upon the birth of Nava Beracha.

Mazal Tov to Rabbi and Mrs. Yechiel Weiner upon the birth of Nechama.

From: yitorah@lists.virtualjerusalem.com To: Young Israel List Subject:

[yitorah] NCYI Weekly Divrei Torah - Parshat Ekev

RABBI DR. AARON BATT

Council of Young Israel Rabbis in Israel

18 Menachem Av 5760 August 19, 2000 Daf Yomi: Nedarim 31

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When discussing Parshat HaShavua there are a number of options available and a number of approaches which may be taken. In the next few pages an attempt will be made to develop a central theme in this parsha. This concept is an extension of s'meechoot haparshiyot. Not only are two incidents or commandments which follow one another related but the relationship may extend to a larger section as well. When searching for a general theme in a parsha, one must consider the circumstances surrounding the Jewish people at that particular juncture in history.

In Deuteronomy in general, Moshe is speaking to the people before his death. He has before him two tasks. He must give mussar (rebuke) to the people for the past. He reprimands Am Yisrael by reminding them of past misdeeds and exhorts them to improve their ways, not to repeat the mistakes of the past generation. In addition to this, however, he also performs another task - he prepares the people for the future.

Moshe at this point faces a whole generation which has lived forty years in the wilderness. This generation was brought up and developed under the protection of the clouds of glory - the Divine "umbrella". They were immune to environmental dangers, to the vicissitudes of nature. This was the generation that ate the manna. The necessities of life were provided by G-d. In the wilderness they did not have to concern themselves with earning a living, with building and/or maintaining cities or farms. Their needs were met by Divine order.

At this point in history the situation will change radically. They are getting ready to leave the "unnatural" state of the wilderness and enter the "land", the natural state of a nation which must fend for itself, of a nation which experiences a normal life. Perhaps in searching for a unified theme one should take cognizance of this particular situation.

Life is not static but dynamic and ever changing. How does one deal with the various episodes in life? We believe the Torah is a "Torat Chaim", a living Torah and a Torah of life prepares man and informs man as to how he should react to the challenges of life. At times this preparation is exemplified by specific mitzvot, specific commandments which point a man in a direction and which guide him. At other times, the Torah provides man with a general attitude towards real situations, an attitude which serves as a guideline for the future.

We are accustomed to the idea that man must learn how to deal with misfortune. There are dangers involved to man's spiritual well being when he faces a crisis brought about by misfortune. Man may lose faith, he may become discouraged and despondent and, as a result, his service to G-d and/or Torah learning may suffer. The Torah, in the large sense, has provided guidelines for the human response to these situations. These guidelines can help protect man from the dangers and forestall spiritual damage. To mention just a few of the traditional responses - 1) G-d is telling me something, let me analyze what is happening to me; 2) What have I done wrong and how can I improve myself?

Life at times smiles on man and he may experience good fortune and success. Such a happy situation can contain within itself a parallel, if not so evident, spiritual danger. This situation is given a halachic framework by the S'MAG - (Sefer Mitzvot Gadol). He formulates a commandment: "One should not become proud when G-d provides him with good and consider it as if his efforts brought it about but rather praise G-d for it, etc." The S'MAG bases this on Deuteronomy 8:11, "take care lest you forget the L-rd, etc.". What are the possible dangers and how does the Torah suggest protecting oneself?

There are a number of forms of good fortune and our reactions to each may be different.

Man may receive good fortune without having worked for it. This is described in Ekev 8:7-11 "For the L-rd your G-d is bringing you into a good land, a land with streams and springs and fountains issuing from plain and hill; a land of wheat and barley, of vines, figs and pomegranates, a land of olive and trees and honey; a land where you may eat food without stint, where you will lack nothing; a land whose rocks are iron and from whose hills you can mine copper. When you have eaten your fill, give thanks to the L-rd, your G-d for the good land which He has given you." If we concentrate on the second instance in our parsha we find that the Torah provides a specific mitzvah as a protection. This mitzvah is birkat hamazon (grace after meals). Birkat hamazon is one of the brachot (blessings) which is min haTorah (commanded from the Torah). The Mesach Chachma on this section discusses the relevance of the fact that the bracha which is min haTorah is the

bracha after eating, not before. When man is hungry and he is given food, of course he will thank G-d. The more important task is to recognize and thank G-d when one is satisfied. After one has received the blessing of G-d, one must be ready to recognize and proclaim from whence comes all blessings. Such an attitude will protect one against the danger of haughtiness expressed by the S" MAG.

Our parsha postulates another scenario relating to good fortune. Man may feel that he has received a blessing because he has worked for it. In pasuk 8:17 this is expressed as kochi v'otzem yodi assa li et hachayil hazeh - and you say to yourselves, "my own power and the might of my own hand have won this wealth for me". The proper response to this is given in the next pasuk 8:18, "Remember that it is the L-rd, your G-d, who gives you the power to get wealth". Man recognizes that, in the final analysis, his strength comes from G-d. It is true that I worked for what I received but without the help of G-d all of my efforts would have been in vain.

Alternatively, man may feel that good fortune has come to him because of his righteousness. The situation is expressed in pasuk 9:4-6 say not to yourselves, "The L-rd has enabled me to occupy this land because of my virtues" and the answer is given immediately. No, it is not your righteousness or saintliness which entitles you to reward but rather the punishment due to others and the promise of G-d to our forefathers.

This concept may be applied to the spiritual realm as well. Man should never feel that whatever spiritual level he has reached has been through his own efforts. Even in this area without the help of G-d, man could not have attained what he did.

We find the nisayon (test) of good fortune in another section of this week's parsha. In describing the manna, pasuk 8:16 says it was given as a nisayon. In what way was the manna a test? The Ramban in Exodus 20:17 explains this by saying that "good" may also be a nisayon since it can also present man with a challenge. How do we accept this bounty of G-d?

The Torah has chosen to present this message, this challenge to the Jewish people in Parshat Ekev as part of the preparation for entering Eretz Yisrael. Moshe repeats the great daily miracle that G-d performed for the people in the desert for 40 years. They are in a period of transition, they

are living a supernatural life of daily miracles and, at the same time preparing to enter a natural life of "each man under his vine tree and each man under his fig tree." The challenge becomes greater upon entering the land. They find homes filled with all good things, houses filled with plenty for which they did not have to lift a finger. Maybe they will begin to feel that they deserve it. At the same time there is another challenge waiting for them from the opposite point of view. They are about to enter the land and to conquer it by force of arms. They may begin to feel. "My success is a result of my own strength, of my own ability."

It is not sufficient for the Torah to teach man what is the improper approach, it must provide the framework for a proper appreciation of G-d's bounty to the nation upon entering the land. In p'sukim 9:4-5 we read, "Do not say, 'it is because of my righteousness'.... not your virtues," but why? It is in order to fulfill the oath that the L-rd made to your fathers, Abraham, Isaac and Jacob." This is repeated again in 10:15 "Yet it was to your fathers that the L-rd was drawn in His love for them so that He chose you, their lineal descendants, from among all peoples". You must (10:16) uproot from your hearts the incorrect notion that you deserve it. You must be willing to bow your head and admit that it is not your own intrinsic strength which has provided you with all your victories.

The Torah is eternal and its messages are eternal. These are dangers and challenges which existed not only for the Jewish people 3,000 years ago when they left the wilderness and entered the land which G-d had promised to the patriarchs. These are challenges which have faced our people over the generations and perhaps in a greater extent than ever in the past few generations. A generation that had to contend with the concept of the Shoah - the challenge of an inconceivable evil - of a destruction of a large portion of the nation. The generation then witnessed a miraculous rebirth of the nation in its land. This generation has to learn from our parsha the proper response to the bounty of G-d. It is the unique responsibility of the religious community to formulate for itself and for the Jewish people as a whole the appropriate approach to historical events. Every historical occurrence demands its own response. The commentaries explain the first of the Kohanic blessing, "May the L-rd bless you and protect you" by saying that each bracha requires its own protection. Any blessing can present a danger and a challenge. This is true not only on the national historical level but also on the immediate personal level. Each individual is required by the Torah to develop his own response to G-d's providence to him. One who believes in Divine providence, one who believes that G-d is involved not only in national historical events but also in the lives of each and every one must be prepared to analyze the path of his life. The Torah outlines the way, it is up to man to travel the path together with G-d.

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From: Mordecai Kornfeld[SMTP:kornfeld@netvision.net.il] Subject: Insights to the Daf: Nedarim

INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il>

NEDARIM 22 - this Daf has been dedicated by Rabbi Eli Turkel of Ra'anana, Israel, to the memory of his father, Reb Yisrael Shimon ben Shlomo haLevi Turkel (Yahrzeit: 10 Av). NEDARIM 23 (10 Av) - dedicated by Mrs. G. Turkel (Rabbi Kornfeld's grandmother) to the memory of her husband, Reb Yisrael Shimon (Isi) ben Shlomo haLevi Turkel. Reb Yisrael Turkel loved Torah and supported it with his last breath. He passed away on 10 Av, 5780. Ask your question on the Daf to the Kollel! (daf@dafyomi.co.il) Get our free DAF-INSIGHTS...DAF-BACKGROUND...DAF-POINTS...DAF-REVIEW Please send donations to D.A.F., 140-32 69 Ave. Flushing NY 11367, USA

Nedarim 23b
"KOL NIDREI" ON YOM KIPUR EVE OPINIONS: The Gemara explains the Mishnah as saying that a person may make a condition on Rosh Hashanah (or Yom Kipur) that all Nedarim that he makes in the coming year should be null and void. If the person makes a Neder during the year without remembering his stipulation, then the Neder does not take effect.

Is this connected to our practice of reciting "Kol Nidrei" on Yom Kipur eve?
(a) The RAN in the name of RABEINU TAM writes that this is indeed why we say Kol Nidrei. Therefore, it is proper to say Kol Nidrei in the future tense and not in the past tense, since we are not annulling the past year's Nedarim but the coming year's Nedarim.

(b) The ROSH (3:5) writes that the purpose of Kol Nidrei is to annul Nedarim made during the previous year. He proves this from the fact that we say it three times, just like a Chacham says "Mutar Lach" three times when annulling a Neder, and from the fact that it is followed by the recitation of the verse, "v'Nislach l'Chol Adas Bnei Yisrael..." -- "May it be forgiven for the entire congregation of the people of Israel..." which implies that we are pardoning the transgressions of the past.

The Rosh asks, though, how can we be Matir Nedarim in such a manner? First, Hataras Nedarim requires a Beis Din of three men. Second, Hataras Nedarim requires a Pesach! The Rosh answers that since everyone says Kol Nidrei quietly with the Chazan, they all serve as a Beis Din of three men (Hedyotos) to be Matir each other's Nedarim. It is not necessary to find a Pesach, because it is assumed that everyone regrets (Charatah) the Nedarim that they made.

Some explain that this procedure of Hataras Nedarim was chosen to commence the services of the holiest day of the year in order to arouse a spirit of repentance. Teshuvah is unique in that it retroactively uproots the sins of one's past. The only other time that something done in the past can be uprooted retroactively is Hataras Nedarim. Therefore, it is appropriate to begin the day of repentance with such a declaration.

(c) The MEIRI writes that Kol Nidrei does not serve to be Matir normal Nedarim. Rather, it serves to be Matir the Nedarim and Charamim made by the community, the Tzibur, as a whole. The removal of such Nedarim does not require the Hatarah of a Chacham or Beis Din, nor does it require Charatah. That is why it may be done in such a manner as Kol Nidrei.

(d) The NIMUKEI YOSEF explains that Kol Nidrei is not a Heter Nedarim for either the past or the future. Rather, it is simply a prayer to Hashem that He not punish us for the past Nedarim that we made and transgressed.

Nedarim 28
"DINA D'MALCHUSA DINA" IN ERETZ YISRAEL QUESTION: Shmuel asks how can the Mishnah say that it is permitted to evade a tax collector if a Jew is obligated to abide by the law of the land ("Dina d'Malchusa Dina"). The Gemara answers that the tax collector mentioned in the Mishnah is one who is operating illegally, not in accordance with the law of the land (either he levies unlimited taxes, or he took the position by force and was not appointed by the king).

The RAN writes in the name of TOSFOS that the principle of "Dina d'Malchusa Dina" applies only to laws made by non-Jewish kings in their kingdoms. "Dina d'Malchusa Dina" does not apply to laws made by a Jewish king, though, who rules over Eretz Yisrael (and follows the Torah). The logic of Tosfos, as the Ran quotes, is that one must follow the laws made by the sovereign of a foreign country because that sovereign is entitled to demand any payment that he wants as compensation for allowing people to live in the land under his jurisdiction (as he has the legal right to expel from his land anyone he wants). In contrast, no Jewish king has that right in Eretz Yisrael, because every Jew is entitled by the Torah to live in Eretz Yisrael, and the king cannot legally deny any Jew that right. Consequently, a Jewish king may not demand payment from the people for permission to live in Eretz Yisrael, because it is not the king who is granting them permission to live there.

How could it be that a Jewish king does not have right to demand tax from his constituents? In Shmuel I (ch. 8), we read in the "Parshas ha'Melech" that the Navi tells the Jewish people that the king that they will appoint will take away their property for himself, and he will take away their children for the army. If he can take away property and people, then certainly the Jewish king also has the right to demand a tax! In fact, the RAMBAM (Hilchos Melachim 4:1) writes that a Jewish king has the right to levy any tax he wants for this reason -- since he is permitted to take away property, the same authority of eminent domain permits him to levy a tax. How, then, can the Ran say that a Jewish king does not have the right to levy a tax?

ANSWERS: (a) The Gemara in Sanhedrin (20b) records a Machlokes Tana'im whether or not the Navi meant what he said literally, that the king may take away the property of the Jews. Rabbi Yosi maintains that it is indeed permitted for the king to take away property, while Rabbi Yehudah says that the Navi did not mean his words literally, but he was merely

saying them in order to arouse fear of the king among the people.

It is possible that the Ran writes that "Dina d'Malchusa Dina" does not apply to Jewish kings only according to the Rabbi Yehudah's opinion, that the king is *not* permitted to take whatever he wants from the people.

However, we find that the source for the Ran's words are the words of the RASHBA. The Rashba cites proof that "Dina d'Malchusa Dina" does not apply to Jewish kings from the opinion that says that the "Parshas ha'Melech" in Shmuel was only said to scare the people. He says that if "Dina d'Malchusa Dina" applies to a Jewish king, then why should the king not be able to take whatever land he wants? It seems from the Rashba that the statement of Tosfos quoted by the Ran that "Dina d'Malchusa Dina" does not apply to a Jewish king was made according to *both* opinions in the Gemara in Sanhedrin, and the Rashba is merely bringing a proof from one of the opinions.

(b) Perhaps Tosfos maintains that a king is only allowed to *take* things from the people, but he cannot *obligate* them to *give* things to him willingly (that is, if they want to hide it from him, they are not obligated to give it to him because of "Parshas ha'Melech"). The Rambam, though, does not agree, as we mentioned above, for he rules that the Jewish king is allowed to levy a tax because of "Parshas ha'Melech."

(c) Perhaps our question is not a question at all, but is actually the *source* and logic behind the opinion of Tosfos! Tosfos was bothered by a question: why did the Navi have to expressly give permission to a Jewish king to take whatever things he wants merely because of a special Divine grant ("Parshas ha'Melech")? The same law applies to all kings because of "Dina d'Malchusa Dina!" ("Dina d'Malchusa Dina" is a logical Halachah that applies with the force of a Din d'Oraisa.) We might have answered that "Parshas ha'Melech" allows a king to take objects even when he has no valid excuse for taking them, whereas "Dina d'Malchusa Dina" does not allow a king to take objects without a valid excuse (see the Girsas of Tosfos as recorded in Chesronos ha'Shas, included in the margins of some printings of the Gemara).

However, it could be that Tosfos did not accept this answer, because even "Parshas ha'Melech" only permits a king to take advantage of the property of his subjects when it is beneficial to the country or to the kingship. Otherwise, why was Achav punished for taking the orchard of Navos (Melachim I 21)? (See Tosfos in Sanhedrin 20b.) This is also implied by the Rambam.

Hence, why was it necessary to expressly give the king rights to take his subjects' property through "Parshas ha'Melech?" His rights should come through "Dina d'Malchusa Dina!"

Tosfos is answering that it must be that the Jewish king does not have rights of "Dina d'Malchusa Dina" in Eretz Yisrael, because "Dina d'Malchusa Dina" only gives the king rights when the king is able to expel people from his land.

It seems that a practical difference between the Jewish king's rights coming from "Dina d'Malchusa Dina" or from "Parshas ha'Melech" applies when the ruler of Eretz Yisrael is not a king, but rather some sort of governor who has rights over the land. If the rights of a Jewish king come only from "Parshas ha'Melech," then those rights would *not* apply to a governor, or anyone who is not an absolute monarch (see Tosfos in Sanhedrin, *ibid.*).

Nedarim 34b

DOES A GUEST OWN THE FOOD THAT HIS HOST GIVES HIM QUESTION: The Gemara discusses a case of a person who declares to his friend, "My loaf of bread is [prohibited] upon you," and then he gives the loaf to his friend as a gift. The Gemara asks whether his friend may eat the loaf, since the owner said "*my* loaf" is Asur, but now it is no longer his loaf, or whether his friend remains prohibited from eating the loaf, since the wording of the Neder implies that the loaf is prohibited "upon you" regardless of who owns it. The Gemara asks that if the loaf is permitted when he gives it to his friend, then in respect to what did he intend to prohibit it? The Gemara answers that the owner meant to prohibit his friend from eating it when he invites his friend to his home to eat with him. The Gemara seems to conclude that when a host serves a loaf of bread in front of a guest, the guest is *not* considered to be the owner of the bread. Hence, if a person makes a Neder prohibiting his friend from eating his bread, and then he invites his friend to his home and serves him bread, the guest is not allowed to eat the bread, since the host is still considered the owner.

Does this imply that a guest does not have full ownership of his portion of food before he eats it? If so, then a guest may do with the food only what the owner (the host) intended. He only has permission to eat it, and he may not give it to someone else.

ANSWERS: (a) The RAN and RITVA indeed learn that this is the Gemara's conclusion. Accordingly, a guest does not acquire ownership of the food served to him, but he is merely eating the host's food. Hence, he may not do with the food anything he pleases, but he may only eat it.

(b) The MEFARSHI educes the opposite point from the Gemara. He understands that the Gemara is saying that if a host invites a guest to eat with him, and he serves him food, and then he declares "my food is Asur on you," the food that he gave the guest does *not* become Asur, since the guest already acquired it and it no longer belongs to the host.

The ROSH also understands the Gemara differently. The Rosh explains that the Gemara means that it is prohibited to *invite* one's friend to come eat the bread, since his friend will have pleasure from the invitation even before he comes and eats the bread. Accordingly, it is possible that the guest fully acquires his portion of food when he picks it up to eat since the Hana'ah that the host prohibited is the Hana'ah of the invitation, and not the actual eating.

Finally, the NIMUKEI YOSEF understands that the Gemara is just discussing a question concerning the *intention* of the person making the vow. It is not discussing the technical question of what belongs to him. Even if the guest who eats the bread is Koneh it when he eats it, the intention of the owner was that the other person should not benefit from the bread by being Koneh it by eating it "*at my house*." The owner of the bread allows, though, for the person to benefit from the bread if he receives it as a gift outside of the house and eats it later.

HALACHAH: The MAHARIT (Teshuvah 150) cites the Mishnah in Demai (7:1) that states that when one is a guest at the table of a friend whom he does not trust to have separated Terumos and Ma'aseros, he is permitted to separate the Terumos and Ma'aseros

himself from the food that his friend serves to him. It is not considered stealing, even though he is giving away part of the food that was given to him and he is not eating it. The Yerushalmi in Demai explains that the host wants his guest to enjoy himself and therefore it is assumed that he would permit him to separate the Terumos and Ma'aseros. The Maharit (Teshuvah 150) says that we cannot prove from there that the guest owns the food that is given to him and that he may do whatever he wants with it. He writes that there is reason to say that since the host invited him to eat with him, the host granted him permission to do anything with the food that would make it possible to eat, but he does not give him permission to use it for other purposes.

The Maharit quotes the Gemara in Bava Metzia (87b) that concludes that a worker in a field has the right to eat from the field in which he works, but he is not permitted to give produce from the field to his family members. The Maharit attempts to prove from there that a guest does *not* have permission to give his portion to others.

On the other hand, the Maharit quotes the RI'AZ (Kidushin, end of second Perek) who writes that if one of the guests gave his portion to a woman for the sake of marrying her, the Kidushin *does* take effect, since we assume that the host gives his guests full ownership over their food, and thus they may do whatever they want with their food. The Maharit remains in doubt about this issue.

The REMA (EH 28:17) rules that when a guest takes the food given to him by his host and gives it to a woman as Kidushin, the Kidushin is valid. It seems that the Rema rules that a guest does own the food that his host gives to him.

However, the SHULCHAN ARUCH (OC 170:19) rules that a guest is *not* permitted to take the food that the host gives him and give it to the children or the servants without permission of the host (this is based on the Gemara in Chulin 94a). The TAZ (EH 28:34) infers from here that the guest does not own the food, and that when the Rema says that the Kidushin is valid, it is only a Safek to require that she receive a Get. However, the simple meaning of the Gemara in Chulin is that the guest may do with the food whatever he wants *except* to give it to the members of the household, because doing so might harm the Shalom Bayis in the home (see the incident in Chulin 94a). This seems to be the intention of the BEIS SHMUEL (EH 28:46) when he says that the guest *does* own the food, but he is not permitted to give it to the host's children for a different reason. (See also MISHNAH BERURAH OC 170:40.)

It is interesting to note that none of the Poskim quote the Gemara here in Nedarim as proof that the guest does not own the food that his host gives him. RAV SHLOMO KLUGER (in NIDREI ZERIZIM) says that no Posek quotes our Gemara because the Halachos of Kidushin and other laws cannot be learned from the Halachos of Nedarim. Nedarim depend on the way people speak, and thus what is determined with regard to Nedarim is not necessarily the legal status for other Halachos. A person says "my loaf" even when he invite someone to come eat with him and fully gives the loaf to the guest, and he does not actually mean that he retains ownership of the loaf when he gives it to the guest.

Whether or not a guest owns the food that his host gives him is also relevant to Pesach night. The Gemara in Pesachim (38a) teaches that the Matzah used for the Mitzvah must be owned by Jews ("Lachem"). Accordingly, the SEFAS EMES (Sukah 35a) infers that one must be the owner of the Matzah in order to fulfill the Mitzvah of eating Matzah on Pesach night. He points out that according to this, if one has guests at the Seder, he should have them acquire the Matzos before they eat them. He admits that the Minhag is not to do so, and he explains that since it is necessary to acquire the Matzos, it is assumed that he gave them the Matzos in a fashion that they will acquire it fully before they eat it. (See Insights to Pesachim 38:2.)

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