



BS"D

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INTERNET PARSHA SHEET ON EIKEV - 5770

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From: Rabbi Goldwicht [rgoldwicht@yutorah.org] Sent: Friday, August 26, 2005 3:27 AM To: Shulman, Charles Subject: Parashat Eikev 5765 WEEKLY INSIGHTS BY RA MEIR GOLDWICHT

Parashat Eikev

The mishnah in the fourth perek of Pirkei Avot teaches: Ben Azai says: "Hevei ratz l' mitzvah kalah k' vachamurah, Run to a 'light' mitzvah as you would a 'serious' one." Among the meforshim who discuss exactly what Ben Azai means by a mitzvah kalah, the Rambam explains that this refers to Moshe Rabbeinu, who designated three arei miklat on the east bank of the Jordan. This, despite the fact that the arei miklat he designated could not actually receive murderers until the three arei miklat in Eretz Yisrael proper were set aside, and therefore this mitzvah was one that Moshe Rabbeinu would never complete since he was forbidden entry into the land. Nevertheless, Moshe Rabbeinu felt that since the opportunity to fulfill a mitzvah had come to his hand, he would fulfill it. The Rambam goes on to explain that this is an amazing chidush in the Torah. Certainly, if the Rambam considered something to be amazing, it deserves our attention. Furthermore, we must understand why the Rambam refers to Moshe's designation of the arei miklat as a mitzvah kalah, considering that the act was not a mitzvah, per se, but half a mitzvah, since the other half of the mitzvah – the designation of the three cities in Eretz Yisrael – had yet to be performed!

The explanation of the Rambam is as follows: We find ourselves at the beginning of sefer Devarim. The Rambam writes that sefer Devarim opens with words of mussar until Devarim 4:40, where the Torah says that if we listen to His mussar, HaKadosh Baruch Hu will do good to us and we will live long lives in Eretz Yisrael. In the next section, beginning with Devarim 5:1, the Torah discusses the mitzvot, from the Aseret HaDibrot and on. When we open the chumash, however, we see that between 4:40 and 5:1, there are actually nine pesukim, which the Rambam, amazingly, seems to ignore. These nine pesukim discuss Moshe's designation of the arei miklat. What does the Rambam mean by skipping these pesukim?

In truth, the Rambam is teaching us a tremendous yesod. Indeed, until 4:40, the Torah deals with mussar, and from 5:1 the Torah deals with the mitzvot. But many times, the distance is great between mussar and mitzvah, between what we hear and what we do and we need some sort of bridge to connect them. This bridge is the parasha of Moshe's designation of the arei miklat, because this parasha teaches us a unique and extraordinary level of kiyum hamitzvot. Ordinarily a person keeps the mitzvot out of fear of Hashem or love for Hashem. Moshe Rabbeinu, in performing half of the mitzvah of designating arei miklat, teaches us that there is an even greater level of kiyum hamitzvot. This type of performance is comparable to a person lost in the desert with only half a cup of water to drink and no hopes of surviving long enough to reach civilization or even to be rescued. Drinking the water will prolong his life by one hour, maximum. Without a doubt, this person will drink the water, even though it does not really help him. The biological drive for self-preservation compels us to grab every opportunity for life that comes our way. Such is the case with mitzvot as well. Moshe Rabbeinu teaches us that the highest level of mitzvah performance is not out of fear or love, but out of a drive for self-preservation and the recognition that mitzvot give us life. This is the bridge between mussar and mitzvah.

This is the meaning behind the words of the Rambam as well. Run to any mitzvah – don't even bother measuring it – just to fulfill the word of Hashem and feel that the mitzvah gives you life. This is essentially what the Torah means in Parashat Va'Etchanan: "Vayetzaveinu Hashem la' asot et kol hachukim ha' eileh...l'tov lanu...lachayoteinu, Hashem commanded us to fulfill all these laws...to do good for us...to give us life" (Devarim 6:24). HaKadosh Baruch Hu gave us mitzvot essentially because they give us life, and fulfilling the mitzvot with this in mind is the highest level of kiyum hamitzvot.

It is truly amazing that the passuk we recite during hagbahah, "V'zot haTorah asher sam Moshe lifnei B'nei Yisrael, And this is the Torah Moshe placed before the Children of Israel," comes from the parasha of the arei miklat set aside by Moshe Rabbeinu. We would expect this passuk to appear in Parashat Yitro by Kabbalat haTorah or at the very end of sefer Devarim. But this passuk appears here specifically because this is the source of the whole Torah. This is the Torah that Moshe wanted us to remember—performing mitzvot gives us life.

We have just experienced several weeks of horrific, heartwrenching images which can leave no eye dry. Tears flow freely as we witness the difficult scenes from Gush Katif, Ganei Tal, Kfar Darom, N'vei Dekalim. But when we contemplate this horrible tragedy, which rises above any attempts to describe it, we can truly say about all of the settlers of Gush Katif that they fulfill the mitzvot not out of fear of Hashem or out of love for Hashem, but rather because they feel, as did Moshe Rabbeinu, that the mitzvot give us life. This gave them the strength to carry on, continuing to plow, plant seeds, to separate terumot and ma'asot, until the last moments, out of the realization that Eretz Yisrael is "eretz asher einei Hashem Elokecha bah, the land which Hashem watches constantly," as we read in our parasha, Parashat Eikev. When these strengths are revealed, there can be no doubt that after every crisis comes birth. And there could be no doubt, from their tremendous ability to live in the way they do, that there could be no possibility of civil war, and if this ultimately proved to be the g'zeirah of Hashem, they would accept it with love.

Their example must bring us great chizuk in our avodat Hashem, chizuk that manifests itself in following the example of Yitzchak. Yitzchak told Yishmael: I have the zechut to inherit Eretz Yisrael because I had a brit milah, which is the zechut through which the land is inherited. To this, Yishmael replied: My zechut in this area is greater, as my brit milah was at age 13, which was a greater show of mesirut nefesh. Yitzchak responded: Yes, but if Hashem tells me to sacrifice everything, I will be prepared to do so. Essentially, Yitzchak told Yishmael as follows: By us, Am Yisrael, removing the orlah does not just refer to the removal of the orlah of the eight-day-old baby. Several other body parts have an orlah as well: the

heart, as our parasha says, “Umaltam et orlat levavchem, You shall remove the orlah of your heart”; the lips, as Moshe Rabbeinu was “arel sefatayim”; and the ears, as it says, “Areilah oznechem mishmoah.” These orlot must be removed as well. In other words, Judaism is about feeling your fellow man, listening to him, and knowing how to speak with him. This is the strength of Am Yisrael and with this strength we will triumph.

These troubling days must bring us to teshuva and to accept upon ourselves to remove the orlah from our lips, our ears, and our hearts, strengthening our achdut. Along with this, we must try to do mitzvot with a sense that every mitzvah gives us life. Through this, we will merit speedily that which is promised to us at the end of our parasha: *Lo yityatzeiv ish bifneichem...kol makom asher tidroch kaf raglechem bo, lachem yihyeh, No man will stand in your face...every place you set foot will be yours.*”

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http://www.ou.org/shabbat_shalom/article/bear_stearns_bava_metzia_and_beyond/

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Bear Stearns, Bava Metzia and Beyond

Andrew J. Neff

Two years ago, in the midst of the deepening global financial crisis, Andrew Neff – a leading Wall Street equity analyst at Bear Stearns – was directly affected when his company failed. While he could have stayed on with the acquiring firm, he used it as an opportunity to pull away from the business world and to spend time learning Torah in yeshivas. His story “From Bear Stearns to Bava Metzia” which was published on [ou.org](http://www.ou.org) -- http://www.ou.org/index.php/shabbat_shalom/article/43137/ -- was widely circulated because it struck a chord among many for its clarity and honesty about how to bring God into your life when faced with major internal and external challenges.

Here is his follow up story two years later.

Two years ago I gave a talk at this dinner entitled “From Bear Stearns to Bava Metzia.” I was amazed and touched by the response to that talk. Rav Roberts thought it would be timely to give you an update, a postscript two years later.

Moreover, there were a number of questions that were raised along the way – and I'd like to address some of those questions.

Here is a quick update to that first talk: I am beyond Bear Stearns, but I am still working on Bava Metzia.

In that talk, which you can find linked above, I made five points, which addressed my perspective on the situation in the world at that time. Those points were:

1. G-d runs the world
2. Your prayers are answered so think carefully about what you pray for
3. Think about your legacy
4. Every benefit has a cost and every cost has a benefit
5. Handling tests – it's easier than you think.

All of these points are still valid but I have five additional points which address my perspective on my world over the last two years and which I would like to share with you tonight.

Here are my five new points:

1. The 'E' in “yeshiva” stands for “effort”
2. Keep the change
3. It will keep you up at night
4. You make your own emunah
5. Who is supporting whom?

1. The 'E' in “yeshiva” stands for “effort”

When I started to learn – quite frankly – I didn't really know what these guys were doing. I did not know what “learning” was all about. After two years in yeshiva – mornings in Yeshiva Gedola of Teaneck with Benzi Cohen, Pinny Roth and Aron Mandel and midday in Telshe Yeshiva of Riverdale with Rav Elimelech Kohn – I have a much better idea. But it may be hard to explain it to you because there is a big difference between the yeshiva world and the secular world.

The best way to summarize it is that: the secular world is all about results and the yeshiva world is all about effort.

In my 25 years on Wall Street, I was rewarded for results. Effort was important but only when it led to measurable results. If I worked really hard, but didn't generate a deal, there was little reward in that world. If a deal walked in the door, there was a reward for the results. That is the way the secular world works.

The yeshiva world is different. There are some days when we get through a whole page of Gemara, or quite a few Rashis. But there are some days when I just review what I did the day before – to get a better idea of the concepts. I maybe get a line or two further. But I still feel even on those days that I accomplished something. It was all about the effort.

In a sense, it's like exercise. If someone goes on a 10-mile run and ends up where he started, one could ask, ‘What did he really do? He's back where he started.’ But – to the runner – it was a great day because it was all about the effort he put in.

Let me give a Torah perspective, which I heard from Rav Frand several years ago.

The Torah in parasha Shemini talks about the dedication of the Mishkan – the portable sanctuary that Bnai Yisrael used in their 40 years in the desert – and it focuses on the day in which the Mishkan was dedicated. But the parasha starts out “va-yehi bayom shemini” “And it was on the eighth day,” but that's strange because this is opening day for the Mishkan. It should say, “bayom harishon” “it was on the first day” since it is talking about opening day. When they had the first game at the new Yankee Stadium, at the new Mets stadium they didn't say, this is day 431 or whatever it was. It was opening day.

But the point is that in the world of Torah, all the preparation you do counts. All the effort counts. It's not that we ignore outcomes and results, but G-d determines outcomes. We are the ones who determine how much effort we put in. So, the focus is on effort.

2. Keep the change

The biggest question I get – and I ask myself – is: how have I changed as a result of my two years in yeshiva?

The best way to put it is that it opened up a whole new world of concepts and ideas to me. But I will come back to that.

First, let me explain my ground rule. My ground rule was that I had to learn in Hebrew or, in many cases, Aramaic. I didn't want to look at the English. I had one exception to my rule: if I really didn't understand a concept in the Gemara, then I could go home and look it up in English. But I had a revelation. Because whenever I didn't understand something in Aramaic and I would go home and look it up in English ... I wouldn't understand it in English either. It wasn't the language. It was the concept. So we would have another go at it. And we eventually would figure it out.

I'm not saying that using the English texts does not have a place. But it is a wonderful feeling to be able to look at the original text. Because when you

are in the original texts, you get a sense of the personalities that the English doesn't bring out.

One analogy that comes to mind is poetry or drama. For a scholar, they can see the patterns in the poem which say something in themselves. There are patterns in the Gemara.

It was not easy. It is still not always easy. There are days where I just don't get the words or I don't get the concepts. It can be frustrating.

But that's no different from the work world where you have some good days and some bad days.

What I have learned is that when I have a frustrating day, just wait until tomorrow because it will be better the next day.

But the biggest change is how I organize my day. I used to fit learning in to my schedule. Now I fit my work into my learning.

3. It will keep you up at night

Another thing: I really look forward to learning.

I never took a snow day from yeshiva.

I look forward the "oh wow" that I am going to find in a Rashi. But I can't get it on my own. Or the insight in the Gemara that shows us not how backward the Gemara is but how much our Rabbis understand about human nature. As Shlomo Hamelech says in Koheles, in terms of human behavior, there really is nothing new under the sun.

At one level it is like anything: it takes effort and persistence. No one enjoys throwing a basketball the first few times, or going for your first run. But you can develop a love for it.

However, I am not really comfortable with using basketball or running as an analogy because when I am learning I am connecting – through some intermediary steps – with Hashem.

Here's one more thing. Learning is exciting. It's invigorating. It's enjoyable. I really enjoy sitting down and learning. Let me give you an example. Every year for Shavuot I usually go to a series of shiurim. But the problem is that I generally do not last the night because it is passive learning.

But this year was different. I sat down and learned with my son-in-law Adi over Shavuot. And we went all night. I didn't have to struggle. I don't mean to criticize going to a shiur, because it clearly has a place, but I find that my learning now is active.

So here's the hardest message: Before I started to learn, I didn't know what these boys were doing. Now that I am doing it, I find it hard to explain what I am doing – except that I feel like I am getting closer to G-d.

4. You make your own emunah

People often ask me: What do you get out of going to the yeshiva? What are the rewards? At one level, there are the intellectual rewards. But I can even make it more practical. I got two car seats, a child's basketball hoop, a big plastic log cabin and a bike with training wheels.

My wife, my dog and I walk to yeshiva just about every day. I walk back home myself. Our children – and our two grandsons – are coming back from Israel for the summer and I had to find some car seats and some toys. I found all these things on my way home on someone's curb. On the one hand, you could say it's a wonderful coincidence that I found these things walking home. On the other hand, I view it as my personal relationship with G-d Who – as we say three times a day – "provides me with all my needs." Looking at it another way, when I talked about the situation I faced two years ago – where my company failed and I decided to go learn, skeptics said, "Well, that's fine for you, you have the resources." But it is not about the resources. There is no level of resources that is enough for some people. How you view your resources does not depend on the amount but on how you look at it. There is no amount or situation that is enough unless you have the emunah – the faith and belief – that G-d will provide. And with the right degree of emunah, your resources will provide and things will work out.

But there is no planning or insurance or backup plan that will help unless

you develop the emunah.

Eemunah – faith – is not an easy thing to develop. You have to work on it every day, every minute and with every situation. You have to have the right partners. I am fortunate to have my wife, Nancy, as my partner. G-d is also my partner.

In Bereshis, we see these different perspectives, when Esav says, "Yesh li rav" "I have plenty," while Yaakov says, "Yesh li kol" "I have everything." Moreover, in my situation, when I began to focus on going back to work, I had some specific requirements that I needed in a position. To some extent, it seemed those requirements seem to preclude the possibility of finding something. But something found me – and it met the requirements I set out for myself to enable me to continue my learning.

5. Who is supporting whom?

You probably think that you are supporting the yeshiva, but we have it backwards.

The yeshiva is supporting you.

In the Gemara of Sotah (35a), there is an incident involving Dovid Hamelech where Uzzah, his aide, was punished in conjunction with the transportation of the Ark of the Covenant. Uzzah was punished for thinking that the Ark would fall to the ground unless he rushed to hold it up. There is a famous line, which – in essence – says that we should not think that we are carrying the Ark, but instead that the Ark is carrying us. This community is the way it is because there is a yeshiva that has 45 boys learning every day. It is not the restaurants that make this community. This community's superb rebbeim are the way they are because there is a yeshiva here.

In the real estate world, there is a concept that the first money that a partner gets back is not taxed – it is considered "return of capital." In the same vein, you are not giving to the yeshiva. You are getting.

But many of us don't like to have these big obligations outstanding, hanging over our heads.

Is there some way we can pay down this obligation?

Yes. You can do it with a check. (I'm sure that the Rosh Yeshiva would not object.) But you can do more.

Go learn.

Go learn at the Yeshiva Gedola of Teaneck. Go to your shul.

Go tomorrow morning. Or go tomorrow night. Ask Rabbi Roberts to find a chavrusa for you. Go for the daf yomi at every night. Go for Shabbos davening.

Go to the yeshiva. Carve the time out.

How are you going to find the time? I can't give you the answer to that.

You make your own emunah. So go test your emunah.

Go to the yeshiva. Go learn.

Thank you.

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Are We Still the Am Hanivchar?

Rabbi Herschel Shachter (The TorahWeb Foundation)

After so many centuries of persecution we understand very well the question of the Jewish people (in the haftarah of parshas Eikev), "Has Hashem forsaken us? Has He forgotten about us?" The prophet Yeshaya responds that although all people were created "betzelem Elokim", only the Jewish people are considered "bonim la-Makom". Can a mother ever forget about her own baby? Furthermore, even if once in a long while one would come across an instance where a mother would forget about her own child,

I (says Hakadosh Baruch Hu) will never forget about you (the Jewish people).

The Medrash sees an additional level of meaning in this pasuk. G-d will forget "Eileh", but He'll never forget about "anochi". At the time of the "chet haeigel" the Jewish people used the expression "Eileh elohecha Yisroel" which will be forgotten by G-d; the zechus of the occasion when G-d declared "Anochi Hashem Elokecha" on maamad Har Sinai and Klal Yisroel accepted the Torah, will never be forgotten.

Why does Hashem have such a selective memory? Is this an evenhanded approach?

The answer obviously is that we all have a selective memory, otherwise we would not be able to exist. We all have friends, family members, and business associates who have at some time or another wronged us. Do we walk around all the time with a strained love – hate relationship towards everyone? Of course not! We decide based on the basic nature of the other person, place, or institution, whether he (or it) is basically good, someone (or something) to be liked, and then we learn to ignore the instances where that person has wronged us, deeming them as exceptions to the rule. When we decide that we like our neighborhood, or our shul, this does not mean that we can not find any "chesronos". We learn to overlook the few chesronos, because the overall picture is so good.

So too, Hakadosh Baruch Hu has determined based on that track record of our forefathers that Klal Yisroel is an unusually marvelous group. The fact that upon occasion we do things to anger Him deserves to be ignored, they are atypical activities.

The Talmud (Chagigah 5b) records the debate between one of the early Christians and Rabbi Yehoshua ben Channanya. The Christian presented the standard position of his religion that G-d had rejected the Jewish people, and that they are no longer the chosen nation, that G-d has walked away from the Jews, and that they are in a state of "hester ponim", without any divine providence or protection. To this Rabbi Yehoshua responded that "Yodo netuya aleinu". The fact that only the Jews are singled out for persecution all over the world, and in all of the generations, is clearly an indication that we are certainly still the "am hanivchar". Hashem is clearly looking after us. Although we do not see Him, He can see us, as the pasuk says in Shir Hashirim, He is "Meitziz min hacharakim" (peeking in through the cracks in the door in such a way that although He can not be seen, He is still able to see all). The Ribono Shel Olam has His plan in history, and we believe that everything that He does is for the good. We can not understand how it can be, but we still believe that all the suffering and the persecutions we have experienced were and still are letov.

Historically, the Catholic Church has still maintained its age-old position, that the Jewish people, by rejecting otto haish, have forfeited their status as am hanivchar. It is for this reason that the Catholic Church was opposed to the Zionist movement. Eretz Yisroel is the chosen land, assigned only to the chosen nation. Therefore, according to the Church, until the Jews will accept otto haish, they are not entitled to control Eretz Yisroel. It is for this reason that the Vatican did not officially recognize Medinat Yisroel for many years. But the mere existence of the Jewish State stood in contradiction to this basic principle of their religion. After a while a position to defend their faith was developed, and they argued that although the Jewish people controlled modern Israel, this was not really Eretz Yisroel of old, which really consists of the city of Jerusalem, Chevron, Shchem, etc. After the Six Day War, this "teiritz" collapsed. It is for this reason that the Vatican has been insisting ever since 1967 that the holy city of Jerusalem be declared an international city. Anything but under Jewish control! The Vatican, in recent years, has also stepped up their missionary activities both in Eretz Yisroel and all over the world. They believe that when the Jews will convert to Christianity, then they will once again join the true chosen nation, and be entitled to the chosen land.

But the Torah repeatedly tells us, and the Neviem all reiterate the principle, that G-d's covenant with our forefathers was never broken. The Jewish people has always remained the Am Hanivchar. The horrendous

persecution that only our people has experienced for so many years and throughout the world is simply proof of this chosenness. G-d will overlook "Eileh", and remember only "Onochi", and ultimately reveal Himself to mankind, and redeem His beloved children.

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From Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>
Subject **from Rabbi Berel Wein**

Jerusalem Post :: Friday, July 30, 2010

PREVAILING VERSUS WINNING :: **Rabbi Berel Wein**

Judaism always encourages taking a long view of matters and problems. It is not wise to judge long range outcomes and consequences on the basis of short term appearances and happenings. The parable of the tortoise and the hare is one of the greatest truths of human history and existence. Because of our impatience, we often confuse prevailing in the short term with winning in the long term.

Our world demands instantaneous results and has very little patience with what the long term will eventually hold for us. Yet we are bitterly aware that prevailing in the short term is certainly no guarantee as to what the long term result will really be. Robert E. Lee won more victories on the battlefield than did Ulysses S. Grant. But in the end the Confederacy was destroyed and the American Union was preserved.

Here in Israel peace hopes have prevailed and they led to Oslo, Wye, Hebron, Lebanon and Gaza. Our hopes and actions for peace prevailed but they certainly did not win for us any of the intended results or benefits. It is difficult always to judge the future from the present. What one sees from here may not be what one sees from there but what one sees from here is no guarantee as to the beneficial outcome of policies taken so confidently, even arrogantly.

There is far too much emphasis on currently prevailing rather than upon ultimately winning. Politicians, always aware of the next election can only operate in this world of prevailing. That is why so few of them actually ever really win anything.

The current contemps regarding David Rotem's conversion bill introduced in the Knesset is a perfect example of prevailing over winning. The opponents to the bill, mainly the non-Orthodox groupings in the United States have prevailed. With a specious argument about somehow "dividing the Jewish people" (it is perfectly united currently isn't it?) they have prevailed in forcing a six-month postponement of further consideration of the bill.

Whether the bill in its present form is a perfect solution to an almost otherwise insoluble problem is certainly a matter of doubt and debate. But it should be clear to all by now, after decades of trying to square the circle regarding conversion procedures that anything less than traditional halachically acceptable courts and conversion procedures will not be recognized buy a large and constantly growing community in the Jewish world.

The drive of the non-Orthodox groups gives them a sense of prevailing, especially with that champion of prevailing and never really winning, the Israeli Supreme Court on their side, but ultimately in many cases these "converts" suffer tragic social and familial consequences, perhaps not immediately but certainly in the future.

In my over fifty years of rabbinic experience, I can testify to the heartbreak of grandchildren who now wish to marry into an observant Jewish family and find that their grandparents' conversion is deemed questionable at best if not downright invalid. It is clear that temporary court and legislative accomplishments can mean very little a few generations down the pike. The statistics of such programs and initiatives regarding the eventual Jewishness of converts who underwent a non-halachic conversion bear out the toll taken on the Jewish world and its future. If there is no minimal halachic observance in a house, the likelihood is abysmally low that the

children raised there will have any positive attitude to Judaism, the Land and State of Israel, and the Jewish people. If nothing is demanded of the potential convert in terms of life style changes and all is left simply to words and pious declarations, there is little hope that the Jewish people or even the convert himself or herself will feel any benefit from what becomes an essentially empty ceremony.

The Torah mentions thirty-six times, more times than any other commandment, the necessity to treat converts well, honestly and with great respect, all in recognition of the life-changing decision and action taken in becoming part of the Jewish people and its destiny.

But the convert must realize and accept the true cost of one's decision to be part of the Jewish experience. And, that that cost is outlined by the same halacha, warmth and consideration that the Torah orders for the Jewish attitude towards the convert and for the convert's own true eventual benefit. This halachic norm and tradition guarantees, not only prevailing but eventually winning as well. Shabat shalom.

From Destiny Foundation/Rabbi Berel Wein <info@jewishdestiny.com>
Subject **Weekly Parsha from Rabbi Berel Wein**

Weekly Parsha :: EKEV :: Rabbi Berel Wein

Moshe's discourse to the children of Israel at the end of his life continues in this week's parsha. I think that it has to be said that Moshe presents a "fair and balanced" review of the events that have befallen Israel during its desert sojourn. The good and the bad, the exalted and the petty are all recorded for us in his words. And his view of the future of his beloved people is also a balanced mixture of woeful warnings and of great reward, of unlimited opportunity and of crushing defeats.

As always, he is forced to leave the choice of behavior and direction to the people of Israel themselves but he attempts surely to guide their choices in the right direction through his words and predictions. This is perhaps the greatest quality of a leader – the ability to clearly outline significant choices in life and society and give guidance to one's people to make wise and beneficial decisions.

Leaders who portray only one side, the bright one, of the coin – who promise only utopian lower taxes and yet increased welfare programs, peace without sacrifice and social systems of equality and blind justice that do not take into account the realities of human nature – only encourage inevitable disappointment, cynicism and apathy in their people and constituents.

On the other hand, leaders who govern by dire threats, terrible predictions, scapegoating imagined causers of all of society's ills and generating only drabness and a bleak view of the future destroy human initiative in a fog of pessimism.

Moshe, the paradigm of the great and wise leader presents throughout his discourse here in the book of Dvarim the coin as a whole.

Unfortunately, over the ages, the Jews have not always chosen wisely.

People hear what they wish to hear no matter what the speaker really says.

We are prone to misquote, misunderstand, repeat phrases out of context and generally ignore what we do not wish to hear and understand.

Moshe's attempt to portray the great achievements of the desert - and especially of Sinai - and balance them with the reminders of the tragedies and wars that also marked Israel's journey through the desert, in the long run had only limited influence on the people. Our sages taught us that the Jewish people simply did not believe that the dire predictions that Moshe warned them about if they sinned would ever really occur.

God simply had too much invested in the Jewish people. It was a forerunner of our modern "too big to fail" philosophy regarding otherwise corrupt financial institutions. So Moshe's darker side of the coin was never really believed by the Jewish people.

They heard only the good – what they wanted to hear – and ignored the rest. There are many Jews today that unfortunately listen to the opposite strains of Jewish life. They despair of our future and our wonderful state. They also only hear what they wish to hear, fueled by a biased and ignorant media and screwy intellectualism. They see no grand future for Israel, the people, the state and the land. A well considered study of Moshe's words and realistic and balanced message would certainly be in order for everyone. Shabat shalom.

From Ohr Somayach <ohr@ohr.edu>
To weekly@ohr.edu
Subject Torah Weekly

TORAH WEEKLY -- Parshat Ekev
For the week ending 31 July 2010 / 19 Av 5770
from Ohr Somayach | www.ohr.edu
by Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com
OVERVIEW

If Bnei Yisrael carefully observe even those "minor" mitzvot that are usually "trampled" underfoot, Moshe promises them that they will be the most blessed of the nations of earth. Moshe tells Bnei Yisrael that they will conquer Eretz Canaan little by little, so that the land will not be overrun by wild animals in the hiatus before Bnei Yisrael are able to organize and settle the whole land. After again warning Bnei Yisrael to burn all carved idols of Canaanite gods, Moshe stresses that the Torah is indivisible and not open to partial observance. Moshe describes the Land of Israel as a land of wheat, barley, grapes, figs, and pomegranates, a land of oil-yielding olives and date-honey. Moshe cautions Bnei Yisrael not to become haughty and think that their success in Eretz Yisrael is a result of their own powers or vigor; rather, it was Hashem who gave them wealth and success. Nor did Hashem drive out the Canaanites because of Bnei Yisrael's righteousness, but rather because of the sins of the Canaanites, for the road from Sinai had been a catalogue of large and small sins and rebellions against Hashem and Moshe. Moshe details the events after Hashem spoke the 10 Commandments at Sinai, culminating in his bringing down the second set of Tablets on Yom Kippur. Aharon's passing is recorded as is the elevation of the levi'im to Hashem's ministers. Moshe points out that the 70 souls who went down to Egypt have now become like the stars of the heaven in abundance. After specifying the great virtues of the Land of Israel, Moshe speaks the second paragraph of the Shema, conceptualizing the blessings that accompany keeping mitzvot and the curse that results from non-observance.

INSIGHTS

Things

"...Carve for yourself two stone Tablets like the first ones..." (10:1)

Even though the G-d told Moshe to make the second two Tablets like the first ones, there were fundamental differences between the two sets. In the first set, not only did G-d write upon the Tablets, He fashioned the Sifre stone Himself. Both the medium and the message were G-dly. The second Tablets were hewn by the hand of Man, only the inscription was Divine. However, there was a deeper difference between the two sets of Tablets. When we think of the Tablets, we think of words engraved on stone – words like any other words. However, in the case of the first Tablets this was not so. The first Tablets did not contain words, they contained speech. This doesn't mean the Tablets were like some kind of Biblical tape recorder. It means that when you saw the words, you saw in them G-d speaking at Sinai. Usually, when someone speaks, their words are present as long as they are still speaking them. When they stop speaking, the words vanish. The first Tablets perpetuated G-d's giving the Torah at Sinai, His speech at Sinai. That is what the Torah means when it says "all the people saw the voices..." (Shemot 20:15)

The word *davar*, which means "a thing" in Hebrew, has the same root as the word for "speech" — *dibbur*. What is the connection between a thing and speech?

Nothing in this physical world can have an existence without it having a spiritual underpinning. What sustains every object in this physical world is G-d speaking through that object. That object is no more than G-d speaking, it is a *davar*, an expression of something that G-d wishes to reveal in His world. In the future we will clearly see the intention behind every thing in Creation, the *dibbur* behind every *davar*. This is what the prophet Yishayahu means when he writes, "...the Glory of G-d will be revealed and all flesh together will see that the Mouth of G-d has spoken" (40:5). Just as at Sinai G-d's speech assumed a concrete form, so at that time in the future, every concrete form will reveal its purpose, its *dibbur*.

Only the first Tablets contained the level of revelation where it was possible to see the *dibbur* as though it were an object. Usually a physical object does not reveal the intent of its maker. The first Tablets, however, revealed G-d's intent. They were a *davar* that revealed *dibbur*. However, after the sin of the golden calf, the world was a different place. It could no longer contain the level of revelation epitomized by the first set of Tablets. That is why the Tablets grew suddenly heavy in Moshe's hands and they fell to the ground. From that time until Mashiach, things will not reveal their true identity as being no more than the Word of G-d.

Written and compiled by Rabbi Yaakov Asher Sinclair
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From Shema Yisrael Torah Network <shemalist@shemayisrael.com>
To Peninim <peninim@shemayisrael.com>
Subject Peninim on the Torah by Rabbi A. Leib Scheinbaum

Peninim on the Torah by Rabbi A. Leib Scheinbaum Parshas Eikev

You should know in your heart that just as man will chastise his son, so Hashem, your G-d, chastises you. (8:5)

Should the *pasuk* not have read, "As a father chastises his son"? Instead of *av*, father, the Torah wrote the word, *ish*, which means man. Horav Yosef Chaim, *zl*, the Ben Ish Chai, distinguishes between an actual father who punishes his son and a man who has raised a boy that is not his son. A father has a vested interest in punishing his son, since the way in which the boy acts is a reflection on the father. Thus, one can assume that a father's chastisement has at least a taint of self-interest. If the boy is unruly and disruptive, it is a sad commentary on his upbringing. I must add that people are judgmental. They do not take mitigating factors into account when applying their preconceived notions to a situation. They will invariably blame the parents, even though they are good parents who have done everything within their power to raise their child properly. Regrettably, we find it easier to blame a scapegoat than to acknowledge that an underlying problem might exist.

The surrogate father, however, has no personal prejudice. He thinks only of the child. Thus, he chastises him solely for the purpose of correcting his behavior. He has no ulterior motive. The *pasuk* is teaching us that Hashem chastises us as a man chastises his son - whom he has raised. Everything he does is for the child. No other motive plays a role in their relationship. What the Jewish people do is not a reflection on Hashem. In that sense, He is not like our biological Father. When He punishes, it is purely for our own good.

Hashem, your G-d, you shall fear. (10:20)

The Talmud *Pesachim* 22b discusses a difference of opinion between Shimon Ha'Amsoni and Rabbi Akiva concerning the meaning of the word *es* - which is a word that is usually untranslatable - in the *pasuk*, *Es Hashem Elokecha tira*, "Hashem, your G-d, you shall fear." Apparently, Shimon Ha'Amsoni expounded every *es* in the Torah, teaching what each *es* includes. When he reached the *pasuk* *Es Hashem Elokecha tira*, he withdrew. He felt that he could add nothing to the *halachah*, since he was convinced that it is impossible to equate the fear and reverence we are obligated to demonstrate towards Hashem to the reverence for any other person or thing. As a result of this withdrawal, he retracted all of his previous expositions of the word. A given method either works throughout the Torah or it does not work at all. Consequently, he maintained that the word *es* should not be expounded.

The situation persisted until Rabbi Akiva came and expounded *es l'rabos talmidei chachamim*, "Es comes to include Torah scholars." The reverence demanded by the

Torah for its teachers is the same as that demanded for Hashem Himself. In his commentary to the Talmud *Kiddushin*, the *Sefer HaMikneh* suggests that Rabbi Akiva came to this realization after he witnessed the tragic deaths of his twenty-four thousand students as a result of their inability to demonstrate sufficient respect for one another. Horav Meir Shapiro, *zl*, renders this passage in the Talmud homiletically.

"Reaching" the *pasuk* concerning reverence for Hashem is viewed metaphorically as applying to each individual Tanna and his own spiritual journey. Shimon HaAmsoni was a great sage who was always striving to better himself, aspiring to reach higher and higher in his spiritual ascent. When he "reached" the summit of *yiraas Shomayim*, fear of Heaven, when he attained an extremely elevated level of reverence for Hashem, "he withdrew" from the world. He sequestered himself, sheltering himself from public contact, lest it cause him to experience a spiritual decline. Shimon HaAmsoni felt that in order for him to maintain his newly acquired spiritual plateau, he had to be isolated from the public.

Rabbi Akiva, however, had a different point of view concerning his relationship with others. When he achieved the apex of *yiraas Shomayim*, he did not hide. Instead, he felt that such an exemplary achievement was a *mechayev*, obligated him, to reach out and inspire more students, build a larger *yeshivah*, have an even greater impact on the community. The greater one becomes, the greater are the demands on him. This was Rabbi Akiva's lesson: *l'rabos talmidei chachamin*, to include more students, to increase his student body. As a result of his elevated status, he had more to teach. The question is: What happened before Rabbi Akiva came along? Did not anyone expound upon this idea? Was outreach non-existent before Rabbi Akiva came on the scene? The Lubliner Rav explains that Rabbi Akiva had once been an *am ha'aretz*, illiterate Jew, whose disdain and animus for a Torah scholar was overwhelming. The Rambam writes that a person should choose the path of the golden mean - never resorting to any form of extremism. It is only when one repents, and attempts to turn his life around, that he may go to the extreme. By living in extreme contrast to his previous lifestyle, he would eventually be able to work his way back, so that he is able to follow the golden mean. Rabbi Akiva sought a way to extricate himself from his old habits and ways of thinking through *teshuvah*. If, as an *am ha'aretz* he vehemently despised the *talmid chacham*, the way to change was to go to the other extreme, by expressing his deepest love and reverence for the dissemination of Torah. Hence,

he elaborated that one should revere a *talmid chacham* in much the same manner that he shows reverence towards Hashem. Rabbi Akiva's statement actually reflected his own *teshuvah*, penance.

Horav Yosef Engel, *zl*, observes that the word *es* is sometimes used in the sense of "with." This includes that which is auxiliary to, a part of - but not - the actual item. For example, concerning a *shor ha'niskal*, ox that is stoned as punishment for certain acts of violence, the Torah in *Shemos* 24:28, writes, *Lo yeiachel es besaro*, "And he should not eat its flesh." Chazal derive from the *es* that not only is the flesh prohibited, but even its hide which is "with" its flesh is forbidden to be eaten. Thus, the verse teaches that the hide is considered to be a part of the body due to its auxiliary relationship.

With this idea in mind, Rav Engel explains that we accord reverence to the Torah scholar because he is *tafeil*, auxiliary, to Hashem. He is connected to Him through an inextricable bond, in which the Torah serves as the adhesive of this relationship. And to serve Him with all your heart. (11:13)

In the Talmud *Taanis* 2a, Chazal define *avodah she b'lev*, service of the heart, as *tefillah*, prayer. The Rambam counts *tefillah* among the 613 *mitzvos* of the Torah, deriving this idea from the *pasuk* in *Shemos* 23:25, *Va'avadetem es Hashem Elokeicham*, "You shall worship Hashem, your G-d." *Avodah* is considered *tefillah*. The Maharal, *zl*, m'Prague explains the relationship between *avodah* and *tefillah* in a novel manner. *Avodah*, service/servitude, is the recognition that one belongs totally to Hashem. He is the Almighty's *kinyan*, acquisition. This is much like the statement made by Chazal concerning an *eved*, slave: *Mah she'kanah eved kanah rabo*, "Whatever the slave acquires belongs to the master." An *eved* is totally subjugated to his master. He has no "self." He is an aspect of his master. This is the zenith of a Jew's relationship with Hashem. He concedes every aspect of his being to Hashem. This is why Chazal refer to Moshe Rabbeinu as *eved Hashem*, the servant of Hashem. He reached

the summit of spirituality, deferring all of himself to the Almighty.

We now understand why Chazal refer to *tefillah* as *avodah*. One who prays to Hashem relinquishes himself. He is like a slave entreating his Master, recognizing that he is nothing, that he has nothing. Whatever he is or possesses is for the Master. One who prays to Hashem realizes that all of his aspirations are dependent upon the Almighty. Alone, he is nothing. Alone, he is powerless. *Tefillah* is the submission of one's heart to Hashem. He recognizes that whatever he is - or has - is from Hashem. He turns to Him with his request, because he knows that on his own he is unable to achieve anything.

And to serve Him with all your heart. (11:13)

Rashi cites the Talmud Taanis 2a that interprets avodah sheh'b'lev, service of the heart, as a reference to tefillah, prayer. Since prayer is a staple of a Jew's service to Hashem, I will convey some insight into the life-sustaining powers of tefillah. In his Derech Hashem, the Ramchal explains tefillah as part of our ongoing relationship with the Almighty. Hashem has established a system in the world whereby humans receive their shefa, abundance, from Him. In order to receive, they must arouse themselves to ask; they will accept His gift in accordance with their entreaty. Hashem wants to give abundantly to His children, but, they must ask for it. This is the essence of tefillah.

Horav Yerachmiel Kromm, Shlita, feels that, in his commentary to Sefer Bereishis, Rashi had previously expressed the Ramchal's idea: "Now all the trees of the field were not yet on the earth and all the herbs of the field had not yet sprouted, for Hashem Elokim had not sent rain upon the earth and there was no man to work the soil" (Bereishis 2:5). Rashi explains that no one was present to recognize the utility of rain. When Adam was created, he understood the value of rain and its significance to the world. He prayed, and rain fell, stimulating the trees and vegetation to sprout forth. Hashem provides man with his essentials, but man has to pray for it. Hashem desires our prayers; thus, they are the key to our abundance. Indeed, Horav Yeruchem Levovitz, zl, writes that nothing is granted without tefillah. The flipside is how fortunate we are to have the key to unlock this Heavenly potential.

Prayer that originates from the inner chambers of one's heart has great efficacy. After great preparation, on Yom Kippur - the holiest day of the Jewish calendar - the holiest Jew, the Kohen Gadol, would enter into the holiest place on earth, the Kodsh HaKadoshim, Holy of Holies. In the few moments that he was there, he would utter a short prayer. One would think that during this auspicious moment, the prayer would consist of a special, earth-shattering plea on behalf of the nation. Rav Kromm observes that this prayer is indeed unique, but somehow it does not seem to be that compelling. In his short prayer, the Kohen Gadol asks Hashem not to permit the prayers of travelers to impede the prayers of the nation. When the nations pray for rain, they express an important national necessity. No rain; no food. While rain is essential for those who are home, the traveler would benefit greatly from good weather. Rain causes great difficulty for the traveler.

Let us picture this scenario. The entire nation prays for rain, in order to sustain the people for another year. They recite V'sein tal u'matar livrachah, "And give dew and rain for a blessing," three times daily in Shemoneh Esrai. Yet, the prayers of a few isolated travelers who are inconvenienced by this rain have the ability to prevent the rain from falling! Is this not incredible? How can the prayers of a few mitigate the prayers of a nation? True, these individuals might be vexed by the rain, but the nation needs the rain in order to survive!

Rav Kromm explains that the difference lies in the manner which the respective supplicants express themselves. Although we do ask for rain three times daily, that alone could be our problem. It has become something we do by rote three times a day. It is not a heartfelt plea expressing our pain and misery coming down to how we express our prayer. Is it with feeling? Does it originate mei'umka d'liba, "from the innermost chambers of our heart"? Hashem listens to everyone - regardless of his position and religious status; however, the prayer must be sincere; it must reflect emotion; it must demonstrate integrity.

A prayer expressed with sincerity has great efficacy - even if it is focused against a tzaddik, righteous person. The mothers of the Kohanim Gedolim would bring food to the arei miklat, cities of refuge, as a gift to the unintentional murderers who were required to live there until the passing of the current Kohen Gadol. While the Kohen Gadol is held accountable for the fact that a person was murdered on his "watch," it does not defray from his personal sanctity. This was the nation's spiritual leader, the only one who was permitted to enter the Holy of Holies on Yom Kippur to intercede on behalf of the nation. He was certainly an individual who had reached the apex of spirituality. Yet, the murderer's prayers can take him down. Why? Because the murderer cries out from the depths of his heart. When a person cries sincerely, the Heavens open up and his entreaty is given access to Hashem.

Horav Yitzchak Zilberstein, Shlita, relates a telling story which reinforces the notion of a prayer's efficacy, regardless of who is the supplicant. Yerushalayim is home to many wonderful Torah Jews. One of them happens to be a baal teshuvah, penitent, who, after returning to a life of Torah, became a talmid chacham, Torah scholar, and founder of many organizations which focus on Jewish outreach and providing Torah classes to the masses. He has been eminently successful. It is almost as if he had received a special Divine blessing that everything which he touched to promote Torah learning would achieve incredible success.

A number of years ago, the individual related his life's story. Apparently, he was the grandson of Ben Gurion's first minister of education, an individual not especially known for his love of Torah. As architect of the educational system of the nascent, secular Jewish state, he certainly established a system that was in agreement with the philosophies of Ben Gurion, its elder statesman and primary spokesman.

While the minister was himself not an observant Jew, the original Zionists, hailing from Europe, did remember the Torah tradition that they had imbibed in their homes before they rejected it all. The minister's wife was like-minded with her husband, but, since she did originate from an observant home, she continued to maintain one of its traditions: she would light candles every Erev Shabbos. Remembering something of the prayer following the candle lighting which she had heard her mother recite every week, she also entreated Hashem that her offspring become strong, successful and fulfilled. Her idea of strong and powerful was restricted to her limited exposure to "greatness." Since Ben Gurion was her husband's hero, she naturally prayed that her offspring become like Ben Gurion. This was her conception of an eminent and strong person.

It was some time later that Ben Gurion had his famous meeting with the gadol ha'dor, preeminent Torah leader of the generation, the venerable Chazon Ish. It was a meeting between two heads of state: the secular prime minister; and the gadol ha'dor. Much has been written about that encounter. When Ben Gurion left the simple home of the Chazon Ish, he related to his close associates that he had never in his life seen such a person. "I see in him the image of a Heavenly Angel," he said to the minister of education.

Obviously, when the minister returned home, he shared this comment with his wife, who understood from this encounter that the powerful Ben Gurion had met someone who had impressed him. If Ben Gurion was so impressed with the Chazon Ish, then, in her weekly prayer following her candle lighting ritual, she would ask Hashem that her offspring should aspire to achieve the same level of distinction as the Chazon Ish! Her prayer was not a complete success, because no one has matched the Chazon Ish's greatness, but, at least, her grandson became a tremendous marbitz Torah, disseminator of Torah.

The Talmud Rosh Hashanah 18a relates a cryptic statement by Rabbi Meir. "Two individuals become sick with a similar disease or two individuals are called before the court that determines capitol punishment: one is saved; the other is not; one is healed; the other is not. Why did one make it, while the other one did not? It is because the one who was spared had prayed a tefillah sheleimah, with complete kavanah, intention/devotion, while the other one did not."

This statement begs elucidation. Here are two men whose only hope of being spared is dependent solely upon their prayers. Is there any question concerning their intentions? Surely, they will each pray as if their life depended on it! When a person stands at the edge of a dangerous precipice, his thoughts are clearly focused on staying alive. What is the meaning of "one did not pray with complete kavanah"? Horav Eliyahu Lopian, zl, explains that both "doomed" men prayed with great kavanah. They each stormed the Heavens with their respective entreaty, and both poured out their hearts in hope of receiving a pardon. One of them, however, was missing one nekudah, point, as far as their prayer was concerned: He did not believe that he would be answered. He felt the situation was hopeless. One does not ever give up hope - completely. So, he davened with all of his heart, but, deep down, in the inner recesses of his heart, he did not really believe that it would make a difference. That is the meaning of an incomplete prayer. One must believe unequivocally that he will be answered, that his prayer will be effective.

Horav Matisyahu Solomon, Shlita, observes that this idea likewise applies in contemporary times. We are engulfed in misery; Jews throughout the world are suffering materially; young people are falling prey to dread illnesses; mental health issues are finally becoming recognized as serious problems that can no longer be swept under the rug. We pour out our hearts in prayer to Hashem, but there is something wrong with our davening. It is not complete. The Mashgiach explains that we cry because we hurt; we weep because of the dread that engulfs us. We do not express our emotion as a result of a deep-rooted awareness and faith that Hashem will help us. We do not realize that whenever a therapy or healing saves us in an unexpected manner, it is not because of a specific physician, a different medicine, a new lawyer, or kind judge. The result is due to the Tehillim and our prayers which we expressed with true conviction.

Tefillah does not return empty. Every prayer that emanates from our lips is saved. If it is not put to use immediately, it will be applied at a later date, under different circumstances, when Hashem sees fit. In his Bais Elokim, the Mabit, zl, notes that Moshe Rabbeinu offered five hundred and fifteen prayers to Hashem, beseeching Him to be allowed entry into Eretz Yisrael Hashem said no. Nonetheless, these prayers were not wasted. Hashem allowed Moshe to see not only the entire land, but, also, what would happen there from the moment the Jewish nation entered its perimeter until the very last day when Moshiach would arrive. This was the efficacy of his prayers. They were not for naught.

After citing a number of sources, Rav Matisyahu posits that the purpose of tefillah is not to "change Hashem's mind." Once the Almighty has issued a decree, it remains in place. When a person prays with sincerity, acutely aware that he is nothing without Hashem, and that all salvation comes only from Him, it elevates the petitioner spiritually, making him "sort of" a new person. Thus, the decree that was issued

against the "former" person is not binding on the spiritually transformed person. Tefillah transforms the petitioner, "allowing" for the original decree to be nullified. You shall teach them to your children to speak in them while you sit in your home, while you walk on the way, when you retire and when you arise. (11:19) The pasuk begins with V'limaditem, "You shall teach them," in lashon rabim, plural, and concludes with b'shochbecha u'bekumecha, "when you retire and when you arise," in lashon yachid, the singular. Why? Nachal Eliyahu explains this pragmatically. The Torah is suggesting that one who seeks to educate his children properly should do so by example. First, he should educate himself, seeing to it that his life is in order, that his behavior is virtuous and ethical, that his demeanor is exemplary, that his relationship with Hashem is sincere and meaningful. How does one successfully teach his children? When one "speaks in them," Torah thoughts are on your lips. Your speech reflects a Torah oriented way of life. "While you sit in your home": Your child sees you at home with a sefer, volume of Torah literature. Your home represents a makom Torah, a house of Torah. The four walls attest to a Torah lifestyle. "While you walk on the way": When you leave your home and enter into the halls of contemporary society, you take the Torah with you as a guide and protector. Your business dealings with all people, regardless of their religious affiliation, are ethically guided by halachah, Jewish law. Your every movement is regulated by the Torah. "When you retire and when you arise": This continues on all day: from the moment that you wake up and express your gratitude to Hashem for granting you another day of life, until you retire at night, the Torah is your exemplar. Only then, will you be worthy of - and successful in - transmitting Torah to your children.

Va'ani Tefillah

U'matzasa es levavo ne'eman lefanacha.

And you found his heart loyal before You.

Horav Avigdor Miller, zl, notes the use of one word which transforms the meaning and apparent message of this pasuk. It does not say, "His heart was faithful," but rather, "You found his heart faithful." The fact that human beings note faithfulness in someone's heart, whether it be by his actions or demeanor, is no indication of what really is in his heart. The Navi in Shmuel 1, 16:7 says, "Men see with the eyes, but Hashem sees into the heart." If Hashem attests to one's loyalty, it is an indication that it is genuine. Furthermore, levavo, as opposed to libo, distinguishes between the "surface" heart and the "innermost" chambers of the heart, the genuineness of a person's emotions. Avraham Avinu was subjected to numerous tests over which he triumphed not only externally, but was found to be loyal in all aspects of his attributes and emotions.

Moreover, ne'eman implies that our Patriarch excelled not merely in the remarkable deeds which he performed, in the incredible self-sacrifice he manifest, but the primary reason for his selection was his ability to master the ordinary deeds which everyone performs by rote. He did it with passion, with fervor, with sincerity and with complete fidelity to Hashem. Everything that Avraham did - from the most sublime to the simplest, mundane act - was carried out for only one purpose: to do Hashem's will. This devotion earned him the position of Patriarch of our nation.

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.. In loving memory of our mother & grandmother Mrs. Goldie Jundef

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by Rabbi Doniel Neustadt (dneustadt@cordetroit.com)

Weekly Halachah

Rabbi Doniel Neustadt (dneustadt@cordetroit.com)

Yoshev Rosh - Vaad HaRabanim of Detroit

Unsealed Kosher Food Delivery

Question: If one orders take-out food from a restaurant or a pizza shop, and the delivery person is not Jewish (or a Jew who does not keep kosher[1]), must the food be wrapped and sealed to insure, for kashrus reasons, that it was not tampered with?

Discussion: The answer depends on the exact circumstances. The chief concern when sending non-sealed food with a non-Jew is that there is a remote chance that the non-Jew will take the kosher food for himself, replace it with similar looking non-kosher food and deliver that food to the unsuspecting recipient. Admittedly, this is improbable — but it is definitely possible and, in fact, is on record[2]. Thus Chazal required food delivered by a non-Jew to be packaged with a tamper-proof seal[3].

But we are only concerned about this possibility when there would be a motive — personal benefit or monetary gain — for the non-Jew to do so. If, for instance, the order was expensive steak which the delivery person may want but can't afford, it is possible that he would be overcome by his desire for the steak, eat it and replace it with a cheaper cut of non-kosher meat. He has now "benefited and gained" by eating a superior-tasting steak for the cheap price of an inferior cut of meat and no one is the wiser. The halachah demands, therefore, that the restaurant seal the order with a tamper-proof seal before handing it over to be delivered.

If the delivery person would have no benefit or gain from the kosher food, however, there is no such requirement. We are not concerned that he or she will purposefully and spitefully exchange kosher food for non-kosher food just to cause the Jew to sin[4].

It follows, therefore, that if the take-out order is merely an ordinary pizza pie or a bucket of french fries — "standard" items available anywhere and everywhere — the delivery person would have no motive to switch the kosher items with non-kosher ones[5] and we are not concerned that he would do so[6].

Question: What if the restaurant failed to properly seal an order of food that was delivered by a non-Jew (or a Jew who does not keep kosher) — may the food be eaten?

Discussion: It depends. If the recipient has no idea of how the food should look, e.g., never before did he order this particular food and he does not know what to expect, then the food may not be eaten, even b'diavad[7]. [Keep in mind, though, that this applies only when the order included a type of food which the delivery person may want for himself and will be able to replace with a cheaper, non-kosher item, as mentioned above.] If, however, the recipient has ordered this particular food many times before and can easily identify it as a product of that particular kosher restaurant (tevius ayin), then the food is permitted to be eaten without hesitation. Even l'chatchilah one may order food from a restaurant that does not properly seal its food, provided that he can clearly and positively recognize and identify that food as kosher[8].

Question: Is taping the package of food considered "tamper-proof," or must it be professionally sealed?

Discussion: Taping the package is sufficient if it is taped in such a way that if tampered with, some of the packaging would tear along with the tape. The package should be taped in at least two separate spots. Alternatively, the restaurant can tape the package with tape that bears the company logo, and stick it on the package in such a way that would make it impossible to open the package without tearing the tape. Here, too, the package should be sealed in two spots[9].

Question: Does food left in a public place, e.g., a hospital refrigerator or a company dining room, also need to be wrapped with tamper-proof seals so that one can be certain that it was not exchanged for non-kosher food?

Discussion: No, it does not. The previously mentioned requirement to seal food applies only to food which is placed under the auspices of a non-Jew, either to deliver or for safekeeping. In such a case, we fear that the non-Jew will help himself to the food and later figure out how to replace what he ate. But when the food is off-limits and not supposed to be touched by the non-Jew at all, we are not concerned that he will steal the food and then decide later that he must return its equivalent[10].

It is permitted, therefore, to leave food in a closed or well-wrapped package which is clearly marked as private property, in a public refrigerator or pantry, even though it is not sealed in a manner which is tamper-proof.

Question: If a non-Jewish cleaning woman (or man) was left alone in a house (or a yeshiva, etc.) where an unsealed bottle of non-mevushal wine was in the pantry or refrigerator, may the wine be drunk?

Discussion: When leaving a non-Jewish[11] cleaning woman alone in a house, all non-mevushal wine should be sealed. If the bottle is unsealed, it should be put away under lock and key[12].

B'diavad, however, we do not prohibit drinking the wine from the unsealed bottle unless we have reason to believe that the cleaning woman either drank from the bottle directly, poured herself a drink from the bottle into a glass, touched the wine itself (not merely the bottle), or picked up the bottle, uncorked it and shook the wine. If we have no reason to believe that any of the above occurred, we do not prohibit the wine[13].

If a sealed or unsealed bottle of wine was left in the refrigerator door, and the non-Jewish cleaning woman opened the door of the refrigerator but did not remove the bottle of wine from its place, the wine may be drunk[14].

All of the above halachos apply to non-mevushal grape juice as well.

Note: Contemporary poskim are divided as to whether or not the mevushal wines and grape juices on the market today are exempt from the halachos of stam yeinam or not; see The Weekly Halachah Discussion on Parashas Ki Sisa for a complete review.

1. A Jew who does not eat kosher, even if he is a tinok shenishbah, is still considered as a non-Jew concerning these halachos; see Shach, Y.D. 118:4.
2. See Chochmas Adam 70:1. See also Aruch ha-Shulchan, Y.D. 115:6.
3. Avodah Zarah 39a, quoted in Y.D. 118:1.
4. Y.D. 18:2 and 10 and Aruch ha-Shulchan 30.
5. Obviously, if he simply wanted some "standard" food, he would purchase some himself.
6. See Kaf ha-Chayim 118:114. See also Mishnah Berurah 515:68 and Sha'ar ha-Tziyun 88.
7. Shulchan Aruch, Y.D. 118:7, rules that b'diavad, food delivered by a non-Jew who passed through a "public domain" on the way to his delivery stop may be eaten, since we assume that the delivery person will not dare switch the kosher food for non-kosher for fear of being caught in the act by passersby. Nowadays, however, when deliveries are usually made by car and the delivery person can do what he wants in the privacy of his vehicle, this ruling no longer applies; based on Beis Shlomo 187 and Mabit 208, quoted by Chelkas Binyamin on Y.D. 118:7, Buirim, s.v. mutar.
8. See Taz, Y.D. 118:8 and Aruch ha-Shulchan 12 and 37. See also Avnei Yashfei, vol. 2, pg. 123, quoting Harav Y.S. Elyashiv.
9. Y.D. 118:3 and Kaf ha-Chayim 37.
10. See Tuv Ta'am v'Da'as 3:2-17, quoted by Chelkas Binyamin 118:6.
11. According to Igros Moshe (Y.D. 1:46, 2:132, 4:58-3, O.C. 5:37-8), a Jew who violates the Shabbos is considered like a non-Jew vis-à-vis these halachos.
12. Rama, Y.D. 129:1 and Shach 2 and 4.
13. Y.D. 125:9; Rama, Y.D. 128:4 and Shach 129:10.
14. Y.D. 124:24.

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By Rabbi Yirmiyohu Kaganoff

Does an Elevator Require a Mezuzah? By Rabbi Yirmiyohu Kaganoff

Many people will smile when they see this question. Others will frown. And everyone will gain from reading this article -- since this question provides an opportunity to discuss many aspects of the laws of mezuzah.

Let us start from the very beginning:

"I live in an apartment building in New York. My building does not have a mezuzah; why should my elevator?"

The questioner is, of course, correct. Assuming that his building has both Jewish and non-Jewish residents, most authorities contend that there is no requirement to install a mezuzah (Rama,

Yoreh Deah 286:1; quoting Mordechai). The commentaries provide two reasons why no mezuzah is required in this instance, some explaining that the Torah never required a mezuzah on a building unless all its residents are obligated in the mitzvah (Taz, 286:2). Others absolve these buildings from mezuzah out of concern that suspicious non-Jewish residents may think the Jew is hexing them with the mezuzah (Shach 286:6). Although some recognized authorities contend that one must place a mezuzah even in a building shared by non-Jewish residents (Aruch HaShulchan, quoting Rashba and several others) the accepted practice is not to.

EXCLUSIVELY JEWISH

However, a building with exclusively Jewish residents must have a mezuzah on every entrance to the building as well as on any other doorways inside the building, even if some of the residents are not yet observant. This is true notwithstanding that no one lives in the hallway or foyer. This halacha requires some explanation:

When the Torah teaches (in this week's parsha) about the mitzvah of mezuzah, it requires placing it on the side posts (mezuzos) of one's house and one's gates. A house is predominantly used for residence, while a gate is not, yet the Torah requires placing a mezuzah on the gates of a Jewish city, or on the gates leading to a Jewish house, because they are entrances to the house (Yoma 11a). Thus, if one enters one's property through a full gateway, meaning that it has a lintel and side posts, one should place a mezuzah on that entrance. This is true regardless as to how many such "gateways" one enters before one reaches the house (Rambam, Hilchos Mezuzah 6:8). Even a revolving door requires a mezuzah if it has doorposts and a lintel.

Similarly, the hallway doors of a building whose residents are all Jewish require mezuzos.

Although the hallways are not suitable for dwelling, they function as entrances to the apartments, and therefore qualify as "gateways."

MULTIPLE GATEWAYS

Sometimes the entrance to a residence includes a gateway to a building's outside premises, then a gateway to a courtyard, followed by another series of doors leading into the building vestibule. If all the tenants of the building are Jewish, one must install a mezuzah on each entryway, as I explained above.

KEEP RIGHT

The Gemara teaches that one places the mezuzah on the right doorpost entering the house (Yoma 11a). Placing the mezuzah on the wrong side invalidates the mitzvah, and reciting a bracha before affixing such a mezuzah is unfortunately a bracha levatalah (a bracha recited in vain). Thus, it is very important to determine whether a doorway is considered an entrance to one room, or the entrance to the other, since this is the paramount consideration in determining which side post is graced with a mezuzah.

WHO IS RIGHT?

Regarding an internal house door connecting one room to a second, it is usually clear whether the doorway is primarily an entrance to one room or to the other. However, there are instances when it is unclear whether the doorway is considered an entrance or an exit -- what does one do in such an instance? This question is sometimes relevant when one has a doorway connecting a living room to a dining room. Since each situation may be somewhat different, I leave this shaylah for one to ask one's rav.

STAIRCASES

If one lives in an apartment building with only Jewish inhabitants, the doors to the stairwells also require mezuzos, just like the entrances do, since they lead to residences (see Chovas HaDor, page 45). This halacha can be directly derived from a case in the Gemara, which describes a two family house in which an inside stairway connects the two apartments. The Gemara requires mezuzos on the entrances to the stairwells from each of the apartments (Menachos 34a as explained by Rashi). Although no one resides on the stairway, one must still install a mezuzah on its entrance since the stairwell functions as a "gateway" to a residence.

WHICH IS THE RIGHT SIDE OF A STAIRWELL?

Regarding the placement of a mezuzah on the doorway of an apartment building's stairwell, we are faced with an interesting predicament -- on which side post of the doorway does one place the mezuzah? Is the doorway serving to enter the stairwell, obligating one to place the mezuzah on the right side entering the stairwell, or is it an entrance to the floor, obligating one to place the mezuzah on the right side exiting the stairwell?

The answer to this question may at first seem strange. On the entry level, one should place the mezuzah on the right side entering the stairwell, because this is the method of entering the building. However, on the other floors one should place the mezuzah on the right side entering the floor because that doorway functions primarily as an entrance to the apartments on that floor! (Chovas HaDor, page 45). Thus, we have an anomalous situation of placing some mezuzos on the right side entering the stairway and placing others on the opposite side.

IS AN ELEVATOR DIFFERENT?

Having established that the stairwell of an all-Jewish building requires mezuzos, does the elevator of such a building require mezuzos? Do we consider the elevator doorways as "gateways" to the upper apartments of the building just as a stairway is? Perhaps the elevators are even more of an entranceway to those apartments since people use them more frequently than the stairs! Several responsa discuss this question.

(Bear in mind that many elevators have two doorways, the stationary door that is part of the building, and the door of the elevator "cage" or platform. For purposes of this article, I will refer to the "stationary doorway" and the "platform doorway.")

EARLIEST TESHUVAH

Although people presumably asked this shaylah decades earlier, the earliest responsum I discovered on this subject is a 5724 ('64) inquiry by the Helmitzer Rebbe (of New York) to

Dayan Yitzchak Weiss, then Av Beis Din of Manchester, England, and later Av Beis Din of the Eidah HaChareidis of Yerushalayim (Shu"t Minchas Yitzchak 4:93). In this teshuvah, Dayan Weiss questions whether an elevator requires a mezuzah since it constantly moves and cannot be considered a residence. He compares an elevator to a moving residence, regarding which we find a debate whether it requires a mezuzah. Rav Avraham Dovid of Butchatch, usually called "the Butchatcher," rules that a moving residence requires a mezuzah. According to this opinion, someone who lives in a van or truck requires a mezuzah on the door even if he constantly drives it to new locations (Daas Kedoshim 286:1)!

The major annotator to the Butchatcher's commentary, the Mikdash Me'at, disagrees, contending that a moving residence is considered a temporary dwelling and never requires a mezuzah. In a different responsum, Dayan Weiss deliberates whether a mobile home requires a mezuzah since people often reside in them, whereas using a bus or automobile as a residence is considered temporary and does not require a mezuzah (Shu"t Minchas Yitzchak 2:82; see also Chovas HaDor pg. 37).

Dayan Weiss initially compares an elevator to this dispute between the Mikdash Me'at and the Butchatcher, since an elevator is constantly moving. However, he then suggests that an elevator might require a mezuzah even according to the Mikdash Me'at, because even though the elevator moves, it is part of a residence that does not move. He compares this to the following case, which requires some explanation:

SMALL HOUSE

The Gemara rules that a house smaller than four amos squared, approximately seven feet by seven feet, does not require a mezuzah (Sukkah 3a). A space this tiny is too small to qualify as a proper residence even for people living in impoverished circumstances. The Torah requires a mezuzah only on a doorway to a house fit to live in.

What if a room is smaller than four amos squared, but is perfectly serviceable for its function as part of a house, such as a walk-in pantry that connects to the kitchen? This room is smaller than four amos squared, and one could argue that as such it is absolved from mezuzah. On the other hand, one could argue that it functions perfectly well for residential use since it is part of a house that is four amos squared.

Indeed, the authorities dispute concerning the halachic status of this pantry. Some poskim contend that this room requires a mezuzah notwithstanding its size since it suffices for its household purpose (Chamudei Daniel, quoted by Pischei Teshuvah 286:11). This approach contends that although a house smaller than four amos squared is too tiny to be a domicile on its own, a room suitable for its intended use that is part of a house is not excluded from mezuzah. Dayan Weiss accepts the position of the Chamudei Daniel as the primary halachic opinion (Minchas Yitzchak 1:8).

Other authorities dispute this conclusion, contending that a room this small is excluded from the requirement of mezuzah (Daas Kedoshim 286:19). In their opinion, affixing such a mezuzah is unnecessary and reciting a bracha beforehand is a bracha levatalah, a bracha recited in vain. (Some authorities disagree with the Chamudei Daniel's position but still require a mezuzah on the right hand side reentering the kitchen as an entrance to the kitchen.)

HOW IS A PANTRY LIKE AN ELEVATOR?

Dayan Weiss explains that the underlying principle of the Chamudei Daniel's position is that any part of a residence that has a domestic function requires a mezuzah. He reasons that just as the Chamudei Daniel required a mezuzah on a small pantry since it is suitable for its specific use and it is part of a residence, an apartment building elevator also requires a mezuzah since it too is suitable for its intended use and is part of a residence. He therefore concludes that the elevator platform door requires a mezuzah, although without a bracha, out of deference for the authorities who reject Chamudei Daniel's line of reasoning. (Obviously, one should be careful to affix the mezuzah in a place where it will not be smashed each time the door closes.)

WHAT ABOUT THE ELEVATOR'S STATIONARY DOORWAY?

Does the stationary doorway entering the elevator also require a mezuzah? If it does, then one must install a mezuzah not only on the doorway of the elevator platform, but in addition on the stationary doorway of every floor! Dayan Weiss concludes that these doorways do not require mezuzos, since they are functional only when the elevator cage is opposite them, and at that moment the mezuzah servicing the platform door does double duty, fulfilling the requirement for both the platform as well as the stationary doorway. This last concept, that one mezuzah services all the elevator doors in the building, is by no means obvious, as we will soon see.

A DIFFERING APPROACH

Rav Yaakov Blau, currently a Dayan of the Eidah HaChareidis, reaches a different conclusion regarding whether an elevator requires a mezuzah. He contends that the modern elevator is comparable to the case of the Gemara requiring mezuzos on the doors leading to a stairwell. Rav Blau maintains that an elevator is identical to a stairwell except that one substitutes an elevator platform for a stationary stairway (Chovas Hador, page 44). He reasons that since the primary entrance to an apartment on the upper story of a building is through the elevator, the stationary doorways leading to the elevator are therefore "gateways" to the upper apartments, no different from the stairwells, and are definitely obligated to have mezuzos.

Having concluded that the "stationary doorway" of each elevator floor requires a mezuzah, Rav Blau then addresses the question concerning which direction the mezuzah should face. Do we place the mezuzah on the stationary doorway entering the elevator or exiting it? He concludes that since the elevator's main function is to transport people to the upper floors, the doorway on the entrance floor requires a mezuzah on the right side entering the elevator, and the other floors require one on the right side exiting the elevator.

Why are the mezuzos on different sides? Since the function of the stairs and elevator are as means to access the upper stories, one should place the mezuzah on the right side as one walks in their direction.

On the other hand, whereas Dayan Weiss contends that the platform doorway requires a mezuzah because it is part of a residence, Rav Blau rules that the platform doorway does not require a mezuzah since its function is exclusively as a moving passageway.

Thus, although both Dayan Weiss and Rav Blau require mezuzos on an elevator, they completely disagree which doorway requires a mezuzah, Dayan Weiss requiring one on the platform doorway, but not the stationary doorways, and Rav Blau concluding just the opposite, that the stationary doorways require mezuzos, but not the platform doorway. (By the way, the Helmitzer Rebbe, who asked Dayan Weiss originally, held the same way as the Chovas HaDor.)

Indeed, since these are two independent disputes, someone could conclude that the platform doorway and the stationary doorways both require mezuzos. If one accepts Dayan Weiss's premise that the elevator requires a mezuzah because it is part of a stationary permanent residence, and one disputes with his contention that the mezuzah on the platform suffices for the stationary doorway, one would conclude that both the platform doorway and the stationary doorways require mezuzos.

AN OPPOSITE APPROACH

On the other hand, one could reach the exact opposite conclusion and not require a mezuzah on any of the elevator doorways, as we will see. Rav Shlomoh Zalman Auerbach (Minchas Shlomoh 2:97:23) conjectures that the elevator should be treated differently from a stairwell because the elevator is not suitable for residential use at all but only for transportation. Further, he absolves the stationary door of the building from mezuzah because it can never be used independently of the elevator. Thus, its use is also considered non-residential.

Rav Shlomoh Zalman presents another reason to absolve the stationary door from mezuzah -- since as soon as the elevator changes floors, the stationary doorway becomes useless, and it therefore should not be compared to a stairwell.

In his written responsum on the subject, Rav Shlomoh Zalman concludes that it is preferable to install a mezuzah without a bracha on the right side of the stationary doorway entering the elevator on the entrance level of the building since this is the main entrance and exit into the building. The reason for his differentiation between the ground floor elevator and the other elevators is unclear, and I have been told orally that he did not really feel that there was any necessity even for the ground floor mezuzah.

In practical terms, many follow the lenient opinions that do not require a mezuzah on either the platform doorway or the stationary doorway. Residents of a building with only Jewish inhabitants should agree to jointly ask a rav whether they are required to install a mezuzah on the doorway.

CONCLUSION

Just as a properly functioning elevator lifts us to great heights, so the properly fulfilled mitzvah of mezuzah takes us far higher. We touch the mezuzah whenever we enter or exit a building to remind ourselves of Hashem's constant presence, and it is a physical and spiritual protective shield. Whenever passing it, we should remind ourselves of Hashem's constant protection.