

INTERNET PARSHA SHEET
ON REEH - 5758

B'S'D'

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weekly@virtual.co.il] * TORAH WEEKLY * Highlights of the Weekly
Torah Portion Parshas Re'eh
<http://www.ohr.org.il/tw/5758/devarim/reeh.htm>

_Tune In "See, I present before you today a blessing and a curse: The blessing that you hearken to the commandments of Hashem; and the curse, if you do not hearken to the commandments of Hashem, your G-d, and you stray from the path... to follow gods of others, that you did not know." (11:26-28) When you listen to a symphony, your ear assembles many separate sounds and combines them into one. If you listen carefully, you can break down the sound into its components. The violins play one melody; the brass another; the woodwind another. Really, the symphony as a symphony, as a cohesive whole, exists only in the mind of the listener. The symphony is no more than a collection of sounds. The listener has to assemble the individual sounds and hear the symphony. This process may be subconscious, but it is, nevertheless, active. A picture, on the other hand, is a different matter. When we look at a picture, we encounter an external reality which requires no assembly in the mind of the one who perceives it. True, we can focus on the individual elements of a picture separately; however, the picture exists as an independent whole in front of our eyes. The difference between seeing and hearing is that hearing requires the assembly of the elements in the mind of the perceiver; hearing is created in the head. Seeing is receiving a complete external reality. It wasn't always like this. Before the first man, Adam, brought sin into reality, he was able to perceive reality through the sense of hearing in the same way as through sight. When the Torah was given at Sinai, the people "saw the voices." The Sinai experience returned the entire Jewish People to the level of the First Man before his transgression. Take a radio dial and spin it. Disconnected sentences in many languages mixed with static assault your ear. A paradigm of the world in which we live today. A world of fragmentation; of half-sentences and non-sequiturs. We live in a world of cacophony. A world where many voices clamor for our attention. "The blessing -- that you hearken to the commandments of Hashem." The blessing that the Torah promises us comes when we tune out all the static of this world, when we assemble in our minds the words that were first spoken at Sinai. The nature of hearing is that we must take the words of the Torah and assemble them for ourselves. "Shema Yisrael" -- "Hear O Israel!" We must take those precious words and make them into the sounds that guide our life. That is the true blessing: To tune in to the Torah, to pick out what is essential for our lives, and to tune out the static of a world bent on materialism and selfishness.

Rags and Riches "See! I am putting in front of you today a blessing and curse...." (11:26) Wealth and poverty do not always have the same effect on a person. There are those whose wealth influences them for the good, and through the blessing of their wealth they come to a greater appreciation of Hashem. However, had they been poor, they would have been so occupied trying to find food that they would have forgotten their Creator. This was the case in Egypt, where Bnei Yisrael were so exhausted by the hard labor that they didn't listen to Moshe. On the other hand, there are those whom wealth removes from the path of righteousness. As we have seen often in our history, the Jewish People become successful and self-satisfied and forget Who gave them what they have. However, when a person is poor and "broken," Hashem never ignores his supplications. That's what the above verse is saying: "See -- I am setting before you today a blessing and a curse" -- and don't think that the blessing is wealth and the curse is poverty; rather, everything depends on how a person deals with his riches or poverty. And whether he be rich or poor, if he turns his focus to the Torah and mitzvot,

then whatever his status is in life he receives the blessing.

School for Kindness "You shall tithe the entire crop of your planting...." (14:22) In the first, second, fourth and fifth years of the seven-year shemittah cycle, Jews living in Eretz Yisrael were instructed to separate a tenth of their crops, and bring it to Jerusalem to eat. In the third and sixth years of the cycle, that tenth was given to the poor instead. One might ask: "Why weren't the landowners required to first share with the poor and only subsequently to enjoy their produce in Jerusalem?" The Rambam writes that one must give tzedakah with a joyous countenance and that giving with a disgruntled demeanor negates the mitzvah. It is not enough to do chesed (kindness), one must love chesed. More than any other positive mitzvah, writes the Rambam, tzedakah is a sign of the essence of a Jew. By commanding us to bring one tenth of our crops to Jerusalem to rejoice there, Hashem taught us two vital lessons: One: That our material possessions are a present from Hashem and He can dictate how we use that material bounty. Two: That using material wealth in the way prescribed by Hashem generates feelings of joy and sanctity. Once we have internalized these lessons in the first two years of the cycle, we can offer that bounty to the poor in the third year -- not perfunctorily, but with a true love of chesed.

Sources: Tune In Sfas Emes * Rags And Riches- Rabbi Shlomo Yosef Zevin in L'Torah U'Moadim * School For Kindness Rabbi Zev Leff in Shiurei Binah

Haftarah Rosh Chodesh - Yishayahu 66 : 1-24 When Rosh Chodesh occurs on Shabbos, the regular Haftarah is replaced by a special Haftarah - the last chapter of the Book of Yishayahu (Isaiah). This chapter was chosen because of its penultimate verse which links Shabbos and Rosh Chodesh: "And it shall be that, from New Moon to New Moon, and from Shabbos to Shabbos, all flesh shall come and prostrate themselves before Me, said Hashem. (66:23) This verse is also repeated after concluding the reading of the Haftarah. Every New Moon is a summons to Israel to renew and rejuvenate itself. Every Shabbos is a call to show practical proof of our homage to Hashem by ceasing from melacha (prohibited work). But there will come a time when not only Israel will be called to offer their willing service to Hashem... "And I will establish a distinctive sign amongst them and send refugees from them to the nations to ...Yavan, to the most distant lands that have not heard My Fame, nor have seen My Glory, and they will inform the nations of My Glory." (66:19)

Yavan/ Greece is the nation charged with the task of elevating the lowly and un-refined nations through culture. But culture is not an end in itself. It is only a preliminary stage. After Yavan/Greece, it is Shem/the Jews who will show mankind the path to elevate itself to an awareness of what is good and true; to pay homage to what is morally beautiful; to lead the nations to the height of Man's calling. The 'uniformity' in thought that rules the actions and intellect of Greece is ultimately a fulfillment of Hashem's plan. For through this love of uniformity, the nations will be united and they will finally come to perceive the 'One-ness' of the Creator. This unified mankind will become the encircling vessel that will contain the pure mincha offering that is the Jewish People. Then the nations will recognize Israel's role as the priests of mankind, just as the Levi'im are the priests of Israel. The realization of this goal is something absolutely certain. Then every New Moon and every Shabbos will not only bring to Israel a call for renewal of kedusha (holiness) of acknowledging Hashem in free-willed devotion, but all mankind will also hear and heed this call.

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Parshas Re'eh Rabbi Ephraim Hochberg

Which Way to Go? At the very end of this week's parsha we find the mitzvah of aliyas haregel describing the Jewish people's tri-annual pilgrimage to the Beis HaMikdash. "Three times a year all your males should appear before Hashem, your G-d, in the place that He will choose: on the Festival of Matzos, the Festival of Shavuot, and the Festival of Succos" (Devarim 16:16). We find yet another example of one having to leave his home in next week's parsha. When one kills an individual unintentionally, the killer is forced to flee to an eir miklat - a city of refuge, to escape the wrath of the "redeemer of the blood" to whom the Torah gives the right to avenge the death of his close relative. "Prepare the way for yourself and it shall be for any murderer to flee there" (19:3). Rashi comments on the words, "prepare the way." He says that you shall ease the way for people fleeing to such cities by posting road signs to show them the way to the eir miklat. The Chofetz Chaim raises the obvious question: Why is it that when the Jews go up to the Beis HaMikdash, they are forced to ask others for directions because there are no road signs? The hope is that those giving

directions will also be influenced to go up to the Temple as well, and this will bring about a tremendous kiddush Hashem as more and more people make the journey. Concerning the murderer however, we are told to post signs. The reason this is done is so that the murderer will have no need to ask anyone for directions to the city of refuge. We are thereby safeguarded from any evil influence that he may have on us. Based on this answer, the need to put up signs for the murderer is not only for his benefit, but for ours as well.

Let us examine the Chofetz Chaim's answer a little deeper. How exactly will the person who gives directions be influenced either positively or negatively? Giving directions is a simple act in itself and does not have to involve a discussion as to whether what the person is doing is right or wrong.

The conclusion that we must draw from this is that we really do not understand the extent to which we are influenced by others. Even just hearing that someone is performing a mitzvah, or chas v'shalom, an aveirah, has an impact on us. Although the impact may seem small, our actions are still affected. Hashem desires that we distance ourselves from the murderer, but with people performing mitvos, like those going to the Beis HaMikdash, we're meant to place ourselves in a position where we can be positively influenced by their actions. This thought is important to bear in mind as we enter into Elul and the Days of Judgement. All of our actions, no matter how small, do affect the people around us. It is up to us to make sure that we lead them on the right path and not in the wrong direction. Rabbi Ephraim Hochberg is a full-time member of the Chicago Community Kollel. Parsha Encounters is coordinated by Rabbi Dovid Rifkind and edited by Barbara Horwitz. Parsha Encounters is copyright 1998 by the Chicago Community Kollel

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PARSHAS RE'EH - THE LONG AND BINDING ROAD

This week the Torah teaches us the laws of ma'aser sheni. Ma'aser sheni constitutes a tithe in which the apportioned produce is consumed by the owner. It is not necessarily distributed to the poor or the Levite like other tithes. However, there is one requirement. The entire tithe must be eaten in Jerusalem. That being the case, the owner of 10,000 bushels would have to haul 1,000 bushels to Jerusalem to be eaten. That may be quite a difficult task. So the Torah has a way out. "And if the road will be too long, because you will not be able to carry it (the produce) as the place where Hashem chose to rest His name is far from you(r home) - then you may exchange (the produce) for money. You shall take the money instead to Jerusalem and spend it on, cattle, flocks, wine or other alcoholic beverages or whatever your heart desires and eat it before Hashem (in Jerusalem) and rejoice with your family" (Deuteronomy 14:24-26). Thus the Torah teaches us that the owner can redeem the produce through money and spend the money on any food items in Jerusalem, avoiding an arduous chore of shipping the food to Jerusalem. The money will help stimulate the economy of the Holy City, thus establishing a protocol that has lasted centuries - supporting the merchants of Jerusalem. Yet if you analyze the actual wording in the Torah you will notice something strange. The Torah does not say, "if you will not be able to carry it because the road will be too long, then you can redeem the fruit with money." The Torah seems to reverse the cause and effect. It tells us that "if the road will be too long, because you will not be able to carry it..." (Deuteronomy 14:24). It seems that the Torah is saying that the road is long because you cannot carry it. Isn't the opposite true? If the road is long, it is not _because_ you cannot schlep, you _cannot_ schlep because the road is long. Why did the Torah reverse the phrase? Perhaps the Torah is telling us a subtle message.

Rabbi Moshe Feinstein once met an affluent Jew whose father came to these shores long before laws were passed to guarantee that a person could remain Shabbos-observant in the workforce. The man's father went from job to job, having been told not to report on Monday if he would not come to work on Saturday. The old man was persistent and never desecrated the Shabbos. Yet his son was not observant at all. Reb Moshe asked him point blank. "Why is it that your father kept the mitzvos with great sacrifice, but

you did not follow in his footsteps?" The businessman answered with complete honesty. "It's true that Pop did not miss a Shabbos or even a prayer. But before he did a mitzvah he would give a krechtz and declare, 'Oy! Iz shver tzu zain a frummer yid (It is terribly hard to be an observant Jew!)' After years of hearing my dad complain, I decided that the burden would be too much for me to bear. I decided never to permit myself to attempt those difficulties and I gave up religious observance."

After hearing this story, I thought, homiletically, that perhaps the Torah is telling us an important message in the psyche of mitzvah observance. "The road will be too long, because will not be able to carry it." No one says the road is too long because of sheer distance. It is too long because you do not want to carry the load. If one, however, carries his package with joy then the road is not a long one. If one decides that he is carrying a heavy burden, then the road, no matter the distance, will always be to long. Rabbi Feinstein commented that no matter how difficult a mitzvah seems, if one observes it with a smile, with joy and with pleasure, he will be able to carry the mitzvah for long distances. He will not only carry it a long distance him or herself, he will carry it for generations to come.

Good Shabbos Rabbi Mordechai Kamenetzky Dedicated by Ira and Gisele Beer in memory of Gitel bas Reb Hirsh Mordechai and Reb Moshe ben Reb Eliezer Mordechai Kamenetzky - Yeshiva of South Shore rmk@torah.org 516-328-2490 -- Fax 516-328-2553 <http://www.yoss.org> for drasha <http://www.torah.org/learning/drasha> Rabbi Mordechai Kamenetzky is the Rosh Mesivta at Mesivta Ateres Yaakov, the High School Division of Yeshiva of South Shore Project Genesis: Torah on the Information Superhighway learn@torah.org 6810 Park Heights Ave. <http://www.torah.org/> Baltimore, MD 21215 (410) 358-9800 FAX: 358-9801

yated-usa@mailserver.ttec.com Peninim Ahl HaTorah Parshas Re'ei by Rabbi A Leib Scheinbaum Hebrew Academy of Cleveland

"See, I am placing before you today a blessing and a curse." (11:26)

The Torah is expressing the basic principle of bechirah chafshis, free-will. The blessing, which results from one's good deeds, is catalyzed by one's own positive decision. Similarly, one effects the curse by a negative decision. The Sfias Emes posits that there is a bracha for thanking Hashem for the gift of free-will, which distinguishes man from all other creatures. The ability to discern between good and evil and to decide which path to take, raises man above all other creations. Everyday we recite this bracha, "Asher nosan lasechvi vina l'havchin bein yom uvein laylah," "Who gave the rooster understanding to distinguish between day and night." The word sechvi can also be understood to mean heart. This blessing thus refers to one's understanding, which is renewed each day. The capacity for differentiating what is good from what is evil is renewed daily. In this context, day and night allude to the distinction between good and evil. By reciting this bracha daily, we acknowledge and express our appreciation to Hashem for granting us this gift.

Horav Eli Munk, zl, notes that the three blessings that follow acknowledge the fact that Hashem has not made him a non-Jew, a slave or a woman. These are three traits race, social and gender over which man has no control. Accordingly, these three brachos contain a condensed characterization of free-will. Inasmuch as we can choose between good and evil, certain areas remain about which only Hashem can decide. If we would only recognize the fact that Hashem ultimately decides what we become, we might even take greater pride in our position.

"See, I am placing before you today a blessing and a curse." (11:26)

If Moshe is addressing all of Klal Yisrael, why does he speak in the singular "re'eh" while the word "lifneichem," "before you" is in the plural form? Moreover, why does he tell them to see? Would it not have been just as effective had he said, "I place before you a blessing and a curse?" Horav David Feinstein, Shlita, suggests that the concept of blessing is in the mind of the individual. Some feel that continued good health is a blessing. In contrast, others feel that mild sickness may even be viewed as a blessing, since it encourages us to examine our lifestyle and make changes that are essential for good health. To some, wealth and prosperity is the greatest blessing, while to others, the greatest blessing is children. The list of blessing goes on. In most instances, the list is consistent with the type of person, his background and orientation. Moshe Rabbeinu addressed all of Klal Yisrael when he emphasized the individual vision, re'eh, see, each person

will receive whatever he considers a blessing. At times, however, what an individual views as blessing can, in reality, be a curse. Others believe that certain things are bad, while these "bad" things are actually blessings in disguise. Moshe told the people, "See," you will have an opportunity to enjoy blessings and you will see how these blessing are truly good for you. In many situations in life we wonder if we are really blessed. Some individuals have the fortitude and trust in Hashem, Who always sends only good. Others, however, refuse to open their eyes or are simply too myopic to perceive the actual good of a blessing. Hashem will ultimately give us the opportunity to see the blessing and acknowledge its true benefit.

"If there should stand up in your midst a prophet and he will produce to you a sign or a wonder." (13:2) Rashi interprets "os," sign, as being a supernatural event in heaven, while he suggests that a "mofes," wonder, is a miraculous event on earth. Horav Shlomo Yosef Zevin, zl, takes a practical approach to understanding these two types of "miracles." Two phenomena may cause one to turn away from Torah: misguided philosophies or base desires. When the Torah admonishes us not to stray after our heart and eyes, it is a reference to the desires of the heart and the confused and false theories of the mind. "The heart lusts and the eyes see," writes Rashi at the end of Parashas Shelach. Either one has the ability to effect a tragic separation from Judaism.

Our people's history has unfortunately been marred by exposure to the "prophets" of both of these cultures. Some individuals expounded theories and dogma that were alien to Torah. They attempted to poison our minds with their misconstrued interpretations of the Torah. Their misguided philosophies only served to justify their hypocritical and perverted value system. Other false prophets appealed to the senses. They attempted to seduce us away from a Torah way of life with promises of a life of fun in which "anything goes," with a value system that was founded in promiscuity and concretized with immorality. Yet, to all those "neviei sheker," false prophets, we responded with a simple no. We suffered abuse and ridicule from our own "enlightened" brethren, but we did not succumb to the wiles of the yetzer hora, evil inclination, disguised as a friend. It was the simple admonishment of the Torah that gave us the fortitude to ignore their blandishments. "Do not listen to him," says the Torah. To have a dialogue with a false prophet is the first step toward legitimizing his doctrine. "Do not listen to him," says the Torah. Ignore him, for he only seeks to lead you astray from Hashem.

"You shall remember that you were a slave in Egypt." (16:12) Why is it necessary to remember that we were once slaves in Egypt? One would think that remembering the miracle of the Exodus should be the prime focus of remembrance. Horav Shimon Schwab, zl, offers the following rationale. In the Talmud Megillah 4a, Chazal teach that one is obligated to read the Megillah at night and to repeat it the next day. Rashi attributes this halachah to the fact that Klal Yisrael cried out to Hashem at night and during the day. This halachah is perplexing! Are we to celebrate freedom and joy or are we to remain apathetic, with our minds emphasizing the "down" side of the Egyptian liberation, the toil and torment, the grief and sorrow, of being a slave to Pharaoh? We derive from here, claims Horav Schwab, that the actual tzarah, affliction, plays an integral role in the efficacy of the mitzvah.

The tzarah is not there simply by chance. It is through Divine Providence that Hashem paves the way for us to be worthy of participating in a miracle. Thus, the affliction is an important component of the miracle. By remembering the affliction, we also recall the miracle. Indeed, the opening declaration in the Hagaddah is "Ho lachma anya," "This is the bread of affliction," the matzo and marror, bitter herbs, that we eat are to remind us of the manner in which the Egyptians made bitter our lives. The bitterness and pain are an essential part of the miracle and, therefore, should also be recalled. In Avodah Zarah 9a, Chazal comment that the world will exist for six thousand years of which two thousand will be void, two thousand will be filled with Torah and the last two thousand will be considered the Y'mos Ha'Moshiach. According to Chazal, the terrible decrees, the cruel persecutions to which the Jews have been subjected for these last almost two thousand years are all part of the "birth pains" of the advent of Moshiach. When that glorious day comes in which Moshiach Tzidkeinu will arrive to

herald a new era of peace and joy, we will be able to understand how all of the tzaros we underwent were part of the ultimate miracle of Redemption.

<http://www.jpost.com/Columns/Article-0.html> The Jerusalem Post
SHABBAT SHALOM: We mourn our selves By RABBI SHLOMO RISKIN

(August 20) "You are the children of the Lord your God: you shall not cut yourselves, nor make any baldness between your eyes for the dead." (Deut. 14:1) One characteristic of ancient cultures was the act of self-mutilation on the part of those mourning close relatives. In direct contradiction, the Torah commands us not to resort to any form of self injury. Since the most "way-of-the world" mourning occurs with the loss of parents, the Torah reminds us that we can fall back on our parent-in-heaven. Hence, there's no reason for excessive grief. There is, however, a strange law concerning mourning. The period of mourning for a parent is an entire year, while the period for a child, wife or sibling is 30 days. Why is this so? After all, it would seem to me that the pain one feels at the loss of a child is much worse than on the loss of a parent, particularly an aged parent for whom death might have been a blessed relief.

A possible reason for the halachic stringency was suggested by one Palestinian leader. Abu Ali, the mukhtar of Wadi Nis (the closest Arab village to Efrat) came to pay a condolence call when I was sitting shiva for my mother. "If one loses a spouse it is tragic," he said, "but one can always marry another. If one loses a child, the pain can never be healed - but one may have other children. After all, I have four wives and 13 children. But a mother is irreplaceable; we are given only one set of parents, who can never be replaced."

When my rebbe, Rav Soloveitchik, was sitting shiva for his wife, Rabbi Pinchas Teitz, zt"l (then the rav of Elizabeth, New Jersey) who had come to comfort the rav, gave a similar explanation: a parent is not replaceable.

Rav Yitzhak Hutner zt"l, famed dean of Yeshivat Haim Berlin and author of Pahad Yitzhak, suggested an additional reason. He mentioned that our mourning for a parent contains a dimension beyond our loss of an individual who cared for us; we are also mourning the fact that we have become one generation further removed from the divine revelation of Torah to Israel. According to this view, the added period has less to do with the personal relationship of the mourner to the deceased, and more to do with the fact that the deceased was a decisive factor in the relationship of the mourner to God.

Rav Hutner's view is strengthened by the fact that the Responsa literature generally link the commandment to mourn for one's parents with the commandment in the decalogue to honor one's father and mother. It is interesting to note that the first group of commandments in the decalogue deals with the relationships between man and God (the prohibitions against idolatry, and the command to observe the Sabbath), whereas the second group deals with relationships between people (the prohibition against murdering, stealing, committing adultery). The command to honor one's parents is squarely on the side of those which stress our relationship to God.

Generally speaking, one's parents provide the generational link which ties us to our cultural traditions and fundamental values. Honoring one's parents means honoring the traditions they represent. In fact, we see this distinction between parents and other family members demonstrated in the importance that the Jewish tradition places on the mourner for a parent leading the prayer services, and reciting the Kaddish prayer. The death of a parent often serves to bring children back to the synagogue and back to the traditions by ordaining that they serve as "representatives of the congregation" in public prayer during the 11-month period following the loss. Indeed, the Talmud teaches: "The prayers were initiated by the parents" (B.T. Berachot 26). The Sages were actually referring to Abraham, Isaac and Jacob, who instituted the morning, afternoon and evening prayer respectively. But the "folk" interpretation has it that for many children, their parents re-initiate them into the world of synagogue and prayer because they must mourn for them by leading prayer and reciting Kaddish. Moreover, the Kaddish prayer expresses our faith in the eventual redemption of Israel and the ultimate transformation

of this world from a vale of tears to a garden of joy. This will take place only as a result of the cumulative efforts of the generations. Thus in linking oneself to the past by returning to the traditions, one expresses the continuity of the generations which began at Sinai and anticipates messianic times. From this perspective, therefore, mourning for one's parents becomes an act of repentance - which further explains the added time necessary to effectuate a re-discovering of one's roots.

Interestingly enough, many of the acts forbidden on Yom Kippur also apply to the mourner - especially while he is sitting shiva. For example, both occasions prohibit haircuts, shaving, bathing, anointing and sexual relations. Maimonides, in his great religio-legal compendium Mishneh Torah, makes the connection between mourning and repentance implicit: "All those who do not mourn the way our Sages have commanded are deemed cruel. He should take heart, and be concerned and look into his deeds, and return to repentance." (Laws of Mourning, Chap. 13, Par. 12) And there is another way in which mourning for a parent inspires repentance. Each time a person experiences the death of a loved one, and especially of a representative of the previous generation, the mourner is reminded of his own mortality. The Jewish attitude is best expressed in Ethics of the Fathers: "Return to God one day before you die." The truly wise person understands that he must return to God each and every day. From this vantage point, when one mourns a parent, one is also mourning one's self.

Shabbat Shalom Rabbi Riskin is chief rabbi of Efrat.

perceptions@torah.org Re'eh: To See or Not to See

Seven days you shall celebrate a festival to Hashem your God in the place that Hashem will choose, because Hashem your God will bless you in your produce and the work of your hands, only be happy! (Devarim 16:15)

"According to its plain meaning this is not an expression of command but expresses an assurance, i.e., you will be happy. However, according to the halachic interpretation, they derived from here that the night before the last day of the holiday is to be included in the obligation of rejoicing." (Rashi) Rashi is referring to Shemini Atzeres. Elsewhere, Rashi explains: What is the source? The rabbis taught: Only be happy! (Devarim 16:15). (Succah 48a) "I.e., what is the source to say that one must rejoice on Shemini Atzeres ... Because it is not written outright, rather, 'The holiday of Succos you shall celebrate ...' and places 'only be happy' in close proximity. It is always interesting to note such nuances. All the other holidays the Torah speaks about openly, clearly defining what the commandments of the day are. Yet, when it comes to Shemini Atzeres, we have to look for hints to find out how to celebrate this day! Why the difference? This is in keeping with what Rashi says elsewhere, and the Shem M'Shmuel speaks out in much detail. As much as Shemini Atzeres follows on the heels of Succos, it is not part of Succos but a holiday unto itself. It has different mitzvos, and we say a "Shechianu" at candle-lighting and Kiddush. However, the most important difference lies in the meaning it has to the Jewish people as a symbol of their unique relationship with God. For seven days throughout the week of Succos, sacrifices were not only brought on behalf of the Jewish people, but on behalf of all the nations of the world as well. However, on Shemini Atzeres, sacrifices were brought only for the Jewish people. The Talmud likens it to a king who made a feast for many friends, but after they all left, he said to his closest friend, "Please, stay, and celebrate with me one more day, without the others!" Until Moshiach's time, the special relationship between God and the Jewish people is not always visible and proveable, even to Jews themselves! The Holocaust is a case in point. Sometimes it seems as if that "special relationship" is noticeable only to those strong enough to sing, "You have chosen us from among the nations ..." while walking toward gas chambers. They were not claiming to feel joy at that moment, but faith in the knowledge that all the suffering will one day be replaced with intense joy in the presence of the Almighty. Perhaps this is why the joy of Shemini Atzeres is hidden and only alluded to, as if to say, the joy of that special relationship can be felt at times, and at other times, it is a matter of faith. Like the moon Jewish history waxes and wanes, and the Jewish people have

both shone and been eclipsed, left in total darkness and loneliness. However, by being attached to Succos, Shemini Atzeres also tells us that, just as the joy of Succos is revealed and consistent, one day the joy of Shemini Atzeres and the eternal relationship with the Holy One it symbolizes, will also be revealed and enjoyed-forever. At that time, God's master plan will make sense to all of us, and we too will be able rejoice in all that has occurred. ... Have a great Shabbos, Pinchas Winston

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Shabbat-zomet@virtual.co.il Shabbat-B'Shabbato - Parshat Re'ei * * *

EXPLAIN A MIDRASH: Expanding Horizons by Rabbi Yehuda Shaviv "When G-d expands your borders, as He has promised you, and you say: I will eat meat, because you have a desire to eat meat ..." [Devarim 12:20]. This verse gives permission to eat meat in response to normal desire, "but in the desert they were forbidden to eat meat unless it was sanctified and offered as a Shelamim sacrifice" [Rashi]. According to this, eating meat was permitted as soon as the people entered the land and not only after the borders were expanded. Thus, the wording of the verse should have been, "When you enter the land." Use of the word "expands" implies an expansion beyond the borders of Yisrael's first entrance into the land, as is clear in a different verse, about sanctuary cities (Devarim 19:8) - see Ramban for an explanation of the difference between the two verses). It would seem that the Midrash has a different interpretation of this verse. "As is written, 'He performs justice for the downtrodden ... G-d frees those who are captive' [Tehillim 146:7]. This refers to Yisrael. The sages have told us, there were eight things which were forbidden by the Almighty and subsequently permitted ... He did not allow unconsecrated meat and later gave permission to eat it." [Devarim Rabba 4:9]. Thus, the Midrash reads the word "assirim," captives, as if it were "issurim," forbidden things. This is not just a play on words, but is based on a related meaning: Forbidden things restrain man, and when one is released from slavery, he is freed from his bonds. It may also be reasonable to explain that "expand" refers not to geographical borders but rather refers to a personal sense, an expansion of the soul, in that there will no longer be restraints, but "you may eat meat whenever you desire" [Devarim 12:20]. ...

Weekly-halacha@torah.org [Didn't make it into Friday AM distribution]
WEEKLY-HALACHA FOR 5758 SELECTED HALACHOS RELATING TO PARSHAS V'AESCHANAN By Rabbi Doniel Neustadt A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav. Parashas V'aeschanan Houses filled with every good thing... orchards and olive trees...and you shall eat and be satisfied (6:11)

BERACHAH RISHONAH: PROBLEMATIC FOODS
The berachah rishonah for many of the foods listed below is problematic, so we have attempted to present a clear decision for each one based on the views of the majority of the contemporary poskim. Most of the decisions follow the rulings of the venerable halachic authority, Harav S.Z. Auerbach Zt"l. Many facts must be ascertained before determining the correct berachah rishonah for a given food: What is the nature of the plant or tree from which it is derived? What is the exact make-up of each of its components? What manufacturing processes were used? etc. Based on all of the data available, the poskim have rendered the following decisions(1): Apple kugel: mezonos. [If the flour is added just to "bind" the apple mixture but not to enhance its taste, ha-eitz is recited.] Apple sauce: Commercially produced apple sauce in which the apples are reduced to a nearly liquid state - shehakol. Home made applesauce which is usually lumpy and contains small pieces of the apple - ha-eitz(2). Barley soup: mezonos(3). Blackberry: ha-eitz It grows on a tree which stays alive throughout the winter months and reaches a height of over 10 inches(4). Blueberry: ha-eitz. See Blackberry. Bread sticks: mezonos - when eaten as a snack(5). When many breadsticks are eaten at one sitting, or when eaten as part of a meal, netilas yadayim and ha-motzi may be required(6). Chalah kugel: mezonos(7). If the individual pieces of challah are bigger than a k'zayis (approx. 1 ounce), netilas yadayim and ha-motzi are required. Cheese cake: Mezonos. If the dough is meant to merely hold the cheese filling together, only a shehakol is recited. Chocolate covered nut or raisin: This is a "combination food," generally eaten because the two items complement each other's taste. According to some poskim, both a shehakol and ha-eitz(8) are recited(9). [Individuals who regard either the chocolate or the raisin as merely an "enhancer" to the "main" food, should recite the blessing on the main food.] Other poskim maintain that only a shehakol is recited(10). Chocolate covered orange peels: shehakol(11). Chicken soup with noodles or croutons: A shehakol is recited over the soup(12) and a mezonos over the noodles, etc.(13) [Even though they merely enhance the soup, a mezonos is still required]. When the noodles or croutons are a majority ingredient [or a very important minority ingredient, i.e. they are the main

reason that the soup is being drunk), no shehakol is recited over the soup [unless the soup is drunk separately](14). Chicken soup with matzah ball or kreplach: The proper method is to eat some soup together with some matzah ball and recite only mezonos(15). Even if a bit of soup is left over, no shehakol is recited(16). [One who chooses, however, to drink the soup separately, must recite shehakol.] Corn chips: shehakol. Corn chips are produced from corn meal. Cranberry - ha-adamah(17). Cranberries grow on a bush which does not reach a height of 10 inches. Falafel balls: Mezonos - since generally they are made from a mixture of flour and chumus. The flour is added for taste(18). Fruit cocktail(19): Recite the blessing over the fruit which constitutes the majority of the mixture(20). Fruit salad (large chunks of fruit): Separate blessings of ha-eitz and ha-adamah are required. Halavah: shehakol(21). Ice cream cone: If the cone serves as a cup to hold the ice cream, only a shehakol over the ice cream is required. If the cone is eaten for its own taste (e.g., a sugar cone), a separate mezonos is required(22). Licorice: shehakol. The flour in licorice serves as a binder and does not require a mezonos(23). Mashed potatoes: ha-adamah. Instant mashed potatoes are also ha-adamah(24). Meatballs (small) and spaghetti: mezonos - when eaten together in one spoonful. Onion rings: mezonos. Generally fried in batter made from grain flour(25). Onion soup (made from saut ed onions): ha-adamah(26). If it is made from a dehydrated soup mix - shehakol. Papaya: ha-adamah(27). Peanut butter (crunchy or plain): shehakol(28) - when eaten alone. When spread on bread or a cracker, no blessing is recited over the peanut butter. Popcorn: ha-adamah. Potato chips: ha-adamah. Potato kugel or latke: ha-adamah. If the potatoes are blended into a liquid state and are no longer recognizable as potatoes, several poskim maintain that a shehakol is recited(29). Pringles: ha-adamah(30). Raspberry: The poskim debate whether its blessing is ha-eitz(31) or ha-adamah(32). Because of the doubt, ha-adamah is preferable(33). Rhubarb: ha-adamah. Rice cakes: The majority of contemporary poskim agree that the correct blessing is ha-adamah(34), while a minority tends to rule that the correct blessing is mezonos(35). Stuffed cabbage: The cabbage, meat and rice are usually eaten together in one spoonful. Only one blessing is recited - over the majority ingredient(36). Vegetable salad with croutons: mezonos and ha-adamah are required, even though the croutons are merely "enhancers" for the salad(37). Vegetable soup: ha-adamah. No shehakol is required on the liquid part of the soup(38).

FOOTNOTES: 1 Previous columns have dealt with the proper berachos for breakfast cereals - see The Weekly Halachah Discussion, pg. 159-169, and cholent, ibid. pg. 140-142. 2 Based on Mishnah Berurah 202:40 and 42. One who recites ha-eitz on all kinds of applesauce, has valid sources upon which to rely - see Pischei Halachah, pg. 136. 3 Harav S.Z. Auerbach (quoted in Vesein Berachah, pg. 436). 4 Igros Moshe O.C. 1:85. Wild blackberries or blueberries, which grow on bushes that do not reach a height of 10 inches, require an ha-adamah. But often, these berries are infested with worms and require a careful inspection. Commercially available berries are grown on trees, not on low bushes. 5 Harav S.Z. Auerbach (Vesain Berachah, pg. 468 and Vezos ha-Berachah, pg. 21). Same rule applies to Melba Toast, bagel and pita chips - ibid. 6 See details in The Weekly Halachah Discussion, page 479-481. 7 Harav S.Z. Auerbach (Vesein Berachah, pg. 474). 8 First the shehakol on a bit of chocolate, with specific intention not to exempt the fruit, then the ha-eitz over the fruit. 9 Igros Moshe O.C. 3:31. 10 Mekor ha-Berachah 65; Harav S.Z. Auerbach (quoted in Vesein Berachah, pg. 417); Harav S.Y. Elyashiv (quoted in Vezos ha-Berachah, pg. 97). 11 Mishnah Berurah 202:39. 12 Or an another shehakol item, while intending to exempt the soup - Chayei Adam quoted in Mishnah Berurah 208:23. 13 Although normally mezonos is recited before shehakol, in this case the order is reversed; Mishnah Berurah 208:23. Igros Moshe O.C. 1:68, however, maintains that even in this case the mezonos is recited before the shehakol. 14 Mishnah Berurah 205:11; Igros Moshe O.C. 4:43. 15 Igros Moshe O.C. 4:43. 16 Based on Mishnah Berurah 168:46. 17 Harav S.Z. Auerbach (quoted in Vesein Berachah, pg. 294). 18 Ohr L'tzuyon 14:19; Vezos ha-Berachah, pg. 283, note 58. 19 Or a fruit salad in which the fruit is cut up into small pieces and eaten together in one spoonful. 20 Mishnah Berurah 212:1. Different kinds of ha-eitz fruits (e.g., apples and oranges) combine to form a majority of ha-eitz, and vice versa (Vezos ha-Berachah, pg. 94, quoting Harav S.Z. Auerbach and Harav S.Y. Elyashiv). 21 Harav S.Z. Auerbach (quoted in Vesein Berachah, pg. 415). 22 Igros Moshe O.C. 4:43; Vezos ha-Berachah, pg. 234. 23 Vezos ha-Berachah, pg. 110. 24 Harav S.Z. Auerbach and Harav S.Y. Elyashiv (quoted in Vesein Berachah, pg. 407). Vezos ha-Berachah, pg. 207, however, questions this ruling. 25 Vesein Berachah, pg. 79. 26 Harav S.Z. Auerbach (quoted in Vesein Berachah, pg. 441); Vezos ha-Berachah, pg. 120 (when onions are consumed together with the liquid). 27 Vesein Berachah, pg. 395 and 422. 28 Harav S.Z. Auerbach and Harav S.Y. Elyashiv (quoted in Vesein Berachah, pg. 410 and in Vezos ha-Berachah, pg. 207 and pg. 280, note 10). 29 See Vesein Berachah, pg. 407 and Vezos ha-Berachah, pg. 207. 30 Harav S.Z. Auerbach (quoted in Vesein Berachah, pg. 407); Harav S.Y. Elyashiv (quoted in Vezos ha-Berachah, pg. 207). 31 Mishnah Berurah 303:1; Aruch ha-Shulchan 303:5. 32 Taz 304:8; Ketzos ha-Shulchan 49:6. 33 Harav S.Z. Auerbach and Harav S.Y. Elyashiv (quoted in Vesein Berachah, pg. 396). 34 Ohr L'tzuyon 14:21; Harav S.Z. Auerbach, Harav C.P. Scheinberg, Harav M. Shternbuch, quoted in Vezos ha-Berachah, pg. 108 and in Vesein Berachah, pg. 520). 35 Harav S.Y. Elyashiv, ibid. 36 Vesein Berachah, pg. 69; Vezos ha-Berachah, pg. 274. The same rule applies to a goulash made from meat and vegetables. 37 Mishnah Berurah 212:5; Vesein Berachah, pg. 60. 38 See Sha'ar ha-Tziyun 202:66; Vezos ha-Berachah, pg. 119; Vesein Berachah, pg. 432-434.

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chametz in the rubble of a collapsed wall in which food had previously been stored. Even though there is the possibility of a scorpion lurking there this would not have been sufficient reason for exempting him from sticking his hand into the rubble to search for chametz, even if he was simultaneously searching for a lost needle in that pile. His ulterior motive does not detract from the fact that he is also doing a mitzvah and he is still privileged to enjoy immunity from the limited danger of a scorpion. As proof that a selfish motive does not deprive the performer of a mitzvah of Divine protection the gemara cites a beraita: One who says 'I am giving this money to charity in order that my sick son should recover or that I should merit reward in the World to Come' is considered a completely righteous man." But how, asks Tosefos, do we reconcile this with the counsel of the Sage Antigonus of Socho (Pirkei Avos 1:3) to avoid serving Hashem for the purpose of gaining reward? Tosefos makes a distinction between the person who will regret having performed the mitzvah if the reward he expected is not forthcoming and the one who will have no such regrets. Could Tosefos not have offered a simpler solution, asks Maharsha, based on the gemara (Mesechta Ta'anis 9a) that a man may test Hashem's promise of reward when it comes to charity? In that gemara it is clearly stated that even though the Torah (Devarim 6:16) warns us that "you must not test Hashem your G-d" one may test His providence when it comes to charity, as the Prophet Malachi declares in Hashem's name (Malachi 3:10): "Bring all of your tithes ... and test Me with this ... whether I shall not open the windows of Heaven for you and shower you with limitless prosperity." This gemara would seemingly have provided Tosefos with a distinction between performing other mitzvos with an ulterior motive, which is discouraged in Pirkei Avos, and offering charity with a motive for reward, which is encouraged by the Prophet Malachi. Tosefos' decision not to make this distinction leads the Maharsha to the conclusion that the test of Hashem regarding charity is limited to His promise of prosperity and not to other rewards. The reason why the promise of prosperity is different is explained by Maharsha in Mesechta Ta'anis (ibid.). Since human logic cannot comprehend how giving away grain or money can possibly enrich rather than impoverish, Hashem offered man this opportunity of actually seeing Divine Providence meet the test of such supernatural power. *Pesachim 8b

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daf-insights@shemayisrael.com Insights to the Daf: Eruvin 101-102 INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim Rosh Kollel: Rabbi Mordecai Kornfeld daf@shemayisrael.co.il

ERUVIN 102 HALACHAH: 'SI'ANA' AND WEARING A WIDE-BRIMMED HAT OPINIONS: The Gemara says that under certain conditions, a "Si'ana" may be worn on Shabbos, while under other conditions, it is prohibited. What is a "Si'ana," and under what conditions is it permitted or prohibited? (a) RASHI says that a "Si'ana" is a wide-brimmed hat. If it is not worn *tightly* (Mehudak) on the head, there is a fear that the wind might blow it off one's head and one might then carry the hat in Reshus ha'Rabim. ("Mehudak," according to Rashi, means "tight" and is the condition for *permitting* a hat to be worn.) (b) TOSFOS cites RABEINU CHANANEL who says that a "Si'ana" is a hat or head covering. When the brim is made from a hard material that does *not* bend*, it is prohibited to wear it on Shabbos because it is an Ohel. If the brim is soft and pliable, it may be worn on Shabbos. ("Mehudak," according to Rabeinu Chananel, means that it "does not bend" and is the condition for *prohibiting* a hat to be worn.) (c) The RAMBAM says that a "Si'ana" refers to any Talis or overgarment that a person drapes over his head which protrudes in front of him or to the sides. If it is tightly bound to his head *and* it is stiff and does not bend, it is like an Ohel and may not be worn. (Apparently, "Mehudak," according to the Rambam, means both that it is "tight" and that it "does not bend," and it is the condition for *prohibiting* a hat to be worn - TESHUVOS RADVAZ in Leshonos ha'Rambam.)

HALACHAH: IS IT PERMITTED TO GO OUT WITH A HAT WITH A WIDE, STIFF BRIM? According to Rabeinu Chananel it should be prohibited, and according to Rashi it should be prohibited if it is not worn tightly on one's head. The MISHNAH BERURAH (OC 301:152) lists a number of reasons to permit wearing a hat on Shabbos. (a) First, the Magen Avraham says that if the brim of a hat is sloped downward, it is not considered an Ohel and may be worn. (b) Second, we may rely on Rashi's opinion that it is only prohibited if it is not worn tightly. (c) Third, the hats that we wear are not worn in order to provide shade. (d) Finally, if the brim is not stiff, it is certainly permitted.

Pesachim 2 THE REASONS FOR "BEDIKAS CHAMETZ" RASHI (DH Bodkin) says that Bedikas Chametz serves as a preventative measure so that we do not transgress the prohibitions of Bal Yera'eh and Bal Yimatzei. TOSFOS disagrees with this analysis. The Gemara (6b) says that one who does Bedikah must do Bitul (mental nullification) of the Chametz as well. Once a person does Bitul Chametz, there is no longer any fear that he will transgress Bal Yera'eh and Bal Yimatzei, because as a result of his Bitul the Chametz is no longer extant (Pesachim 4b, see Insights there). If Bedikah is done only to assure that one will not transgress Bal Yera'eh and Bal Yimatzei, why does one still have to do Bedikah after Bitul? Bitul should suffice without Bedikah! ANSWERS: (a) The RITVA and the RAN explain that either Bitul or Bedikah -- whichever is done first -- will prevent one from transgressing Bal Yera'eh and Bal Yimatzei. Rashi is therefore justified in saying that Bedikah prevents transgressing Bal Yera'eh and Bal Yimatzei -- that is, if it is done before Bitul. The RAN goes so far as to suggest that the Mishnah, which mentions only Bedikah and not Bitul, evidently was written prior to the Takanah requiring one to do Bitul. At the time the Mishnah was written, it was indeed only Bedikah which prevented a person from transgressing Bal Yera'eh and Bal Yimatzei. Only later, during the times of the Amora'im, did the Rabanan make a Takanah that one should also do Bitul after the Bedikah in case one did not find everything. (From that point on, we apparently perform Bedikah for other reasons, and not just because of Bal Yera'eh and Bal Yimatzei -- see below, (d).) (b) The RAN suggests further that a person is required to do Bedikah even though Bitul suffices, because we are afraid that a person will find Chametz on Pesach. Even though he was Mevatel it, when he sees it and it looks good he might think in his mind that he wants to keep it. Such thoughts will *invalidate* the Bitul from that point on, thereby causing him to transgress Bal Yera'eh and Bal Yimatzei. (This is also the way the BARTENURA understood Rashi. Indeed, Rashi himself (6b DH v'Da'ato) mentions such a concept later on.) (c) The RAN suggests another answer. Rashi holds that the reason Bedikah is necessary to prevent Bal Yera'eh and Bal Yimatzei even though one did Bitul is because we are afraid that one did not do the

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This guarantee of Divine protection from those performing a mitzvah (except where there is a high probability of danger) is applied by our gemara to a situation in which a Jew is searching for

Bitul with a full heart and absolute intent. When one is Mevateil half-heartedly, the Chametz remains his, and he would transgress Bal Yera'eh and Bal Yimatzei. (d) TOSFOS argues with Rashi and says that Bedikas Chametz is *not* done in order to prevent one from transgressing Bal Yera'eh and Bal Yimatzei; for that, Bitul suffices. Rather, the Bedikah is done only so that one should not find any Chametz on Pesach and *eat* it. Thus, the Bitul and the Bedikah serve two different purposes -- the Bitul prevents one from transgressing Bal Yera'eh and Bal Yimatzei, and the Bedikah prevents one from eating any Chametz that he might find on Pesach. The Acharonim point out that Rashi and Tosfos seem to disagree regarding a fundamental understanding of how Bitul works. Tosfos did not suggest the answers that the Ran and others give for Rashi, because he understood that Bitul is a type of Kinyan, i.e. through Bitul one makes the Chametz ownerless (Hefker). Therefore, Tosfos learned that it is impossible to be concerned that after one does Bitul he might find Chametz on Pesach, wait some time before destroying it, and thereby transgress Bal Yera'eh and Bal Yimatzei ((b), above). Even if he does wait and does not burn it immediately, it is Hefker, because his Bitul effected an actual Kinyan making it as such. The person does not acquire the Chametz again by merely looking at it and *wanting* it. Similarly, if one proclaims verbally his Bitul, but does not have his heart in it, the Chametz nevertheless becomes irrevocably Hefker (as opposed to the logic mentioned in (c), above). It is the proclamation that matters when making a Kinyan, and not the mindset (Gitin 38a). Rashi, though, perhaps understood the mechanism of Bitul as the Ran explains it: Bitul is not a Kinyan, but it is a frame of mind whereby one shows that he does not want the Chametz. That frame of mind knocks the Chametz out of his ownership, as it were. (Although normally, it is not possible to knock something out of one's ownership without a real Kinyan, when it comes to Chametz on Pesach the Chachamim said that since it is already out of his domain partially as a result of being Asur b'Hana'ah (forbidden by the Torah to derive benefit from it), if one simply has a frame of mind at the time that it becomes Asur b'Hana'ah that it is not considered of value to him, it leaves his possession entirely. Since Bitul is not a Kinyan but a frame of mind, it is a constant process - one must constantly have in mind that he does not want the Chametz. Therefore, if -- during Pesach -- he changes his mind and decides that he wants the Chametz, then the Torah makes it his again, because it was never absolutely Hefker (since there was no real Kinyan, just a frame of mind). Similarly, if one did not do Bitul with full intention to make the Chametz ownerless, since he did not have the proper frame of mind that the Chametz is worthless, it remains in his domain.

Pesachim 3 CONCISE AND CLEAN QUESTION: The Gemara teaches that a person should speak with a refined speech. That is why the Mishnah says that Bedikah is done "Or l'Arba'ah Asar" rather than "Leilei Arba'ah Asar," and also why the Torah says in a few places "Lo Tahor" instead of "Tamei." Why did the Tana use the word "Or" to mean night specifically in our Mishnah, when there are many other Mishnayot that use "Leil"? In addition, why do some verses in the Torah say "Lo Tahor" while others say "Tamei"? (RASHI, DH Asher Einehah, explains that the Torah changed the word to a more refined phrase in only a few places in order to teach the lesson of speaking with a refined speech. Still, why were these verses in particular chosen to teach this lesson?) ANSWERS: (a) The BA'AL HA'ME'OR explains that it is only these verses that needed to say "Lo Tahor." It is necessary for the Torah to use the word "Tamei" when it is teaching the Halachos of Tum'ah in order to tell us *why* we should keep away from it. For example, the Torah must say that someone who touches a particular object cannot go into the Beis ha'Mikdash *because* the object is Tamei. It is the Tum'ah of the object which distances a person who touches it from places of outstanding holiness. However, when the verse discusses the animals that Noah took into the ark at the time of the flood and says that he took two pairs of both Tahor and Tamei types of animals, the fact that the animals were Tamei is not important to us, because the Torah there is not giving us a reason to keep away from them; rather, it is just categorizing the animals. When the Torah categorizes them, it prefers to use the more refined wording (Lo Tahor) in order to avoid using a word that has a negative implication. As far as why this Mishnah in particular says "Or," the Ba'al ha'Me'or echoes the words of the RAMBAM (Perush ha'Mishnayot) here who says that this Mishnah says "Or" because it is the first word of the Masechta, and it wanted to start the Masechta with a word that has positive connotations, and not with a word that could have a negative quality, such as "night." Normally, when not beginning a Maseches, the Mishnah uses the simpler word, "Leil." Since the Beraisa of d'Vei Shmuel (which does say "Leil" Arba'ah Asar) is not the beginning of his teachings, there was no need for him to say "Or." (b) The RA'AVAD asks that there are a lot of other Mishnayot that use the word "Or" even though they are not at the beginning of a Maseches or chapter. He therefore disagrees with the Me'or on this count. Instead, he explains that "Or l'Arba'ah Asar" as opposed to "Leil Arba'ah Asar" means the *very beginning* of the evening. It refers to the moments immediately after sunset, when there is still some light in the sky from the day, in contrast to when the sky is entirely dark. Since Bedikah must be done at the beginning of the night, as the Gemara (4a) teaches, the Mishnah says "Or l'Arba'ah Asar" -- at the beginning of the night of the fourteenth. (The Beraisa of d'Vei Shmuel was intended to explain the word "Or" in the Mishnah, and that is why it had to say "Leil.") In all of the other Mishnayot which use the word "Or" (as cited in our Gemara, 3a), the Mishnah is also referring to the beginning of the night. The intention of the Mishnah in all of those cases is that *even* the beginning of the night is not considered part of the previous day, but it is considered part of the coming day.

Pesachim 3b THE GENTILE WHO ATE FROM THE KORBAN PESACH QUESTION: The Gemara tells us that when Rabbi Yehudah ben Beseira's plan revealed to the people in Yerushalayim that one of the people partaking in the Korban Pesach was actually a gentile, they killed him. While it is true that they should not have given him any more meat of the Korban Pesach since he was a gentile (the Torah prohibits feeding a gentile from the Korban Pesach, Shmos 12:43), it is not clear why they killed him. What did he do to deserve death? ANSWERS: (a) The MINCHAS CHINUCH (14:2) and the TZELACH (73a) cite the opinion of the RAMBAM (Sefer ha'Mitzvos, Lav #126, and the S'MAG) that the prohibition which says that a gentile may not eat of the Korban Pesach applies to the gentile *himself*. It is not merely an exhortation to the Jews not to *feed* the meat to a gentile; rather a gentile is commanded not to eat from the Korban Pesach. Since a gentile is killed for transgressing any of the Mitzvos which apply to the B'nei Noach ("Azharanan Zo Hi Misasan," Sanhedrin 57a), transgressing the Mitzvah not to eat from the Korban Pesach also carries with it a Chiyuv Misah. The TOSFOS HA'ROSH (Yevamos 71a) in fact mentions this possibility, but he questions it, because this prohibition is never counted as one of the Noachide Laws. Rather, it is more logical to assume that the Jew is commanded not to feed the meat

of the Korban to a gentile, and that is indeed how the RAMBAM rules in Mishnah Torah. (This is how the Mitzvah appears even in the Sefer ha'Mitzvos, according to Hagoan Rav Chaim Heller's Hebrew translation from the original Arabic). (b) The Acharonim suggest another reason why the gentile in this case was killed. The MINCHAS CHINUCH (loc cit.) points out that according to Rashi in Kidushin 52b, even when a non-Kohen eats from a Korban, he receives his portion from "Shulchan Gavoha" - as a gift from the table of Hashem, as it were. That is, the meat of a Korban is not his actual property; it is "Hekdesh" which is granted to him for the sole purpose of eating as a Korban. Therefore, if a gentile ate the meat of a Korban which he was not allowed to eat, he is stealing from Gavoha, and a gentile is killed for stealing even as little as a Perutah's worth. (c) The KOVETZ SHI'URIM and D'VAR SHMUEL point out that even according to Tosfos -- who argues and says that when a Jew who is not a Kohen eats from a Korban, he is *not* eating from Shulchan Gavoha but from his private property - the gentile is still guilty of stealing, not from Hekdesh but from other Jews who were entitled to it. Even though Rashi in our Sugya says that the gentile that ate the Pesach paid the Jews' for his portion of the Pesach (DH Rabbi Yehudah), nevertheless, had the Jews known that he was a gentile they would not have sold the meat to him. Therefore, the transaction was erroneous (a Mekach Ta'us), and intentionally fooling the seller is a type of theft. (d) Another possibility is suggested by the author of CHADASHIM VGAM YESHANIM. The RAMBAN (Bereishis 3:13) explains that the Nachash was punished for *causing* Adam and Chavah to sin*. Even though the Nachash itself did not sin any more than any of the other animals, since he caused Adam and Chavah to sin, he was punished more than any of the other animals. We see that even before the Torah was given, it was certainly prohibited to cause someone to sin. If so, a gentile is also to be punished for causing Jews to sin (such as by fooling them into feeding a non-Jew from the Korban Pesach), and perhaps he is killed for such an offence. (e) The MINCHAS CHINUCH further suggests that perhaps they killed the gentile the same way that the sons of Yakov killed the residents of the city of Shechem. The RAMBAN (Bereishis 33:13) says that the sons of Yakov were permitted to kill the residents of Shechem even though they did not commit any specific crime at the time for which they were worthy of death. Rather, they were Chayav Misah for many past transgressions. Here, too, when the Jews found out that this person was a gentile, they investigated and discovered that in the past he had committed sins for which a gentile is Chayav Misah, and that is why they killed him.

Pesachim 4 1) BAL YERA'EH AND BAL YIMATZEI BEFORE PESACH OPINIONS: RASHI (DH Bein l'Rebbi Meir) says that the Isurim of Bal Yera'eh and Bal Yimatzei apply beginning from the end of the sixth hour of the day before Pesach. Actually, the question of whether Bal Yera'eh and Bal Yimatzei apply before Pesach is a subject of dispute among the Rishonim. (a) According to RASHI (here and in Bava Kama 29b, DH m'Sheish), the RAMBAM (Hilchos Chametz u'Matzah 3:8) and SEFER HACHINUCH (end of Mitzvah #9), the Isurim of Bal Yera'eh and Bal Yimatzei apply even before Pesach begins, from the sixth hour. A person not only transgresses the Mitzvas Aseh of "Tashbisu" ("destroy Chametz from your houses"), but he also transgresses the Lo Ta'aseh of Bal Yera'eh and Bal Yimatzei for owning Chametz after that hour. This is also the implication of the Yerushalmi (Pesachim 5:4), as the MINCHAS CHINUCH points out (11:1) (b) However, the RA'AVAD (Hilchos Chametz u'Matzah 3:8) says that the Isurim of Bal Yera'eh and Bal Yimatzei do not apply until the Yom Tov starts. All the verses that mention Bal Yera'eh and Bal Yimatzei say "Shiv'as Yamim" ("seven days"), referring only to the actual days of the festival of Pesach, and not to the day before Pesach. (TOSFOS YOM TOV (5:4) points out that from Rashi later on in Pesachim (63a, DH Chayav) it would seem that Rashi himself is switching sides and taking the side of the Ra'avad, that a person does not transgress Bal Yera'eh and Bal Yimatzei until Pesach actually starts, in contrast to what he says here.)

5b 1) DETERMINING WHETHER A "MELACHAH" IS AN "AV" OR A "LAV" QUESTION: The Gemara learns from the wording of Rabbi Akiva that "Hav'arah l'Chalek Yatzas," that is, the Torah specifically mentioned the Isur of kindling a flame on Shabbos to teach that just as one is Chayav Kares and Chatas for doing the single Melachah of Hav'arah, so, too, one is Chayav for doing any one of the 39 Melachos (as opposed to being Chayav only when one has done all 39). He argues with Rabbi Yosi who says that "Hav'arah l'Lav Yatzas," that is, the Isur of kindling was mentioned separately because it is only a Lav and not a Chiyuv Kares. How does the Gemara see that from Rabbi Akiva's words? ANSWERS: (a) RASHI explains that since Rabbi Akiva calls Hav'arah an "Av Melachah" and not an "Isur Lav," it must be that it is an Av Melachah like any other and is a Chiyuv Kares. (b) The RIVA, cited by TOSFOS (DH l'Chalek), explains that if Rabbi Akiva was of the opinion that Hav'arah was only a Lav on Shabbos, then on Yom Tov (such as Pesach, the subject of our Gemara) it would not be forbidden at all to light a fire. The reason for this is because the Torah only warns us not to do "Melachah" on Yom Tov. What is defined as Melachah? Melachah, explains Riva, is an act for which a person is Chayav Kares if done on Shabbos. An act which is only an Isur Lav on Shabbos is not considered a Melachah, and therefore it would not be forbidden at all on Yom Tov. An interesting implication of the argument between Rashi and the Riva is the Halachah of Shevisas Behemah (Mechamer) and Shevisas Avadim on Yom Tov. On Shabbos, the obligation to let one's animal rest on Shabbos is only an Aseh, and the prohibition against making one's servant or animal work on Shabbos is a Lo Ta'aseh, but not a Chiyuv Kares. On Yom Tov, then, what is the Halachah? (a) The BEIS YOSEF (OC 246) infers from the words of RAV HAI GA'ON that there is no Isur of Shevisas Behemah on Yom Tov, and the REMA rules like that as well (OC 246:3). (b) However, the Beis Yosef elsewhere (OC 495) questions Rav Hai Ga'on's opinion, asking how it can be that there is no Isur of Shevisas Behemah on Yom Tov. Why should it be different from any other Melachah that is prohibited on Shabbos? Even though the Torah does not specifically prohibit Mechamer on Yom Tov, all of the other Melachos were also not specifically prohibited on Yom Tov but they nevertheless apply! In fact, the RIF and ROSH (Beitzah 36b) clearly rule that Shevisas Behemah and Mechamer *do* apply even on Yom Tov. The argument seems to depend on the argument between Rashi and the Riva. According to Rashi, even something which is only a Lo Ta'aseh on Shabbos (like Hav'arah) would be forbidden on Yom Tov, even though it cannot be called an Av Melachah. Accordingly, Rashi would agree with the Rif and the Rosh. However, Rav Hai Ga'on, who says that Mechamer does not apply on Yom Tov, might rule like the Riva who says that anything which is only forbidden because of a Lav is not called a Melachah and would not be forbidden on Yom Tov at all. (Even according to the Riva, though, there exists an Isur d'Rabanan of Shevisas Behemah on Yom Tov, as the Magen Avraham in OC 246:3 points out, because making one's animal work is an Uvda d'Chol,

a weekday activity.)

2) HALACHAH: LEGAL RESPONSIBILITY FOR CHAMETZ OPINIONS: The Gemara says that if a Jew accepts responsibility for Chametz entrusted to him by a gentile, he is obligated to get rid of it before Pesach. Even though he does not own the Chametz, the fact that he is responsible for it makes it as if he owns it and he will transgress Bal Yera'eh and Bal Yimatzei if it stays in his property over Pesach. What extent of responsibility ("Kabalas Acharayus") for Chametz that is in one's possession must one accept in order to be responsible to destroy it before Pesach? (a)

The BEHAG (cited by the ROSH) says that even one who is a Shomer Chinam, who is not responsible for anything that happens to the Chametz (such as theft, loss, and anything beyond his control) except for damage or loss due to his own negligence ("Peshi'ah"), is considered to have enough responsibility that the Chametz is considered to be in his domain and he must get it out of his possession prior to Pesach. (b) The RI (cited by the ROSH; see also TOSFOS in Bava Metzia 82b and in Shavuos 44a) and the RAMBAM (Hilchos Chametz u'Matzah 4:3) rule that in order to be obligated to get rid of a gentile's Chametz which one is entrusted with, one must be responsible for theft and loss as well. This is implied by the Gemara here which says that Rava told the people of Mechuza that they must get rid of the Chametz in their domains because "if it is stolen or lost, you will be responsible for it." A Shomer Chinam, though, will not be obligated to destroy the Chametz he is watching. (c) The RID (in the Shiltei Giborim) and TOSFOS in Shavuos (44a) and in Bava Metzia (82b) infer from Rashi that the obligation to destroy Chametz applies only if one accepted upon himself to be responsible even for any uncontrollable loss or damage that occurs ("Ones"). (d) From the words of RASHI here (6a, DH I'Olam a'Seifa) it seems that only if one is able to *use* the Chametz, does he have sufficient liability to make him obligated to get rid of the Chametz. If he cannot use the Chametz then he is not obligated to get rid of it.

HALACHAH: The SHULCHAN ARUCH (OC 440:1) writes that I'Chatchilah, one should be stringent like the Behag and even if one is a Shomer Chinam, he should get rid of it. B'D'eved, if he cannot return the object to the gentile before Pesach, he does not have to destroy it, but he may rely on the second opinion; since he did not accept liability for theft and loss he does not have to destroy it.

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