

INTERNET PARSHA SHEET
ON MISHPATIM - 5759

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B'S'D'

individual often feels that he or she does not make a difference and consequently makes no attempts at civic participation. Such feelings are detrimental to the group as a whole, for it loses the opportunity to benefit from the strengths and talents of all. The Torah, therefore, requires kofer when counting the people--as an antidote to indifference. The payment is uniform, a half-shekel each, to indicate the equal significance of each. One who pays kofer for his ox's attack will certainly take steps to prevent his animals from running wild. His concern for the public welfare will certainly intensify. But will the same hold true for the Jew who pays his annual half-shekel to the public coffer. Will that simple act foster feelings of concern for the nation? Moshe Rabbenu may have been troubled by precisely this question. Our rabbis relate, in the Jerusalem Talmud, that Moshe had difficulty envisioning the proper coin to be used for machatzis hashsekel, so G-d showed him the fiery image of the coin. Did Moshe really have trouble picturing the coin? And if so, couldn't G-d simply give such a coin to Moshe? Perhaps Moshe was not troubled so much by the physical specifications of the coin, but by its effectiveness in fostering feelings of significance and concern in those who gave it. Moshe was perhaps skeptical as to the value of this coin. Could it dispel indifference? Could it inspire caring? Moshe was then shown a coin of fire. This demonstration told him that this simple coin did in fact contain the dramatic power to influence people. The combined strength of all Jews, coming together from far and wide, uniting in the service of G-d, has an influence far beyond that which we might expect. Rabbi Kenneth Auman Rabbi Auman is rabbi of the Young Israel of Flatbush, in Brooklyn, New York. Torah Insights is brought to you every week as a service of the Department of Jewish Education of the Orthodox Union. _ 1999 - 5759 All Rights Reserved. Union of Orthodox Jewish Congregations of America

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Parashat Mishpatim-Parashat Shekalim February 13, 1999
Rabbi Kenneth Auman

Parshas Mishpatim and Parshas Shekalim are frequently read on the same Shabbos, and though this may seem to be a random act of the Jewish calendar, a common thread does in fact connect these two Torah readings--money. Parshas Mishpatim deals with all sorts of monetary issues and is the source for much of Jewish jurisprudence. Parshas Shekalim deals with money as well--the half-shekel given yearly by every Jew for the census and for joint participation in the communal sacrifices brought in the Holy Temple. There is a contrast between these two Torah readings, as well. Whereas Mishpatim deals with money as a source of conflict, and provides methods for resolution, Shekalim deals with money as a unifying factor, a means to allow each individual to be part of the community. The two readings therefore complement each other; money can be divisive, "the root of all evil," or it can draw people together for great and holy purposes.

Despite this contrast, we do find one aspect of money common to both Mishpatim and Shekalim: money as kofer, atonement. In Mishpatim, we read of an ox with a history of goring that kills a human being. "The ox shall be stoned, and also its owner shall be put to death." However, the parshah continues, the owner can redeem himself through the payment of kofer, an atonement. "If an atonement is imposed upon him, he must give for the redemption of his soul whatever is imposed upon him." In Shekalim, too, the Torah calls the half-shekel, kofer. "When you take the count of the children of Israel according to their numbers, each will give to G-d an atonement for his soul." Yet, there remain two basic differences between the kofer of Mishpatim and the kofer of Shekalim. First, the kofer of Mishpatim comes to atone for an act of negligence, while the kofer of Shekalim is incumbent upon everyone regardless of circumstance. Second, the kofer of Mishpatim is not a fixed amount, while the kofer of Shekalim is.

Are these two completely different forms of kofer or are the two more similar than they appear to be? Mishpatim defines for us the essence of Kofer: an individual was negligent--so negligent that a life was lost. And the negligence stemmed from indifference. The ox's owner knew that his animal had a history of destruction, yet he remained indifferent to the threat. He must atone for his sin through kofer. The kofer of Shekalim, too, addresses this threat of indifference. People often feel insignificant when they consider themselves within the context of the larger group. And feelings of insignificance can quickly lead to feelings of indifference. The

where our future lies. The Medrash relates that the coin of Avraham Avinu had an old couple on one side and a young boy and girl on the other side. These are the components of the Jewish people. It is made up of two contingents -- the tradition from the past, represented by our elders, and the importance of the future, represented by our youth.

Transcribed by David Twersky; Seattle, Washington twerskyd@aol.com Technical Assistance by Dovid Hoffman; Yerushalayim dhoffman@torah.org Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 for further information. Now Available: Mesorah / Artscroll has recently published a collection of Rabbi Frand's essays. The book is entitled: Rabbi Yissocher Frand: In Print RavFrand, Copyright (c) 1999 by Rabbi Y. Frand and Project Genesis, Inc. 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

* TORAH WEEKLY * Highlights of the Weekly Torah Portion Parshas Mishpatim <http://www.ohr.org.il/tw/5759/shmos/Mishpati.htm>

Surface Tension "We will do and we will obey." (24:7) The Midrash tells us that before the Jewish People accepted the Torah, G-d offered it to all the other nations one by one and they rejected it. He offered it to the nation of Esav. Esav asked what was in it. G-d said "You mustn't kill." "We live by our sword" was their reply. G-d offered it to Yishmael. They too asked G-d what was in it. "Don't commit adultery." So Yishmael also turned it down. It wasn't congruent with their lifestyle. Finally G-d offered the Torah to the Jewish People and they said "We'll do and we'll hear." There's something about this Midrash that is hard to understand: All those nations who then rejected the Torah now have laws against killing and adultery. If they themselves incorporated these laws into their legal systems, why was the Torah so difficult for them to accept? Seemingly, the Torah required no more of them than that to which they subsequently committed themselves. The Talmud tells us that when we embarrass someone, it's as though we killed him. This is evidenced by the blood draining from his face. We are also taught that gazing at the opposite gender is considered an act of indecency. Behind the surface of each commandment, there is a subtlety and depth which requires a great deal of a person. The Torah is not just a dry legal system, it's the handbook of holiness. That's what these nations couldn't accept. When they realized that the Torah connoted infinitely more than its surface appearance, they instantly demurred. Source: Rabbi Reuven Buckler in the name of Rabbi Yaakov Yitzchak Ruderman

Haftorah: Melachim II Ch. 11 Parshas Shekalim In the months of Shevat, Adar and Nissan, we read four special passages of the Torah. Each is accompanied by its own special Haftorah. The Torah portions are to help us prepare for Purim and ultimately for Pesach. The four passages are: Parshas Shekalim which deals with the collection of the compulsory half-shekel for offerings in the Beis Hamikdash; Parshas Zachor, to remember the mitzvah of eradicating the memory of Amalek, who attacked the Jewish People after the Exodus from Egypt; Parshas Parah, which details the laws of how a person can cleanse himself from the spiritual impurity that results from contact with the dead; and finally, Parshas HaChodesh, the mitzvah of the sanctification of the new moon and the Pesach offering.

Light Weights The Midrash (Eliyahu Rabba) tells us that Hashem knew that in the month of Adar, Haman would offer Achashverosh, king of Persia, 10,000 kikar of silver if he would agree to the genocide of the Jewish People. Thus, in "anticipation" of Haman's plan, Hashem gave the Jewish People the merit of the mitzvah of the half-shekel donation to the Beis Hamikdash a thousand years before Haman's plot. It was this half-shekel, given in the service of the Creator, which outweighed all of Haman's 10,000 kikar of silver, and led to the salvation of the Jewish People in the time of Purim.

Halfness and Wholeness Why was it that specifically a half-shekel was given, and not a whole shekel? A Jew must understand that alone he is only half the picture. Without his attachment to the community, he can never reach a state of completeness. For Hashem has established His relationship between Himself and His people. A Jew has to look at himself as a "half-shekel." He only becomes whole when he links himself to the

body of the Jewish People.

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"jr@sco.COM "mj-ravtorah@shamash.org" mishpatim.97 Shiur HaRav Soloveichik ZT"L on Parshas Mishpatim (shiur date: 2/22/77) In Parshas Mishpatim, Hashem tells Moshe that He will send a Malach to accompany Bnay Yisrael and warns him that Bnay Yisrael should not sin Ki Shemi Bkirbo. In Parshas Ki Tisa after the sin of the golden calf, Hashem again tells Moshe that He will send an angel to lead them through the desert. This time Moshe asks that Hashem not send an angel but instead Hashem Himself should lead them to Eretz Yisrael (see Rashi). Rashi says that in Parshas Mishpatim, Moshe was told that eventually Bnay Yisrael will sin and that will lead to Hashem sending a Malach to lead them instead of Hashem Himself. Why didn't Moshe protest in Parshas Mishpatim and request that Hashem lead them Himself and not send a Malach, similar to the way he requested in Parshas Ki Tisa? The Ramban says that the word Malach has 2 meanings. Sometimes it refers to an angel or a messenger of Hashem. Other times it refers to Hashem Himself. For instance, when Yaakov blessed Efrayim and Menashe he (the Vilna Gaon among others) one may not pray to a Malach and according to the Rambam (Peirush Hamishnayos Sanhedrin) one may not ask that a Malach act as an intermediary to bring a person's prayer before Hashem. (According to these opinions, one should not recite the paragraphs at the end of Selichos of Machnisei Rachamim, as it requests a Malach to intercede on our behalf. A fundamental of Judaism is that man prays directly to Hashem with no intermediary.) How did Yaakov ask that a Malach bless the children. After all, this is a prayer and how did Yaakov pray to a Malach? According to the Ramban Malach here refers to Hashem Himself. Yaakov describes Hashem as a Malach because that is the way He appeared to Yaakov. Another example is the conversation between Yaakov and the Malach where he is told to return to Eretz Yisrael. Clearly this is referring to Hashem. Also we find that Avraham prayed that Eliezer be successful journey in his journey to find a suitable wife for Yitzchak. Avraham prayed that Hashem should send His Malach to guide him on the successful path where Malach means Hashem Himself. Also when Hashem appeared to Moshe through the burning bush, Hashem saw that Moshe strayed to see the miraculous event and called to Moshe. The Torah refers to Hashem as Malach. All these cases refer to Hashem Himself in terms of Malach. We see from other sources as well that Hashem appears to people in different forms in different situations. The Midrash says that Hashem appeared as a mighty warrior prior to the splitting of the Red Sea. Yet He appeared as an elderly, kind teacher of children at Mount Sinai when He gave Bnay Yisrael the Torah. We find in the Shir Hakavod that people view Hashem in many different ways yet he can not be grasped nor comprehended by our limited minds. In Parshas Mishpatim the Torah refers to Hashem Himself as leading Bnay Yisrael through the appearance of a Malach. In Parshas Mishpatim, Hashem tells Moshe that Bnay Yisrael must listen to the Malach because Shemi Bkirbo. One must listen to Hashem, one may not listen to a Malach. Just as Yaakov told Yosef that in his dream Hashem appeared to him as HaMalach Hagoel, the Malach in Parshas Mishpatim refers to Hashem as well. In Parshas Mishpatim before the sin of the golden calf, Hashem was to accompany Bnay Yisrael to Eretz Yisrael, as it says Ki Shemi Bkirbo, clearly referring to Hashem Himself. Moshe had no reason to protest. However, in Parshas Ki Tisa after the sin of the golden calf, Hashem tells Moshe that now He will send a real Malach to lead them. Now Moshe protests and asks Hashem to reconsider, because Moshe is afraid to lose the Giluy Shechina that distinguishes Bnay Yisrael from all other nations. (also, according to some, after Kabbalas Hatorah, Moshe was at the same level as the Malachim and felt that he could play the role of a Malach, so he really wanted Hashem to lead them Himself.) Hashem reconsiders and also grants Moshe the 13 Attributes of Mercy. The Rav added the following: in

Parshas Mishpatim and Parshas Ki Tisa the Torah is referring to a real Malach, an angel. A Malach implies Midas Hadin, the strict adherence to an uncompromising system of justice and punishment. The Torah says Ki Shemi Bkirbo. Rashi quotes the Gemara that Shemi, My Name, refers to the name Metatron, symbolic of strict Midas Hadin. Midas Hachessed and Midas Harachamim are not associated with this specific name of Hashem. Only Hashem has the attributes of Chesed and Rachamim. As we recite on the Yamim Noraim, there is no statute of limitations on Teshuva before Hashem. He waits for the sinner to repent till his last breath. A Malach represents the name of Hashem that is only Midas Hadin, the name that symbolizes Midas Harachamim can only apply to Hashem Himself. In Parshas Mishpatim, Moshe thought that Bnai Yisrael had reached the highest level of spirituality. It was inconceivable at that time that Bnai Yisrael might sin. A people that is incapable of sin can tolerate the strict judgement of uncompromising Midas Hadin. Moshe did not protest because he thought that Bnai Yisrael could easily manage with a Malach, strict Midas Hadin in their midst. However in Parshas Ki Tisa, after the sin of the golden calf, Moshe realized that Bnai Yisrael were indeed capable of sin. When Hashem tells him again that a Malach will accompany them, Moshe now realizes that Bnai Yisrael will not survive if they will be judged by a Malach who knows no Chesed or Rachamim, but operates strictly through Midas Hadin. In Parshas Ki Tisa Moshe protests and Hashem agrees to accompany them Himself. He also gives Moshe the 13 Attributes of Teshuva which are in reality Attributes of mercy that come from Hashem and are accepted only by Hashem, not by a Malach.

This summary is Copyright 1997 by Dr. Israel Rivkin and Josh Rapps, Edison, N.J. These summaries are based on notes taken by Dr. Rivkin at the weekly Moriah Shiur given by Moraynu V'Rabbeinu Harav Yosef Dov Halevi Soloveichik ZTL over many years.

From: yitorah@vjlists.com Subject:NCYI Weekly Divrei Torah - Mishpatim Parshat Mishpatim; Shabbat Shekalim
 Rabbi Michael Broyde Young Israel of Toco Hills, GA
 27 Shevat 5759 February 13, 1999 Daf Yomi: Yoma 40
 THROW AWAY THIS DVAR TORAH?

Modern technology has vastly increased the availability of regularly published Torah periodicals that address timely matters. While in times of old, rabbis certainly published divrai Torah, the costs of printing and distributing these divrai Torah were so high that once a person was given such a work, it tended to stay on that person's bookshelf, to be referred to, learned and examined. Such is no longer the case: many institutions or organizations (including the National Council of Young Israel, which is distributing this dvar Torah) distribute a parshat hashavua sheet every week, with the understanding that many people will not keep these sheets in the library. The critical halachic question is what to do with these weekly divrai Torah after you have read them? Can one throw them out? Must one bury them, as one must a Torah scroll? What is the proper procedure?

This halachic matter is divided into four different categories: (1) There are those divrai Torah sheets that explicitly quote verses of Torah in Hebrew. (2) There are those divrai Torah sheets that explicitly quote verses of Torah in English, and when they encounter the name of G-d, use an English translation of one of the seven un-erasable names. (3) There are those divrai Torah sheets that will quote whole verses of Torah, but when they encounter the name of G-d, they use the term HaShem, or G-d, or L-rd, thus avoiding even properly translating the name of G-d. (4) There are those divrai Torah sheets that address matters of interest to the community without quoting a verse of Torah or mentioning the name of G-d. Each of these four categories have different halachic rules, and different ways to dispose of them.

In the case of a dvar Torah sheet that quotes Torah verses in Hebrew, even if when the name of G-d is used two yuds are substituted and no full verses are thus cited, it is improper to dispose of this dvar Torah sheet in any denigrating manner; Rama and Shach, Yoreh Deah 276:10. If one of the

seven names of G-d is explicitly used in Hebrew, of course it is improper to dispose of these divrai Torah sheets except in a geniza, or perhaps to bury them in an very proper manner. Indeed, as noted by the Talmud (Rosh Hashanah 18a), and quoted by Rama Yoreh Deah 276:13, it is improper even to write the name of G-d in Hebrew on a piece of paper that is normally thrown out. (Shach YD 276 (16) is more lenient on this matter, but even he is uncertain about this leniency, as noted in Nekudat Hakesef (on id.) For more on this see Igrot Moshe YD 2:134-135, and Minchat Yitzchak 1:17-18.

In the case of the English dvar Torah sheets that quote full verses of the Torah in English, and use various translations of the names of G-d that explicitly denote the Divine in English, halacha prohibits one from disposing of these sheets in an irreverent manner, such as simply discarding them in a garbage can full of rubbish; however, they need not be put in a geniza and can be disposed of in some other proper manner, such as burning in a dignified way, or even perhaps bundling them neatly together and putting them in a recycling bin or the like. The reason for this is that when the name of G-d is used in a language other than Hebrew, no technical prohibition against erasing it attaches, but yet it is improper to dispose of this material in an undignified manner. For more on this, see Minchat Yitzchak 1:17:(14). Of course, one cannot take such reading material into a bathroom or the like.

In the case of English divrai Torah that use the term HaShem for G-d, and which do not quote full verses of the Torah even in English, the halacha is even more lenient, and their status is the same as any essay written about any Torah topic which does not mention the name of G-d. In such a case, it is the better practice to dispose of these items in a dignified manner, but there is no requirement that they be placed in a geniza, and may even be disposed of in a paper recycling bin, or perhaps even a dignified manner in a garbage reserved for paper disposal. This is particularly so for modern photo offset material, which is printed by people with no intent that they be holy (even if the writer intended such, the copy machine operator certainly did not), and were intended to be used once or twice and then disposed of. This is quite a bit different than the English translation of a page of the Bible, when it rips out of a Chumash, as that work is intended for permanent use. More generally, it is widely asserted that printed material has a lesser level of sanctity than handwritten material, particularly when the printers are Gentiles. For more on this, see Minchat Yitzchak 1:18 (19-20), and Yabia Omer YD 4:21 (4-6).

A related question is whether one can erase dvar Torah pages when they are posted on the Internet, and you are reading them online. The question is whether directing the browser to the next web page, and thus causing whatever is on your screen to be deleted is called Erasing. The same question is posed when one downloads a dvar Torah, and reads it; can one delete the file from one's hard drive? It would appear to me that both of these activities are permissible to do, as the act of directing one's Internet browser to the next web page is not called erasing that material; such is true, I think, even if the name of G-d, in Hebrew, is actually on the screen. This is even more so true when one is merely overwriting a file. For a related question that elucidates on this principle, see Yabia Omer YD 4:20, and Igrot Moshe YD 1:173.

In Sum: Do not throw out his dvar Torah sheet if you are reading it from a printed flyer. Keep it in your files if the topic interests you. Otherwise politely dispose of it in a dignified place, and not in a garbage. If you are reading it on the world wide web, when you are finished reading it browse on to the next Torah topic, as there is much Torah to learn, and you have finished reading this dvar Halacha!

A project of the National Council of Young Israel 3 West 16th Street, New York, NY 10011 212 929-1525 800 617-NCYI Kenneth Block, Internet Administrator kenblock@youngisrael.org

Halacha Discussion by Rabbi Doniel Neustadt He will bless your bread and your water (23:25) Do not read: 'He will bless'; Read: 'You will bless.'

From here we derive that a blessing is required before eating (Berachos 48b)

Blessings over Breakfast Cereals Before listing some of the popular breakfast cereals and their correct blessings, we must first make an attempt to learn the basic principles governing blessings over cereals. Obviously, it is next to impossible to list all of the cereals on the market today, nor is it possible to predict what combinations cereal makers will come up with in the future. Upon mastering the basic rules, however, the educated reader can present his findings to a rav for a final decision. **Basic rules** Rule 1: Cereals whose basic ingredients include one or more of the five species of grain-wheat, barley, spelt, rye and oats-require the mezonos blessing. If, however, only the bran (outer shell) of the grain is used, the blessing is shehakol(1).

Rule 2: Cereals whose basic ingredient is flour made out of corn, also known as cornmeal, are shehakol(2).

Rule 3: Cereals which are made out of pieces of whole corn are ha-adamah(3). This form of corn is called "milled corn" by the cereal companies. Rule 4: Cereals whose basic ingredient is rice [which was either baked or cooked] are mezonos(4).

Rule 5: When the basic ingredient of a cereal is cornmeal, but a small amount of oat or wheat flour [or both] is added to it, the blessing depends upon the purpose for which the oat or wheat flour is added. If it was added in order to enhance the taste of the corn, then the entire mixture turns into a mezonos, even though the oat or wheat flour is the minority ingredient. If, however, the main purpose of the oat or wheat flour is to add texture and/or to "bind" the mixture, as is frequently the case when wheat starch is added, then the blessing remains shehakol(5).

Rule 6: Milk mixed with cereal does not require its own shehakol, since most people add milk to their cereal to make it more palatable and easier to eat(6). [The small amount of milk that may remain in the bowl after the cereal has been eaten does not require a shehakol(7).] In the atypical case where the milk is not secondary to the cereal but is consumed for its own value, it would require a shehakol(8).

Rule 7: Raisins or bananas added to cereal do not require their own blessing since they are secondary to the cereal(9). When the main intent, however, is for the fruit, a separate blessing should be made over them(10).

Rule 8: When various cereals are eaten together in one bowl and one of the cereals requires a mezonos, then mezonos is said over the entire mixture. No further blessings are required(11). The exception to this rule is when mezonos is made over rice(12). In that case, since the mezonos is not made over one of the five species of grain, everything else in the bowl does not automatically become secondary to it. Unless rice is the majority ingredient, a blessing needs to be made over each item. [For this reason, mezonos made on Crispix will not cover the corn part of that cereal.]

Partial listing NOTE: Cereal manufacturers may-and, according to experts, often do-change ingredients and/or manufacturing processes of their products. One should be aware of the possibility of changes that may affect the kashrus of or blessing made over any product listed below. Several of the cereals listed below may be dairy and not chalav Yisrael. Mezonos: -Apple Jacks-made from corn, wheat and oat flour. -Alpha Bits-made from a combination of whole-grain oat flour and cornmeal. -Cheerios-made from oat flour(13). Includes all varieties. -Cocoa Pebbles-made from rice by a process called oven-puffing. -Fruit Loops-made from corn, wheat and oat flour. -Fruity Pebbles-made from rice by a process called oven-puffing(14). -Grape Nuts-baked as heavy, dense barley bread which is pulverized into cereal(15). -Farina-cooked wheat. -Honey Combs-made from a combination of corn and whole-grain oat flour(16). -Life-made from whole-oat, whole-wheat, corn and rice flour. -Oatmeal-cooked oats. -Oatmeal Crisp-made of oats and wheat. -Raisin Bran-produced from wheat bran plus other parts of the wheat kernel(17). See Rule 7. -Raisin Clusters-made from bran and other parts of the wheat kernel. See Rule 7. -Raisin Nut Bran-wheat bran with other parts of the wheat kernel. See Rule 7. -Rice Chex-made from rice by a process called oven-puffing. -Rice Krispies-made from rice by a process called oven-puffing. -Wheat Chex-wheat-based cereal. -Wheaties-wheat-based cereal. Shehakol: -All Bran-made from the outer shell of the grain (wheat bran) which is not considered to be part of the grain(18). May also contain some cornmeal. There is, however, a product called All Bran Extra Fiber. This product is made from wheat bran and wheat flour. Its blessing is

mezonos. -Captain Crunch-made mainly from cornmeal with a small amount of oat flour for consistency(19). -Cocoa Puffs-made from cornmeal. Some companies(20) add no wheat starch at all, while others(21) add a small amount(22). -Fiber One-made from the outer shell of the grain (wheat bran) which is not considered to be part of the grain(23). May also contain some cornmeal. -French Toast Crunch-a cornmeal cereal. -Kix (all varieties)-made from cornmeal with a small amount of oat flour added for consistency(24).

-Resse's Puffs-made from cornmeal. A small amount of wheat starch is added as a binder. -Trix-made from cornmeal with no oat flour added. A small amount of wheat starch is added as a binder. Ha-adamah: -Corn Chex-Recent research(25) indicates that it is made of whole pieces (milled corn). If so, its blessing is ha-adamah(26). -Corn Flakes-when processed by pressing pieces of cooked corn kernels into flakes, its blessing is ha-adamah(27). When produced from cornmeal, its blessing is shehakol(28). -Frosted Flakes-See Corn Flakes. -Corn Pops-present research(29) indicates that it is made while the corn kernel is still intact-it is merely formed into a new shape. If so, its blessing is ha-adamah(30). -Kashi-puffed wheat which remains whole throughout the puffing process(31). -Wheat Germ-the "embryo" of the kernel. Usually it is only steamed momentarily; it is not cooked(32).

Berachah Acharonah All cereals listed in the ha-adamah and shehakol sections require Borei nefashos afterwards. All cereals listed in the mezonos section which are made out of rice require Borei nefashos afterwards. All cereals listed in the mezonos section which are made mostly from the five species of grain require an Al ha-michyah afterwards. These include: Cheerios, Grape Nuts, Farina, Life, Oatmeal, Oatmeal Crisp, Raisin Bran, Wheat Chex and Wheaties. All cereals listed in the mezonos section which are made from a combination of corn and oats, require Borei nefashos afterwards. This is because Al ha-michyah is said only if one eats at least a k'zayis (1.1 fl. oz.) of grain within a time span of 3-4 minutes. Many cereals listed in that section contain only a small amount of oat flour, which makes it unlikely that a k'zayis of grain will be consumed in that brief period of time. Al ha-michyah should not be said over those cereals, since the other ingredients (sugar, cocoa, etc.) are not included as part of the required k'zayis of grain(33). When a k'zayis of cereal which does not contain a k'zayis of grain is eaten, a Borei nefashos is said(34). Such cereals include: Alpha Bits, Fruit Loops, Honey Combs.

Questionable Cereals: Berachah Rishonah and/or Berachah Acharonah: The following list contains cereals whose blessings remain in doubt. Different opinions among the poskim, and incomplete, inaccurate or constantly changing information all contribute to uncertainty in determining the correct blessing. [It is recommended that the cereals listed below be eaten only during a meal, or with other mezonos cereals (of the five species of grain)(35) whose blessing is not subject to debate; see rule 8 above.]

-Corn Bran-contains mostly corn and corn bran flour with a small amount of oat flour. It is difficult to assess the exact amount and purpose of the oat flour and therefore it is recommended to eat it with other cereals only. If not possible, shehakol should be said. -Crispix-made from equal amounts of rice and milled corn. The correct berachah is problematic since neither ingredient is the majority of one of the five species of grain(36). Some poskim rule that both mezonos (on the darker side) and ha-adamah (on the lighter side) should be recited(37). -Granola-made from rolled oats. Some companies(38) just steam the oats briefly. The blessing on such granola is ha-adamah/ Borei nefashos(39). Other companies(40) cut and bake the oats, and the granola flakes adhere one to another; such granola is mezonos/ Al ha-michyah(41). -Sugar Crisp (Golden Crisp, Sugar Smacks)-made from puffed wheat(42). Many poskim(43) rule that ha-adamah is said, while others(44) maintain that the proper blessing is mezonos. Harav M. Feinstein rules that either blessing may be said(45). The berachah acharonah is Borei nefashos(46), although preferably(47) it should be eaten only during a meal to avoid making a blessing which does not satisfy all opinions.

Footnotes: 1 Igras Moshe E.H. 1:114; Taharas Mayim, pg. 330. 2 Rama O.C. 208:8. 3 Mishnah Berurah 208:37. 4 O.C. 208:7 and Sha'ar ha -Tziyon 31. We must note, however, that other poskim (Shulchan Aruch Harav, pg. 319; Kitzur Shulchan Aruch 52:17) maintain that the proper blessing over rice is questionable and that rice should be eaten only during a meal. When a

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meal is not available, a shehakol is said. There are communities today which follow that ruling. 5 Mishnah Berurah 208:49 and Biur Halachah; Mishnah Berurah 212:1. See Hebrew Notes, pg. 260, for an elaboration. 6 Igros Moshe O.C. 4:43. 7 Mishnah Berurah 168:46. 8 Igros Moshe, O.C. 4:43. If the cereal serves as an inducement to get a child to drink milk, then the milk requires its own blessing (oral ruling by Harav M. Feinstein quoted in Berachos Study Guide, pg. 43). 9 Eishel Avraham 208:2; Biur Halachah 212:1; Mekor ha-Berachah, pg. 65; Vezos ha-Berachah, 4th edition, pg. 92; Kashruth Kurrents (Star K) Winter, 1997. 10 See Igros Moshe O.C. 4:43 (concerning bananas which are found in cereal) and explanation offered by Pischei Halachah, pg. 96. (See also Guide to Practical Halachah, vol. 2, pg. 210, oral ruling from Debreciner Rov). See Hebrew Notes, pg. 265, for clarification of this issue. 11 O.C. 212:1, Mishnah Berurah and Biur Halachah. 12 Mishnah Berurah 207:30. 13 Kevius seudah over Cheerios would require ha-motzi and Birkas ha-Mazon - Harav S.Z. Auerbach (Vesain Berachah, pg. 527). 14 It was reported to me that the main ingredient in Canadian Fruity Pebbles is wheat, not rice. 15 Research and ruling of The Laws of Berachos, pg. 386. 16 The Laws of Berachos, pg. 371; Kashruth Kurrents (Star K), Winter, 1997. 17 According to research done by the Star K, even companies (like Kellogg's) who list only "wheat bran" in the ingredient list, include endosperm in this cereal. Unlike All Bran, the blessing for Raisin Bran is definitely mezonos. 18 Vesain Berachah, pg. 531. 19 Research done by Star K. Although this cereal is marketed as a corn and oat cereal, it is only a marketing ploy to downplay the amount of sugar which is in the cereal. 20 Quaker. 21 General Mills. 22 The Laws of Berachos, pg. 364; Vesain Berachah, pg. 528. 23 The Laws of Berachos, pg. 359; 367. 24 Based on research done by the Orthodox Union and Star K, who have determined that the oat flour serves only as a binder. In the past, some had ruled that the proper blessing was mezonos - see The Laws of Berachos, pg. 371, and Harav Forst's responsum in the Hebrew Notes, pg. 260-263, but it now seems that their ruling was based on erroneous information. 25 By Kashruth Kurrents (Star K), Winter 1997 (Ralston). 26 Previously, it has been reported that this cereal is made of cornmeal. 27 Kellogg's and Post currently use this process. According to experts in the field, this could change at any time and without warning. 28 General Mills (Country, Total) and Kemach currently use this process. If accurate information is not available, ha-adamah should be said (Harav S.Y. Elyashiv quoted in Vezos ha-Berachah, 4th edition, pg. 287). 29 Of Kellogg's (U.S.A.) by Kashruth Kurrents (Star K), Winter 1997. It is certainly possible, however, that other companies produce this kind of cereal from a batter of cornmeal. 30 L'Torah v'Hora'ah (vol. 2) quotes Harav M. Feinstein as ruling that this type of cereal is like popcorn and the proper blessing is ha-adamah. See also The Laws of Berachos, pg. 365. 31 Kashruth Kurrents (Star K), Winter 1997. 32 Igros Moshe O.C. 4:46. Research done by Vezos ha-Berachah, 4th edition, pg. 282 #50; Kashrus Kurrents (Star K), Winter 1997. 33 Harav Y.Z. Soloveitchik (quoted in Teshuvos v'Hanhagos 132); Igros Moshe O.C. 1:71; E.H. 1:114; Divrei Yoel 13; Harav S.Z. Auerbach (quoted in Vesain Berachah, pg. 230); Harav S.Y. Elyashiv and Harav C.P. Scheinberg (quoted in Vezos ha-Berachah, 4th edition, pg. 46); Yalkut Yosef 3:491. See Hebrew Notes, pg. 263, for an explanation as to why the custom (quoted in Mishnah Berurah 208:48 concerning cakes) does not apply here. 34 O.C. 208:9. 35 A mezonos blessing said over rice cereal, however, will not exempt the questionable cereals [see rule 8], unless the rice cereal is the majority cereal. 36 See Rule 8 above. See also The Laws of Berachos, pg. 386. 37 Kashruth Kurrents (Star K), Winter, 1997. 38 Kellogg's. 39 Preferably, steamed grain should be eaten only during a meal to avoid making a questionable berachah. 40 Quaker. 41 Vezos ha-Berachah (4th edition, pg. 103) quoting Harav S.Z. Auerbach and Harav S.Y. Elyashiv. See also Vesain Berachah, pg. 505-506 and The Laws of Berachos pg. 369. In reality, there are many ways to produce granola and each company does it differently. Methods are constantly changing. 42 Recent research shows that the bran and part of the endosperm is removed during the puffing process. Based on Mishnah Berurah 208:15 which says that cooked pearled wheat is mezonos, the proper blessing should be mezonos. Nevertheless, many poskim rule that ha-adamah is said for the following reasons: 1. Puffing is not cooking, since no water is used. 2. Some Rishonim hold that mezonos can be recited only if the kernels adhere to one another. See The Laws of Berachos, pg. 272. 43 Igros Moshe O.C. 4:44; Harav S.Z. Auerbach (Vesain Berachah, pg. 527), Harav S. Y. Elyashiv and Harav C.P. Scheinberg (Vezos ha-Berachah, 4th edition, pg. 101); Ohr l'Tziyon 14:21. 44 Mekor ha-Berachah 54. See, however, Kol ha-Torah, vol. 42, pg. 230, where the author of the Mekor ha-Berachah hesitates about his own ruling; Kashruth Kurrents (Star K), Winter 1997. 45 Igros Moshe O.C. 4:45. 46 Igros Moshe O.C. 4:45-even if mezonos was said as the berachah rishonah. 47 Mishnah Berurah 208:18-according to the interpretation of Harav S.Z. Auerbach (quoted in Birkas ha-Nehenin, pg. 147 and Vezos ha-Berachah, pg. 101).

Peninim Ahl Hatorah-Parshas Mishpatim by Rabbi A. Leib Scheinbaum
Hebrew Academy of Cleveland Yated Feb. 11 1999

"You shall not persecute any widow or orphan. If indeed you do persecute him and if indeed he cries out to Me, I will verily hear his cry." (22:21) The Torah presents to us a sin and its punishment. The sin is apparent: Persecuting the downtrodden, those who have no one else to care for them. The punishment, however, is a bit ambiguous. What really is the punishment for persecuting a widow, orphan or anyone who cannot take care of themselves? The underlying message of this pasuk seems to be that-regardless of the amount of time that elapses-the individual is guaranteed punishment. Hashem clearly states that He will listen and He will repay. That warning should serve as more than a sufficient deterrent for most people. There are individuals who foolishly think that if there is no concrete punishment mentioned in the Torah, then they will attempt to get away with that which is unmentioned. To these shortsighted sinners, Hashem responds,

"Do not worry. I will not ignore the cry of the oppressed. Those who persecute them will surely receive their punishment." We go through life wondering how some people can get away with murder. We see cruelty, oppression, persecution and suffering inflicted upon people, and the perpetrators do not seem to get punished. Chazal teach us in Pirkei Avos 3:16, "The collectors make their rounds constantly every day, and collect payment from the person whether he realizes it or not." This is a reference to punishment. Hashem is the "collector" Who goes around collecting what is owed by people. At times a person is astute enough to realize that his suffering is a form of punishment. There are those, regrettably, who suffer but do not attribute their suffering to Divine retribution. A person's suffering, for the most part, is dictated by his deeds, even though he may have forgotten what he has done. While this may seem to be a generalization, the intention is only to arouse within a person the idea that everything occurs to him for a reason. Also, no one leaves this world with a "balance" of retribution. Years may go by, even generations, but the person who has hurt others will ultimately pay for his evil. It is told that when the Chafetz Chaim was a young man, a widow in his city could not pay her rent. Her landlord attempted to evict her in the dead of winter, but to no avail. So, what did this "paragon" of human decency do? He removed the roof over her head, leaving her exposed to the harsh cold and elements. The townspeople were indignant and up in arms. Even this did not move the landlord. He remained intractable despite public censure, forcing the poor widow out into the cold. The Chafetz Chaim said nothing, but set the incident aside in his memory, waiting to see what punishment the landlord would receive. After all, the Torah says that Hashem will listen to the pleas of the widow. In no way could such an inhuman act take place without severe retribution from Hashem. It took ten years, a period of time during which most people, especially the perpetrator, forgot about the cruel incident, but Hashem did not forget. The landlord was walking outside and was bitten by a mad dog. Before long, he died after intense suffering. Interestingly, most people would never have correlated the two incidents. That is an unfortunate trait of human nature. The Chafetz Chaim's son, Horav Leib, zl, recounts a frightening incident that occurred in Radin, where his father was Rav. It once happened that a butcher, whose son was drafted into the army, kidnapped a yeshivah student whom he placed in his son's stead. The Chafetz Chaim, was greatly disturbed by this dastardly act and remarked, "such a dreadful act cannot go unpunished by Hashem." Thirty years later, when many people had long forgotten the butcher's cruelty, the butchers' son became ill with cholera. He suffered intensely and, before long, he died. The chevrah kaddishah refused to prepare his body for burial, due to the contagious nature of his disease. The elderly father was consequently compelled to bury his son with his own two hands. These two incidents demonstrate the meaning of, "I will verily hear his cry." Hashem listens and He punishes. We have to open our eyes and analyze the course of events that take place, at times even years later, to see the punishment incurred by those who prey on the weak and downtrodden. We find individuals who externally display well-meaning intentions while they destroy the lives of those who interfere with their agenda. They justify their actions, sometimes even receiving legitimacy and recognition by those who seek their favor. They should be aware that they will not escape the punishment they incur for the wrong they have committed. Regardless of their unfounded support, they will ultimately pay for the hurt they have caused.

"And Moshe was on the mountain for forty days and forty nights." (24:18) The Yalkut Shimoni cites a Midrash from which we can derive a valuable lesson. The story is recounted that Rabbi Chiya bar Abba was crying when he heard that Rabbi Yochanan had sold all his possessions in order to be able to study Torah. He was concerned that nothing had been put aside for Rabbi Yochanan's old age, when he would have no source of, or ability to earn, an income. Rabbi Yochanan assuaged Rabbi Chiya by saying that it was well worth it, since he had exchanged earthly possessions-which were created in six days-for Torah which was given in forty days. Simply put, Torah has greater value than anything material. Torah took longer to be "created" than the earth, which took only six days. Let us analyze this

Midrash. Rabbi Chiya cried when he saw the dismal state of Rabbi Yochanan's material life. His financial status and lifestyle obviously left much to be desired. Rabbi Yochanan, on the other hand, did not seem to be concerned. Why? Rabbi Chiya's concerns were realistic. He took one look at his colleague's material conditions, and he began to weep. What was the difference in perspective between these two Torah scholars that engendered two such disparate reactions? Horav Henach Leibowitz, shlita, suggests that Rabbi Yochanan teaches us a profound lesson. Rabbi Chiya was concerned about his colleague's material condition because he viewed it in an inappropriate context. An individual must not observe the material condition exclusive of spiritual circumstances and the success he has attained. It is essential that one look at both conditions simultaneously. If he does not, the picture he will see will be ambiguous and distorted. One must see the spiritual benefits that the individual reaped as a result of his lack of material success. One who waits a long time and searches all over for a very precious jewel will not be concerned with the expense and sacrifice involved in attaining this gem. His only thought is of the treasure he has finally procured.

Rabbi Yochanan told Rabbi Chiya not to be concerned with what he had lost. Instead, when he perceives what he has gained and the loss would pale in insignificance. We should learn to accept life's challenges with joy, by viewing them in the context of the spiritual advantage that we realize.

The Other Side of the Story Giving People the Benefit of the Doubt Based on "The Other Side of the Story" by Mrs. Yehudis Samet, ArtScroll Series This document is available on-line in HTML format at: <http://www.ohr.org.il/judaism/othrside/spec10.htm> ...

Judging favorably is a powerful weapon in the war against anger and evil speech. Take the case of... GRANNY GET YOUR GUN A friend assures me that the following story is true: Recently, a friend of his grandmother, a woman about 65 years old, was out shopping. When she returned to her car there were three men sitting inside it. Being the kind of feisty woman who had a gun for such emergencies, she whipped it out and yelled, "I know how to use it, and I'm quite prepared to. Get out!" The men were petrified and quickly jumped out and ran away. The woman then got into the car, and to her dismay, the key wouldn't fit in the ignition. Wrong car. Oops! Realizing her mistake, she thought she better report what she had done at the Police Station. Which she did. When she told the officer on duty the story, he laughed and pointed at the three still visibly shaken men sitting at the other end of the room. They had just reported being hijacked by an elderly lady. * (Submitted by Peter Fine, South Africa) ... Compiled by Rabbi Reuven Subar General Editor: Rabbi Moshe Newman Production Design: Eli Ballon Prepared by the Jewish Learning Exchange of Ohr Somayach International 22 Shimon Hatzadik Street, POB 18103 Jerusalem 91180, Israel Tel: 972-2-581-0315 Fax: 972-2-581-2890 E-Mail: info@ohr.org.il Home Page: <http://www.ohr.org.il> (C) 1999 Ohr Somayach International - All rights reserved.

Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash Project(vbm) Student Summaries of Sichot Delivered by the Roshei Yeshiva Please say Tehillim for Avrohom Yisroel ben Chaya Bruria.

Parashat Mishpatim Sicha of Harav Yehuda Amital Shlit" a "The Laws of God are True, They are Righteous Together" (Tehillim 19:10) This verse can be understood on several levels. Firstly, a simple explanation: Other nations also have laws and ordinances; this is not a phenomenon unique to Israel. But how are their laws created? A certain problem exists, and a law is legislated in order to solve the problem. Each law responds only to one aspect of human activity, such that contradictions frequently exist between different laws. A law legislated for the good of society may harm the rights of the individual, another legislated for the benefit of a certain city may adversely affect the surrounding cities, or the ecology, etc. Their laws demonstrate no all-encompassing perspective. The Torah, on the other hand, contains no contradictions. It is one complete unit, and its laws bring about "righteousness together" - all of them are just, even when they are all considered together. On another level, Avot de-Rabbi Natan (28:10) teaches: "There is a parable to which this (the relationship between Torah and derekh erez) can be compared: Imagine a highway that passes between two paths, one filled with fire and the other filled with snow. If one travels towards the fire, then he is burnt, and if he travels in the direction of the snow, then he freezes. What should he do? He should travel between them...." The Torah is compared to a path that passes between fire and snow, between olam ha-zeh and olam ha-ba. The proof of the Divine nature of the Torah is that,

as opposed to foreign ideologies, it does not deal solely with spiritual and Godly matters, but rather directs our interpersonal relationships as well - our financial dealings, civil laws etc. This is another aspect of the difference between Torah and other religions and philosophies. Beyond all this, the very laws of the Torah themselves cannot be understood when they are each taken in isolation - this causes them to be perverted and misunderstood. On one hand, the Torah speaks of mercy: "God is good to all those who call on Him" (Tehillim 145:9), and at the same time, "Happy is he who shall seize and dash thy little ones against the rock" (Tehillim 137:9). These verses need to be reconciled and seen together. Every movement and religion that has made its appearance in the world has chosen some aspect of existence, one ideal, in which it has excelled and which it has demonstrated to the world - kindness, justice, honesty, etc. - but none of them has presented a complete picture. Christianity, the religion of loving kindness which prided itself on the ideal of "turning the other cheek," eventually gave rise to the Crusades, Inquisition, and other movements outstanding in their cruel destruction. When only one aspect is chosen, despite the truth that that aspect may contain, it is by definition partial and incomplete. If, for example, the Torah contained only the mitzva of Shabbat, then it would appear that man was placed in a world whose terms were permanently dictated and determined by God during the six days of creation. The laws of Rosh Chodesh and the festivals come to teach us that "the nation of Israel sanctifies time." According to this understanding, we can also explain the end of the parasha, where the nation declares, "All that God has spoken we shall do and we shall hear (na'aseh ve-nishma)" (24:7). Chazal, as we know, interpreted this as a favorable reflection on the nation, in that they agreed to fulfill God's commandments before they had heard exactly what was required of them; Chazal took "nishma" literally - namely, physical hearing. This is also apparent from the gemara (Shabbat 88a) which quotes a Sadducee as saying to Rabba: "Hasty people! Your mouths preceded your ears (i.e. you spoke before listening)". However, the "hearing" here seems also to imply understanding (as in "Shema Yisra'el" - don't just hear, but understand that God is one). At first Moshe tells the nation "all of God's words and all the laws" - the seven Noachide laws, Shabbat, honoring parents, the law of the red heifer, and civil laws, which were given (according to Rashi) at Mara, before they arrived at Har Sinai. Therefore they answered, "All the words which God has spoken we shall do" (24:3) - as we have been commanded. Further on, God makes the covenant with them, and at that point they say "naaseh ve-nishma" (24:7). "Na'aseh" - we shall do that which we have already been commanded, "ve-nishma" - the rest of the mitzvot, and only then will we truly understand that which we have received now. Only when considering all the laws together would they be able to understand the meaning and significance of any individual law. It is to the credit of the nation that they promised to fulfill the laws even though they had only heard part of the mitzvot. Our parasha begins, "And these (ve-eleh) are the laws...". Rashi explains that the letter "vav" in "ve-eleh" indicates an addition to the previous [laws] - just as those were given at Sinai, so were these. This poses a problem, for we find an explanation by Chazal in Parashat Behar that states, "Just as the general and specific rules of shemitta were given at Sinai, so too were all the mitzvot given at Sinai." If this is so, what is special about Parashat Mishpatim? Weren't all the laws given at Sinai? Rabbi Eliyahu Mizrahi in his work on Rashi explains that Parashat Mishpatim was transmitted to the nation at Sinai with thunder and lightning, in the same way that the Ten Commandments were, and this is what the quotation from Parashat Behar is referring to. The rest of the mitzvot were given to Moshe alone during the forty days that he spent atop the mountain. The Maharal in his "Gur Aryeh" disagrees, and explains that all the mitzvot were indeed given at Sinai, but there are some mitzvot which represent the crux of Torah, while the other mitzvot come to support and reinforce them. "And this is because God's Torah is perfect - its commandments cannot be separated from one another, and therefore they were all said together at Sinai, because God gave the Torah in its entirety at

Sinai." A common mistake is the assumption that it is possible to formulate an Israeli legal system by taking the legal system from the time of the Mandate and simply adding a couple of Torah laws to it. It is not possible, for the laws of the Torah cannot be properly carried out unless the entire system is changed. Hence Halakha forbids going to a non-Jewish court, even if the plaintiff or defendant concerned knows that he will be judged according to Jewish law, for it is written, "And these are the laws which you shall place before them" - and not before non-Jews. The moment this mitzva is isolated from the rest of the Torah, it is no longer the same mitzva. Only through the Torah of Israel are "the laws of Hashem true; they are righteous TOGETHER!" (Originally delivered at Seuda Shelishit, Shabbat Parashat Mishpatim 5746. Translated by Kaeren Fish.) Copyright (c) 1998 Yeshivat Har Etzion. All rights reserved.

Yakov ben Ayala Hinda, Ilana Golda bas Chana and Klarees Marcia bas Mammie
38b- THE TALENT OF BEN KAMTZAR QUESTION: The Mishnah relates that Ben Kamtzar was able to write four letters at one time by placing four quills between his fingers. In this way he wrote the four letters of the Name of Hashem at one time.

What was so great about this feat? The letters of the Name of Hashem must be written in order! They may not be written in backwards order, and presumably they may not be written either all at one time. ANSWER: TESHUVOS MAS'AS BINYAMIN (Rav Binyamin Aharon Selnik of Cracow, 1633) writes that we see from here that printing, or stamping, the Name of Hashem in such a way that all of the letters are written at one time is not considered writing the Shem Hashem out of order. Only writing them back wards is considered out of order. Therefore, he concludes that it is permitted to write a Sefer Torah with a printing press, as long as one is verbally Mekadesh the Shem before imprinting it on the parchment with the press (by saying, "I'Shem Kedushas Hashem"). Furthermore, Sefarim that are printed have the same Kedushah as a Sefer Torah. (The Halachah does not follow his opinion.) (See MAHARATZ CHIYUS, who suggests that Ben Kamtzar developed some sort of rudimentary printing press which enabled him to write many letters at one time.)

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Aim at the Name "The memory of a righteous man is blessed and the name of the wicked shall rot." (Mishlei 10:7) This delineation of King Solomon is applied in the mishna to those who made important contributions to the dignity of the Beis Hamikdash in contrast to those whose selfishness detracted from it. Maharsha calls attention to the fact that Solomon, in his divinely inspired words, did not contrast the blessing for the righteous with a curse for the wicked. This is because our attitude to sinners is to hope and pray for them to improve their ways. When Rabbi Meir considered praying for the destruction of some troublesome sinners in his neighborhood, his wife, Beruria, suggested that he pray instead for them to repent. "Let sin be eliminated from the earth," is what King David meant (Tehillim 104:35), not that "sinners be eliminated." To prove her point she cited the continuation of that passage, "and there will be no more wicked ones." Once they have repented, their wickedness will cease to exist. Rabbi Meir followed her advice and they did indeed improve their ways (Berachos 10a). In the same spirit, explains Maharsha, we actively bless the deeds and memory of the righteous so that others will learn from their example. But in regard to the wicked we do not pray that they be cursed, but rather that the name "sinner" which they have earned decay and disintegrate as a result of their repentance. It is not the sinner's elimination that we hope for but for the elimination of sin, not his disappearance but the disintegration of the name he has acquired. * Yoma 39b

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THE DAFYOMI DISCUSSION LIST brought to you by Kollel Iyun Hadaf of Yerushalayim
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Yoma 033a: Reciting Abaye's Seder ha'Ma'arachah in our daily Tefilah
Steven Brizel <zelligaw@aol.com> asked: In our tefilos, we say the seder of the avodah according to Abayye. If the purpose is a kiyum in talmud Torah, that's understandable. However, isn't the maskana of the sugya here not like Abbaye?

The Kollel replies: (a) It is not clear from the Gemara what the Halachah is. Your question is correct, though, because the RAMBAM (Hilchos Temidin u'Musafim 6:3) rules like the Rabanan who say that the Ketores separates between the Hatavah of the five Neros and the Hatavah of the two Neros, which is not like Abaye (and Aba Sha'ul), who puts the Zerikas ha'Dam between the two Hatavos. The BEIS YOSEF (OC 48) asks your question. He answers that perhaps since Abaye said over this Seder of the Ma'arachah, it seems that this is the Halachah (at least according to Abaye), and therefore the Mesaderei ha'Tefilos did not want to change from this order. Perhaps the Beis Yosef means to say that we don't accept the Rambam's ruling, but rather we hold like Abaye who said the order "according to the tradition of the Gemara" (which Rashi explains to mean "the entire Yeshivah* of the Rabanan"). The Rambam himself, by the way, does not mention the Seder ha'Ma'arachah of Abaye in his Seder ha'Tefilah (printed at the end of Sefer Ahavah). (As for why the Rambam himself did not rule like Abaye even though Abaye said his words "Aliba d'Gemara," the PERISHAH (ibid.) writes that perhaps he holds like the ARUCH that "Aliba d'Gemara" does not mean according to all of the Rabanan (as Rashi explains), but that he said it anonymously, that is, without quoting any other source.)

(b) It seems to me that perhaps even according to the Rambam we can securely say the Seder ha'Ma'arachah of Abaye. The TUR (ibid.) explains that the reason we recite the Seder ha'Ma'arachah in our Tefilos is because we are assured that "whenever we are involved in [learning] the Seder ha'Korbanos, Hashem considers it as if we offered Korbanos before Him" (Ta'anis 26b). Accordingly, it suffices to be "involved in learning the Seder" and clarifying it, and we do not have to recite the *exact* Seder of each and every Avodah in order to be considered as if we offered the Korbanos. If so, even if the Halachah is not like Abaye, reciting his Seder is certainly considered "being involved" in clarifying the Seder ha'Avodah. (Since it was Abaye who arranged all of the Avodos in their order one after the other, it is preferable to recite his words than to mention one statement from one place and another statement from someplace else, or to just read the words of the Rambam who came much later than the Abaye.) It is worth noting the words of the MISHNAH BERURAH at the beginning of OC 48, who says that the point of reciting the Seder ha'Korbanos is to *understand* it and to delve into it, and not merely to say it with one's mouth, for it is not a "Tefilah" but rather it is Talmud Torah. M. Kornfeld

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