

Weekly Internet Parsha Sheet Achrei – Kedoshim 5770

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TAXES :: Rabbi Berel Wein

The arrival of the recent tax filing and paying season points out to us the inevitability of this necessary but most unpleasant factor in our lives. As the inheritance tax teaches us, even in the next world there is no escape from the consequences of taxes.

In the Bible we are told of taxes levied by Jewish kings – Solomon, for instance – and non-Jewish kings - Achashveirosh and others. Government services depend on taxes to function. The only issues that remain to be decided are who to tax and how much to tax. There are direct taxes such as on income and more indirect methods of taxation such as the value added tax, customs fees and the like. The bottom line is that government always needs more money and taxes are the way that it can acquire it.

In Talmudic times the Talmud records for us that there were head taxes, real estate taxes, forced billeting of soldiers and customs fees among other forms of government ordered revenue streams. The main method in the ancient world for collecting taxes was through tax farmers – people who paid the government a fixed discounted amount in advance and thus purchased the right to collect the proscribed amount from the individual taxpayers of the community.

These people, the tax farmers, were held in low esteem by the rabbis and the Jewish communities as a whole, for many of them were guilty of extortion, strong arm methods and venal corruption of the worst sort. There is opinion in the Talmud that their testimony was not acceptable in a Jewish court of law and that they were to be socially shunned.

In medieval and even later times, Jews in Europe were invested heavily in being tax farmers for the feudal lords that controlled the areas of population. Even then the rabbis of the communities had an ambivalent attitude towards them. Jews did not have many great options to earn a living so the tax farmer had to be tolerated - but he certainly was not an object of communal honor or high regard.

The Talmud records for us that the great scholar Rabi Elazar ben Shimon was a tax collector and enforcer for the Roman authorities for a certain period of time in his lifetime. He reported Jewish tax dodgers to the Roman authorities who dealt with them harshly.

When he was reprimanded by his rabbinic colleagues for so doing he justified himself by saying: "I am removing the thorns from the vineyard of Israel!" The rabbis retorted and said: "Let the owner of the vineyard [God] remove the thorns by Himself!"

Hearing the opinion of his colleagues, Rabi Elazar ben Shimon left his post and went into hiding from the Roman authorities until his death. Even after his death his body was hidden for years and not brought to proper burial out of fear of the Roman authorities whose command position he had abandoned. When finally being brought to burial, his body was found not have decayed and was whole except for a worm hole in his ear. This was due to his once having willingly heard a scandalous comment about another Jew.

In the long and painful exile of the Jews over all of its centuries, taxes were one of the means of persecution used against Jews by their bigoted non-Jewish rulers. There were many special decrees from kings and despots, including the Church, forcing Jews to pay onerous taxes that were special to them.

The Jewish law of *dina d'malchuta dina* – the laws of the government are to be obeyed scrupulously - did not apply in this area of discriminatory taxation. Of necessity and survival, Jews used many methods of tax avoidance in those circumstances. This was especially true in the late nineteenth and early twentieth century in the Russian empire of the anti-Jewish czars.

The Czar's decrees were so onerous that the Jews sullenly and sometimes creatively sought a way to avoid them. This created a mindset in Eastern

European Jewish society of the moral legitimacy of cheating the hated government, especially in matters of taxation. This mindset accompanied many Jews to their new countries of residence, even though those new countries did not have laws that clearly discriminated against Jews in any way and certainly not in tax matters.

It has taken a number of generations to uproot this mindset in the vast majority of the Jews of the world. Nevertheless, as recent scandals have shown us, it has not been completely removed from all communities in the Jewish world. No one enjoys paying taxes but the rule of *dina d'malchuta dina* applies completely in our world of today.

Shabat shalom.

Weekly Parsha :: ACHAREI – KEDOSHIM :: Rabbi Berel Wein

The Torah in both of these parshiyot of the week seems to place a great deal of concentration on issues of sexuality and intimacy. Human sexual behavior in the eyes of the Torah forms one of the three bases of civilization and of a human being's relationship to its creator. The Torah views it as a matter of both physical and spiritual life and death.

In a very detailed fashion, the Torah outlines for us the liaisons between humans that are permitted and forbidden. These laws have been the basis of Jewish life and of much of the rest of humankind as well for millennia on end. The world has witnessed great swings in what is accepted as acceptable social and sexual behavior. However the principles of the Torah have remained unchanged, proven safeguards to family and society.

The Torah recognized sexuality as one of the driving forces of human existence. It literally is the primary force of human creativity. Such a powerful force needs to be guided and harnessed for good purposes. Unchecked it can lead to destruction and disaster.

So the Torah regulated it and channeled it into productivity and creativity and away from wanton behavior and disastrous promiscuity. Today's society has set much looser norms in these matters and therefore the entire family structure, which is the backbone of society, is being endangered. The rabbis of the Talmud, foreseeing such a periodic decline in morality and sexual behavior, insisted that these laws be read publicly on Yom Kippur. The way to holiness and purity and to forgiveness lies in the observance of this code of behavior.

The Roman Catholic Church is currently deeply embroiled in its scandal of priestly pedophilia. Our society is also not free of this scourge that traumatizes and damages the lives of all involved, usually in a permanent fashion. When the perpetrators of such behavior hide behind religion and long frocks the damage done to society and faith is even greater.

There is no nice pedophile and these people should certainly not be protected at the potential expense of other victims. A society that tolerates such malefactors is complicit in the immorality and evil of their behavior. The Torah points out the severity of their behavior by indicating the severity of punishment that they are held to.

To the Torah it is clearly a matter of life and death that is involved and this type of serious judgment is intended to set a standard of behavior and of probity for the entire community. Because of the strength of this physical drive within us, the Talmud warned us that no one is above temptation or abuse of trust. And, therefore, no one should be seen as being somehow above the law in these matters as well.

There is no escaping the standards of behavior that the Torah has set for us in these matters. And to emphasize the matter, these standards are repeated again in the Torah in order that we may benefit from this guidance and aspire truly to holiness and purity in ourselves, our families and community.

Shabat shalom.

Ohr Somayach :: Torah Weekly :: Parshat Acharei Mot - Kedoshim
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by Rabbi Yaakov Asher Sinclair - www.seasonsofthemoon.com

Overview

Acharei Mot

G-d instructs the kohanim to exercise extreme care when they enter the Mishkan. On Yom Kippur, the Kohen Gadol is to approach the holiest part of the Mishkan after special preparations and wearing special clothing. He brings offerings unique to Yom Kippur, including two identical goats that are designated by lottery. One is "for G-d" and is offered in the Temple, while the other is "for Azazel" in the desert. The Torah states the individual's obligations on Yom Kippur: On the 10th day of the seventh month, one must afflict oneself. We abstain from eating and drinking, anointing, wearing leather footwear, washing, and marital relations.

Consumption of blood is prohibited. The blood of slaughtered birds and undomesticated beasts must be covered. The people are warned against engaging in the wicked practices that were common in Egypt. Incest is defined and prohibited. Marital relations are forbidden during a woman's monthly cycle. Homosexuality, bestiality and child sacrifice are prohibited.

Kedoshim

The nation is enjoined to be holy. Many prohibitions and positive commandments are taught:

Prohibitions: Idolatry; eating offerings after their time-limit; theft and robbery; denial of theft; false oaths; retention of someone's property; delaying payment to an employee; hating or cursing a fellow Jew (especially one's parents); gossip; placing physical and spiritual stumbling blocks; perversion of justice; inaction when others are in danger; embarrassing; revenge; bearing a grudge; cross-breeding; wearing a garment of wool and linen; harvesting a tree during its first three years; gluttony and intoxication; witchcraft; shaving the beard and sideburns; tattooing.

Positive: Awe for parents and respect for the elderly; leaving part of the harvest for the poor; loving others (especially a convert); eating in Jerusalem the fruits from a tree's 4th year; awe for the Temple; respect for Torah scholars, the blind and the deaf.

Insights

Faces of Holiness

“Speak to all of the congregation of the Children of Israel and tell them: You must be Holy” (19:2)

We often think of holiness as something that only a few exceptional individuals can aspire to. However, the fact that G-d gave this mitzvahto Moshe Rabbeinu in the form of "Speak to all the congregation..." teaches us that not only the exceptional among us is capable of holiness, but every one of us is commanded to be Holy. When the Torah was given on Mount Sinai, the Midrash, commenting on the verse "And all the people saw the voices" tells us "The Voice came out and was divided into many, many different voices, and everyone heard according to his strength". In other words, when one person heard "You shall not murder", he understood it to mean "Don't pick up your ax and murder!" While another understood "You shall not murder" to mean that if a dead body is found close to the outskirts of your town, you will be held responsible for not giving him sufficient protection, food and escort, as though you'd murdered him. To yet another it meant, don't embarrass someone in public, because when the blood drains from his face and he turns white, it is as though you had murdered him. Each person heard the Voice according to his own strength and unique talents, and similarly every Jew is expected to be holy on his level because he is an individual spark of the holiness of G-d.

•Source: Rabbi Shlomo Yosef Zevin

I-Sight

“You shall not hate your brother in your heart.” (19:17)

One of the most difficult emotions to deal with is resentment. Resentment can come from many different sources. It can result from someone genuinely wronging us. Or we may feel wronged by someone even though an objective third party would say that we were being over-

sensitive. Resentment can come from plain old jealousy — someone who is brighter than us, or seems to have an easier life, or is more successful. Or resentment can come for no good reason at all. It may result from the way that someone speaks or dresses or expresses himself. As they say in the North of England "It's the way he hangs his face."

The spiritual masters teach that this is the worst kind of hatred. In Hebrew it is called Sinat Chinam, literally Free Hate. Hate that has come from no injustice real or perceived — just the way someone is.

“You shall not hate your brother in your heart.”

In this week's Parsha, the Torah categorically prohibits that gnawing worm called resentment.

Fine.

The Torah says that we mustn't feel resentment. But isn't that more easily said than done? How are we supposed to put this into action?

First of all, we cannot work on our feelings until we understand them. This requires objectivity and the help of someone who is impartial to help us objectivize our emotions. Only when we can delineate our feelings will we have a chance of changing them.

If this analysis shows that we have been genuinely wronged, the proper mode of conduct will depend on the circumstances. It may involve a direct confrontation, or a rebuke from a third party, or legal recourse in Bet Din. When we act to deal positively with our resentment in one of these ways, the poison of the resentment is very often vitiated or extinguished.

However, there may be circumstances where a genuine grievance has no outside recourse, and we may just have to forgive and forget. In this last scenario, (and in the others too) we should remember that it is G-d who runs the world and we should analyze why G-d has put us in our present situation.

As far as jealousy is concerned, we should remember that each of us is on our own separate "monorail" in life. The fact that someone else has something that I don't have, be it brains or money or looks, in no way means that they are taking away from me. The root of jealousy is a lack of trust in G-d's Providence. Each of us is born with unique capabilities with which to fulfill our potential in this world. If G-d hasn't given me something, it's because I don't need it to complete my mission on this earth.

And as far as Sinat Chinam is concerned, we should remind ourselves, that we are all created in G-d's image. If there is something that I hate about my fellow for no objective reason whatever — just because it's the 'way he hangs his face' — it means that I am despising the image of G-d Himself.

However, if we look carefully with a positive eye at those whom we resent and try and divorce our egos from our emotions, we might begin to see all kinds of positive traits that they possess.

It all depends on our I-sight.

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Peninim on the Torah by Rabbi A. Leib Scheinbaum

Parshas AchreiMos/Kedoshim

Parshas Acharei Mos

After the death of Aharon's two sons when they approached before Hashem, and they died. (16:1)

The sudden deaths of Nadav and Avihu - during what was to be their greatest spiritual moment - are among the most mystifying and disturbing tragedies recorded by the Torah. These two spiritual giants were about to ascend to a previously unprecedented pinnacle of spiritual service. They were on track to set the standard for future Kohanim. Something went wrong; the service was not perfect and, as a result, Nadav and Avihu died in what became an incredible Kiddush Hashem, sanctification of Hashem's Name. Chazal delve into the "imperfection" which catalyzed their deaths. They suggest a number of explanations concerning what may be considered their "transgression." Whatever the "sin," it was clearly only relative to their elevated spiritual status.

The Torah uses the words "strange fire" to describe their error. Nadav and Avihu died when they offered a "strange fire" in the newly-inaugurated Mishkan. That's it: a strange fire. For Nadav and Avihu, however, it was a fire which Hashem had not explicitly commanded them to build in the Mishkan. We must attempt to understand why they acted in such a "reckless" manner. Chazal teach us that, in some manner, Nadav and Avihu had transcended the spiritual level of their mentors: Moshe Rabbeinu and Aharon HaKohen. Chazal then proceed to portray them in a somewhat less commendable manner.

In the Talmud Sanhedrin 52a, Chazal teach that when Nadav and Avihu walked behind Moshe and Aharon, they would say, "When are those two old men going to die, so that we can lead the Jewish people?" Which is accurate: Were Nadav and Avihu great tzadikim, very righteous, or overly pretentious?

Horav Noach Weinberg, zl, explains their actions in the following manner. Chazal teach us that each Jew should believe, Bishvili nivra ha'olam, "The world was created for me." This means that each of us is obligated to view the world as our personal responsibility. Furthermore, a person's responsibility vis-?-vis a given problem begins the moment that he becomes cognizant of the problem. The issue will not resolve itself. In other words, one is responsible to act, regardless of the level of his resources and abilities. An individual's lack of skill or limited finances does not absolve him of this responsibility.

With this in mind, Rav Weinberg explains Nadav and Avihu's reaction to the leadership of Moshe and Aharon. They observed what they perceived to be a deficiency within the Jewish people, which Moshe and Aharon had not identified. Their reaction was: We will do nothing about the problem because it is not "our" problem. We are not the leaders. When Moshe and Aharon die, and we become the leaders, we will address the problem. They saw what Moshe and Aharon did not see; hence, in a sense, they were greater than their mentors. They did not, however, act proactively to correct the problem.

The Torah's approach to a problem is that the moment we recognize that it exists, we must immediately do everything within our power to resolve it. This is our responsibility. It is not a product of position or station in life. Pinchas perceived a desecration of Hashem's Name taking place, and he acted immediately. He did not call a meeting or take a consensus of opinion. He turned to Moshe, and Moshe told him to "do it." If Nadav and Avihu saw something troubling, they should have immediately gone to Moshe and Aharon, pointed it out and wait for a response. After proposing their own solution, they could have asked permission from their mentors to react. Unfortunately, they ignored the situation, because they felt it was not their responsibility.

Some people do not take responsibility; they are afraid to act upon their own initiative, even though they have correctly identified a problem, because they are afraid of failure. This is a realistic fear that often places a stranglehold on people, stunting their success. When one does nothing he cannot fail, but he is also unable to succeed. The other people fear success, because success breeds responsibility, and responsibility can lead to failure.

Rabbi Dr. Abraham Twerski quotes a story he heard from his father, the Milwaukee Rebbe, zl. In elementary school/cheder in Europe, the rebbe would often hit/spank those students who were undisciplined or lazy. Once, a man who was observing the class saw the rebbe ask a young boy to name the first letter of the Hebrew alphabet. The child remained silent. "Name that letter!" the rebbe demanded. The child continued to be unresponsive. The teacher whacked the child and asked the question again. The child refused to reply. His continued silence was met with another dose of corporal punishment. After several futile demands and blows, the teacher gave up.

The observer went over to the young boy and asked, "Tell me, do you really not know the name of the first letter?"

"Of course, I know. It is aleph," the boy replied.

"Why, in Heavens sake, did you not say so and spare yourself the beatings?" the man asked.

"Because there is no end to the question. I will say aleph, and he will ask me the next letter. I will say bais, and he will want more. I figured I would put a halt to the questioning right at the beginning." The Rebbe concluded, "Sometimes a person accepts punishment at the beginning to avoid having to go on."

Some people are actually afraid of responsibility. Success breeds success, which engenders expansion, which, in turn, creates added responsibility. Certain individuals so fear failure, and are so devastated by even the thought of failure, that they sabotage their venture just to halt the process. Those who counsel people can attest to individuals who have destroyed valuable relationships in order to precipitate a rejection. Instead of working on a relationship, trying to make it work, the person undermines it, so that he will not be rejected. It sounds weird, but, unfortunately, many people are overcome by such fears. Some people cannot cope with the suspense of waiting for rejection, so they foolishly accelerate the process. If you do not say aleph, you do not have to worry about the rest of the alphabet.

Yes, there are those who fear success, because they fear responsibility; in reality, they really fear failure. If they would only take the time and employ the patience to analyze the situation in order to confront their demons, they would likely overcome their fears and begin to shoulder responsibility. Then, once they taste the sweet flavor of success, they will no longer hide from the "aleph," enabling them to assume appropriate achrayus, responsibility.

Speak to Aharon, your brother; he may not come at all times into the Sanctuary. (16:2)

The Torah seems to have taken an indirect approach to prohibiting Aharon's entrance into the Kodosh HaKodoshim, Holy of Holies, during the year. Actually, he only went in on Yom Kippur, the holiest day of the year. It would have been simpler just to state this fact, rather than to use the phrase b'chol eis, "at all times." Chazal identify the words b'chol eis, the pasuk, Ashrei shomrei mishpat, oseh tzedakah b'chol eis, "Praiseworthy are those who maintain justice, who perform righteousness at all times" (Tehillim 6:3) as a reference to one who supports his wife and children. This is constant "charity," because he sustains them at all times. The Shlah HaKadosh uses this idea as the basis for a homiletic rendering of our pasuk. One might think that he can eschew his tzedakah obligations by claiming his constant commitment to supporting his wife and children. The Torah counters his claim, saying, "He may not come (with the excuse of) 'all times;' he may not use the support of his wife and children, which he stipulates occurs at 'all times,' as an excuse to refrain from fulfilling his charitable responsibilities." It will not work. He must support the poor - regardless of his financial commitments at home.

Those seeking to absolve themselves from carrying out their communal obligations often employ "wives and children" as an excuse. We recognize it as a ploy to abstain from giving charity to those in need. It is a shameful excuse, a regrettably common one. Deplorably, specifically those individuals who use this excuse are present neither for their families nor for their communities. They have only one objective on their radar screens: themselves.

Speak to Aharon and to his sons and to all Bnei Yisrael and say to them: This is the matter which Hashem has commanded, saying... (17:2)

Moshe Rabbeinu conveyed the mitzvos to Klal Yisrael by repeating Hashem's own words. He then elaborated upon them. This elaboration forms the basis for Torah She Baal Peh, the Oral Law. When we peruse the text of the pasuk, we note the presence of an extra word that does not seem to have a place. This is the word leimor, "saying." Since the Torah already said, V'amarta aleihem, "and say to them," it is redundant to conclude with the word, "saying." In his Od Yosef Chai, Horav Yosef Chaim, zl, m'Baghdad, explains that the Torah is alluding to the attitude we should employ when performing mitzvos. Some mitzvos seem difficult to do: physically, financially, and even emotionally. The Torah is enjoining us to transcend our pressing feelings of arduousness in order to view mitzvos as unparalleled, wonderful experiences which establish a bond between us

and Hashem. This is hinted by the word leimor, which can be broken up into two words: lo, mar; not bitter. Mitzvos are not bitter; they are sweet. In his commentary in the Haggadah, Rav Yosef Chaim relates the following story. There was a pious Jew who was very delicate and fastidious. He could not tolerate anything that had a vestige of bitterness to it, to the point that when he once had been compelled to swallow a bitter pill, he fainted.

The man was asked how he was able to eat Marror, bitter herbs, on Pesach. What about Marror defied his delicate palate? The man replied that he did not experience any bitter aftertaste from Marror. In fact, it tasted sweet! "A mitzvah is a privilege; one that applies once a year is an awesome opportunity to serve Hashem. How could it possibly be bitter?" This is what Torah teaches us: leimor / lo mar. Torah observance is not bitter. It is inherently sweet.

Parashas Kedoshim

You shall be holy...every man shall revere his mother and his father. (19:2,3)

The Talmud Kiddushin 30 teaches us that three partners create a person: Hashem, his father and his mother. Hashem enjoins him to be cognizant and respectful of each member of this partnership. By observing the Kedoshim tiheyu, "You shall be holy," one carries out his responsibility to Hashem. The phrase, Ish imo v'aviv tira'u, "A man, his father and mother he shall fear," is the exhortation concerning the other partners, the ones who brought him into this world. This, explains Horav Meir, zl, m'Premishlan, is the relationship between being holy to Hashem and fearing one's parents.

When Horav Shlomo Eiger's son, Rav Leibele, left for the chassidic court of Kotzk and its Rebbe, his father was about to place an injunction of Kibbud av - binding him by the mitzvah of honoring one's father - against his going. Rav Shlomo had strongly negative feelings against the Chassidus movement. When word of this parental injunction reached the Kotzker Rebbe, zl, the Rebbe remarked, "What a 'partner' does is done. Hashem is also a partner, and He facilitated R'Leibele's arrival in Kotzk. The "other partner" cannot alter this."

Rav Shlomo was despondent over his son's decision, considering it a tragedy of epic proportion. He decided to travel to his father, Horav Akiva Eiger, who was the gadol ha'dor, pre-eminent leader of the generation, and solicit his advice. He described the terrible "tragedy" to his father, explaining that his son must have snapped. The Chassidic sect was not religious, and the chassidim were guilty of spreading a false culture, antithetical to traditional Judaism.

Rav Akiva Eiger was disturbed by his son's blanket statements. Rav Shlomo was an outstanding Torah scholar and pious Jew. He was troubled by such statements emanating from him. He told his son that it is prohibited to accept lashon hora, slander, about an individual Jew, and certainly about a group of Jews. Since he saw how much the entire debacle bothered his son, however, he would travel to Poland to speak with his grandson. He would then determine whether there was a problem. Travel was not easy, and Rav Akiva Eiger was no longer a young man. Such a trip would take its toll on him, but he felt that he had to determine for himself the veracity of his son's statements. He had to see for himself whether his grandson had gone off the derech, left the Torah way of life.

Rav Leibele was shocked to greet his distinguished guest. What could his revered grandfather want that he would put his health in danger by making such a trip? Rav Akiva Eiger embraced his grandson, kissed him and said, "When I meet one of my descendants, my custom is first to speak with him in learning. Only afterwards do we make time for pleasantries. He began, "The halachah is that one does not blow Shofar on Shabbos, because of Gezeirah d'Rabbah, the decree of Rabbah, who feared that one might forget and carry the Shofar four cubits in the reshus ha'rabim, public domain. A similar idea applies to Lulav. What troubles me is the following: In their commentary to the Talmud Shabbos 5b, Tosfos cite a question quoted in the Yerushalmi. According to Ben Azzai who opines that mehaleich k'omed dami, "One who is in the process of walking, who takes, say, two steps, is considered by Ben Azzai to have started and stopped a few times.

Each time he places his foot down, he is considered to have placed his body down and come to a halt; and each time he has lifted his foot, he is considered to have lifted his body. According to this, how can Ben Azzai hold a person liable for transporting four cubits in a public domain on Shabbos? Each stride is considered a separate akirah and hanachah, lifting and placing, which is the primary criteria for liability for carrying on Shabbos. One must lift the object in one domain and place it in another. Ben Azzai separates each step, so there never occurs an akirah followed by a hanachah four cubits later. The Yerushalmi answers that, according to Ben Azzai, it must occur through the medium of jumping. One hops four amos in one stride."

Rav Akiva Eiger looked at his grandson and asked, "We know that our sages do not issue a gezeirah, decree, in the event that the possibility of a prohibited occurrence is lo shechiach, unusual. Why would they prohibit blowing the Shofar on Shabbos or shaking the Lulav on Shabbos, because someone might carry it four cubits, when according to Ben Azzai this is only possible by jumping? Since the prohibition can only be realized in an atypical manner, Chazal will not prohibit it."

Rav Leibele listened respectfully to the question, but was very passionate in his response. "Zaide, we are talking about Tekias Shofar, whose sound pierces the Heavens and creates a stir in the Heavenly spheres. It frustrates Satan, as it mixes him up. Lulav is not much different. How one toils to find a perfect Esrog, so that he can carry out the mitzvah of taking a beautiful fruit to serve Hashem! When a person seeks to understand the halachos concerning this mitzvah, he will do anything to locate a Torah scholar from whom he can learn. Is there a question regarding jumping? Who would not 'jump' to perform any of these mitzvos? I would not consider this an unusual act. After all, it is for a mitzvah!"

Rav Akiva Eiger stared deeply into the eyes of his grandson and replied, "I have another explanation, but - from your reply - I see that the approach taken by the chassidim to mitzvah performance is quite in sync with the Torah. They seek to add life, passion, feeling, emotion and joy to mitzvah performance. I will tell your father that he will have much nachas from you!"

To put it bluntly, Chassidus has come a long way since then. It is an accepted, meaningful and inspirational approach to serving the Almighty. This writer is not going to undertake to compare the yeshivish approach to avodas Hashem, serving the Almighty, to the chassidic approach. Rather, we will mention one individual who seemed to synthesize the two in a harmonious passion of service to Hashem. Horav Shraga Feivel Mendlowitz, zl, the Menahel of Mesifita Torah Vodaath, was the primary architect of Torah in America. The mushrooming of Torah throughout this country is in no small part due to his efforts seven decades ago. He set the standards for outreach; he made the rules; he taught us how the seeds of Torah could be sown in the spiritually barren wasteland that was America in those days.

Rav Shraga Feivel underscored the importance of feeling, both joy and pathos. When he spoke, it was with dramatic emotion, and when he sang, the impact was even greater. He would stress the importance of the Chassidic emphasis on such things as joy in mitzvah performance and rejoicing on Shabbos and Yom Tov. Emotional and joyous singing and davening helped to achieve this goal.

When Rav Shraga Feivel sang a niggun, tune, the mood in the room was transformed to an exalted spiritual experience. As he danced with a group of students at a wedding, one of the distinguished Roshei Yeshiva who was present commented, "He has done more with his dancing than others have achieved with their drashos, sermons." In the last year of his life, when he was in very poor health, suffering from a number of illnesses, he did not refrain from leading the students in fervent dancing on Shavuus. When his son-in-law, fearing another heart attack, attempted to stop him, Rav Shraga Feivel pushed him aside, insisting, "Please do not stop me. Did I not build the Mesivta with singing and dancing? And so I will continue. Let my heart burst, but let the boys learn how to dance."

Horav Shlomo Heyman, zl, Rosh Yeshiva of Mesifita Torah Vodaath and himself a product of the leading Lithuanian Yeshivos, was once queried

why Torah Vodaath did not have a mussar seder, period set aside for studying ethical development and character refinement, as was the dominant practice in Lithuania. He replied, "The Shalosh Seudos with Rav Shraga Feivel, with its accompanying singing, has as much power to singe off the impurities from the soul and instill love of Hashem as the study of mussar."

You shall not cheat your fellow and you shall not rob; you shall not withhold a worker's wage with you until morning. You shall not curse the deaf. (19:13,14)

Sequence and positioning of pesukim often play critical roles in the understanding of a mitzvah. The Torah juxtaposes the prohibition against cursing a deaf person upon the injunction against the withholding of a worker's wages. The Baal HaTurim explains the connection as exhorting us to refrain from acting inappropriately against one who has wronged us. An individual has labored hard and long, toiled in the hot field, performing back-breaking work for a salary that is meager; it is all that he and his family have. His work has been faithful - not wasting a precious moment from his hourly wages. Now, he wants to get paid. He has bills, and he must put food on the table - not luxuries, just plain food. He waits for that paycheck. "Soon," his employer says. "Be patient. It is in the mail." He expresses whatever excuse he can conjure, but the check does not arrive. He has no money to pay the bills or to put food on the table. His boss is something else. As he is about to curse him, he reminds himself of the Torah's prohibition against cursing the deaf, and he refrains from uttering a statement willing something terrible to happen to his employer.

Horav Chaim Zaitchik, zl, comments that the Torah sets up parameters for what is permitted and for what is not - regardless of how justified the aggrieved person may be. Unquestionably, the worker deserves his pay. He toiled for it. His entitlement to remuneration, however, does not warrant a violent verbal backlash for his employer's failure to act with simple human decency. Human nature does not lend itself to such limits. A prevalent attitude among some suggests that, if an individual had been slighted by someone, he is now permitted to retaliate in any way that he pleases. It is open season against his offender. Limitations and parameters have no meaning because, after all, he had been hurt by the other person.

The Torah does not agree with this manifestation of human nature. A slight kink in a person's armor of human decency and uprightness does not render him a target for exploitation. One shortcoming is no indication that everything else about him is in organ failure. We must continue acting towards the person as if he is still a moral, decent, and respectable person. This is the meaning of parameters. The Torah sets boundaries. One who refrains from paying his worker on time might not be the finest person, but he is still not to be the subject of our vicious tongue. Hashem will address the issue at the proper time. We need not worry.

Rav Zaitchik quotes another pasuk with a similar connotation, probably one to which we can also regrettably relate: "But if there will be a man who hates his fellow, and ambushes him and rises up against him, and strikes him mortally and he dies... Your eye shall not pity him; you shall remove the innocent blood from Yisrael; and it shall be good for you... You shall not move a boundary of your fellow" (Devarim 19:11-14). Once again, the Baal HaTurim notes a juxtaposition between what seems to be two unrelated laws: the prohibition of enlarging one's boundary line upon the premeditated murderer who is to be executed. He explains the relationship. The individual should not assume that, since the murderer is being executed anyway, he might as well help himself to some of his property. It does not work that way in Torah law. There are parameters; moving my boundary line or basically stealing someone's land - even if he is a convicted, soon to be executed murderer - is forbidden.

What right does a murderer have to land? If we are permitted to execute him, then we certainly may confiscate his land. This is how the yetzer hora, the "righteous" evil inclination, presents its case for stealing someone's property. The Torah responds that there are parameters, and stealing is not permitted - even if the property belongs to a convicted murderer. A dispensation provided by the Torah does not give an individual license to abuse the criterion established by the Torah.

It may happen that a well-meaning, but weak, member of the observant community falls on hard times, due to either his own ineptitude or greed. He forgets who he is and resorts to deception which leaves his fellow, or even close friend, with a much-decreased bank account. The situation can, at times, be remedied either through a bais din or a secular court. It does not allow, however, for the victim to curse the deceiver or his family or to take the law into his own hands. We should trust in Hashem to address our loss and continue to live by the parameters which the Torah has established.

Va'ani Tefillah

Kol Haneshamah tehallel Kah

All souls shall praise Hashem /or/ The totality of the soul shall praise Hashem.

David HaMelech concludes Sefer Tehillim with this pasuk, this outpouring of emotion: All the souls/ the entire soul, should praise Hashem. In other words, we should praise the Almighty with all that we possess, physically and spiritually. The Abudraham, cited by the Tur Orach Chaim 52 and affirmed by the Rama, posits that this pasuk should be repeated and that this has become the accepted minhag, custom. The same applies to the last pasuk of the Shirah, Hashem yimloch l'olam va'ed, "Hashem shall reign for all eternity." Horav Shimon Schwab, zl, compares this prosaically to a seam at the edge of a garment, which is double-stitched in order to strengthen it and prevent it from fraying at the edges. By repeating this pasuk, we make it clear that we have concluded this section and that whatever follows is not connected to the above.

The Chasam Sofer cites the Midrash that derives from this pasuk, thanking and praising Hashem al kol neshimah u'neshimah, "for each breath that He blows into our nostrils," i.e. for each breath of life that He grants us. We must thank Him for allowing us another breath, so that we can thank Him for our ability to breathe. For without this praise, what is the value of breathing? Life is for serving Hashem, so when we are given life, it is for praising Him. Thus, each breath allows us to affirm our gratitude. Thus, we repeat the verse, as if saying, "Thank you for availing us of the breath of life so that we may praise You for giving us the breath of life."

This issue of Peninim is being sponsored by Ephraim and Laura Cheron and Family in memory of their dear daughter and sister ע"ה בת ר' אפרים צבי הי"ד On the occasion of her twentieth yahrzeit נפ"ו ניסן תשנ"ב

Rabbi Yissocher Frand on Parshas Achrei Mos - Kedoshim

The Reason The Torah Prohibits Marrying Two Sisters

Parshas Achrei Mos contains the list of forbidden sexual relationships. Vayikra 18:18 contains the Biblical prohibition for a person to marry his wife's sister. In expressing this prohibition, the Torah uses the word "litzror" [to make a co-wife].

The Ramba"n comments: This verb expresses the reason for this prohibition. Most of the forbidden relations (e.g. -- mother-in-law, daughter-in-law, etc.) were simply forbidden without stating a reason. However, the Torah does state a reason by a sister-in-law, namely that it is inappropriate to make two sisters into co-wives of the same husband. These two women should ideally love one another. Placing them into a situation of rivalry will inevitably cause those who should have been best of friends to have a hostile relationship with one another.

The Ramba"n continues: The Torah does not state this regarding a daughter or mother of one's wife, because they remain forbidden even after his wife's death (unlike the situation with the sisters, where a sister is permitted to marry her brother-in-law if her sister -- his first wife -- dies). The Ramba"n distinguishes between the "ervah" of two sisters and that of other relations. Here the Torah did not forbid the marriage because of "ervah" but because of the social harm it would bring to the sibling relationship, which at any rate is subject to rivalry. To avoid aggravating that natural sibling rivalry to intolerable levels, the Torah forbade a man to simultaneously be married to two sisters. The proof that this prohibition is different than all the others (and that it is not because of "ervah" or "she'er

basar" [close relationship] but for some other reason) is the very fact that the prohibition expires upon the death of one of the sisters.

We learn two novel ideas from this Ramba"n.

First, we see from the fact that the Torah includes this prohibition in the chapter of forbidden relationships (arayos) that the Torah treats the matter of causing sisters to hate one another with the same severity as it treats the cardinal sin of arayos.

Second, we see how important it is in the eyes of the Torah for children to get along with one another. The Torah bans two sisters from marrying the same person for the simple reason that the Torah does not want siblings to fight with each other. Whether we are ourselves siblings or whether we are parents who have children who are siblings, we all know that this is indeed a very big challenge.

Restating The Tenth Prohibition

In the beginning of Parshas Kedoshim, the Ramba"n quotes a Medrash in Vayikra Rabbah. The Medrash states that this parsha contains a rephrasing of each of the Asserres Hadibros [Ten Sayings, commonly known as the Ten Commandments].

For instance "I am the L-rd Your G-d" [19:3] rephrases the first "commandment". Likewise "Molten gods you shall not make for yourselves" [19:4] rephrases the second "commandment". This Medrash links the tenth "commandment" (Thou shall not covet) with the pasuk "Love your neighbor as yourself." [19:18]

Rav Simcha Zissel comments that offhand we would have said the reason for the prohibition against coveting in the Asserres Hadibros is to address the human characteristic of greed or lust. However, we see from this Medrash that the prohibition against coveting is not a sin of avarice or passion but a sin of lack of Ahavas Yisrael [love for one's fellow Jew].

It is not so much that one needs his friend's house or car or wife – rather, the sinner does not want his friend to have that house or car or wife. There is a Yiddish word "fargin" – which means to come to peace with the idea that someone else has something better than I have. This inability to "fargin" one's neighbor is not necessarily a result of simple jealousy; it is a lack of Ahavas Yissroel. The cure is to love your neighbor as you love yourself.

A person who really loves someone and wants the best for him or her, does not mind if that person has something better than himself. The Talmud says that a person will be jealous of anyone except his son or his disciple [Sanhedrin 105b]. When such a love exists as between father and son or teacher and disciple, the parent/teacher wants the son/disciple to have it better than he had it. There is no room for jealousy when such love exists. If we would have more "love another like oneself" in the world, we would have less "coveting" in the world.

Transcribed by David Twersky Seattle, WA; Technical Assistance by Dovid Hoffman, Baltimore, MD

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Parshas Acharei Mos-Kedoshim: Honorable Mentshen

By Rabbi Mordechai Kamenetzky (Matzav.com)

This week the Torah tells us about loving every Jew. It adds a special verse exhorting us to be especially sensitive to a special type of Jew - the convert. "When a proselyte dwells among you in your land, do not taunt him. The proselyte who dwells with you shall be like a native among you, and you shall love him like yourself, for you were aliens in the land of Egypt — I am Hashem, your G-d" (Leviticus 19:33-34)

A person who converts has the status of a Jew. He is a full-fledged member of the community and every social, moral and ethical tenet applies to him. Though he may be exempt from particular laws concerning "kahal" (which would have implications in marital law), he is otherwise as equal as any Jew. And that's why this verse troubles me. After all, if the convert is a Jew, why do we need a special command telling us not to inflict any discomfort upon him? Hadn't the Torah told us in verse 18, "Love your neighbor as yourself?" Why implore born-Jews to be nice to the

newcomers through a series of commands that seem to use a moral approach: "You were once a stranger, so you know how it feels?" A convert is a Jew. And a Jew is a Jew is a Jew! All rules apply!

When my grandfather Rabbi Yaakov Kamenetzky, of blessed memory, was dean of Mesivta Torah Voda'ath back in the 1950s, he developed a professional relationship with a psychotherapist who worked with some of the students. The doctor would often call Rabbi Kamenetzky to discuss his treatment of some of the students under his care. They also would have discussions on psychology and education. The doctor was a student of the famed psychotherapist, Dr. Sigmund Freud, and despite Freud's attitude toward religion, this particular doctor was always respectful and never attributed any of the students' problems to observance or religious commitment.

Years later, when Rav Yaakov was informed that the doctor had passed away, he felt it incumbent to attend his funeral. He assumed it would not be the type of service he was used to, and even understood that he, a frocked and bearded sage, would appear out of place among a medical community of his distinguished colleagues, assimilated German and Austrian psychotherapists and mental health professionals. However, Rav Yaakov's gratitude overruled his hesitation.

When entering the Riverside Chapel, Rav Yaakov was shocked to see that a distinguished Rav, a friend of his, was performing the funeral and that scores of Torah observant Jews were participating. After the service which was done in total compliance with halacha, Rav Yaakov approached his friend who had officiated.

How do you know the doctor? What connection do you have with him? "What do you mean," answered the Rav. "Of course I knew him. The doctor davened in my shul three times a day!"

My grandfather had never discussed religion with the man, he just respected him for his professionalism and abilities.

The Torah tells us that even though there is a universal command to love every Jew as yourself, an additional concept applies specifically to a convert. We must be kind to him as part of the overall moral obligation of a nation that also endured the trauma of being strangers. In addition to loving Jews as their inherent birthright, it is also imperative to display love to them when our moral obligation demands it. The Torah is teaching us not only to act with affection as born Jews but as honorable mentshen.

Matzav.com

To Purify and Sanctify

Rabbi Zvi Sobolofsky (The TorahWeb Foundation)

Parshas Acharei Mos begins with the detailed description of the korbanos offered on Yom Kippur and concludes with the list of prohibited relationships that are categorized as gilui arayos. Although there doesn't appear to be any connection between these two sets of halachos, the krias haTorah on Yom Kippur seems to indicate that they are in fact related. We read the beginning of Acharei Mos on Yom Kippur morning, and at Mincha we read the end of the parsha, seemingly continuing where we left off earlier in the day. Is it just coincidental that the two krias come from the same parsha, or is there a real connection between the beginning of Parshas Acharei Mos and its conclusion?

The two principles that are at the root of both the avodas Yom HaKippurim as well as the prohibitions of giliu arayos are kedusha (holiness) and tahara (purity). The avoda is performed in the Kodesh HaKadashim, the holiest place in the world, by the Kohein Gadol, the holiest member of the Jewish People, who attains the highest possible level of kedusha. Because this kedusha cannot be reached in the state of tumah (impurity), the Kohein Gadol first brings a korban to atone for any sin involving defilement of the Beis Hamikdash through impurity (Vayikra 16:16). The two stated goals of sprinkling the blood of this atoning korban on the mizbeach, "to purify it and to make it holy", articulate the goals of the entire avoda.

Holiness and purity are also the basis for the prohibitions of giliu arayos. The mitzvah of "Kedoshim tihiyu - you should be holy" (Vayikra 19:2) is

understood by Rashi as referring specifically to giliu arayos. Furthermore, the term "tumah" appears six times in the closing seven pesukim of Acharei Mos which give a final charge to not defile ourselves and Eretz Yisroel through giliu arayos.

The terms holiness and purity are the basis for the relationship of a permissible marriage, the antithesis of giliu arayos. Marriage itself is referred to as kiddushin. Jewish marriage is governed by the halachos of taharas hamishpacha which preserve the purity of this holy relationship. The ultimate breach of this purity - the sin of the woman who is a sotah - is referred to as an act of tuma (Bamidbar 5:13).

The source of all holiness in the world is Hashem. Parshas Kedoshim begins with this theme - "Be holy because I am holy" (Vayikra 19:2) - and ends with "you should be holy for me because I, Hashem, am holy" (Vayikra 20:26). Hashem's role as the exclusive source of kedusha is also manifest in the halachic distinctions made between tashmishei kedusha and tashmishei mitzvah. Unlike tashmishei mitzvah (objects used for mitzvos but lack kedusha, such as lulav and tzitzis), Tashmishei kedusha (items endowed with holiness - such as sifrei Torah, tefillin, and mezuzos) cannot be discarded but rather must be buried. What distinguishes the objects that are elevated to the status of tashmishei kedusha? All tashmishei kedusha have the name of Hashem written in them, and thus are holy because Hashem's name is holy. Tashmishei mitzva do not have Hashem's name and as such have no inherent sanctity. Further, the ultimate object of holiness is the Beis Hamikdash which has within it the presence of Hashem, not merely His name.

As stated earlier, tumah must be removed to enable kedusha to be present. Tahara must therefore be preserved in the Beis Hamikdash, when eating korbanos, etc. Similarly, the kedusha of the relationship between husband and wife must also be maintained through tahara. Giliu arayos and non-observance of taharas hamishpacha are the antitheses of that kedusha. Just as the kedusha and required tahara of the Beis Hamikdash emanate from the presence of Hashem, so too does the kedusha of marriage stem from Hashem. Where do we find Hashem in the context of a marriage? Chazal in Meseches Kiddushim observe that the mitzvah of honoring ones parents is comparable to honoring Hashem, as there are three partners in the creation of man - Hashem, a father and a mother. Hashem's presence thus manifests itself through marriage. For the kedusha of Hashem's presence to be part of a marriage, proper tahara must be maintained.

Kedusha and tahara of both the Beis Hamikdash and the relationship between a man and a woman cannot be taken lightly. There is a special mitzvah of shmiras hamikdash - guarding the Beis Hamikdash to prevent its defilement. We cannot risk impurity which would contradict kedusha; we are required to safeguard that which is holy. The shmiras hamikdash is reminiscent of the fences placed around Har Sinai lest the holiness manifest by Hashem's presence there be defiled. Similarly, the kedusha of Hashem's presence in marriage cannot be taken lightly. Before listing the specific arayos the Torah commands us "do not come close to violating gilui arayos (Vayikra 18:6)." The Rambam interprets this to refer to the Torah prohibition of any physical contact between a man and a woman who is prohibited to him. We thus see that the Torah itself enacts a fence around the prohibition of giliu arayos. Following the prohibitions of giliu arayos, the Torah commands us to "safeguard the charges of Hashem" (Vayikra 18:30). Chazal interpret this as referring to the obligation to enact rabbinic prohibitions distancing us from actual giliu arayos.

Hashem's presence must be guarded by us with the utmost care. Kedushas Hamikdash and the kedusha of marriage must be maintained by adhering to the highest standards of tahara. Proper precautions in these realms will enable us to be blessed by Hashem's presence in the Beis Hamikdash and in our homes.

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Rav Kook List

Rav Kook on the Torah Portion

Prayer: "You Have Cast Me After Your Body"

Rabbi Eliezer ben Yaakov cautioned that one should not eat before reciting the morning prayers:

"Regarding one who eats and drinks and [only then] prays, the verse states: "You have cast Me after your body" (I Kings 14:9)."

This homily seems clear enough. When eating before prayer, "You have cast Me after your body" - you place the physical before the spiritual. By your actions, you demonstrate that the body and its needs comes first.

But Rabbi Eliezer ben Yaakov was not satisfied with the verse's simple meaning.

"Instead of gavecha ('your body'), read it gei'echa ('your pride'). The Holy One says: 'After this person filled himself with pride, he will then accept upon himself the kingship of Heaven?'" (Berachot 10b)

Why did Rabbi Eliezer ben Yaakov feel it was necessary to add this unusual reading of the verse - 'You have cast Me after your pride'? And how does the act of eating 'fill one with pride'?

Starting with Prayer

We should recognize that all of life's blessings come from God. If we delude ourselves into believing that we are in control, and that our success and wealth are the fruit of our own efforts, then this will be a source of false pride and even arrogance - "It was my own strength and personal power that brought me all this prosperity" (Deut. 8:17).

If, on the other hand, we are aware that everything ultimately comes from God, then we will gain an outlook of genuine humility. How can one be proud about that which is not his doing?

Our physical senses cannot grasp that which exists beyond the realm of the concrete and the tangible. People who are mired in a limited world of sensory perceptions will suffer from pride and smugness; they imagine that their success is the work of their own hands. The act of eating and drinking in particular can lead one to a sense of complacency, as one proudly enjoys the material fruits of his labors.

Preventing this attitude is a major goal of prayer. Prayer helps us internalize the knowledge that everything is from God. Our prayers for understanding and forgiveness, health and livelihood, redemption and peace, reflect the realization that the most important things in life are not in our hands, but in God's.

For this reason, Rabbi Eliezer ben Yaakov stressed the importance of praying before eating. We must first recognize the true state of affairs - "You must remember that it is the Eternal your God who gives you the power to become prosperous" (Deut. 8:18). Only afterwards are we ready to feed ourselves, a sensory activity which inherently entails a measure of pride and self-satisfaction.

[Adapted from Ein Eyah vol. I on Berachot 10 (I:155)]

Comments and inquiries may be sent to: mailto:RavKookList@gmail.com

Weekly Halachah

Rabbi Doniel Neustadt (dneustadt@cordetroit.com)

Yoshev Rosh - Vaad HaRabanim of Detroit

Counting Sefiras ha-Omer Unintentionally

As Lag ba-Omer approaches, it is timely to call attention to a halachic problem which can easily arise. People frequently ask each other what day of the Omer it is. If one gives the correct answer — even though he does not intend to fulfill the mitzvah of counting the Omer by answering his friend — it is considered as if he fulfilled his obligation to count the Omer. This halachah, which is recorded in Shulchan Aruch,¹ is based on an opinion in the Talmud that holds that mitzvos einam tzerichos kavanah — mitzvos can be fulfilled even without specific intent to fulfill them. By uttering the correct day's count of the Omer, one has lost the opportunity to recite a blessing over the counting for that night since he has, in the eyes of the halachah, already counted the Omer, albeit unintentionally.² One should, therefore, not give a direct answer when asked for the day of the Omer; rather, one should say, "yesterday's count was such-and-such." Of course, this advisory applies only from sunset and onwards, since counting sefirah before sunset is invalid.³

The danger of inadvertently counting the Omer by a causal response or comment regarding what day of the Omer it is, is most prevalent on Lag ba-Omer. The very name "Lag ba-Omer" states that it is the 33rd day of the Omer count (as Lag is the letter equivalent for the number 33).⁴ Thus, on the evening of Lag ba-Omer after sunset, one should be careful not to express that "today is Lag ba-Omer" until after he counts the Omer with the blessing.

Question: If, inadvertently, one forgot and responded with the correct sefirah count, is there any way that he can count again that night with the blessing?

Discussion: B'diavad, one is permitted to recite sefirah that night with the blessing:

* If he responded by saying just the correct number of that day, but did not say "Today is number so-and-so," then he may repeat the sefirah with a blessing.⁵ But if

he omitted just the word “ba-Omer” (or “la-Omer”), then the count remains valid and it may not be repeated with the blessing.⁶

* If he responded by saying, “Today is so-and-so” but did not mention the “weeks” count, he may still repeat the sefirah with a blessing. For instance, on the seventeenth day he responded, “Today is day number seventeen,” but he did not add, “which is two weeks and three days.”⁷ [Obviously, this applies only after the first week of sefirah has passed.]

* Even if he responded with the correct number and the right weekly count but had specific and clear intention not to fulfill the mitzvah of Sefiras ha-omer with his response, then he may repeat the sefirah with a blessing.⁸

* If the person who inadvertently forgot and responded, “Today is so and so” is one who is always particular to count the Omer after tzeis ha-kochavim only, and this exchange took place before tzeis ha-kochavim, he may repeat the count with the blessing.⁹

* If on the fifth day, for example, he responded, “Today is six minus one,” or, “Today is three plus three,” he may repeat the count with the blessing.¹⁰

* If in response to the question he wrote down the correct sefirah count (but did not say it), he may repeat the sefirah with the blessing.¹¹

* If the questioner, for example, asked, “Is today day number five?” and the response was, “Yes, it is,” then both the questioner and the respondent can repeat the sefirah and recite the blessing.¹²

Question: May one repeat the sefirah with a blessing if, in response to the question, “What was yesterday’s Sefiras ha-omer,” one mistakenly answered today’s count?

Discussion: Yes, he may. Since his intention was to say yesterday’s count, it is considered as if he had specific intent not to fulfill today’s mitzvah. Although he mistakenly said the wrong (today’s) count, it still does not change the fact that he specifically intended not to fulfill the mitzvah.¹³

Question: If one forgot to count one day of the Sefiras ha-Omer, may he continue to count?

Discussion: There is a major dispute among the poskim of the Geonic era over whether or not forgetting to count one day invalidates the entire count. Some are of the opinion that the Torah’s command to count “seven complete weeks” renders the entire count as one entity, one long mitzvah. Consequently, forgetting to count one day destroys the entire sequence and no further counting is possible. Most other poskim hold, however, that each day is considered a separate mitzvah. One (or several) day’s omission, therefore, has no bearing on counting the other days.

The Shulchan Aruch¹⁴ rules like the majority opinion, that one day’s counting has no connection to the other days’. One must, therefore, continue to count the sefirah even when a day [or several days] were omitted. The blessing over the count, however, should not be said, in deference to those who hold that omitting a day invalidates the entire mitzvah. The Mishnah Berurah recommends that one hear the blessing from someone else, so that he can fulfill the mitzvah in the proper way, with a blessing.

If a person is uncertain as to whether he missed the previous day’s count, he is permitted to count the remaining days with a blessing.¹⁵

One who forgot to count during the night should count during the following day without a blessing. He may then continue to count on the following evenings with a blessing.

One who forgot to count on a Thursday night but remembered to do so on Friday afternoon after kabbalas Shabbos and Maariv but before sunset, may count on the following days with a blessing.¹⁶

There is a dispute among the poskim¹⁷ concerning one who forgot to count one evening, but remembered to count the next day after sunset but before nightfall (the time period known as bein ha-shemashos). Most poskim allow him to count on the following days with a blessing while a minority opinion does not.¹⁸

1 O.C. 489:4.

2 Although basic halachah follows the opposing view — that one must have specific intent when fulfilling mitzvos — still, in deference to the view according to which one would have fulfilled the mitzvah, we do not recite the blessing on the (second) sefirah; Mishnah Berurah 489:22 and Beirur Halachah (s.v. she’em and eino).

3 Beirur Halachah 489:4, s.v. eino. A minority view recommends that one should avoid a direct response as early as plag ha-minchah; see Shulchan Aruch ha-Rav 489:15 and Machatzis ha-Shekel 489:10.

4 See Sha’arei Teshuvah 489:1 and Beirur Halachah, s.v. moneh, who quote various views as to whether or not one fulfills the mitzvah of sefirah by counting with roshei teivos.

5 Mishnah Berurah 489:20 and Sha’ar ha-Tziyun 25. L’chatchilah, however, one should not rely on this leniency and should avoid stating the correct number even without saying Today; Kaf ha-Chayim 489:53.

6 Mishnah Berurah 489:8; 489:21.

7 Mishnah Berurah 489:22. Since other poskim disagree and maintain that one has fulfilled his obligation even without mentioning the “weeks” count [except at the end of each week ? days 7, 14 ,21, etc.], one should l’chatchilah not rely on this leniency; see Da’as Torah 489:4; Sha’ar ha-Tziyun 489:28 and Kaf ha-Chayim 489:55.

8 Mishnah Berurah 489:22.

9 Beirur Halachah 489:4, s.v. she’em.

10 Be’er Moshe 3:82.

11 Chasam Sofer 6:19; Aruch ha-Shulchan 489:9.

12 Da’as Torah 489:4, quoting Zachor l’Avraham.

13 Be’er Moshe 3:80.

14 O.C. 498:8.

15 O.C. 489:8, Mishnah Berurah and Beirur Halachah.

16 Sha’arei Teshuvah 489:4; Igros Moshe, O.C. 4:99-3.

17 See Beis Shlomo 1:102; Birkei Yosef 489:17; Sha’arei Teshuvah, 489:4; Sho’el u’Meishiv 4:3-127.

18 See Kaf ha-Chayim 489:83 who rules not to say a blessing, while Minchas Yitzchak 9:57 and Yabia Omer 4:43 rule that a blessing may be said. Surely, one who remembered to count within 9 minutes after sunset, may count on the following days with a blessing; see Igros Moshe, O.C. 4:62.

Paying Workers on Time - The Mitzvah of “bal talin” by Rabbi Yirmiyohu Kaganoff

In Parshas Ki Seitzei the Torah instructs “Biyomo sitein s’charo vi’lo sa’avor alav hashemesh,” “On that day (that is, the day the work was completed) you should pay his wage, and the sun shall not set (without him receiving his payment)” (Devarim 24:15). The Torah mentions two mitzvos; a positive mitzvah (mitzvas asech) and a negative mitzvah (lo sa’aseh) to guarantee that a worker is paid before sunset of the day that he performed his job. Thus, someone who pays his worker on time fulfills a positive mitzvah, whereas if he neglects to pay him on time and the worker demands payment, he has transgressed a lo sa’aseh.

The Torah gives us a definition of “on time”- before sunset. This mitzvah is mentioned in Parshas Kedoshim as well. However in Parshas Kedoshim, the Torah presents the mitzvah somewhat differently: “Lo salin peulas sachir itcha ad boker.” “The wages of a worker shall not remain with you until morning” (Vayikra 19:13). Here the Torah requires that the worker be paid before morning, implying that one has the entire night to pay him, rather than being responsible to pay him before the day is over. The two verses appear contradictory, one implying that I must pay my worker before sunset, the other implying that I have until morning.

Chazal resolve this conflict by explaining that there are indeed two deadlines, the end of the day and the end of the night, but that the two p’sukim discuss different cases. The pasuk in Ki Seitzei discusses a worker whose job finished precisely at the end of the night. Such a worker must be paid before the following sunset, which is the first deadline that arrives after he completed his job. However, the pasuk in Kedoshim refers to a worker who completed his job at the end of the day. Such a worker must be paid by morning.

Thus, the two verses together teach that there are two payment deadlines, one at sunset and the other at daybreak. One is obligated to pay his worker before the next deadline that occurs after the job is completed. If the work was completed before the end of the day, he must be paid by sunset. If the work was completed at night, he must be paid before daybreak (Bava Metzia 111a, quoting the Amora, Rav). It should be noted that one violates the lo sa’aseh only in a case where the worker demanded payment and the owner refused to pay. Furthermore, as we will note, there is no violation if it is understood or prearranged that payment will be delayed.

WHAT TYPE OF WORK IS INCLUDED IN THIS MITZVAH?

The Torah was very concerned that a worker should be paid on time. This mitzvah applies not only to an employee but also to a contractor who is hired to perform a specific job; he must be paid by the first deadline after the job is completed. It also applies to someone who works on one’s item on his own premises such as small appliance repairs, dry cleaning, and tailoring. Payment on these items is due by the first deadline after the item is returned (Shulchan Aruch Choshen Mishpat 339:6). Likewise, someone hired for a specific length of time must be paid by the first deadline after completion of employment. In all these situations if the job was completed (or the item returned) during the day, the worker should be paid by sunset. If the job was completed by night, he should be paid by morning.

This mitzvah applies to all kinds of hired work, whether the worker is a contractor or an employee, permanent or temporary, poor or wealthy, adult or minor. Thus, by paying on the day we receive the service we fulfill the mitzvah of biyomo sitein s’charo, paying a worker on the day he completes a job, as well as fulfilling other

mitzvos that will be mentioned later in the article. The following is a partial list of workers included in this mitzvah: automobile and appliance repairmen, babysitters, dentists, dry cleaners, house cleaners, housing contractors, lawn mowers, lawyers, physicians, psychologists, rebbes, teachers, and tutors.

EXAMPLE:

Shimon picked up his garment from the tailor, who asked him for payment. Shimon forgot to bring money to pay the tailor, asking him if he minds waiting a couple of days until Shimon is back in the neighborhood. The tailor answered that his rent is due today and he is short on money. Shimon is obligated *min hatorah* to make a special trip to pay the tailor today. Of course, his reward for fulfilling the mitzvah is increased many times because of the inconvenience involved.

Similarly, one is required to pay the doctor on the day of the appointment unless other provisions have been prearranged. If I hire a teenager to mow the lawn, I must pay him when he finishes the job. I should not delay payment to a later date because of my convenience.

The employee or hiree must be paid in cash (Tosafos Bava Basra 92b; Shach Choshem Mishpat 336:4) or by check that he can readily convert into cash. One may not pay a worker or contractor with merchandise unless this was arranged in advance.

The employer has not fulfilled his mitzvah if he pays with a post-dated check or a check that cannot be immediately cashed (such as, the bank is closed for the day). Again, if the employee is told before hiring that these are the arrangements, then there is no violation.

In keeping with the Torah's ideas of protecting worker's rights, it is prohibited to call a repairman knowing that I have no money to pay him without telling him that payment will be delayed (see Ahavas Chesed 1:10:12).

RENTALS

Bal talin also applies to rental arrangements. Thus if I rent an appliance or automobile, I must pay the rent by the sunset or daybreak after the rental is completed.

EXAMPLE:

Leah borrows a wedding dress from a *gemach* that charges a fee for dry cleaning and other expenses. When she returns the dress, she should pay the *gemach* before sunset or daybreak, whichever comes first.

SMALL WAGES AND SMALL EMPLOYEES

Even the delay of a wage less than a *p'rutah* is a violation of *bal talin* (Ritva Bava Metziah 111b). As mentioned above, I am required to pay a minor on the day he performs a job for me. Thus, if I hire a child to run an errand for me, I must pay him that day (Ahavas Chesed 1:9:5). Furthermore, if I offer a young child a candy to do a job, I am required to pay him the candy the day he did the job.

EXAMPLE:

Reuven asked an eight-year old to buy him an ice cream cone, offering the eight-year old to buy himself a cone at the same time. The grocery had only one cone left. If Reuven takes the cone for himself, he must make sure to buy the child a cone before sunset today. (In this instance, it will not help Reuven if the child says that he does not mind, since a child cannot waive his legal rights.)

Running a large business or being preoccupied is an invalid excuse for not paying on time (Tosafos Bava Metziah 111a s.v. Amar). Furthermore, arranging that someone else pay the workers or contractors does not exempt the owner from responsibility if the agent is remiss. This is because of a halachic principle that one may not assume that an agent carried out a Torah command on my behalf (see Nsv HaChesed 1:10:25).

WHAT IF I DIDN'T REALIZE I WOULD BE EXPECTED TO PAY THAT DAY?

Unless there was a reason to assume that I was not expected to pay until later, I am responsible to pay the day the work is performed.

EXAMPLE:

Mr. Siegal enters the doctor's office and sees a sign on the wall, "Payment is due when service is rendered." Mr. Siegal had assumed that he would pay when the bill arrives, and he has no money until his next payday. He should inform the receptionist of his inability to pay and request that the doctor be so informed before the appointment.

WHAT IF IT IS ASSUMED THAT THE WORKER IS PAID LATER?

The Gemara (Bava Metziah 111a) discusses the following situation and rules it halachically acceptable. The Jewish merchants of Sura hired workers and paid them at the end of the next market day when the merchants had extra cash. Until market day it was assumed that the merchants would use their available cash to purchase more merchandise (Ritva ad loc.), and the workers were always paid after market

day. The Gemara states that these merchants did not violate *bal talin* since it is assumed that the workers will not be paid until the following market day.

A contemporary analogy is when a business pays its workers on Tuesdays for the week's work or on the first of the month for the previous month. In these situations, there is no violation of *bal talin* since this arrangement is assumed.

WHAT IS THE HALACHA IF AN AGENT HIRED THE WORKERS?

The Gemara (Bava Metziah 110b) discusses a case where the foreman hired workers on behalf of the employer, notifying them that he is not responsible for their wages. Subsequently, the wages were delayed. The Gemara states that neither the foreman nor the employer violated *bal talin*. The foreman did not violate because it was clear that he is not personally obligated to pay the workers. The owner does not violate *bal talin* since he did not hire the workers himself. Nevertheless, he is still required to pay them on time if possible (Shulchan Aruch Choshen Mishpat 339:7).

WHAT SHOULD I DO IF I MAY NOT BE ABLE TO PAY ON THE DAY DUE?

To avoid violating any Torah mitzvos, the owner should tell the workers before they begin working that he is making a condition that they forgo their right to be paid on time (Nsv HaChesed 1:10:24).

WHAT SHOULD THE OWNER DO IF HE WILL BE OUT-OF-TOWN ON PAYDAY?

The owner is responsible that his workers are paid on time. If he will be absent when his worker finishes, he must make provisions to pay the workers on time (Ahavas Chesed 1:10:12).

EXAMPLE:

Mrs. Schwartz is taking her child to the doctor and has hired a babysitter to take care of her other young children until her teenaged daughter comes home at 4:00 p.m. Unless Mrs. Schwartz arranges otherwise, she must see that her babysitter is paid before sunset.

There are several ways Mrs. Schwartz can avoid violating the Torah's law. When hiring the sitter, Mrs. Schwartz can tell her that she is hiring her with the understanding that the sitter waives her right to be paid that day. In this case, if Mrs. Schwartz fails to pay the sitter before sunset, she will not violate any prohibition, although she will have missed the opportunity to perform a mitzvah. Therefore, it is better if Mrs. Schwartz gives her teenaged daughter money to pay the sitter. This way Mrs. Schwartz has fulfilled the mitzvah of paying her worker on time. Optimally, Mrs. Schwartz should do both; that is, she should ask her sitter to waive her right, just in case the sitter is not paid on time, and arrange for her daughter to pay, so Mrs. Schwartz fulfills an extra mitzvah.

If the sitter did not waive her right to be paid before sunset, Mrs. Schwartz must check with her daughter later in the day that she indeed paid the babysitter (see Nsv HaChesed 1:10:25).

WHAT IF THE OWNER HAS NO MONEY WITH WHICH TO PAY?

Kalman Mandel's business is running a cash flow problem, and he is running into difficulty paying his contractors. There are several *shaylos* he should ask his rav.

Kalman has money in a personal bank account. Is he required to pay his contractors with this money, or can he assume that since his business is incorporated that he is only obligated to pay them from his business account?

How much is the business required to liquidate to pay the contractors? How aggressive is the business required to collect its receivables? Am I required to sell merchandise at a lower price?

Some *poskim* contend that one is required to borrow money in order to pay on time. Chofetz Chayim (Ahavas Chesed 1:9:7) rules that one is required to borrow money to pay one's workers on time whereas Pischei Tshuva (339:8) and Graz rule that it is the correct thing to do (*midas chassidus*) but it is not required.

According to Biyur Halacha (242:1), if one does not have enough money both to pay wages due on Friday and to make Shabbos, one is required to pay the wages even if as a result he will not have money for Shabbos. If sunset is approaching, and the owner has not yet paid wages that are due today, he must attend to paying his workers even if he is unable to daven *mincha* as a result if the workers demand payment.

As we have mentioned before, if the employee does not claim payment or states that he does mind if the payment is delayed, the employer did not violate *bal talin*. Nevertheless, the payer should still attempt to pay on time and he fulfills a mitzvah by doing so.

It is wrong for the owner to delay paying the worker, forcing him to repeatedly return for payment. These actions violate the mitzvah taught by the *pasuk* in Mishlei, "Al Tomar li'rei'acha lech va' shoov u'machar e'tein vi' yeish i'tach," "Do not tell your neighbor 'Go and come back, I'll pay you tomorrow,' when you have the (money) with you" (Mishlei 3:28).

If the employer refuses to pay his worker altogether, he violates the prohibition of "Lo sa'ashok es rei'acha," "Do not hold back payment due your neighbor" (Vayikra 19:13). If the employee or contractor is needy, the employer violates an additional prohibition "Lo sa'ashok sachir ani v'evyon," "Do not hold back payment due to a poor or destitute person" (Devarim 24:14).

The Gemara (Bava Metzia 111a) counts a total of seven Biblical mitzvos involved in withholding wages, including gezel, stealing, as well as the above mentioned mitzvos.

WHAT SHOULD THE OWNER DO IF HE IS SHORT ON MONEY?

What should the owner do when he does not have enough money to pay all his employees and contractors? The Chofetz Chayim discusses this exact shaylah in his sefer Ahavas Chesed. He rules that if some of the workers are poor, he should pay them first. If all or none of the workers are poor, he should divide the available funds among them equally.

MAY THE OWNER OFFER EXTRA COMPENSATION FOR DELAYED PAYMENT?

The owner missed his deadline. Feeling bad, he considers compensating his workers by providing them with a bonus for their patience. Unfortunately although he means well, the owner has now incurred a different prohibition because this is considered as paying interest (ribis). Since he is obligated to pay his workers, the amount owed is a debt. The prohibition against interest applies to any debt, even if it did not originate as a loan. Therefore, an employer who delayed paying his workers or contractors cannot offer them compensation for the delay, nor can they charge him a late fee (Shulchan Aruch Yoreh Deah 173:12; Ramah ibid. 176:6).

Similarly, if the owner is tight on cash, he may not offer his workers, contractors or other creditors a bonus if they will wait for payment. This situation might entail a Torah prohibition of ribis (see Bris Yehudah pg. 451 fn 15). If necessary, he could arrange this with a heter iska, and a rav should be consulted.

THE CONTRACTOR IS OVERCHARGING ME. WILL I VIOLATE BAL TALIN IF I HOLD BACK PAYMENT?

When a person feels he is being overcharged, he usually considers withholding part of the payment until the matter is clarified. If indeed he is correct, this plan is not a problem. However, if he is mistaken and the contractor deserves the total amount, it means that he has violated bal talin by not paying the contractor on time if the contractor demanded payment. For this reason, the Chofetz Chayim suggests always negotiating a price with a contractor or repairman in advance.

SUGGESTION:

If the repairman is uncertain how much the work will cost, tell him (before he starts) that you are stipulating that he waive his right to be paid on time (see Graz Vol. 5

pg. 890 #18). This avoids violating the prohibition of bal talin should a dispute develop between the parties.

If I failed to stipulate this condition in advance and a dispute develops between the contractor and myself, I should discuss with a rav how to proceed. Bear in mind, that if the worker is demanding payment and I am wrong, I might end up violating a serious Torah prohibition by not paying on time.

It is important that people become more familiar with the details of bal talin in order to conduct their business dealings according to halacha. Unfortunately, not everyone realizes the mitzvos that are accomplished by paying workers on time. Apparently, this is not a recent phenomenon. Over a hundred years ago, the Chofetz Chayim decried the fact that otherwise observant people were inattentive in the observance of this mitzvah. He attributed this to ignorance of its details. Hopefully, this article will spur people to learn more about these mitzvos and their great reward.

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by Rabbi Mendel Weinbach

The Unlearned Lesson • Sanhedrin 71a

A rebellious youngster who showed a strong tendency towards crime by repeatedly stealing money from his father in order to gluttonously consume meat and wine is put to death as a preemptive measure to ensure that he will not end up as a murderer. Rabbi Shimon's position is that the implementation of this Torah law never took place. This thirteen-year-old must be brought to the court by his father and mother for first disciplining him with lashes, and upon his subsequent regression bring him once again for execution. It is therefore unlikely that parents will initiate his execution for the crime of stealing from them to indulge himself. Then why did the Torah provide us with a purely theoretical chapter such as this?

The cryptic answer given is "in order to learn from this and be rewarded."

Maharsha explains that the boy's parents are not capable of appreciating a preemptive death for their son and will delude themselves that he will change his ways. The Torah therefore teaches them that he will inevitably degenerate into a murderer and is deserving of death. This will motivate the parents to discipline this errant child and they will be rewarded for properly training him.

"In our day," added Maharsha centuries ago, "parents pay no attention to this lesson and cover up for their child even when he deserves severe punishment, with the result that delinquent youngsters spend most of their days devoid of Torah."

What the Sages Say

"The tree from which Adam sinfully ate was a grapevine because nothing brings so much weeping to the world as does the consumption of wine."

•Rabbi Meir - Sanhedrin 70a

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