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INTERNET PARSHA SHEET ON **BEHAR BECHUKOSAI** - 5772

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Covenant & Conversation

Thoughts on the Weekly Parsha from

Lord Jonathan Sacks

Chief Rabbi of the United Hebrew Congregations of the British Commonwealth

<http://www.chiefrabbi.org/tt-index.html>

Behar 5769

The book of Vayikra ends with one of the most terrifying passages in literature. It describes what will happen to the Israelites if, having made their covenant with G-d, they break its terms:

"If in spite of this you still do not listen to me but continue to be hostile toward me, then in my anger I will be hostile toward you, and I myself will punish you for your sins seven times over . . . I will turn your cities into ruins and lay waste your sanctuaries, and I will take no delight in the pleasing aroma of your offerings. I will lay waste the land, so that your enemies who live there will be appalled. I will scatter you among the nations and will draw out my sword and pursue you. Your land will be laid waste, and your cities will lie in ruins . . . As for those of you who are left, I will make their hearts so fearful in the lands of their enemies

that the sound of a windblown leaf will put them to flight. They will run as though fleeing from the sword, and they will fall, even though no one is pursuing them." (Leviticus 26: 28-36)

To this day we read the passage - traditionally known as the Tochachah, "the admonition" - sotto voce, so fearful is it and so difficult to internalize and imagine. It is all the more fearful given what we know of later Jewish history.

Tragically, more than once, it came true. The Jewish people has had more than its share of sufferings and persecutions. Its commitment to the terms of the covenant - to be "a kingdom of priests and a holy nation" - was and still is anything but safe, an easy option, a low-risk strategy. Of the people He claimed as His own, G-d is demanding. When Israel do His will, they are lifted to great heights. When they do not, they are plunged into great depths. The way of holiness is supremely challenging.

Yet at the very climax of this long list of curses, there comes a passage surpassing in its assurance:

. . . but when the time finally comes that their stubborn spirit is humbled, I will forgive their sin. I will remember my covenant with Jacob, as well as my covenant with Isaac and my covenant with Abraham, and I will remember the land . . . Thus, even when they are in their enemy's land, I will not reject them or spurn them, bringing them to an end and breaking My covenant with them, because I am the Lord their G-d. (Leviticus 26: 41-44)

The people of the eternal G-d will itself be eternal. There is, in the Mosaic books, no greater promise than this.

It is repeated in the prophetic literature by the man often thought of as the most pessimistic of the prophets, Jeremiah. Jeremiah spent much of his career as a prophet warning the people of impending disaster. It was an unpopular message, and he was imprisoned and nearly killed for it. Yet he too, in the midst of his gloom, told the people that they would never be destroyed:

This is what the Lord says,

He who appoints the sun to shine by day,
who decrees the moon and stars to shine by night,
who stirs up the sea so that its waves roar-
the Lord Almighty is His name:

"Only if these decrees vanish from My sight," declares the Lord,
"will the descendants of Israel ever cease to be a nation before Me."
(Jeremiah 31: 35-36)

In the Cairo Museum stands a giant slab of black granite known as the Merneptah stele. Originally installed by Pharaoh Amenhotep III in his temple in western Thebes, it was removed by a later ruler of Egypt, Merneptah, who reigned in the thirteenth century BCE. Inscribed with hieroglyphics, it contains a record of Merneptah's military victories. Its interest might have been confined to students of ancient civilizations, were it not for one fact: the stele contains the first reference outside the Bible to the people of Israel. The inscription lists the various powers crushed by Merneptah and his army. It concludes:

All lands together, they are pacified;
Everyone who was restless, he has been bound
By the king of Upper and Lower Egypt . . .

Among those who were restless were a small people otherwise not mentioned in the early Egyptian texts. Merneptah or his chroniclers believed that they were now a mere footnote to history. They had not simply been defeated. They had been obliterated. This is what the stele says:

Israel is laid waste, his seed is not.

The first reference to Israel outside the Bible is an obituary notice. Ironically, so is the second. This is contained in a basalt slab dating from the 9th century BCE which today stands in the Louvre. Known as the Mesha stele, it records the triumphs of Mesha, king of Moab. The king thanks his deity Chemosh for handing victory to the Moabites in

their wars, our lights in the war is, and speaks thus: "As for Omri, king of Israel, he humbled Moab for many years, for Chemosh was angry with his land. And his son followed him, and he also said, 'I will humble Moab.' In my time he spoke thus, but I have triumphed over him and over his house, while Israel has perished for ever."

The great mathematician and later Christian theologian Blaise Pascal wrote this:

It is certain that in certain parts of the world we can see a peculiar people, separated from the other peoples of the world, and this is called the Jewish people... This people is not only of remarkable antiquity but has also lasted for a singularly long time... For whereas the peoples of Greece and Italy, of Sparta, Athens and Rome, and others who came so much later have perished so long ago, these still exist, despite the efforts of so many powerful kings who have tried a hundred times to wipe them out, as their historians testify, and as can easily be judged by the natural order of things over such a long spell of years. They have always been preserved, however, and their preservation was foretold... My encounter with his people amazes me.

Many attempts have been made, over the course of the centuries, to prove the existence of G-d. Theologians have argued on the basis of philosophy, and in some cases the natural sciences (the "argument from design"). Yet the Torah speaks of a different kind of proof altogether: the history of Israel.

There is pain in this history. At times it was written in tears. Yet it remains astonishing. The curses of the Tokhachah came true - but so did the consolation. No nation was attacked so often. None attracted so much irrational hostility. Empire after empire pronounced their destruction. Yet they have vanished into oblivion while the people Israel still lives, small, vulnerable, sometimes fractious and rebellious, yet still there, defying all the natural laws that govern the history of nations.

There is a mystery here, as Pascal so clearly saw. Yet its basic formulation is clear, and despite all the odds it came true: the people of the eternal G-d became the people of eternity.

Anglo-Jewry at 350

Who wrote the following words about the 350th anniversary of Anglo-Jewry – a Jew or a non-Jew? "The Jewish concept of mitzvah, on which David Cameron dwelt when he made a speech celebrating the 350 years last week, means a good deed done for its own sake. Such deeds are visible in the importance Jews attach to charity and to education. British society needs a lot more mitzvahs."

The question is what Americans call a no-brainer. It was a non-Jew: Charles Moore writing in The Telegraph last Saturday. Non-Jews remember what we all too often forget, that greater than the contribution of Jews to British society has been the contribution of Judaism. They know that what has made the Jewish community distinctive has been its faith, its value-system, its way of life. Subtract religion from the Jewish people and in the long run little remains.

The re-admission of Jews to England in 1656 was primarily a matter of religion. Yes, there was an issue of pragmatism. Cromwell knew, as Rabbi Manasseh ben Israel reminded him, that the presence of Jews in the sceptred isle would bring economic advantage. Out of historical necessity Jews had become masters of trade and finance. Their presence made a significant difference to Venice in the 16th century and the Netherlands in the 17th. But this was secondary.

At the heart of Rabbi Manasseh's essay The Hope of Israel (1650), the first move in the Jewish appeal for re-admission, was the curious argument that the Messiah would only come once Jews had been scattered to every country on earth. A traveller to Ecuador, Antonio Montezinos, had claimed to have discovered an Indian tribe descended from the lost tribes of Israel. The one country that had no Jews was England.

It was therefore a standing obstacle to Divine redemption. It was defying God's script for human history.

It is easy to dismiss this as pious circumlocution and to assume that Cromwell was more interested in economics than theology. Easy but fallacious. The greatest historian of 17th century England, Christopher Hill, has made it clear through a series of brilliant studies, that the single most important influence on society at that time was the Bible. Michael Walzer argued likewise in his early work, The Revolution of the Saints.

Three factors came together to transform Europe from the Middle Ages to the birth of the modern: the invention of the printing press, the Reformation, and the appearance of Bibles in the vernacular – from Tyndale to Coverdale to the great King James translation of 1611. For the first time large numbers of people were able to read the Hebrew Bible for themselves without the mediation of priests. What they discovered was the very opposite of the "Divine right of kings".

Tanakh was, and probably always will be, a radical political document, testifying to the right of prophets to criticize kings, the inalienable dignity of the human person regardless of wealth and status, and most importantly for the history of freedom: a clear sense of the moral limits of power. The seventeenth century architects of constitutional liberty in England and America were Puritans. According to the great sociologist Max Weber, they were also the founders of the market economy. Puritanism – profoundly influenced by the Hebrew Bible – is the closest Christianity has ever come to Judaism.

For Jews themselves the religious dimension was fundamental. Indeed the word "re-admission" is misleading. There were Jews in seventeenth century England before 1656. They were marranos, Jews who practised Judaism in secret. What they sought was not the right to live in England but rather, as Manasseh ben Israel put it, the permission to "have our synagogues, and free exercise of our religion".

So it was two centuries later when they sought entry to Parliament. For eleven years, between 1847 and 1858, Lionel de Rothschild was repeatedly elected as an M.P. for the City of London but did not take his seat until he was permitted to do so without taking a Christian oath. The late Jacob Herzog wrote that when he was finally granted the right to enter Parliament as a Jew, he uttered a prayer that "this elevation" would not lead to a "diminution of our faith".

Until relatively recently, Jews and non-Jews alike knew that what made Jews different was not the "hardware" but the "software" – not any special genetic endowment but rather the faith and way of life to which we are called. To this day, the wider society respects Judaism, not just Jews: its love of family and community, its passion for education and the life of the mind, its commitment to tzedakah and the way it combines personal responsibility ("If I am not for myself, who will be?") with responsibility for others ("If I am only for myself, what am I?")

In an insightful article in The Observer six years ago, Andrew Marr commented on the proposal of an Anglo-Jewish think-tank to redefine Jews as an ethnic group, not a religious community. He wrote: "All this is shallow water, and the further you wade the shallower it gets." The greatness of Jews, he argued, lay in their religious heritage. Jews, he said, "really have been different. They have enriched the world and challenged it." What others never forgot, we must strive to remember: that Jewish life cannot be secularised without losing the greater part of its contribution to humankind. How beautiful, yet how ironic, that it took Charles Moore to say: "British society needs a lot more mitzvahs".

Thanks to hamelaket@gmail.com for collecting the following items:

From Destiny Foundation/Rabbi Berel Wein

<info@jewishdestiny.com>

Subject Weekly Parsha from Rabbi Berel Wein

Jerusalem Post :: Monday, May 14, 2012

MY UNSEEN MINYAN :: Rabbi Berel Wein

Last week for various reasons, none of which were connected to my piety, I arrived at the synagogue for the morning prayers service very early – so early in fact that I was the one who unlocked the gates of the synagogue for entry. As I sat there alone in the synagogue waiting for the rest of our faithful to arrive, I looked around the synagogue room. In my mind's eye I was no longer alone for now I glimpsed all of my minyan companions that I have known over the past many decades in Chicago, Miami Beach, Monsey and here in Jerusalem.

I was amazed that I now remembered so many of them, their appearances, words, habits and individual traits and peculiarities. Eerily but also comfortably, I no longer felt alone in that spacious empty room. I believe that such hallucinations are indicative of the years that I have achieved but nevertheless they were of great effect and importance to me.

They reinforced my lifelong belief that Jews should never feel utterly alone and abandoned. The unseen minyan is as important to our souls and well being as is the visible and real one. Over the last few years the inexorable fate of time has transferred many of my friends from the seen minyan to the unseen minyan. But now suddenly in the early morning light of that synagogue room it was the unseen minyan that was present. I saw them in their prayer shawls and tefilin, in their contributions to the charity box and in their friendly countenances and good cheer. I saw my teachers and students, my father and my congregants and synagogue officers, my teaching and rabbinic colleagues – the synagogue prayer room was crowded and full. But they were all participants in that unseen minyan of mine.

As the members of the real minyan arrived and the prayer service commenced, the unseen minyan faded away. It is difficult to hold on to the unseen minyan when the real one is actively functioning. Yet during the prayer service, I thought that it is obvious that no Jew prays alone.

Aside from the active minyan that surrounds the one who is praying there is an unseen minyan that also participates in one's prayers.

That influence can be very great. It is this chain of the past that has shaped each and every one of us. I wonder if that unseen minyan approves of my prayer or even of me personally as I now am.

Transferring to the unseen minyan now changes their relationship to me.

They now have the right to be judgmental about my actions and me.

And, to me, they now have become examples and role models and no longer the members of the peer group to which we once belonged together.

None of them were perfect for there are no perfect humans but each one of them had a special quality that deserves to be remembered and emulated. In fact that is the efficacy of a minyan itself – it combines all of the special qualities of those present and studiously and purposely ignores their individual human imperfections.

When I recited the Amida that morning I understood why the Men of the Great Assembly began that prayer by referring to the God of Abraham, the God of Isaac and the God of Jacob. I realized that Abraham, Isaac and Jacob are the original founders and members of our unseen minyan. It is they who are our role models and teachers and they are the main influences in our lives and hopes.

Our real minyan cannot really function too well if the unseen minyan is somehow not also present in our prayer room and in our hearts and souls. In fact it dawned upon me that our unseen minyan numbered in the thousands and millions. All of Jewish history and tradition has come to pray with us and strengthen us in continuing the chain of Sinai.

Once we realize that we are not alone in this endeavor - that it is not only the ten or twenty people before us, but that we are aided and helped by so many generations that have preceded us, only then we can view our tasks and challenges with greater equanimity and confidence.

Knowing and believing that we are never truly alone and that together with our unseen minyan, God, so to speak, also accompanies us on our life's journey, will certainly improve our outlook on life and our payers. Shabat shalom

From Destiny Foundation/Rabbi Berel Wein
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Subject Weekly Parsha from Rabbi Berel Wein

Weekly Parsha :: Rabbi Berel Wein

B'HAR

One of the overriding themes that is reflected in this week's parsha is the impermanence of all human ownership, reflected in its accompanying agreements and contracts. The Torah specifically states that property in the Land of Israel cannot be sold in perpetuity. The laws of shemitta and yovel preclude permanent sales of land, and as far as houses in walled cities are concerned the seller has a year long right of redemption and repurchase.

The Torah emphasizes the reason for this overriding value which restricts permanent sale, that "all of the earth belongs to Me." As long as people are convinced that somehow their property really belongs to them and that that they somehow are more than temporary dwellers, then they will have a false view of life and society.

The only permanence in human affairs is its impermanence, just as the only certainty in human life is its uncertainty. God told us that we are only strangers and sojourners within His realm. To think otherwise is hubris of the worst sort.

By limiting our control of property and curtailing our proprietary rights, the Torah emphasizes to us the view that a person should have regarding one's life and possessions. We are no more than tenants, trustees if you will, but never the real permanent owners of what we temporarily possess and enjoy.

That is really the import of the famous first comment of Rashi to the Torah – that the Lord owns all property and territory in this world and He distributes and redistributes it amongst nations and peoples as He so desires.

Judaism is a this-world oriented faith. Nevertheless, one of its basic tenets is its belief in the immortality of the soul and its place in the World to Come – the eternal world of the spirit. There is a Chasidic legend about a wealthy man who was travelling and found overnight lodging in the hovel of an impoverished Jew. The bed was hard, the blanket was flimsy, the house was cold and the breakfast consisted of meager gruel and water. The wealthy visitor complained to his poor host: "Is this the way you live always?" The poor Jew replied: "And are these your usual accommodations?" In response the rich man replied:

"Certainly not. I have a sixteen-room home with heat and food aplenty where I truly reside. But I am now travelling and on the road as a such I must accept whatever accommodations come my way."

The poor Jew then said: "I also have a mansion for my permanent home. It is being built for me in the World to Come. In this world I am but a traveller so I also must accept whatever accommodations come my way."

We are all only travellers on this journey of life. A traveller always has a sense of impermanence, of living out of a suitcase, of being merely a tenant or guest in the great hotel/inn that we call this world of ours.

Mount Sinai and the Torah that emanated from there emphasized this truism of life to us. Would that we would see ourselves this way and thereby spare ourselves needless frustration and aggravation.

B'CHUKOTAI

The book of Vayikra opened on a very high and positive note. Moshe is the recipient of Divine revelation and serves as the High priest of the Mishkan during its first week of its dedication. His brother Aharon is appointed as the permanent High Priest and the children and the

descendants of Aharon remain the special family of kohanim throughout the ages of Jewish history.

After the revelation at Sinai and the acceptance of the Torah by Israel, and the dedication of the Mishkan, the Jewish people are apparently at the zenith of their national and spiritual life. Yet this rosy future is not quite what will really occur. At the conclusion of the book of Vayikra, which we read in this week's parsha, a much more somber picture is portrayed.

Anyone cognizant of the story of the Jewish people over the centuries is well aware that all of the dire predictions that appear in this week's parsha are not hyperbole. A professor of Jewish studies once wryly commented to me that Jewish history was "all books and blood." That pretty much sums up the book of Vayikra as well.

Two of Aharon's sons are destroyed, many laws and strictures are bought down as the Torah of Sinai is fleshed out by God through Moshe, and the awful events that will befall the Jewish people – destruction, exile and agony, are all painfully described in this week's parsha. Thus the book of Vayikra becomes the true book of the Jewish story, in all of its glory and somber narrative.

What are we to make of all of this? That question has hovered over all of Jewish life in every location, generation and circumstance. Because of the inscrutable nature of God's direction of Jewish affairs, the question has never had an even halfheartedly satisfactory answer. The books, the laws, and the commandments remain in the main to be mysterious as does the blood of Jewish history.

Because of this, Jewish history, aside from being composed of books and blood, is mainly composed of faith and belief. That is what the rabbis may have meant when they stated that the prophet announced the basic underpinning of all of the Torah – "the righteous person lives on faith." And faith is truly a difficult commodity to achieve and maintain.

The past century of Jewish life has challenged traditional Jewish faith greatly and dealt it mighty blows. For many Jews it no longer is a viable commodity in their arsenal of life's values. Yet it is obvious that it is the one and only value that can help us weather the uncertainties, contradictions, cruelties and dangers that make up current Jewish life.

The Torah itself charts no easy way to acquire faith – in fact, it has very little to say regarding the subject of faith itself. However, at the conclusion of the public reading of the book of Vayikra (as at the conclusion of all of the other books of the Torah as well) we rise and strengthen ourselves in our belief and faith. May it so be. Shabat shalom.

From Shema Yisrael Torah Network <shemalist@shemayisrael.com>

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Subject Peninim on the Torah by Rabbi A. Leib Scheinbaum

Peninim on the Torah by Rabbi A. Leib Scheinbaum

Parshas Behar - Bechukosai

Behar

"If you will say, what will we eat in the seventh year?"... I will ordain My blessing for you in the sixth year.(25:20,21)

Shemittah is a mitzvah which infuses emunah and bitachon, faith and trust, in a Jew. Each Shemittah, a Jew turns his back on what seems to be the source of his sustenance, and he does not work his field for an entire year. Living through a Shemittah provides one with an incredible test of his faith in Hashem. One who emerges triumphant from this test has strengthened his faith in the Almighty. Imagine an individual walking off the job that has been his source of support for the past six years, saying, "I am not working this year. It is Shemittah. Everything will be good." It takes a special person to do that. That is what shomrei Shemittah, those who observe the Shemittah year, are. Their conviction must be strong at the beginning of the year, but it is nothing compared to what they must feel at its conclusion. They have passed the test, emerging as better people and more committed Jews.

How did they do it? Apparently, it was not easy, nor was everyone filled with confidence. Indeed, the Torah approaches this issue head-on when it writes: "If you

will say, 'What will we eat in the seventh year?'" Obviously, some people were nervous about the upcoming 'adventure' in austerity. The Torah reassures them, "I will ordain My blessing for you in the sixth year." The commentators wonder why the Torah asked the question in the first place. It could simply have stated that the sixth year would be blessed. We would have understood why such a blessing was necessary, to allay any fears that the Shemittah participants might have.

The Noam Elimelech quotes his brother, Horav Zushia, zl, who posits that, indeed, the one who is a master of emunah neither needs a blessing, nor does he have any questions. Faith in Hashem courses through his veins. It is concerning the other fellow, the one whose trust in Hashem is not so equivocal, that the blessing is needed. He believes - but he is still quite nervous. The Torah tells him to "walk off the job" at the beginning of the seventh year. He does it, but not with an abundance of confidence.

It is to him that Hashem says, "I will ordain My blessing for you in the sixth year." That blessing is an accommodation of sorts, so that the not-so-believing believer will persist in his faith. Veritably, this is true of our everyday quest for parnassah, livelihood. Especially during the present period of economic crisis, we see on a regular basis how the guiding hand of the Divine provides for each one of us in His special way.

There is an inspirational mashal, parable, from the Rizhiner Rebbe, zl, which illustrates clearly to the individual who is willing to open his "eyes" and look, how, after all is said and done, it is Hashem Who sustains and provides for our livelihood. A poor man, who earned his meager living via the time-honored vocation of soliciting charity from whoever would help him, heard of a very wealthy philanthropist who was very generous with his contributions. Indeed, anyone who came to his door left a very happy man. He traveled to the town where this philanthropist lived, but, by mistake, knocked on the door of the town's miser. The poor man requested food. The miser did not identify himself as such and instead said, "I will give you food for work. I need somebody around my house, and I will be happy to reimburse your time." Nu, what could the poor man do? He labored all day. At the end of the day, he asked the man for a meal. The miser had no shame (they never do), and he proceeded to send the poor man next door to the philanthropist. His generous neighbor would provide him with a meal!

This, explains the Rebbe, is the story of earning a livelihood. In the end, we are all sustained by the Almighty. Some of us, regrettably, knock on the wrong door. We turn to various venues which we think will provide for us, but, at the end of the day, it is Hashem Who is supporting us. This is the lesson of Shemittah. It is not about the land. It is about realizing that the land is merely Hashem's vehicle. The support always comes from Above.

The Be'er Mayim Chaim approaches the question from a different perspective. He views the questioner not as one who doubts, but rather, as one who truly believes that Hashem will provide. He is filled with emunah and bitachon. So, why is he questioning? He wonders not if Hashem will provide, but rather, how will He do it? What miracle will Hashem bring forth to sustain him? After all, if there is no agricultural effort, there can be no harvest, and, thus, no food. Hashem replies that He has no need for miracles, and we should not depend on them. The Almighty has sufficient latitude within His control of nature to provide sustenance without going to the next level and sending a miracle. He will bless the sixth year, and it will provide more and better in order to sustain His believers.

Shemittah is more than a lesson in earning a livelihood. It is a primer for life. It is an attitude that a Jew should manifest throughout his life's endeavor.

If your brother becomes impoverished with you and is sold to you; you shall not work him with slave labor...you shall not subjugate him through hard labor. (25:39,43)

The Torah includes topics which members of contemporary society might feel are no longer pertinent. They are wrong. Every word of the Torah has relevance and application today, as it did then. In his volume of divrei Torah from the Rosh Yeshivah, Horav Avraham Pam, zl, Rabbi Sholom Smith illustrates how Rav Pam took the laws concerning eved Ivri, the Jewish bondsman, and applied them to contemporary issues.

There are two circumstances in which a Jew would sell himself as a slave to another Jew. In Parashas Mishpatim (Shemos 22:2), the Torah addresses the eved who is nimkar b'genevaso, sells himself as a result of his theft. A Jew who was down and out, and had to feed his family, had limited opportunities for work. So, he stole to support his family's needs. Part of the teshuvah, penance process, is reimbursing the victim. Since the thief had no money, he was sold as a slave. Not geshmak, pleasant, but, it was steady work that would allow him to repay his debt. The other fellow who sells himself as a slave is the one who is extremely poor and does not want to descend to the level of thievery. He seeks job security; becoming a slave means six years of security, in which he is treated more like a master than a slave.

The laws governing the treatment of the Jewish bondsman are very clear: he must be treated with utmost sensitivity and respect. He may neither be asked to perform demeaning work, nor may he be subjugated to hard labor. B'farech, through hard labor, does not necessarily mean compelling the slave to trudge three miles to the stone quarry and lug back a one hundred pound stone block on his shoulders.

Chazal define hard labor as purposeless labor, such as; making him boil water when it is not needed; do things that just occupy his time; create senseless tasks that benefit neither the owner nor the slave.

One may wonder why the Torah would demand such consideration for an individual who quite possibly brought his present predicament upon himself. This is an individual who was either a thief or did commerce with peiros Sheviis, fruits of the Shemittah year. Clearly, this slave was not paradigmatic of Jewish nobility. If anything, his unsavory past has come back to haunt him. The Sefer Hachinuch says that we treat the slave with respect as sort of a message to his master: The wheels of fortune can easily turn. Today, you are a master and he is a slave. Tomorrow, the converse is possible. Therefore, deal kindly with the eved. One never knows what tomorrow will bring.

This is a powerful lesson. One does not have to own a slave to recognize the profundity of this message. Regardless of one's position - financial, health, success - it can all change overnight. It takes one slip, one mistake, one disgruntled employee or irate parent, and a lifetime of success can become a memory. Treat everyone appropriately, the same way you would want to be treated if you were in his position.

The Rosh Yeshivah extends the idea of dealing kindly and considerately with those who are "down on their luck" to the way we should treat anyone in our employ - be it in the workplace or at home. We love to take advantage, especially when we are paying for it. We think that if we are paying someone to cook, act as a maid, babysit, and help out with household chores, they belong to us. We all want to get our money's worth, which, at times, means subjugating the help to perform unnecessary chores just to occupy their time. We own a business or provide a service which requires the hiring of employees. Consideration of their needs, sensitivity to their emotions, regard for their esteem and mindfulness of their personal lives, their family ups and downs, are not only the correct and proper thing to do, it will also increase their effectiveness and productivity. When people are treated properly, they respond in kind.

Last, the Rosh Yeshivah cites Rabbeinu Yonah (Shaarei Teshuvah 3:60) who says that the prohibition, Lo sirdeh bo b'farech, "You shall not subjugate him to hard labor," has another-- often overlooked and frightening-- aspect. One may not make a demand of a person if he knows that this other person cannot refuse his request. This is "hard labor." It happens all of the time. We need something, a favor or even a necessity. We know that if we ask a certain individual he will respond in the affirmative, despite the fact that he neither wants to do this, nor is it something that coincides with his character, position, or status. He will do it only because he owes us; he needs us; he has no bereirah, other choice in the matter. This is wrong on our part. Regrettably, we do this all of the time - at times unintentionally - without thinking.

We do it as employers, as teachers, as friends and as relatives. Taking advantage of another individual's debt to us or our elevated status over him is considered "hard labor." If the Torah admonishes us not to act this way to a bondsman whose past is at best murky, how much more so should we not act this way to a friend, neighbor, employee, student - or anyone for that matter.

If your brother becomes impoverished. (25:39)

Everyone wants to be charitable, to share with those who are less fortunate than he is. It is one of those mitzvos that make us feel good. After all, what could be wrong with helping another Jew? Perhaps that is the first mistake: "helping another Jew." Tzedakah, popularly known as charity, is not just about helping someone else, but rather, about feeling that person's pain. When one "helps," he is still separated from the beneficiary. He is fine it is the "other guy" that is in need. True tzedakah does not distinguish between "me" and "him"; "us" and "them." Tzedakah binds the two together. It creates a fusion of "selves" as the benefactor feels the needs of the beneficiary.

Sensitivity for another Jew's pain, as well as joy for another Jew's happiness, is the hallmark of a baal chesed, person who exemplifies the Torah ideal of lovingkindness. In his book, "A Touch of Warmth," Rabbi Yechiel Spero relates a moving story which carries with it a profound, underlying message that goes to the core of what it means to understand another Jew's emotions. Rav Shmuel and Rav Meir had been chavrusos, study partners, for over fifty years. Their chavrusashaft generated a friendship that was consummate.

One morning, R' Shmuel appeared unwell. R' Meir urged him to see the doctor immediately. R' Shmuel agreed and, after undergoing a thorough examination, was told by the doctor that he should prepare himself for some very grim news. He was

suffering from an incurable disease which would end his life within six months. R' Shmuel informed his chavrusa that the doctor had told him that he had only six months to live. With his usual stoicism, he went back to the Gemorah.

R' Shmuel was a tzadik, righteous person, who lived a life of total commitment to Hashem. He accepted his fate without complaint, without emotion, and without self-pity.

A few weeks went by. One day after they finished learning, R' Shmuel asked R' Meir to stay for a few moments. He had a request to make of him. "I know that when I die many people will want to eulogize me. I ask that no one be allowed. I am undeserving of accolades. There is, however, one thing which I will allow to be said of me - that I strived to feel another Jew's pain as if it were my own, and that I rejoiced at another person's simchah, joyous occasion, as if it were my own." R' Meir was stunned by this statement. They had learned together for so many years, and he was just beginning to appreciate his friend's exalted spiritual nature. He, of course, acceded to honor his friend's request.

The six month diagnosis was sadly proving true. The months went by and R' Shmuel was literally wasting away. Wracked with severe pain, his body was a shadow of its former self. Yet, he never cried out; he never complained. He accepted Hashem's decree with resolve and made every day, every moment, count. One day, R' Meir came to visit his friend and discovered him weeping uncontrollably. The bitter weeping was something that R' Meir had never expected to see emanating from R' Shmuel. Manifesting emotion was atypical of the man who had been his closest friend for over half of a century.

R' Meir looked at R' Shmuel and asked him what had catalyzed such a severe outpouring of emotion. R' Shmuel replied, "Throughout my life, I have always felt someone else's pain as if it were my own. I have come to realize that I have been wrong all of this time. I feel my own pain more than someone else's. I have never felt such pain for someone else!" A few weeks later, R' Shmuel passed on to his eternal reward. R' Meir shared this story with those who assembled at R' Shmuel's funeral to pay him his kavod acharon, final respects.

The story is moving; the lesson is compelling. Do we ever think about this when we are in pain, when our hearts are filled with personal joy? This tzadik realized how difficult it really is to be a true nosei b'ol im chavreiro, "carry the yoke together with his friend."

Bechukosai

If you will follow My decrees and observe My commandments and perform them. (26:3)

Rashi's observation is well-known. Clearly the pasuk is not addressing mitzvah observance, since it immediately follows with, v'es mitzvotai tishmeru, "and observe My commandments." Apparently, Im bechukosai teileichu, "If you will follow My decrees," teaches that one must be amal, exert himself, toiling in Torah. In other words, Torah study, simple "learning," is insufficient to protect a person. In order to fulfill Hashem's mandate concerning Torah study, he must study with toil, with fervor, with passion and enthusiasm. This is a nice psbat, explanation, that has become a staple in Torah interpretation, but how do we derive from the word teileichu that ameilus baTorah, toil, is what it is all about? Torah study alone is insufficient.

Horav Yechiel Yaakov Weinberg, zl, observes two primary principles which serve as the basis for Orthodox Judaism: Torah study and mitzvah performance. These two principles are very much like the synthesis of the guf, body, and the neshamah, soul. They are inseparable; their bond may not be broken. One without the other has little value and even less endurance. One who studies Torah diligently will amass much knowledge and increase his level of wisdom. Will this guarantee that he will be a frumer Yid, observant, practicing Jew? Absolutely not! As the Montreaux Rosh Yeshiva notes, one who is simply erudite, whose acumen and ability to plumb the depths of Torah's profundities is exceptional, is perhaps able to purify a sheretz, ritually unclean creature, one hundred and fifty ways. His brilliance permits him to analyze the halachah from all angles and develop an understanding unlike any other rendered before him, but, at the end of the day, this will neither increase nor improve his religious observance. He is a Torah intellectual, but far from being considered an observant, committed Jew. On the other hand, pure mitzvah observance, without the support of Torah study, is soulless, a body without a soul, living in a vacuum without "life."

Wisdom allows one to find the loopholes for purifying a sheretz. This is, however, not yet the level achieved through ameilus baTorah, toil in Torah study. Such a person may be considered erudite, brilliant, analytical, even a Torah giant, but he has still not reached the level through ameilus. With ameilus, one achieves a level of harmony in which his body and soul are all focused on Torah. Such an individual does not seek to refute the laws of tumah, spiritual defilement, but rather, to understand why the Torah prohibits a sheretz, how to refute the one hundred and fifty reasons that undermine the halacha. To present it in simple language: One who

studies Torah without ameilus will/can find ways in his logical mind to undermine the Torah, discover loopholes for getting around its ordinances. One who studies with ameilus looks for ways to affirm and ratify everything that he has learned. Torah is not merely a subject. It is his life! Ameilus is the fusion of the human intellect with the human will/desire and the Heavenly source of wisdom. One realizes that he studies Torah authored by the Divine. He is attempting to "understand" the word of G-d with his limited mind. When one approaches Torah in this manner, he cannot just "study" it. He must toil in it; he must live it. It is the dvar Hashem, the word of G-d.

This may be derived from the word teileichu, follow, which is a derivative of holoch, to go. The Torah does not say, Im bechukosai tilmedu, "you will study", or taskilu, "you will cogitate." The Torah addresses a form of study that is akin to walking. It is a study that is focused on the question: "What does Hashem want of me?" This is Torah study which is focused on "walking in Hashem's ways," not just "studying" to gain more wisdom and greater erudition.

This does not in any way suggest that one should perform mitzvot without understanding what he is doing. We do not just "do." We ask Hashem daily to "place in our hearts the understanding that will enable us to understand His Torah thoroughly, to listen/observe to study and teach His Torah." All of this is in order that we be able to carry out His word with love. Torah study and mitzvah observance go hand in hand. One without the other does not make one an observant Jew. Rav Weinberg goes one step further as he compares the synthesis of Torah study and mitzvah observance with lomdus, analytical Torah study and Mussar, ethical character refinement. As Torah addresses the halachah and mitzvah focuses on the practical implementation of halachah, Mussar provides the means for executing what one learns in Torah. Mussar is mitzvah fulfillment of duties of the heart. It provides the passion and enthusiasm, the love and excitement, the awe and trembling, which should accompany all mitzvah observance. Lomdus provides the parameters, the boundaries, rules and regulations, while Mussar sees to it that life is infused into mitzvah execution. To paraphrase Rav Weinberg, "Mussar provides lomdus with a sense of integrity, to seek, recognize and concede to the truth. Lomdus is the teacher, the mentor, the guide; Mussar is the policeman, the guardian, the control over the lomdus."

The Rosh Yeshivah spoke from experience. A premier talmid, student, of Slabodka, a close disciple of the Mussar giants, student of its founder Horav Yisrael Salanter, zl, he was also a brilliant Torah scholar, a philosopher schooled in both Torah and general knowledge. As rector of the Hildesheimer Rabbiner Seminar in Berlin, he was the pre-eminent Rosh Yeshivah and posek, halachic decisor, in Western Europe. He had the respect of the gedolim of Western and Eastern Europe - pre- World War II and after. He synthesized Torah and Mussar, representing the finest example of Im bechukosai teileichu.

Then they will confess their sin and the sin of their forefathers for the treachery with which they betrayed me. (26:40)

We can understand saying viduy, confessing one's own sins'; but why must we repent for the sins of our parents? We have a hard enough time dealing with our own issues - let alone those of our forebears. Horav Chaim Zaitschik, zl, explains that this reasoning would be justified in the event that we were not to be responsible for the sins of our parents. When we, however, by our actions, cause our parents to sin, it is an entirely different story.

Children, young and old, make excessive demands on their parents which can lead to parents doing things which are inappropriate, just to satisfy their children's desires. We live in what is being called the "I want it now" generation, in which selfish children, often made so by their parents' constant acquiescing to their demands, are forcing their parents into racking up huge debts, so that they not fall out of grace. We say "yes," because we think that it will make life easier for us, when, in fact, we are only creating greater problems for the future.

By deferring to children's demands, we are guilty of creating a generation of young people who are oblivious to the needs of others, whose narcissistic tendencies increase every time they get what they want. This sense of entitlement does not bode well for their future as adults.

When children demand and demand, they ultimately wear down their parents to the point that they give in to things which they know are wrong and goes against everything in which they believe. The pressure is simply too much to bear.

The consequences are unfortunate, with children becoming increasingly spoiled, parents going out of their way to make them happy - even to the point of resorting to "arrangements" that lack integrity and ethicality. When children manifest this attitude, they become responsible for their parents' sins. There will be a day of reckoning when these children, who will become adults, will be called on the carpet for the misdeeds of their parents. The children did not care about the imposition they were placing on their parents, as they caused their parents to cater to their wants and whims as well.

So why are the parents blamed? Their children pushed them to the limit. We must remember that the children were not born selfish. The parents were seeking an easier life, one in which they maintained a friendly relationship with their children. They created the monster, a generation of children who are blind to another person's needs and who view hard work as an anathema, something for their parents to do in order to keep them in expensive clothes, etc. It is neither entirely the children's fault, nor should the parents take the entire blame. It is best that both share in the confession - as well as the blame.

Va'ani Tefillah

Nora sehillos Awesome of praise.

Why would praise be awesome? We praise Hashem because He is great. His goodness surrounds us, as it suffuses our lives with His beneficence. Why would we be in a state of fear and trepidation as we praise Hashem? Horav Shimon Schwab, zl, explains that it is quite easy to praise Hashem when things are good. When the sun is shining in one's face, life is a totally different experience. If one were to pay gratitude to Hashem only when he experiences what appears to be good and neglects to thank Him when his experience is not so good, it would be an indication that his sense of gratitude is warped. It is almost as if he was intimating that when there is suffering in the world, it is not Hashem's doing. This is, of course, total heresy. When Hashem's will is done -- be it perceptibly good or bad -- we are to praise Him. We may not understand what goes on in the world, but if it is Hashem's will - it is good. We praise Him because we believe that His reason is good. When praise is predicated upon such faith, it is expressed with fear and trepidation.

Sponsored in memory of my mother Mrs. Rachel Massuda - Rochel bas Baruch Yitzchak a"h - Dr. Jacob Massuda

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From Censure to Sinai: A Fresh Look at Shavuot

Why are we doubling up so many parshiyot and why between Pesach and Shavuot? The answer takes us back to the time of Ezra, who reestablished the Jewish community in Israel and prepared the way for the rebuilding of the beis hamikdash. Amongst much other legislation, Ezra and his beis din mandated that we read the tochecha (parsha of rebuke) of Bechukosai before the celebration of Shavuot, and this year we had to play "catch up" in order to maintain that rule (Megilah 31b). Interestingly thistochecha describes, according to the Ramban, the Diaspora between the two commonwealths, the Diaspora that Ezra was bringing to a close at that time.

Indeed our time honored custom to initiate the annual Torah reading cycle after Sukkos, is probably a result of various similar legislations of Ezra. It was Ezra who established that we read the tochecho of Ki Sova, focusing on our present Diaspora, before Rosh Hashanah. Ezra's mandated timing of the two tochecho readings together with the minhag of reading Va'eschanan after Tisha B'av works very well with beginning Breishis after Sukkos.

Nevertheless we should appreciate that Ezra most likely established the reading of Bechukosai before Shavuot much like the way that we read Zachor before Purim and Chodesh and Parah before Pesach. The gemara (Megilah 31b) explains that both Rosh Hashana and Shavuot are days of judgment and Ezra determined that we should read a tochecha, a lengthy rebuke, before a day of judgment. In doing so the community prays that any evil decreed on the last Day of Judgment should terminate with the end of the year governed by that day, and that the current Day of Judgment should usher in months replete with only blessings. It is not unlike the simanim that we eat on Rosh Hashanah night that symbolically enhance our prayers for a sweet year.

In order to establish that Shavuot is in fact a day of judgment, the gemara refers us to the practice of bringing the double loaves of bread in the Beis Hamikdash (Rosh Hashana 16a). These two loaves were baked

from the new wheat harvest and initiated its usage in the mikdash. Chazal understood this service as a prayer for the success of our upcoming fruit season. After all, in Gan Eden the wheat stood tall as a tree and delivered ready made fresh rolls, much as apples grow on the apple tree. By taking the initial harvest and dedicating it to the service of Hashem, explains Rav Chaim Friedlander (Sifsei Chaim vol. 1), we present ourselves as people who will use every brocho in the service of Hashem. In that merit and with that kind of attitude we hope we will earn Hashem's grace.

However, aside from decorating the shul in greenery, which according to some is to remind us of the impending judgment, very little focuses us on the yom tov as a Yom Hadin. There is no hinnenin, no tal nor geshem, no kittel nor Yamim Noraim nusach. Perhaps this has led others to find a deeper connection between the judgment, the holiday, the censure and Sinai.

Truthfully, I had not in the past paid much attention to a very brief Rashi (26:4) commenting on the blessings that precede the rebuke in this week's parsha. Rashi, as is his wont, addresses a subtle change of nuance in the pesukim. There we are promised that the trees will give their fruit while when it comes to rain Hashem says He will give the rains without using the clouds or any other medium. Rashi remarks that this inconsistency records that all trees, even non fruit bearing trees will, if we merit, return to their place and state as if they were in Gan Eden. Indeed a remarkable medrash on these pesukim spells this out as well. Consequently, the trees in blessing and rebuke, and therefore in judgment as well, not only convey Hashem's bestowal of commercial and agricultural success and not only the improvement of communal prosperity. Far more important, the trees, the non fruit bearing, and the wheat stalks stand witness to our lack of merit and readiness for messianic times which will return the world to its original Gan Eden purpose and profile.

Accordingly, the judgment of Shavuot should launch the most pervasive and piercing exploration. Do we really yearn to see Eden-like foliage, rolls on wheat trees and fruits on willow branches? Perhaps the greenery in the shul was meant to inspire that thought. Should the world once again stand still waiting to hear na'ase venishma, would it indeed endure? When we celebrate the day that gave creation meaning and purpose, do our attitudes and practices still hold that same promise that they did some three thousand years ago?

Thus we read Bechukosai to conclude the year governed by last Shavuot as our prayer that the judgment of last year which found us unworthy of those trees and its fruit should indeed be last year's decree and that this year, in the wee hours of Shavuot night when so many Jews are studying Hashem's Torah, He will find us all longing for and worthy of the greatest blessing of all.

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Rav Kook List Rav Kook on the Torah Portion Jerusalem Day: The Two Messengers

The prophet Isaiah used a metaphor of two messengers, the Herald of Zion and the Herald of Jerusalem, who together proclaim the imminent redemption of Israel:

"Herald of Zion, ascend a lofty mountain! Herald of Jerusalem, lift up your voice with strength, be not afraid!" (Is. 40:9)

Who are these two messengers? Why was one commanded to scale the mountain, while the second messenger was instructed to raise her voice?

Zion and Jerusalem

We must first analyze the difference between the names Zion and Jerusalem. Zion represents our national aspirations for autonomy and independence, while Jerusalem symbolizes our lofty visions for holiness and spiritual greatness. The Herald of Zion is none other than the Zionist movement, demanding the restoration of independence and sovereignty for the Jewish people in their own land. This call is heard clearly around the world; there is no need to further raise its voice.

However, secular Zionism is only concerned with our legitimate rights to self-rule. Its aspirations are the same as those of every other nation. The Herald of Jerusalem, on the other hand, speaks of our return to holiness, so that we may fulfill our national destiny as "a kingdom of priests and a holy nation" (Ex. 19:6). This messenger of redemption calls for the restoration of Jerusalem, our holy city, and the holy Temple. Unlike the Herald of Zion, she stands on "a high mountain" - her vision comes from a high and lofty standpoint. But her voice is faint and her demand is not heard clearly. The Herald of Jerusalem seems to fear raising her voice too loudly.

The prophet found fault with both messengers. He reproved the Herald of Zion: Why are you standing down below, together with all the other nations? Why do you only speak of the commonplace goals of the gentile nations? "Ascend a lofty mountain!" Speak in the Name of God, in the name of Israel's holy mission, in the name of the prophetic visions of redemption for the Jewish people and all of humanity.

The prophet then turned to the Herald of Jerusalem: You who call for the return to the city of holiness, you are speaking from the right place, demanding our lofty ideals. But your voice is not heard. You need to learn from the Herald of Zion and "Lift up your voice in strength, be not afraid!"

(Silver from the Land of Israel. Adapted from Mo'adei HaRe'iyah, pp. 482-483)

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Weekly Halacha by Rabbi Doniel Neustadt

Mitzvas Tefillin: Questions and Answers

According to the Talmud,1 Avraham's firm refusal to share in the spoils of war with the King of Sodom, and his proud, righteous proclamation that Hashem alone is his benefactor, had far-reaching results. In the merit of his statement, if so much as a thread to a shoe strap, Hashem rewarded his descendants with the mitzvah of retzuah shel tefillin (tefillin straps). The term "retzuah shel tefillin" signifies that aside from the tefillin themselves, there is a special significance to the retzuos, the straps, of the tefillin. Some relevant information:

Question: What is the correct length for the retzuos?

Discussion: The minimum length of the strap of the tefillin shel yad must be at least long enough to encircle one's upper arm, form the kesher and tighten it, extend downwards to the middle finger and encircle it three times. It is preferable and customary, however, to have a retzuah long enough so that it can be wrapped around the arm seven times.2

The retzuah for the tefillin shel rosh must be at least long enough to encircle one's head with an additional two tefachim [approximately 7-8 inches] on each side.³ It is preferable and customary to have longer retzuos, extending to the midsection of the body, with the right one longer than the left one.⁴

Question: How wide must the retzuos be?

Discussion: While contemporary retzuos are usually fifteen millimeters wide, the minimum width of the retzuah is eleven millimeters. Under extenuating circumstances, one may put on tefillin (and recite the blessings) even if the retzuah is only nine millimeters wide.⁶ It is important to be aware that from wear and tear, a retzuah will frequently narrow at the point where it is tightened and fall short of the required width.⁷

Question: How black must be the retzuos be?

Discussion: The outside⁸ of the retzuos (i.e., the side that faces up, away from the skin) must be painted black, "black as a raven," l'chatchilah.⁹ To obtain this intense shade of black, the retzuos must be blackened, allowed to dry, and blackened a second and third time. B'diavad, the retzuos are kosher as long as they can be considered black. Even if they appear to be closer to dark blue or gray, they are still kosher.¹⁰

When the retzuos age and the blackening peels off, they should be blackened again. [Special care must be taken at the point of tightening, since frequently, the paint peels off just at that spot.¹¹] L'chatchilah, the retzuos should be reblackened so that not even a speck of white appears. But the retzuos are still kosher as long as they appear black to the naked eye,¹² even though they have tiny white flecks or cracks, especially if the white spots are on the part of the retzuos which are longer than the minimum length and width described earlier.¹³

Question: May the retzuos be blackened by a woman or a minor?

Discussion: The blackening must be done l'shem mitzvas tefillin.¹⁴ One who forgot to state explicitly or to bear in mind that he is blackening them lishmah, must repaint the retzuos with the proper concentration.¹⁵ A woman may blacken the retzuos. A minor may do so only if an adult is supervising him while instructing him to blacken them l'shem mitzvas tefillin.¹⁶ [The retzuos may be blackened at night.¹⁷]

Question: Is one required to remove his wristwatch before binding the tefillin straps around his arm?

Discussion: Tefillin must be placed directly on the arm and head without any interference or barrier (chatzitzah). Although the Rama rules that this applies only to the tefillin (boxes) themselves, but not to the straps which are bound around the head or the arm, others are more stringent.¹⁸ Most poskim hold that any part of the straps which is related to the knotting of the tefillin, both shel rosh and shel yad, must be put directly on the body without any interference. It follows, therefore, that one is not required to remove his wristwatch before binding the straps around his lower arm, since that area is not at all related to the knotting of the tefillin.¹⁹ Still many people are accustomed to remove their wristwatch before putting on tefillin,²⁰ and it is proper that they continue doing so, since there are some poskim who are more stringent and recommend that there be no obstruction on any part of the arm or head where the tefillin retzuos are bound.²¹

Question: Is long hair considered a chatzitzah between the head and the tefillin shel rosh?

Discussion: Some poskim²² are very strict on this issue. They rule that long hair is not a natural outgrowth of the body and it constitutes a chatzitzah. Other poskim²³ consider hair to be an extension of the body no matter what its length. The Aruch ha-Shulchan²⁴ rules that hair in its natural place of growth is not considered a chatzitzah, and that it has become customary to allow tefillin to be placed on top of hair of any length. He adds, however, that hair which is combed over to the area where the tefillin box is placed does constitute a chatzitzah, since that hair is not in its natural place of growth.

One who wears a toupee and is embarrassed to remove it in shul may put tefillin over it, but the blessing over the tefillin shel rosh may not be recited. When he comes home, he should remove the toupee, put his tefillin directly on his head, and recite the blessing. [If a toupee is attached to his head, then tefillin may be put over it with a blessing.]²⁵

Question: Is one obligated to fast if his tefillin fall to the ground?

Discussion: It is customary to fast if one accidentally or negligently dropped his tefillin shel yad or shel rosh and it fell to the ground or the floor.²⁶ [If the retzuah alone hit the floor, or if the tefillin fell onto a table or a chair, fasting is not

required.] Preferably, the fast should take place on the day that the tefillin fell to the ground.²⁷

There are some cases of dropped tefillin where the poskim did not require fasting but advised that charity be given instead.²⁸ In certain, limited cases, the poskim recommend a ta'anis dibbur instead of fasting, or additional hours of Torah study, especially in hilchos tefillin. One should consult his rav for the appropriate atonement required of him.²⁹ Some of the cases discussed by the poskim include the following:

* If one was not involved in the episode but merely observed as his or another person's tefillin fell to the ground.³⁰

* If the tefillin fell to the ground while enclosed in a tefillin bag³¹ or in their protective cases (boxes).³²

* Some hold that one need not fast if the tefillin fell from a height of less than three tefachim (approximately 10-12 inches).³³

* Some poskim hold that fasting is required only if the tefillin fell due to negligence but not if it was accidental.³⁴

* If fasting will pose a hardship and make it difficult for one to fulfill his duties, the following men may be lenient about fasting and give charity instead: a physically weak person, a Torah scholar, a Torah teacher or a communal activist (askan).³⁵

1 Chulin 89a. 2 O.C. 27:8; Mishnah Berurah 27:44. 3 Mishnah Berurah 27:44.

4 Mishnah Berurah 27:41. 5 According to the measurements of Chazon Ish.

According to the measurements of Rav A.C. Naeh, the l'chatchilah minimum is 10 millimeters; See Shiurei Torah 3:37. If the retzuah shrinks to less than 9

millimeters wide and no other tefillin are available, a rav should be consulted. 6 O.C. 27:11 and Mishnah Berurah 42, 44; Aruch ha-Shulchan 27:22; Chazon Ish,

O.C. 4:1; Shiurei Torah 3:37. 7 Mishnah Berurah 27:42. 8 The inside of the retzuos (the side that faced down and towards the skin), including the edges, need

not be painted at all; Mishnah Berurah 33:21. See Shevet ha-Levi 9:16 for a full discussion. 9 Mishnah Berurah 33:19. 10 Be'ur Halachah 33:3, s.v. ha-retzuos.

See Halichos Yisrael 1:16, quoting Rav Y.Z. Gustman. 11 Mishnah Berurah 33:19. 12 Salmas Chayim 3:23; Teshuvos Maharshag 1:7; Halichos Shelomo 1:4-

28; Teshuvos v'Hanhagos 2:22; Yashiv Moshe pg. 87, quoting Rav S. Wosner. 13 Rav M. Feinstein was asked: How much whiteness on the tefillin straps renders

them invalid? He is quoted (Guide to Practical Halachah, vol. 1, pg. 158) as answering: "For what is needed for the shiur, we are stringent—even if a tiny drop

is not black, the area must be repainted. Beyond that, the amount does not matter unless it is really noticeable." See also Zichron Eliyahu (based on the rulings of Rav

Y.S. Elyashiv) 20:7. 14 L'chatchilah, the l'shem mitzvas tefillin must be stated aloud; see Mishnah Berurah 11:4; 32:24. 15 Be'ur Halachah 33:4, s.v. pasul. 16

Mishnah Berurah 33:23. 17 Rav Y.S. Elyashiv and Rav C.P. Scheinberg, quoted in Mevakshei Torah, vol. 4, pg. 415. 18 Mishnah Berurah 27:16. 19 Although

Doveiv Meisharim 2:37 rules that one should remove his wristwatch, he retracted that ruling in later years (Yechaveh Da'as 3:2). 20 Emes l'Yaakov, O.C. 27, note

31. 21 See Peri Megadim (Mishbetzos) 27:4; Teshuvos v'Hanhagos 2:26; Rav. C. Kanievsky (Doleh u'Mashkeh, pg. 31). 22 Machatzis ha-Shekel 27:4; Kitzur

Shulchan Aruch 10:6; Mishnah Berurah 27:15. 23 See Keren l'David 10; Eretz Tzvi

1:6; Halichos Shelomo 1:4-6 and Devar Halachah 6. 24 27:14. 25 Igras Moshe, O.C. 4:40-18. 26 Mishnah Berurah 40:3; Igras Moshe, O.C. 3:3. 27

Be'er Heitev, O.C. 571:1; Kaf ha-Chayim 40:6. 28 Some recommend that the amount should be the sum total one spends on food for a single day; see Shevet ha-

Levi 5:5. 29 See Rivevos Efrayim 6:14 quoting Rav Y.Y. Kanievsky; Az Nidberu 8:20. 30 Sha'arei Teshuvah 40:1; Igras Moshe, O.C. 3:3; Halichos Shelomo 1:12-

39, Devar Halachah 50. 31 Mishnah Berurah 40:3; Aruch ha-Shulchan 44:3. 32 Rav Y.S. Elyashiv (oral ruling, quoted in Avnei Yashfei 2:1). See Shevet ha-

Kehasi 4:26 for a dissenting opinion. 33 Kaf ha-Chayim 40:7. 34 See Da'as Torah 44:1. 35 Chida (Chayim Sho'al 12); Da'as Torah 44:1; Ben Ish Chai

(Chayei Sarah 18); Yabia Omer 2:28. See also O.C. 571:1 and Mishnah Berurah. Weekly-Halacha, Weekly Halacha. Copyright © 2010 by Rabbi Neustadt, Dr.

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By Rabbi Yirmiyohu Kaganoff

Nu, so, what is new?

By Rabbi Yirmiyohu Kaganoff

In Parshas Bechukosai, the Torah mentions a beracha that we will be able to eat **yoshon noshan**. Perhaps it is a stretch of my own imagination to use this as an **opportunity to discuss the laws of yoshon and chodosh grain...**

Question #1:

"When I was young, I do not think I ever heard about a prohibition called chodosh, or that something was yoshon. Now I am constantly hearing these terms. Do we now have a new mitzvah?"

Question #2:

"We now live permanently in Eretz Yisrael, but we visit the United States several times a year. Do we need to be concerned about chodosh when we visit?"

The Basics

Before addressing the issue underlying both questions, which is whether the prohibition of chodosh applies outside Eretz Yisrael, we must first study some essential details of the mitzvah. The Torah teaches in parshas Emor:

"Bread, sweet flour made from toasted kernels, or the toasted kernels themselves, may not be eaten until that very day – until you bring the offering to your G-d. This is a law that you must always observe throughout your generations, in all your dwelling places" (Vayikra 23:14). "That very day" refers to the second day of Pesach, the day that the korban omer, the "offering" mentioned in the pasuk, is brought. (This is the same day that we begin counting the omer, a practice we continue until Shavuot.)

The Mishnah (Menachos 70a) explains that this mitzvah applies only to the five species that we usually categorize as grain, which Rashi (Pesachim 35a) defines as wheat, barley, spelt, oats and rye. The Gemara (Menachos 70b) demonstrates that the laws of chodosh apply to the same varieties of grain that can become chometz. What permits the new grain?

We should note that the Torah mentions two different factors that permit the new grain – it "may not be eaten until that very day – until you bring the offering to your G-d." This seems to be a bit contradictory. What permits the new grain, the day -- or the offering that transpires in the course of the day?

The New Korban

The Gemara (Menachos 68a) concludes that it depends on whether a korban omer will be offered that particular year. Until the Beis Hamikdash was destroyed, a korban omer was brought annually, and offering this korban permitted the new grain, thereby fulfilling "may not be eaten... until you bring the offering to your G-d." After the Beis Hamikdash was destroyed, it is the day that permits the new grain.

There is a further question: at what point in the day is the new grain permitted? Is it the beginning of the day or its end?

The Gemara quotes a dispute about this fact, but concludes that even those who permit the new grain at the beginning of the day do so only *min haTorah*, but they agree that *miderabbanan*, the new grain is not permitted until the day ends (Sukkah 41b).

"New" Grain versus "Old" Grain

This new grain is called chodosh, literally, new. Once Pesach passes, the grain is called yoshon, old, even though it may have been planted only a few days before. The promotion from chodosh to yoshon transpires automatically on the second day of Pesach – all the existing chodosh grain becomes yoshon on that day, even that which is still growing. The only requirement is that by then the grain has taken root. Thus, designating the grain as "old" does not mean that it is either wizened or rancid. Grain planted in the late winter or early spring often becomes permitted well before it has even completed its growth. On the other hand, grain that took root after the second day of Pesach is categorized as "new" grain that may not be eaten until the second day of the next Pesach.

How do we know that it is newly rooted?

Since most of us spend little time subterraneously, how are we to know when the newly planted seeds decided to take root? This question is already debated by the Tanna'im. The halachic authorities dispute whether we assume that seeds take root three days after planting or not until fourteen days after planting. If we assume that they take root in only three days, then grain planted on the thirteenth of Nisan is permitted, whereas that planted on the fourteenth, Erev Pesach, is forbidden. This is because the remaining part of the thirteenth day counts as the first day, and the fifteenth day of Nisan (the first day of Pesach) is the third day and we therefore assume that the new grain rooted early enough to become permitted (Terumas Hadeshen #151; Pischei Teshuvah, Yoreh Deah 293:4, 5; Aruch Hashulchan).

According to those who conclude that it takes fourteen days to take root, this grain does not become permitted until the next year. In addition, any grain planted on the third of Nisan or afterwards will not be permitted until the coming year, whereas that planted on the second of Nisan becomes permitted. We count the second of Nisan as the first day, which makes the fifteenth of Nisan the fourteenth day, and the grain took root early enough so that the sixteenth of Nisan permits it (Nekudos Hakesef; Dagul Meirevavah; Shu't Noda Biyehudah 2:Orach Chayim:84).

What's New in Chutz La'aretz?

Now that we understand some basic information about chodosh, we can discuss whether this mitzvah applies to grain growing outside Eretz Yisrael. Following the general rule that agricultural mitzvos, mitzvos hateluyos ba'aretz, apply only in Eretz Yisrael, we should assume that this mitzvah does not apply to grain that grew in chutz la'aretz. Indeed, this is the position of the Tanna, Rabbi Yishmael (Kiddushin 37a). However, Rabbi Eliezer disagrees, contending that the mitzvah applies also in chutz la'aretz.

This dispute is based on differing interpretations of an unusual verse. When closing its instructions concerning the mitzvah of chodosh, the Torah concludes: "This is a law that you must always observe throughout your generations in all your dwelling places." Why did the Torah add the last words, "in all your dwelling places"?

Would we think that a mitzvah applies only in some dwellings and not in others? The Tanna'im mentioned above dispute how we are to understand these unusual words. Rabbi Eliezer explains that "in all your dwelling places" teaches that this prohibition, chodosh, is an exception to the rule of mitzvos hateluyos ba'aretz and applies to all your dwelling places – even those outside Eretz Yisrael. Thus, although we have a rule that mitzvos hateluyos ba'aretz apply only in Eretz Yisrael, the Torah itself taught that chodosh is an exception and applies even in chutz la'aretz.

Rabbi Yishmael explains the words "in all your dwelling places" in a different way. As a result, he contends that chodosh indeed follows the general rule of agricultural mitzvos and applies only in Eretz Yisrael.

The New Planting

When a farmer plants his crops is dependent upon many factors, including what variety or strain of seed he is planting, existing climate and weather conditions, and even, perhaps, his own personal schedule. At certain times in history, even non-Jewish religious observances were considerations, as we see from the following incident:

The Rosh reports that, in his day, whether most of the new grain was chodosh or yoshon depended on when the gentiles' religious seasons fell out. Apparently, in his day, the gentiles did not plant crops during Lent. In some years, the gentiles planted well before Pesach, and in those years there was no chodosh concern, since the new grain became permitted while it was still growing. However, there were years in which the gentiles refrained from planting until much later and, in those years, the new grain was chodosh (Shu't HaRosh 2:1). We therefore find the rather anomalous situation in which the Rosh needed to find out exactly when the gentiles observed their religious month, to know whether the grain was chodosh or yoshon.

What is New in Agriculture?

But one minute — the Rosh lived in Europe, first in Germany and then in Spain. Why was he concerned about chodosh? Should this not be an agricultural mitzvah that does not apply to produce grown outside of Eretz Yisrael? From the case above, we see that the Rosh ruled that chodosh is prohibited even in chutz la'aretz. The Rosh is not alone. Indeed, most, but not all, of the Rishonim and poskim conclude that chodosh applies to all grain, regardless of where it grows. Furthermore, we see from the Gemara that chodosh was practiced in Bavel, even though it is outside Eretz Yisrael (Menachos 68b). However, notwithstanding the fact that the Rosh, the Tur and the Shulchan Aruch all prohibit chodosh grown in chutz la'aretz, the traditional approach among Ashkenazic Jewry was to permit the use of new grain. Why were they lenient, when most authorities rule as Rabbi Eliezer that chodosh is prohibited even outside Eretz Yisrael? Later authorities suggest several reasons to permit consuming the new grain.

Doubly Doubtful

Many authorities permitted the new grain because the new crop may have been planted early enough to be permitted, and, in addition, the possibility exists that the available grain is from a previous crop year, which is certainly permitted. This approach accepts that chodosh applies equally in chutz la'aretz as it does in Eretz Yisrael, but contends that when one is uncertain whether the grain available is chodosh or yoshon, one can rely on its being yoshon and eat it. Because of this double doubt, called a sefek sefeika, many major authorities permitted people to

use the available grain (Rama, Yoreh Deah 293). However, we should note that this heter is dependent on available information, and these authorities agree that when one knows that the grain being used is chodosh, one may not consume it. The Rosh accepted this approach, and was careful to monitor the planting seasons so as to ascertain the status of the grain each year. In years that there was a chodosh problem, he refrained from eating the new grain – however, it is interesting to note, that he was extremely careful not to point out his concerns to the general public, but only to someone who asked him about his practice. He further notes that his rebbe, the Maharam, followed a similar practice in that he was personally stringent about chodosh, but said nothing about the concern to others. Thus, we see that some early gedolim were strict about observing chodosh, but said nothing to others, out of concern that they would be unable to observe chodosh. This practice was followed in the contemporary world by such great luminaries as Rav Yaakov Kaminetsky, who was personally stringent about not eating chodosh, but was careful not to tell anyone, even family members, who followed the lenient approaches that I will soon share.

Another Heter

Other authorities permitted the chutz la'aretz grain, relying on the minority of early poskim who treat chodosh as a mitzvah that applies only in Eretz Yisrael (Taz; Aruch Hashulchan). This is based on a Gemara that states that when something has not been ruled definitively, one may rely on a minority opinion under extenuating circumstances (Niddah 9b).

This dispute then embroils one in a different issue: When the Gemara rules that under extenuating circumstances one may rely on a minority opinion, is this true only when dealing with a rabbinic prohibition, or does it hold even when dealing with a potential Torah prohibition? The Taz and Aruch Hashulchan, who permitted chodosh for this reason, conclude that one may follow a minority opinion even when dealing with a potential Torah prohibition. The Shach rejects this approach, and concludes that one must be stringent when one knows that the grain is chodosh (Nekudos Hakesef. See also his Pilpul Behanhagos Horaah, located after Yoreh Deah 242; cf. the Bach's essay on the same topic, published in the back of the Tur Yoreh Deah, where he rules leniently on this issue.)

The Bach's Heter

Another halachic basis to permit use of the new grain is that chodosh applies only to grain that grows in a field owned by a Jew, and not to grain grown in a field owned by a non-Jew. Since most fields are owned by gentiles, one can be lenient when one does not know the origin of the grain and assume that it was grown in a gentile's field, and is therefore exempt from chodosh laws. This last approach, often referred to simply as "the Bach's heter," is the basis upon which most Ashkenazic Jewry relied.

We may note that the Rosh, quoted above, rejected this approach, and that Tosafos (Kiddushin 37a end of s.v. kol), the Tur and the Shulchan Aruch also rejected it. Nevertheless, common custom accepted the Bach's approach as the main opinion in observing chodosh. The Bach notes that many of the greatest luminaries of early Ashkenazic Jewry, including Rav Shachna and the Maharshah, were lenient regarding chodosh use in their native Europe. As a young man, the Bach presented his theory that chodosh does not exist in a field owned by a gentile to the greatest scholars of that generation: all accepted his opinion.

The Bach himself further contends that although the Rosh in his responsum rejected this approach, the Rosh subsequently changed his mind, and in his halachic code, which was written after his responsa (see Tur, Choshen Mishpat, end of Chapter 72), he omits mention that the prohibition of chodosh applies to gentile-grown grain.

Thus, those residing in chutz la'aretz have a right to follow the accepted practice, as did, indeed, many, if not most, of the gedolei Yisrael. However, others, such as the Mishnah Berurah, ruled strictly about this issue (see, for example, Beis Hillel, Yoreh Deah).

Until fairly recently, many rabbonim felt that those who are strict about the prohibition should observe the law very discreetly. Some contended that one should do so because they felt that observing chodosh has the status of chumrah, and the underlying principle when observing any chumrah is hatznei'ah leches – the observance should be observed discreetly. (See Michtav Mei'eiyahu Volume 3, page 294.) Others feel that the practice of being lenient was based on an extenuating circumstance that is no longer valid, since yoshon is generally available in most large Jewish communities, and that, on the contrary, we should let people be aware of how easy it is to observe the mitzvah .

North American Hechsherim

The assumption of virtually all hechsherim is that unless mentioned otherwise, the halachic opinion of the Bach is to be relied upon. Many decades ago, Rav Aharon Soloveichik pioneered his own personal hechsher that did not follow either the heter of the Bach or that of the Taz and Aruch Hashulchan. He further insisted that the yeshivos in which he was Rosh Yeshiva not serve food that relied on these heterim for chodosh. Today, there are a few other hechsherim that follow this approach, whereas the majority of North American hechsherim accept the heter of the Bach. On the other hand, the hechsherim in Eretz Yisrael do not follow the Bach's approach at all.

With this background, we can now address the first question that began our article. "When I was young, I do not think I ever heard about a prohibition called chodosh, or that something was yoshon. Now I am constantly hearing these terms. Do we now have a new mitzvah?"

The answer is that the mitzvah is not new. When you were young, most halachic authorities either felt that one could rely on the opinion of the Bach, or felt that one should keep the topic quiet. Today, many feel that one may advertize the availability of yoshon products.

In addition, there is interesting agricultural background to this question. At one point in history, the flour commonly sold in the United States was from the previous year's crop and always yoshon. Rav Yaakov Kaminetsky used to monitor the situation, and when the United States no longer followed this practice, he began to freeze flour so that he would have a supply during the winter and spring months when chodosh is a concern.

In the spring and early summer, there is no concern about chodosh in most places in the world, since all fresh grain products then available became permitted on the sixteenth of Nisan. Usually, the earliest chodosh products begin coming to market midsummer, and some products do not appear until the fall.

Visitors from Abroad

At this point, we can begin to answer the second question raised above: "We now live permanently in Eretz Yisrael, but we visit the United States several times a year. Do we need to be concerned about chodosh when we visit?"

As I mentioned above, someone who lives in chutz la'aretz has the halachic right not to be concerned about observing chodosh on grain that grows in chutz la'aretz. The question is whether someone who has moved to Eretz Yisrael, where the prevailing custom is to be stringent, and is now visiting chutz la'aretz has the same right. This matter is disputed, and I refer an individual to his rav to ask what to do. In Conclusion

In explaining the reason for this mitzvah, Rav Hirsch notes that one of Man's greatest enemies is success, for at that moment, he easily forgets his Creator and views himself as master of his own success and destiny. For this reason, the Torah created several mitzvos whose goal is to remind and discipline us always to recognize Hashem's role in our lives. Among these is the mitzvah of chodosh, wherein we are forbidden to consume new grain until the offering of the korban omer, reminding us that all of this year's crop is only because of Hashem's beneficence (Horeb, Section 2 Chapter 42). Whether one follows the Bach's approach to the chodosh laws or not, every time one sees a reference to yoshon and chodosh, he should make note of the fact and recognize that success is our enemy, and that humility is our savior.

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Behar-Bechukotai

Tachanun in Yerushalayim

Rabbi Asher Meir

As Yom Yerushalaim approaches, it is fitting that we should examine one of the many customs that distinguish Yerushalaim from other places because of its unique holiness.

After the amida prayer, we say the penitential tachanun. As befitting an emotional supplication, we prostrate ourselves for this prayer, and indeed the gemara refers to tachanun as NEFILAT APAYIM, meaning "falling on the face". However, the actual custom is not to actual bow down but merely to lean forward and to the side and cover the face. Indeed, the Rema uses the term KISUI PANIM, "covering the face", in addition to the NEFILAT APAYIM (OC 131:2.)

One source for this custom is the incident where Yehoshua prostrated himself in prayer after the military debacle at Ai (Yehoshua 7:6). The gemara explains that Yehoshua was sure that HaShem would answer his prayer and tell him to arise, but for any lesser person to completely prostrate himself would show an unwarranted certainty that HaShem would answer him. (Megilla 22b. Like the story of Choni

who practically demanded that HaShem answer his prayer for rain, stating that he would not leave his circle beforehand. This would have been improper for anyone else as the Mishna states – Taani 3:8.)

The Rokeach infers another principle from this story. Since Yehoshua bowed down “before the Ark of HaShem”, the Rokeach writes that NEFILAT APAYIM is done only in the presence of a sefer Torah (Chapter 324, cited in Beit Yosef OC 131. Of course tachanun is still recited without a Torah scroll, but without leaning).

Despite this ancient custom, in Yerushalayim the custom is to recite tachanun reclining even without a sefer Torah. Rav Moshe Feinstein understands that the requirement for a sefer Torah is because it shows that the place is sanctified and dedicated to prayer; he writes, “Yerushalaim is a place which is holy and dedicated to prayer, and so even without a sefer Torah NEFILAT APAYIM is appropriate.” (Igrot Moshe YD III:129.)

Here is a complementary explanation, which relates this custom back to the source of Yehoshua’s prayer. The Yerushalmi explains that the problem of complete prostration is particularly for an individual praying for the community (Yerushalmi Taanit 2:6). The Rosh explains that if they aren’t answered even after such an earnest prayer, the community could take it as a sign that they are unworthy. But a single person in private is permitted even to prostrate himself (cited in Tur OC 131).

Paradoxically, the custom is the opposite. An individual praying privately in his home is forbidden to even lean during tachanun! (Rema OC 131:2)

One explanation is that our tachanun is formulated specifically as a prayer for the entire community. For this reason it is written in the plural, even at the expense of altering the wording of Biblical verses (for example, Tehillim 40:12). While a private petition may be said prostrated, we want to emphasize that our tachanun prayer is not a private petition at all, but rather one said for the community, like that of Yehoshua which was said before the ark which was the focal point for the entire nation.

For that reason, we are careful not to say tachanun leaning except in a place with a sefer Torah. A private petition could be said leaning anywhere. But by limiting this posture to a place where there is a Torah scroll, the symbol of Torah observance and study which unite the Jewish people, we show that our petition is for the salvation of the entire nation.

Yerushalayim also symbolizes the unity of the entire Jewish people. It is the place where “All Israel come to see the face of HaShem your G-d in the place which He chooses” (Devarim 31:11). In Yerushalayim, each individual is intimately bound up with the entire Jewish people, and even private prayers assume a communal character. There it is always proper to say tachanun in a leaning position.

Rabbi Asher Meir is the author of the book Meaning in Mitzvot, distributed by Feldheim. The book provides insights into the inner meaning of our daily practices, following the order of the 221 chapters of the Kitzur Shulchan Arukh
