

INTERNET PARSHA SHEET
ON KEDOSHIM - 5760

To receive this parsha sheet in Word and/or Text format, send a blank e-mail to parsha-subscribe@egroups.com, or go to <http://www.egroups.com/group/parsha>. Please also copy me at crshulman@aol.com

From: Don't Forget [SMTP: sefira@torah.org] Subject: DAY 16 / 2 WEEKS AND 2 DAYS

Tonight, the evening of Friday, May 6, will be day 16, which is 2 weeks and 2 days of the omer. ... *

Yours, Your friends at Project Genesis Sefira - the Counting The Omer Reminder Mailing List Copyright © 2000 Project Genesis, Inc. This list has been dedicated in memory of HaRav Yerachmiel Baruch ben Elazar Friedman, and Chaya Gittel bas haRav Ben-Tzion HaCohen Rosenfeld sefira-subscribe@torah.org Project Genesis: Torah on the Information Superhighway learn@torah.org 17 Warren Road, Suite 2B <http://www.torah.org/> Baltimore, MD 21208 (410) 602-1350 FAX: 510-1053

From: Rabbi Yissocher Frand [SMTP: ryfrand@torah.org]

"RAVFRAND" LIST - Rabbi Frand on Parshas Kedoshim

This dvar Torah was adapted from the hashkafa portion of Rabbi Yissocher Frand's Commuter Chavrusah Tapes on the weekly portion: Tape # 236, The Do's and Don'ts of Giving Tochacha. Good Shabbos! The Power of Rabbi Akiva

This week's parsha contains the command to "love your neighbor as yourself" [Vayikra 19:18]. There is a very famous Medrash (Sifra) that children sing: "Rabbi Akiva said that the mitzvah to love your neighbor as yourself is the fundamental principle of the Torah." There is a similar Talmudic passage [Shabbos 31a] concerning a gentile who was interested in converting to Judaism. He asked Hillel to teach him the whole Torah "while standing on one foot". Hillel instructed him -- what you would not want done to you, do not do to others.

It is obvious to us that it can be very hard to observe this mitzvah properly. But I have a theory that it is specifically Rabbi Akiva who can justifiably preach to us regarding the importance of this mitzvah.

This time of year - between Pesach and Shavuot - is the period of the Omer Counting, when we observe certain mourning customs in memory of Rabbi Akiva's students. Rabbi Akiva had 24,000 students, a mind-boggling number compared to our current concept of a "big" Yeshiva. Rabbi Akiva was a great Rosh Yeshiva (Dean). Yet during the Omer period, his 24,000 students all died.

If you or I were Rabbi Akiva and we had a Yeshiva with 24,000 students and our whole Yeshiva died -- due to some character flaw, which ultimately reflected negatively on the Rosh Yeshiva - what would our reaction be? Most people's reaction would no doubt be, "I am not cut out to be a Rosh Yeshiva. I must be doing something wrong." This must have been a devastating experience for Rabbi Akiva. This was his life's work -- and they all died!

What, however, does the Talmud tell us? "When Rabbi Akiva's students died and the world was desolate, he got up and went to the south of Eretz Yisroel and started over again!" [Yevamos 62b]

It seems evident that Rabbi Akiva had unbelievable resilience. He was the type of person who, despite experiencing the biggest disaster, could find something positive within that disaster, providing him with the ability to continue onward. He had an incredible ability to be able to evaluate the worst of situations and believe that "all is not lost".

B'S'D' Another example of Rabbi Akiva's resilience is evident from an incident that occurred following the destruction of the Bais HaMikdash [Holy Temple]. The Talmud tells us [Makkot 24a], that several Tanaim were walking near the area that was once the Holy of Holies. There was total destruction surrounding them. When they saw a fox emerge from the site of the Holy of Holies they all began to cry, except for Rabbi Akiva, who began to laugh. Rabbi Akiva saw the positive in the situation: If the prophecy which predicted the destruction came true literally, then the prophecy which predicted the redemption will also come true literally.

Rabbi Akiva tells us [Yoma 85b] "Happy are you Israel -- Who purifies you? Your father in Heaven".

Rabbi Akiva personally experienced Yom Kippur when the Bais HaMikdash was still standing. He experienced the Kohen Gadol [High Priest] doing the special Service of the Day, as well as the instant knowledge of whether it would be a good year or a bad year. There was nothing more beautiful than the radiance of the Kohen Gadol when he emerged from the Holy of Holies.

But Rabbi Akiva had to deal with a generation that had to experience a Yom Kippur soon after the Temple's Destruction, when there was no Kohen Gadol. Imagine how the people felt! This is a Yom Kippur? And Rabbi Akiva went to them and convinced them that Yom Kippur was still beautiful. We do not necessarily need a Kohen Gadol! We are now purified directly by G-d Himself.

Rabbi Akiva's strength was that he always saw the positive in every situation. That is why he taught: "Love your neighbor like yourself". Every person has SOME positive aspect. The Baal Shem Tov (1698-1760) interprets the word "Kamocho" (as yourself) in this pasuk [verse] as follows: When a person gets up in the morning and looks at himself in the mirror he thinks, "I am basically a good person. I have my faults and foibles; I am not perfect. But I am more good than bad." This, the Baal Shem Tov says, is how we must evaluate our neighbor: He is basically good; I will overlook his faults.

This is not always easy. It requires us to focus on the good, rather than the bad -- to always see the glass as half full rather than half empty. That was the power of Rabbi Akiva and this is the key to the fulfillment of the mitzvah that is called "The fundamental rule of all of Torah".

Transcribed by David Twersky; Seattle, Washington twerskyd@aol.com Technical Assistance by Dovid Hoffman; Baltimore dhoffman@torah.org Tapes or a complete catalogue can be ordered from the Yad Yechiel Institute, PO Box 511, Owings Mills MD 21117-0511. Call (410) 358-0416 or e-mail tapes@yadyechiel.org or visit <http://www.yadyechiel.org/> for further information. Project Genesis: Torah on the Information Superhighway learn@torah.org 17 Warren Road, Suite 2B <http://www.torah.org/> Baltimore, MD 21208 (410) 602-1350 FAX: 510-1053

<http://www.ou.org/torah/ti/>

OU Torah Insights Project

Parshat Kedoshim May 6, 2000

RABBI MICHAEL ROSENSWEIG

Parshat Kedoshim begins with an unusual charge to assemble all of Klal Yisrael. One would anticipate the imparting of some novel and profound insight to justify this need for a special convocation of all Israel. Indeed, the Midrash tells us, **A**This parshah was addressed to the full assembly [of Israel] because most of the fundamental principles of the Torah are dependent on it. @

But the immediate charge that follows is, at least on the surface, neither novel nor profound: **A**Kedoshim tihiyuφYou shall be holy.@ Why should so broad and basic an obligation set the tone for what follows?

Moreover, the Midrash points out, the mitzvot described in this

parshah mirror the Ten Commandments to believe in one G-d, observe the Sabbath, not to kill or steal. Why do these commands need to be introduced with the directive, **A**You shall be holy@?

The concept of kedoshim tihyu pervades our consciousness as Jews on national and individual levels. The command, **A**And you shall be for Me a kingdom of priests and a holy nation, @ represents our national aspiration, the unique mission of Klal Yisrael.

But there is more to it. On an individual level, striving for kedushah represents a personal mission driven by the most fundamental theme of imatatio dei@For I, Hashem your G-d, am holy. @

Ramban defines this mitzvah as the obligation to transcend the basic role of a Jew fulfilling mitzvot and avoiding aveirot@and to pursue the role of "perushim, @ literally, "those who separate" themselves from self-indulgence.

Ramban further explains that the precept to be holy addresses those who exploit the halachic system by observing the letter of the law, while trampling on its fundamental values. The Torah forbids illicit sexual relations, yet permits relations between man and wife. The Torah lists foods that are forbidden, while many foods remain permissible.

But even the permissible has bounds. Therefore, after listing the activities that are prohibited altogether, the Torah follows with a general command to practice moderation even in matters that are permitted. In addition to observing the specifics of Halachah, one is obligated to act in a manner that is consistent with its values and goals. And this obligation is not merely an added stringency beyond the Torah's specific obligations and prohibitions; it is mandatory. As the Ramban writes, **A**Such is the way of the Torah to first state the particulars and then the generalizations. @

Ramban's commentary in Devarim on the verse, **A**And you shall do what is straight and good, @ amplifies his view that the Torah addresses man on two levels@specific obligations, and broad themes that flow from those details. Both dimensions contribute to our overall religious obligation and development.

In light of Ramban's insight, we can now more fully appreciate the unusual beginning of our parshah. The Torah intentionally evokes the Ten Commandments within the framework of a new and equally demanding motif, kedoshim tihyu, projecting the Torah as a system of binding values reflected in the details previously accepted. As such, this new dimension requires the assembly of all Israel.

The challenge is clear. We, too, must rededicate ourselves not only to scrupulous observance of Halachah, which represents the minimum obligation of every Jew, but to the even more ambitious ideal of kedoshim tihyu, as the fundamentals of Torah and yahadut depend upon it. Surely, this will allow us to attain that lofty goal of imatatio dei, **A**ki kadosh Ani Hashem Elokeichem. @

Rabbi Michael Rosensweig

Rabbi Rosensweig is a Rosh Yeshiva at Yeshivas Rabbeinu Yitzchok Elchanan-Yeshiva University.

<http://www.yu.edu> Yeshiva University A Day of Learning New York Information Technology Center 55 Broad Street, New York City SUNDAY, MAY 7, 2000 2 IYAR 5760 9:30AM REGISTRATION OPENS

10:00- 10:50AM

Is All the News Fit to Print? The Ethics of Journalistic Integrity Mr. Ari Goldman Rabbi Yaakov Neuburger

Pre-Nups, Post-Nups, Marriage, Divorce, and Aguna: A Psychological, Legal, and Halachic Perspective Dr. Sylvan Schaffer Rabbi Mordechai Willig

Tolerance Political Versus Rabbinic Conceptions Professor Suzanne Last Stone Defining Maternity in an Age of Reproductive Technology Dr. Edward Reichman Darchei HaLimud: Methodologies in the Study of Talmud Rabbi Michael Rosensweig

11:00-11:50AM

Amnesty and Forgiveness Professor Malvina Halberstam Dr. Walter Wurzbeger

Understanding the "Coming Back from Yeshiva in Israel" Phenomenon Dr. Karen Bacon Rabbi Yosef Blau

A Unique Examination of the Cross-Fertilization of Religious and Secular Studies Dr. William Lee Rabbi Jeremy Wieder

Bein Yom HaAtzmaut L'Yom Yerushalayim - Comparing and Contrasting Days of Celebration: Israel Independence and the Reunification of Jerusalem (In Hebrew) Rabbi Meir Goldwicht

Keeping Their Eyes on the Ball: The Vision of Women Through the Lens of Tanakh Mrs. Peshi Neuburger

Timeless Ethics for a New Economy Dr. Aaron Levine Mr. Shalom Lamm 12:00-12:40PM KEYNOTE LECTURE: DR. NORMAN LAMM 12:45-1:30PM Lunch

1:40-3:00PM

2001 and Beyond: A Jewish Odyssey Panel Discussion on the Future of Our Community Moderator: Mr. Gary Rosenblatt Panel: Dr. David Berger Mrs. Rookie Billet Rabbi Yosef Blau Mr. Richard Joel

Perspectives on Sefirat HaOmer Rabbi Yonason Sacks Halachic Guidelines for Birkhot HaNehenin Rabbi Baruch Simon 3:15-4:00PM

On the Separation of Church and State Moderator: Mr. Nathan Diamant Nathan Lewin, Esquire Professor Nathaniel Gates

I Pray, I Sing Discussing Selected Prayers, Their Origin, Meaning, Interpretation and "Nusach" (Musical Prayer Modes). Illustration: Singing the Prayers in Cantorial Art Cantor Joseph Malovany

Cloning and Genetic Manipulation in Secular and Jewish Law Rabbi Michael Broyde

Training Our Children in Mitzvot Rabbi Hershel Schachter

From: Ohr Somayach[SMTP:ohr@virtual.co.il]

* TORAH WEEKLY * Highlights of the Weekly Torah Portion Parshat Kedoshim

YOU AND ME "Love your neighbor as yourself -- I am Hashem." (19:18) Rabbi Akiva states that this is the fundamental principal of all the Torah. But, in truth, how is it possible to love another person as one loves oneself? A person's whole view of the world tends to be ego-centric, and even when he behaves altruistically it is usually based on the desire to feel good about himself -- that's not loving as yourself, that's called loving yourself! The answer is at the end of the verse "I am Hashem." When a person puts himself at the center of the universe instead of Hashem, then necessarily every other creation is light-years away from him. But when he acknowledges that Hashem is G-d, then as a creation of Hashem he sees himself as linked to his fellow man. In essence there becomes no difference between "me" and "you". As we are all expressions of the will of the Creator, as much as I can love myself, I can love my neighbor. * Heard from Rabbi Mordechai Perlman

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 Hashem gave this mitzvah to Moshe 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 killed 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 killed 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. * Rabbi Shlomo Yosef Zevin

Written and Compiled by Rabbi Yaakov Asher Sinclair General Editor: Rabbi Moshe Newman Production Design: Michael Treblow Ohr Somayach International 22 Shimon Hatzadik Street, POB 18103 Jerusalem 91180, Israel Tel: 972-2-581-0315 Fax: 972-2-581-2890 E-Mail: info@ohr.org.il Home Page: http://www.ohr.org.il

From: Har Etzion Virtual Beit Midrash[smtp:yhe@vbm-torah.org] Subject: Haftora -30: Shabbat Rosh Chodesh

Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash (Vbm)

Haftora for Rosh Chodesh (Yishayahu 66) RAV YEHUDA SHAIVIV

When Rosh Chodesh, the New Moon, falls on Shabbat, the regular haftora for that Shabbat is not read; in its place we read a special excerpt from the end of Sefer Yishayahu. This excerpt was no doubt selected on the basis of the next-to-last verse: "And it shall be each month and each Shabbat that all flesh will come to bow down to Me, says God."

a. Closing the Circle Close analysis reveals that our haftora, which represents the final prophecy of the book of Yishayahu, is reminiscent of the first prophecy of the book, which we read on the Shabbat preceding Tish'a B'Av - Shabbat Chazon. In many respects our haftora complements and completes that prophecy. Specifically, while chapter 1 contains harsh rebuke of Bnei Yisrael's service in the Temple and their pilgrimage there at the appointed times ("When you come to appear before Me, who has required this at your hand, to trample My courts?... New moons and Shabbatot... My soul hates your new moons and your festivals." (12-14)), in our concluding chapter we are promised that on each Shabbat and on each Rosh Chodesh all flesh will come to bow down before God, and this prostration will be acceptable to God. This is a promise of hope for Israel, for Shabbat, and for Rosh Chodesh.

b. All Flesh Will Come

On Sukkot we read the prophecy of Zekharia, that describes the Sukkot festival as one in which the other nations are also called upon to participate. On Shabbat Rosh Chodesh we share the vision of Yishayahu concerning Rosh Chodesh, too, as a day in which all are called upon to participate and to come and prostrate themselves before God. "All flesh will come ϕ this means all of humanity; the other nations included (Radak on verse 23)."

This is indeed a startling innovation. Shabbat came to the world before there was a nation of Israel, as we read in Bereishit: "And God blessed the seventh day and sanctified it" (2:3), and the Midrash teaches that Adam himself was commanded with regard to Shabbat: "And He placed him in the Garden of Eden... He gave him the commandment of Shabbat" (Bereishit Rabba 16:5). Rosh Chodesh, on the other hand, was given to Israel at the time when they became a nation. This was the first commandment with which specifically the nation of Israel was commanded: "This month shall be FOR YOU the head of all months" (Shemot 12:2). And yet now in Yishayahu's vision of redemption both Shabbat and Rosh Chodesh are "open" to all.

c. Sanctity of Time and Sanctity of Place

The Haftora opens with an expression of awe: "The heavens are My throne and the earth My footstool; what house could you build for Me; which place could be My abode?" This is reminiscent of the awe of Shlomo at the dedication of the Beit Ha-Mikdash (the Holy Temple): "For will God indeed dwell upon the earth? Behold, the heaven and the heaven of heavens cannot contain You; how much less this house which I have built!" (Melakhim I 8:27). Surely He Whose glory fills the earth cannot limit His sanctity to one specific place or house.

The answer to this paradox lies neither in the words of Shlomo nor in the words of Yishayahu. But when we read this on Shabbat Rosh Chodesh we are directed to a contemplation of the comparison between the place of sanctity (the Beit Ha-Mikdash) and the sanctified times, since in the case of the latter we face a similar question: What makes these days intrinsically different from other days? How is it that certain times are imbued with sanctity? Yet we know that Shabbat and Rosh Chodesh are indeed special times.

The sanctity of the Beit Ha-Mikdash (build Me a house; My abode) may represent the two types of sanctity of Shabbat and Rosh Chodesh. The sanctity of Shabbat was established by God at the beginning of creation ϕ "And He created... and He sanctified." The sanctity of Rosh Chodesh, in contrast, is entrusted to Israel, for it is they who determine the new month and sanctify the months ϕ "This month shall be for youB" The Beit Ha-Mikdash may combine the character of both these types of sanctity. The edifice itself is constructed by

human hands (build Me a house), but the presence and sanctity of the Shekhina (Divine Presence) depend on God (My abode). This latter element ultimately also depends on human action.

d. A Mother's Comforting

We may add one further point, which might at first appear somewhat unrelated.

The prophet declares in God's name: "Like a man whose mother consoles him, so shall I console you" (13). This implies that the consolation provided by a mother is somehow unique; that a mother understands her child's deepest feelings in a way that no one else can.

>From a certain perspective Rosh Chodesh may be viewed as a sort of "Mothers' Day"; it is the special day of Jewish women. We learn in Pirkei de-Rebbe Eliezer (chapter 45): "Aharon judged himself... I hereby say to you, Give the earrings of your wives and your sons and daughters... The women heard and did not want to do so; they did not accept upon themselves to give their earrings to their husbands... and God gave them their reward in this world ϕ that they would observe Rosh Chodesh more than men; and He also gave them reward in the World to Come ϕ that they were destined to be renewed like the New Moon..."

This applies to all the women of Israel, but there is one matriarch who has a particular connection with Rosh Chodesh: Rachel. The Chida writes in his book, "Midbar Kedamot": "It was owing to the merit of the matriarch Rachel, of blessed memory, that Rosh Chodesh was given to Israel... and it was Rachel who instituted the "musaf" of Rosh Chodesh, for she saw with prophetic vision that the women of the desert would not stumble in this sin. Her name represents an abbreviation of the words, "Roshei Chodashim Le-amkha" ϕ New Moons for Your nation."

Rosh Chodesh therefore inspires us to remember Rachel, the matriarch who cries for her children and who comforts them. They, too, are promised renewal:

"For as the new heavens and the new earth which I shall make, shall remain before Me, says God, so shall your descendants and your name remain." (22) "And you shall find comfort in Jerusalem." (13)

Yeshivat Har Etzion Israel Koschitzky Virtual Beit Midrash Alon Shevut, Gush Etzion 90433 E-mail: Yhe@vbm-torah.org or Office@etzion.org.il Copyright (C) 1999 Yeshivat Har Etzion. All Rights Reserved.

From: Jeffrey Gross[SMTP:jgross@torah.org] neustadt@torah.org;jgross@torah.org;genesis@torah.org To: weekly-halacha@torah.org Subject: Weekly-Halacha - Parshas Kedoshim - Avoiding Sinas Chinam

BY RABBI DONIEL NEUSTADT

A discussion of Halachic topics related to the Parsha of the week. For final rulings, consult your Rav.

AVOIDING HATRED BETWEEN JEWS

You shall not hate your brother in your heart; you should reprove your fellow and do not bear a sin because of him (Kedoshim 19:17)

QUESTION: Why does the Torah combine in one pasuk the prohibition of hating another Jew with the command to reprove him?

DISCUSSION: There are two basic approaches in the interpretation of the verse cited above. Some commentators(1) explain the verse as relating to matters which are bein adam l'Makom, between man and Hashem. If a Jew observes another Jew transgressing any one of the mitzvos, it is incumbent upon the observer to reprove the sinner in regard to his sin. Failure to do so will ultimately result in hating the sinner, since it is permitted [under certain circumstances(2)] to hate a Jew who purposefully and deliberately disregards the commands of the Torah. Rebuke, therefore, is the means through which hatred of another Jew can be avoided, since rebuke may be the impetus for the potential transgressor to change his ways. [The halachos concerning the proper method of rebuke are intricate(3) and not the subject of this discussion.]

Many other commentators(4), however, suggest a different approach in explaining this verse. The command to "reprove your fellow" is written in regard to matters which are bein adam l'chaveiro, matters which concern the relationship between man and his fellowman. The Torah, which prohibits a Jew from hating another Jew, is teaching us why hatred may develop and how to avoid it. Often, ill will is a result of

miscommunication or misunderstanding. When not resolved immediately and in a straightforward manner, minor run-ins or disagreements can grow into major conflicts, leading to friction and hostility among Jews. To prevent this from happening, the Torah commands, "You should reprove your fellow," meaning, you should approach the person whom you feel has wronged you and question him as to why he did so, whether he can justify his actions, etc.

Most of the time, the questioning will yield one of the following outcomes: The alleged incident never took place; it was either completely fabricated or greatly exaggerated.

The incident did happen but it was not the intention or fault of the accused.

The offender will sincerely apologize for his misdeed, the incident will be forgotten, and peace will be restored.

The offender will justify his actions to the satisfaction of the injured party.

Any of the above outcomes will usually resolve the dispute and relieve the tension. Thus by questioning and reproofing the person who [in your opinion] hurt you, one can allay much of the hatred that is unfortunately prevalent among some Jews.

The notion of avoiding hatred by reproofing one's friend is not merely a "nice idea" based upon an explanation of a pasuk in the Torah. It is a halachic obligation agreed upon by all of the poskim, from the Rambam(5) down to the Mishnah Berurah(6).

Of course, one who can bring himself to forgive his fellowman without rebuking him, may do so. [The Rambam refers to this conduct as middas chasidus(7), exemplary behavior]. The requirement to confront the offender applies only when otherwise, hatred will result between the parties.

When rebuking a fellow Jew, the rebuke must be delivered in a gentle, conciliatory manner and in private(8).

If, after properly rebuking the offender, the latter remains antagonistic and refuses to apologize, it is then permitted for the injured party to hate the person who did him harm(9).

FOOTNOTES: 1 See commentary of Tosfos (Hadar Z'keinim), Tur, and Chezkuni (second opinion). This is also the simple explanation of the Talmud (Arachin 16b). 2 See Beur Halachah 1:1; Ahavas Chesed (Margenisa Tavah #17); Dibros Moshe, Bava Metzia, pg. 356. 3 See O.C. 606, 608. 4 Rashbam, Ramban and Chezkuni (first opinion), Ohr ha-Chayim and Harav S.R. Hirsch. 5 Hilchos Deiyyos 6:6. See Lechem Mishneh who quotes the Talmudic source, and Kiryas Melech who quotes a source from the Midrash. 6 O.C. 156:4, quoting the Sefer ha-Mitzvos. This halachah is also quoted by the Magen Avraham and Shulchan Aruch Harav, ibid. 7 Although the Rambam mentions such conduct only in regard to an offender who is unable to repent, many other poskim do not differentiate and allow one to act with middas chasidus towards any offender. They opine that since the Torah's main concern is the possibility of hatred developing, if the offended person will forgive the offender wholeheartedly, no rebuke is necessary; see Lechem Mishneh, S. A. Harav and Harav S. R. Hirsch, ibid. 8 Mishnah Berurah, ibid. 9 Kehilos Yaakov 10:54 and Birc has Peretz (Kedoshim), based on the opinion of the Yeremyim. See Bein Adam l'Chaveiro (Machon Toras ha-Adam l'Adam) for a complete elaboration on this subject.

Weekly-Halacha, Copyright © 2000 by Rabbi Neustadt, Dr. Jeffrey Gross and Project Genesis, Inc. The author, Rabbi Neustadt, is the principal of Yavne Teachers' College in Cleveland, Ohio. He is also the Magid Shiur of a daily Mishna Berurah class at Congregation Shomre Shabbos. The Weekly-Halacha Series is distributed L'zechus Doniel Meir ben Hinda. Weekly sponsorships are available - please mail to jgross@torah.org . Project Genesis: Torah on the Information Superhighway learn@torah.org 17 Warren Road http://www.torah.org/Baltimore, MD 21208 (410) 602-1350 FAX: 510-1053

From: listmaster@jencom.com[SMTP:listmaster@jencom.com]
companion@shemayisrael.com Subject: BELOVED COMPANIONS by Rabbi Yisroel Pesach Feinhandler - Parshas Kedoshim
BELOVED COMPANIONS by Rabbi Yisroel Pesach Feinhandler
Kedoshim

Always judge Favorably

You shall not pervert judgement: You shall not favor the poor, nor honor the mighty: but in righteousness shall you judge your friend. (Vayikra 19:15)

Once a man went from the Upper Galilee (in northern Israel) to work for an employer in the south for three years. On the eve of Yom Kippur of the third year, he said to his employer, "Give me my wages, and I will go home and support my

wife and my children." The employer said to him, "I do not have any money to pay you." "Give me fruit instead," said the worker. "I have no fruit," answered the employer. "Give me land," said the worker. "I do not have any land," answered the employer. "Give me animals," said the worker. "I do not have any animals," answered the employer. "Give me quilts and pillows," said the worker. "I do not have any quilts and pillows," answered the employer, The worker packed his bags and went home, disappointed.

After the holiday, the employer traveled to the worker's home with the man's wages and with three donkeys. One was laden with food, the second with drinks, and the third with delicacies.

When he arrived, after they had eaten and drunk together, the employer gave the worker his wages and all the other gifts, and said to him, "When you asked me for your wages, and I told you that I did not have any money, did you think that was the truth?" "I thought," answered the worker, "that you had obtained merchandise at a bargain price, and had spent all your money."

The employer said to him, "When you asked me for animals, and I told you that I did not have any animals, what did you think was the truth?"

"I thought," answered the worker, "that they were rented out to others."

The employer said to him, "When you asked me for land, and I told you that I did not have any land, what did you think was the truth?"

"I thought," answered the worker, "that the land also was rented out to others."

The employer said to him, "When you asked me for fruit, and I told you that I did not have any fruit, what did you think was the truth?"

"I thought," answered the worker, "that the fruit had not yet been tithed."

The employer said to him, "And after you asked me for quilts and Pillows, and I told you that I did not have any, what did you think was the truth?"

"I thought," answered the worker, "that you had given away all Your Possessions to the beis Ha-mikdash by making a vow of hekdesch [pledge to the Temple]."

The employer said, "I swear to you that that is exactly what happened. I had promised away all of my possessions because of Hurkanos, my son, who did not wish to learn Torah. And when I came to my friends in the south, they annulled my vows. And just as You Judged me favorably, so may G-d judge you favorably." (Shabbos 127b)

Despite both the remote possibility that the employer's answers were true, and the anguish he suffered, the worker judged his employer favorably. In marriage, where trust is its lifeblood, how much more must we go out of our way to view our spouses in a favorable light.

Reish Lakish pointed out two seemingly contradictory verses: "It is written, 'in righteousness shall you judge your neighbor,'"1 and it is written, 'Run fervently after righteousness.'"2 The latter verse means that you must be careful to investigate and judge exactly according to the letter of the law, while the first verse tells you to judge litigants as though they are righteous." Rav Ashi explained this apparent contradiction: "The latter verse is referring to actual judging, while the earlier one is suggesting making a compromise."

Another explanation of the verse, "In righteousness shall you judge your neighbor," 3 is that you should consider your friend as one who is innocent.

Rabbi Yochanan said, "There are six things which, if a person does them, he eats their fruits in this world, while the principal reward remains for him in the World to Come. They are: bringing in guests, visiting those who are ill, getting up early to learn Torah in a beis midrash, concentrating in prayer, rearing one's children to learn Torah, and evaluating one's friend as one who is innocent." (Yalkut 611, Sanhedrin 32b, Shabbos 127B)

How could the Torah allow one to compromise, and to judge other than according to the letter of the law? Why is it a mitzvah to judge another person as if he were innocent? In what way does this compare to the other mitzvos, such as bringing in guests and visiting those who are ill? What can we learn from the story of the worker in the Galilee?

"in righteousness shall you judge your neighbor." Even though the Torah provided explicit laws relating to every possible subject in monetary matters, it still left room for the judges to arbitrate a compromise. The reason for this is that the Torah prefers that people in certain instances compromise with one another, rather than insist on the letter of the law. For example, in monetary matters when the two sides agree, the decision reached through compromise is legally acceptable, even though the outcome is not what the Torah would have ruled in such a case. This is a lesson for all disputes. Even though you are right, or at least think you are right, since the other side does not think so, it is always wisest to find a solution that will be agreeable to both sides.

Money often generates disagreements, but money comes and money goes, while friendships should last forever. It is a pity that for the sake of money or because of stubbornness one should lose a friend. Even judges, who must pursue

objectivity and may seem to be above non-legal concerns, are commanded to try to make a compromise which will bring about peace between both sides.

"Another explanation of the verse, 'In righteousness shall You judge your friend,' 4 is that you shall consider your friend as one who is innocent." Our Sages are revealing to us here that when you think about another person, you should act like a judge, in the sense that a judge must be careful not to convict a person unless he is a hundred percent sure that he is really guilty. So too, we are not allowed to think about someone negatively unless we have absolute proof that he truly deserves such an evaluation. We can learn this concept from the way our Sages interpreted the above verse. Even though on the simple level it is discussing only how judges should act, we can learn that every person should judge his fellow with the same presumption of innocence as a professional judge.

Even if a person sees with his own eyes that a friend is doing something wrong, he can still judge him favorably concerning his motives. Perhaps his friend does not know the law, or perhaps he forgot, or perhaps he erred only once and now regrets his error. The Torah wants us to presume that every person is innocent until proven guilty.

Regarding Rabbi Yochanan's statement of the six things that are rewarded in this world as well as in the World to Come, we can see that he intends to teach us that judging others favorably is tremendously important because it is grouped together with the mitzvos of visiting those who are ill, bringing in guests, and rearing one's children to learn Torah. We are being shown what a great accomplishment G-d considers it when one thinks positively about others. It is as if that person is accomplishing one of the most important things in the world, which is apparent because the mitzvos it is grouped with here are among the most fundamental. We can also learn from the abundant reward that these mitzvos receive, how worthwhile it is to pursue them.

Our Rabbis have taught that one who judges his friend as innocent will himself be judged as innocent. Our Sages are referring here to the fact that every human being is judged by G-d according to his actions. All of us certainly want to be judged favorably, since the results of this judgement are so significant. We are being informed that we can expect to be judged in a manner similar to the way in which we judged others, measure for measure. Thus, even if this seems difficult, we should try to think well of others so that we not lose this precious opportunity to be judged favorably ourselves.

The story of the worker teaches us to what extremes we must be willing to go to judge other people favorably. Here was a wealthy man with a beautiful house, vast fields and many animals, and yet he claimed that he had nothing to give his worker who had served him faithfully for three years "Without receiving a salary. If we had been in this worker's place, we would most likely have spat in his face, or hurled some terrible insults at him for telling such "outright lies," and for treating such a faithful worker so treacherously. But instead, the worker believed his employer, and thought that there must be some explanation, even though his common sense may have told him otherwise.

In marriage the two vital lessons to be learned from the above story and verse are: be ready to compromise and judge spouses favorably. These are two important components of a successful marriage. Judging others favorably brings about peace. This is supported by the wording in our preliminary morning prayers when six mitzvos are mentioned whose fruits are enjoyed in this world, while the principal reward is kept for the World to Come. The final mitzvah "to judge our friend favorably" is replaced by "to bring peace." This is the case because it is understood that by judging your friend favorably, you will succeed in bringing about peace.

Compromise Brings Peace

One can always find something to fight about. In fact, every little matter can be a source of tension if you let it. But it is always better not to make an issue over unimportant matters and to avoid fighting over every little thing a married couple disagrees upon. Otherwise, there will never be marital peace. Here is where compromise plays such an important role. Each one should be prepared to give in, until they find common ground upon which both can agree. It does not pay to be stubborn, since you might lose something much more precious than the petty matter you are arguing about - namely, the peace and harmony of Your home.

One way of avoiding those dreaded arguments is to always keep in mind your main purpose for being married: to share love and closeness. This has nothing to do with those petty matters you argue about. It is something much loftier and more enduring. Therefore try to focus on your real goals in marriage, and be willing to compromise when it comes to the details.

Judging your spouse favorably is an important element in preserving peace and happiness in marriage. A common example of this might be a situation in which you want to buy something and your spouse disagrees. Instead of getting angry, you can judge your spouse favorably and try to understand his or her point of view. By putting yourself in your spouse's situation, you may not be so furious over his/her

opposition, and you will thus be able to reach a compromise.

There are many examples of how you can judge your spouse favorably. A husband should think that his wife had so many distractions that she simply did not have time to prepare dinner or to be ready on time when they are going out somewhere together. She should think in a similar vein when he comes home late from work. Instead of thinking the worst, first judge your spouse positively, and then you will be able to discuss the matter calmly and fairly.

Having a negative image of your spouse is something that must be corrected immediately. Work on your heart, and constantly remind yourself of the importance of Judging others favorably. We all desire to be judged favorably by G-d and by others, but to obtain that, we must be the first to make the effort.

1. Vayikra 19:15 2. Devarim 16:20 3. Vayikra 19:15 4. Vayikra 19:15

From: Yated[SMTP:yated-usa@yated.com] Subject: Yated USA Columns III 5/3/00

Pirkei Parables Why Sinai?

MESHOLIM AND ANECDOTES THAT HELP EXPLAIN PIRKEI AVOS
Why Sinai?

BY RABBI MORDECHAI KAMENETZKY

One of the most commonly asked questions regarding the entire Pirkei Avos is precipitated by its opening statements, "Moshe received the Torah from Sinai."

To the untrained eye, most of Mesectas Avos seems like an ethical code of behavior, a guide to live life as a Talmid Chacham and an erlicher Yid. It may seem that many of the adages, statements even aphorisms found within its holy perakim may have emanated from the vast experiences and wisdom of Chazal who lived during such a crucial period of Jewish History.

Surely it does not seem that statements such as, "distance yourself from a bad neighbor," or "be very careful when scrutinizing witnesses," or "your home should be a meeting place of chachamim," reflect the great awe and spirituality of Har Sinai." Yet the Mesecta begins with the the words, "Moshe received the Torah from Sinai."

Wouldn't that statement be more fitting for the more esoteric portions of Shas, such as Oholos and Parah?

Obviously not!

Chazal are teaching even the youngest child a tremendous lesson about every aspect of Yiddishe hanhaga.

But we can further elucidate this point with a story that Rav Yitzchak Hutner of blessed memory told.

Years before the outbreak of World War II, when Rav Hutner was a student of the Slobodka Yeshiva, he was talking to the Mashgiach of the yeshiva, my great uncle, Rabbi Avraham Grodzinsky of blessed memory, h"yd.

In walked another student who had spent a while in Germany and was returning. He was welcomed warmly by the Mashgiach who asked him about his experiences in the foreign country.

"Ah!" exclaimed the student. "You think here in Slobodka we work on our character? The German people have such beautiful character, it is worth learning from them!"

"How so?" asked Rabbi Hutner.

"They say 'please' and 'thank you' for everything and in fact they are so humble, that they end each sentence as if they are not certain!

The other day I asked for directions and the policeman who gave them to me told me to take a right at the end of the street. He ended by adding, nicht vaar (is that not so)?

They are so humble they would not even give a definitive answer! Even their instructions end with a self-effacing remark!

Rav Hutner said that though he was quite impressed, the Mashgiach was not impressed at all. In fact quite the opposite.

Upset, he told the visitor, "I am sad to say that it is a veneer! There are deep rooted animalistic tendencies in that people and the veneer of etiquette is something that is done by rote. They have no humility, and they have no concern for other individuals!"

Rav Hutner was quite surprised at the Mashgiach's caustic comments. He took in the conversation in silence, not making a judgment.

Years went by. The Nazi inferno burned the Slobodka Yeshiva to the ground and killed all the remaining students. The Mashgiach, Reb Avraham, was himself murdered, burnt by the purveyors of politeness, and most of his family was killed with him.

Rav Hutner was spared. He arrived on American soil where he established Yeshiva Mesivta Rabbeinu Chaim Berlin. The yeshiva grew and hundreds of Talmidim and visitors would gather each Yom Tov to hear the great sage teach

Torah and say divrei machshava, a ma'amar as it was called.

During one Simchas Yom Tov a visitor walked up to Rav Hutner. "Do you remember me?"

Rav Hutner shook his head. He did not.

"I was the man who had the argument with Reb Avraham about German etiquette."

Rav Hutner nodded. It came back clear as a bell. "I'd like to show you something." He waved his hand in front of Rav Hutner. It was missing two fingers.

"The Nazis chopped off my fingers," said the man. But that's no chidush, they did a lot worse to a lot more people. As the ax came down, something remarkable occurred. The Nazi officer declared quite politely, 'Es toot vey! It hurts! And then he added, as if he was programmed, 'nicht vaar?'"

If Avos was an ancient book of etiquette and manners with Jewish customs as quaint as those of the world of I.B. Singer and Achad haAm a preface about the Temple Era would have sufficed. But Chazal want to preface; that every smile, that Hillel tells us to give, every act of hospitality toward the poor that is offered in these chapters comes not from the kindness of the sages that developed the Mishne. It precedes them infinitesimally! Because those niceties are not custom, the learning advice, are not lore, and the teaching techniques are not even heritage. They are Torah Mi Sinai!

And just as the complexities of kashrus, Tumah and Taharah, Eiruvim and Shatnez emanate from Sinai as are the intricacies of the Parah Adumah and all its implications are descendant of Har Sinai, so too, are the niceties and amenities, the gracious greetings and the wary distancing, products of Sinai. The fences for morality, the aids to study come only from the sole source of spirituality, the Ribono Shel Olam kav'yocho! Himself! And though some of the midos contained within these six perakim may seem as proper as our own wisdom can provide, the preface of Torah MiSinai shouts their unwavering, unchanging and inflexible immortality. The ethos can only be partnered with Torah, for without Sinai they are just another whim relegated to the sandstorm of history, that could change easily with the fall of an ax.

Rabbi Kamenetzky is the Associate Dean of Yeshiva South Shore and the author of the Parsha Parables Series.

From: owner-bais-medrash@torah.org[SMTP:owner-bais-medrash@torah.org] To: bais-medrash@torah.org

Bais-Medrash Tuesday, April 18 2000 Volume 02 : Number 017

Date: Mon, 10 Apr 2000 22:03:21 +0300 From: Jonathan & Randy Chipman

<yonaranand@internet-zahav.net> Subject: Re: Boro Park Eiruv

I received several serious and well-thought reactions to my posting about the Boro Park eiruv. I must reiterate that it was not my intention to take any particular side in this debate, but merely to explain what I understand to be the central halakhic concept about which the different poskim disagree—namely, the definition of shisim ribo (600,000). In the interest of brevity, I will not quote the various postings to which I am responding, but simply present my arguments point by point.

1. On the basic issue of "What does klal Yisroel gain by this?," I will repeat that I certainly do not advocate laymen deciding for themselves on this issue, and certainly did not intend to put myself forward as a bar plugta of Rav Moshe. My argument is simply that, on the other side, a pious, learned, major posek of our day, Rav Menashe Klein, has approved this eiruv; that there is a certain public need, as I explain below; and that his view is also worthy of respect, and should be considered a legitimate option. There have always been differences of opinion among Torah leaders, and those who have the proper learning, stature, etc., have the right to voice their opinion. Such is the way of halakha.

Having said that, I should perhaps add that, were I to live in Brooklyn, or even need to spend one Shabbat there, I honestly do not know how I would behave regarding the eiruv. I would almost certainly investigate the subject more thoroughly before deciding.

2. The source for Rav Henkin's opinion. I saw this in an old Rabbinic journal I came across in my shul, in an article by Rav Menahem Kasher ztz"l entitled "On Establishing an Eiruv in Manhattan" [Hebrew], published in "Noam: Bamah lebirur Ba'ayot ba-Halakhah," Vol. 6 (Jerusalem, Makhon Torah Sheleimah, [1963]), pp. 34-65. Rav Kasher quotes there a letter from Rav Hayyim Ozer concerning the Paris eiruv, as well as a letter from Rav Henkin about the Manhattan case. The bottom line of Rav Henkin's position is that it is highly desirable that the major rabbanim get together to set up a committee to institute and supervise an eiruv that will be accepted by the entire community. But, he continues and this is the significant point until that happens, an eiruv may and should be made, but its status will be of "she'at hadehak" roughly translated, to be used only in emergency or pressing circumstances.

But his definition of what is included in "she'at hadehak" is interesting, quite liberal, and worth repeating. It includes: a) women who find it hard to be shut up all day inside their apartments, and whom an eiruv would allow to at least go outside to the courtyard. He uses the phrase "who are unable to stand up to such a great trial"; b) doctors who need to carry medical equipment when visiting patients, where the latter "are not in mortal danger" (and thus don't justify hillul Shabbat de-oraita); c) people who might carry keys and handkerchiefs; d) for the Shabbat of Sukkot, when people carry food and so on between their apartments and the Sukkah, which may require walking (and carrying) along the sidewalk.

3. Equally interesting is the position of Rav Moshe z"l, which is also quoted in this article. He specifically states that "one is not to prevent those who wish to institute an eiruv, as they have many reasons on whose basis it may be permitted.... In any event, those who are meticulous (ba'alei nefesh) will be strict with themselves."

This position is characteristic of many great poskim and gedolim, who did not themselves rely upon the eiruv as a personal humrah, but allowed its use by the general community. This was, by the way, the position of Rav Soloveitchik ztz"l, who, following the Brisker shittah (roughly speaking, like the Rambam, and following him the Mishkenot Yaakov, as I explained in my first letter, for whom 600,000 is in any event irrelevant), did not use the eiruv in Warsaw; and of his son-in-law and talmid muvhak, Rav Aharon Lichtenstein, shelit"a, who does not carry in Jerusalem. Both these gedolim were/are mahmir on themselves, but did not push this humrah as one to be emulated by their talmidim, nor even necessarily by their families.

Regarding Rav Henkin's position: his grandson, Rav Yehudah Henkin, an important talmid hakham in his own right, confirmed to me that this was the Lev Ivri's position until his death. He also brought to my attention the "Kuntres Ha-Eiruv," printed in the back of Volume 2 of Rav Kasher's "Divrei Menahem," which is a rich source for the positions of all the gedolim, including Rav Henkin ztz"l, about the Manhattan eiruv issue.

4. "Why did this issue suddenly surface now, given that the geographic and demographic factors have not changed?" I will freely admit that sometimes halakhic ruling respond to sociological pressures, and there's nothing wrong with this—a leader should be sensitive to the needs of his people—always provided that this is done within the framework of the halakhic process, based upon sound halakhic precedent and reasoning, and by serious, recognized poskim. All these factors are present here.

In this case, I think the women were a major factor. Since the 1950's and '60's, there have grown to adulthood two whole generations of well-educated, serious, frum women. On the one hand, they are unquestionably strict about not carrying (perhaps, to be frank, more so than their mothers, as seems to be implied between the lines of Rav Henkin's 1962 ruling) and, on the other, find going to shul on Shabbat an important part of their lives, and are less willing to "stay home with the baby" if a legitimate halakhic solution is available.

Rav Yehonatan Chipman, Ish Yerushalayim

...

From: Ohr Somayach[SMTP:ohr@virtual.co.il] To: dafyomi@vjlists.com Subject: The Weekly Daf - #325 Parshat Kedoshim BY RABBI MENDEL WEINBACH, Dean, Ohr Somayach Institutions

A FATE WORSE THAN DEATH

A punishment worse than death? Yes, says the Sage Rav. Chanania, Mishael and Azariah were the three Jewish heroes who defied the order of the Babylonian ruler Nebuchadnezzar to bow to the statue he had erected even though it meant being cast into a fiery furnace. "We shall not serve your god nor bow to the golden statue which you have erected," they boldly declared before being thrown to a flaming death from which they were miraculously saved (Daniel 3:18). Had these same three heroes been subjected to the torture of beatings, says Rav, they would have bowed to the statue.

Our gemara cites this statement of Rav as a challenge to the assumption that the punishment of death meted out by a court is worse than the punishment of lashes. This challenge is summarily dismissed by distinguishing between the fixed amount of lashes given by the court and the endless beatings inflicted by an enemy bent on breaking his prisoner.

But Rav's statement about the limited heroism of Chanania, Mishael and Azariah comes under close analysis by Tosefot. The gemara's account of Rabbi Akiva's martyrdom (Mesechta Berachot) seems to suggest that where martyrdom is required it is even in the face of torture. When the Romans ripped his flesh with iron rakes, he told his disciples that he finally had an opportunity to realize his lifelong ambition to fulfill the Torah command to love Hashem "with all your soul" which means even giving up your life. If Rabbi Akiva considered himself bound to retain his faith in the face of torture worse than lashes, why does Rav conclude that those three heroes would have succumbed to idol worship for fear of lashes?

Tosefot cites the explanation of Rabbeinu Tam that the statue of Nebuchadnezzar was not really an idol to be worshipped, only an instrument for paying homage to the king. This is indicated in the aforementioned declaration of the three heroes which distinguishes between serving the king's god and bowing to his statue. There was therefore no obligation for martyrdom. They were willing to give up their lives, however, because there was an element of "kiddush Hashem" -- sanctification of Hashem's Name -- in their action. For this, however, they would not have endured endless beatings.

Although Tosefot does not clarify why there was a "kiddush Hashem" involved in their action, we do find an explanation in the words of Nimukei Yosef at the end of Mesechta Sanhedrin. Although it is wrong for an ordinary Jew to be a martyr where it is not required by law, it is proper for a pious leader to do so when he feels that he will thus strengthen his generation. Since most Jews mistakenly assumed that the statue was an idol and thus became weakened in their abhorrence of idolatry, it was a "kiddush Hashem" for the three heroes to sacrifice their lives in order to counteract this trend.

* Ketubot 33b

Written and Compiled by Rabbi Mendel Weinbach General Editor: Rabbi Moshe Newman
Ohr Somayach International 22 Shimon Hatzadik Street, POB 18103 Jerusalem 91180, Israel
Tel: 972-2-581-0315 Fax: 972-2-581-2890 E-Mail: info@ohr.org.il Home Page:
<http://www.ohrnet.org>

From: Mordecai Kornfeld[SMTP:kornfeld@netvision.net.il] Subject: Insights to the Daf: Kesuvos INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il> KESUVOS 16-19 - have been

anonymously dedicated by a unique Ohev Torah and Marbitz Torah living in Ramat Beit Shemesh, Israel. Help D.A.F. *now* and bring the Daf to thousands! Send donations to 140 -32 69 Avenue, Flushing NY 11367, USA

Kesuvos 17 MAKING THE CHASAN AND KALAH REJOICE QUESTION: The Gemara records a Machlokes between Beis Shamai and Beis Hillel regarding how we are to praise the Kalah when dancing before her ("Keitzas Merakdim Lifnei ha'Kalah"). The simple understanding of the Gemara is that the Mitzvah is to make the Kalah happy. However, the Gemara in Berachos (6b) says that anyone who benefits from the Se'udah of a Chasan but does not increase *his* joy, is considered to have transgressed the five "Kolos" (see there). From the Gemara in Berachos it seems that the Mitzvah is to make the Chasan rejoice, and not the Kalah!

What is the Mitzvah -- to make the Kalah rejoice or to make the Chasan rejoice? (KOVETZ SHI'URIM #46)

ANSWERS: (a) RAV ELCHANAN WASSERMAN, Hy'd, in Kovetz Shi'urim explains that the Mitzvah is to make the *Chasan* rejoice, as the Gemara in Berachos says. This is logical, he explains, because the Mitzvah to get married is part of the fulfillment of the Mitzvah of Piryah v'Rivyah, an obligation of the man and not of the woman (Yevamos 61a). That might be why Rashi (DH Keitzad) explains that the Gemara here is discussing, "Mah Omrim Lefaneha" -- "what do we *say* before the Kalah," implying that our objective is not to make the Kalah rejoice, but rather to say her praises in front of her, so that the Chasan will here and will rejoice in his wife.

The DIVREI SHALOM (5:22) finds support for this explanation in the words of Rashi in Berachos (6b), where the Gemara says that the reward received for attending a wedding is "the words [that are spoken]." Rashi there says that this refers to "the words that we say to make the Chasan rejoice." When he praises the Kalah, we cause the Chasan to rejoice. This is also how the MENORAS HA'ME'OR (3:8:1:2) understands the Gemara. This is also the implication of the TESHUVOS BE'ER SHEVA (#50).

The Divrei Shalom brings further support from Pirkei d'Rebbi Eliezer (ch. 16), which states that a Chasan is similar to a king; just like a king is praised by all, so, too, a Chasan is praised by all. Furthermore, it says there (ch. 17) that Izevel was rewarded for her act of walking in front of every Chasan who passed by and clapping her hands and verbally praising. >From here, too, we see that the Mitzvah is to make the Chasan rejoice.

(b) The TUR (EH 65), however, writes that "it is a Mitzvah to make the Chasan *and* the Kalah rejoice." When the Tur quotes the Midrash about Izevel, he writes that she used to clap before the Chasan *and* the Kalah. The RADAL (Rav David Luria) in his commentary to Pirkei d'Rebbi Eliezer also concludes that the Tur's rendering of the text of the Midrash is more accurate, and that the main point of praise is to praise the Kalah, and the Mitzvah to make them rejoice is for both the Chasan and the Kalah.

According to this, why does the Gemara in Berachos mention only making the Chasan rejoice? The reason might be as follows. The HAMIKNEH (in Kuntrus Acharon, beginning of EH 65) points out that when the Gemara in Berachos says that "one who benefits from the Se'udah of a Chasan but does not make him rejoice" punished, it specifically means that the person *benefits* from the Se'udah. If the person does not benefit from the Se'udah, he is not punished for not making the Chasan rejoice. (The logic for this is that if one is partaking of the Se'udah, he is expected to pay the Chasan back by making him rejoice. Thus, if he does not pay back by making the Chasan rejoice, it is as if he ate someone's food without paying for it. Moreover, his presence there is taking the place of someone else who would have caused more Simchah, and thus he is causing less Simchah at teh wedding.) We see from our Gemara (2a) that it is the Chasan who prepared the Se'udah, and therefore the obligation to reciprocate for the Se'udah is to pay back to the Chasan. Certainly, though, as far as the Mitzvah to make them rejoice is concerned, the Mitzvah requires that we make both the Chasan and the Kalah rejoice.

When Rashi here interprets the Beraisa's question, "Keitzad Merakdim Lifnei ha'Kalah" to mean "what do we say before the Kalah," he does not mean to exclude making her rejoice. Rather, he means that in addition to the dance that we do in order to make her rejoice, what words should one say to help her rejoice.

When Rashi in Berachos writes that the words for which one receives reward are the words that one says for the Chasan to cause him to rejoice, it could be that he focuses on the Chasan only because the men coming to the wedding should not be talking with the Kalah, as we find in Avos that it is prohibited to speak abundantly with a woman. Hence, it is the Chasan to whom one should speak, and not the Kalah.

According to the reasoning of Rav Elchanan, we can also understand this view. According to Rav Elchanan, the main point is to cause more joy for the Chasan, and by causing joy for the Kalah, one also causes joy for the Chasan. As a result of the mutual joy, they become closer to each other. However, the men, of course, must be Mesame'ach the Chasan, and the women must be Mesame'ach the Kalah.

Kesuvos 23b "SHEVUYAH" AND "ED ECHAD NE'EMAN B'ISURIM" QUESTION: The Mishnah states that two women who were captured (Shevuyos) may testify that the other was not defiled and is permitted to marry a Kohen. RASHI writes that the Chachamim were lenient in the case of a Shevuyah to accept the testimony of one witness, even a woman.

Why does Rashi say that the Chachamim were lenient in the case of a Shevu' yah? There is a general rule that "one witness is believed in matters of prohibitions" ("Ed Echad Ne'eman b'Isurim"), even if the witness is not valid for testimony in court (such as a woman or relative). The case of Shevuyah involves an Isur (whether or not the woman is permitted to marry a Kohen), and thus the normal rule of "Ed Echad Ne'eman b'Isurim" should permit us to accept the testimony of a single witness! Why does Rashi say that there is a special leniency in the case of Shevuyah?

ANSWERS: (a) The TOSFOS RID in Kidushin (66a, cited by the SHEV SHEMAITSA 6:15) proves from the Gemara there (see Shev Shemaita) that judging whether or not a woman is a Shevuyah, or whether she is prohibited to marry Kohanim for another reason (such as Gerushah or Chalutzah), is considered a "Davar sheb'Ervah" and therefore two witnesses are

required. Accordingly, it is clear why we need a special leniency in the case of Shevuyah in order to accept the testimony of a single witness.

The source for the requirement of two witnesses to prove a "Davar sheb'Ervah" is from a verse discussing a woman who becomes prohibited to her husband because she committed adultery (Devarim 24:1). According to the Tosfos Rid, the verse apparently refers not only to an adulteress (who transgressed an Isur Kares), but to any testimony that causes a woman to become prohibited (or permitted) to certain men. According to this logic, it would seem that two witnesses are required even in order to prove that a person is, or is not, a Mam zer or Mamzeres. (One might, however, distinguish between Isurim that can only take effect upon a woman -- such as Pesulei Kehunah and Zenus, which require two witnesses -- and those that can apply to men as well -- such as Mamzer, which is not a Davar sheb'Ervah and requires but a single witness.)

(b) The REBBI AKIVA EIGER and the NESIVOS HA'MISHPAT (both cited in TESHUVOS REBBI AKIVA EIGER #124, 125) posit, based on a MORDECHAI in Yevamos, that a court case is considered to be a Davar sheb'Ervah only if it creates (or removes) an Isur on the woman which prevents the enactment of Kidushin with that woman (similar to the Isur of Eshes Ish).

This explanation of the Mordechai needs clarification, though, since the Isur of an adulteress to her husband does not preclude Tefisas Kidushin; it is simply an Isur Lav. Similarly, the Isur of Shevuyah to a Kohen is only a Lo Ta'aseh (a normal negative commandment) which does not prevent Kidushin from taking effect, yet it is clear from the Gemara in Kidushin (ibid.) and from our Gemara that two witnesses are required to prohibit a Shevuyah.

The Nesivos ha'Mishpat explains that according to this Mordechai there are two acts which are considered Davar sheb'Ervah: (1) An act which *creates* an Isur which precludes the enactment of Kidushin, and (2) an act in which a woman becomes prohibited to others because she *had relations with* a person with whom she could not enact Kidushin. A Shevuyah (who is suspected of being raped by her non-Jewish captors) and an adulteress fit into the second category.

However, Rabbi Akiva Eiger asserts that this is not the Mordechai's intention. Instead, he suggests that prohibiting an adulteress to her husband is considered a "Davar b'Ervah" even though it does not prevent Kidushin from being enacted with her because the Torah refers to that particular Isur as "Tum'ah," (see Yevamos 11a) just like the Arayos. Shevuyah is considered a "Davar sheb'Ervah" for the same reason, since the Gemara in Yevamos (56b) tells us that the wife of a Kohen who was raped is prohibited to her husband because of an Isur of "Tum'ah." This is only true of a married woman who was raped, though (see Teshuvos Rabbi Akiva Eiger #125, and TESHUVOS V'CHIDUSHEI REBBI AKIVA EIGER, 20:3). If a single woman is captured and raped, it would not be considered a Davar sheb'Ervah at all according to this logic. According to Rabbi Akiva Eiger, we will have to find another reason why any Shevuyah, even a single woman, should require two witnesses if not for a special leniency.

This also appears to be the opinion of the RAMBAM (Hilchos Sanhedrin 16:6; see Shev Shemaita ibid.), who writes that only one witness is necessary to determine whether or not a woman is a Zonah or Gerushah and prohibited to a Kohen. Similarly, TOSFOS in Gitin (2b, DH Midi) writes that the law that a "Davar sheb'Ervah" requires two witnesses applies only to testimony concerning marriage, divorce, and Zenus that prohibits a woman to her husband.

(c) Tosfos (Gitin 2b DH Ed Echad) writes that one witness is not believed even for a regular Isur in order to *remove* an Isur that has already been established ("Ischazek Isura," or a "Chezkas Isur"). If so, since the Chachamim assume that a Shevuyah was definitely defiled until proven otherwise (see Kesuvos 13b), she is considered to have a "Chezkas Isur," and therefore a single witness would not be believed to remove that Isur if not for the special leniency the Chachamim instituted in the case of a Shevuyah.

The *D*AFYOMI *A*DVANCEMENT *F*ORUM, brought to you by Kollel Iyun Hadaf For information on joining the Kollel's free Dafyomi mailing lists, write to info@dafyomi.co.il, or visit us at <http://www.dafyomi.co.il> Tel(IL):02-652-2633 -- Ofi(IL):02-651-5004 -- Fax(US):603-737-5728

From: Torah and Science[SMTP:torahandscience@avoda.jct.ac.il]
Sent: Wednesday, May 03, 2000 3:28 AM To: pr@avoda.jct.ac.il
Subject: Parashat Kedoshim

Electric Shavers: Halakhic Considerations

-- Electric shavers leave a smooth shave

Despite the lengthy halakhic discussion over electric shavers, the shaver continues to be a popular product, especially by Torah-observing Jewry. For many years, the shaver was almost entirely exempt from sales tax in Israel for being a religious article. Many of the responsa that dealt with the matter did not decide conclusively that the electric shaver is permitted. (1) Rabbi S.Z. Auerbach remained with a question how could it be that when one shaves with a shaver, and a screen separates the blades from the skin, the skin is left with a smooth shave, as if he had been shaven with a razor, Heaven forbid?

Why Heaven forbid? Because the Torah warned, You shall not destroy the corner of your beard(2), and according to the Mishna(3), one who destroys the corner of his beard violates five negative commandments. Indeed, R. Auerbach's question should trouble us: why does a shaver

not leave stubbles as long as the screen=s thickness?

-- Scissors are permitted

The halakhah permits shaving with scissors, including razor-like scissors.(4) The Rama, however, based on the Trumat Hadeshen, stipulates that one must be careful, when shaving with scissors, that the hair be cut by the higher blade and not by the blade touching the skin. Notwithstanding, Trumat Hadeshen also agrees in principle to shaving with scissors. What is the essential difference between scissors and a razor?

Rashi explains that scissors do not cut at the root like a razor, which can be understood in one of two ways either by its result or by its mode of operation. It will become evident, after presenting both explanations, why the electric shaver has become so popular as a religious article. --

-- The result of shaving

Rashi may have meant that scissors do not cut hair at its root next to the hair=s root adjacent to the skin=s surface as does a razor, but rather at some distance above the skin. This distance is the thickness of the scissors= lower blade.-- Presumably, the electric shaver has the same effect, with the shaver=s screen acting as a buffer like the scissors= lower blade. Again, however, R. Auerbach=s question returns: why then is the shave so smooth? 0.05mm the thickness of the screen though small, is certainly more than nothing! In fact, the answer to this lies in the physical structure of human hair. According to dermatologists, each hair grows from its pore at whose bottom the hair=s muscle is located. This gives the hair a measure of resilience and, hence, also a degree of freedom in entering and exiting the pore. There are razors that utilized this feature of hair for an especially close cut. In these double-headed razors, the second blade arrives before the stubbles of hair return to their place, performing an additional cut. The electric shaver also uses this mechanism. The high velocity of the rotating blades allows the first blade to raise the hair from its pore and the next blade to cut it. Afterwards, the hair settles back into its pore without protruding at all above the skin; hence, the smooth shave is produced. As regards the halakhah, the second blade, which does the cutting, does not touch the facial skin, and the cutting itself does not occur at the root, since the hair is pulled above the skin. Thus, the shaver works by the same principle as the scissors but produces a smooth shave. Therefore, there is no reason to equate the shave of an electric shaver with the shave of a razor.

-- The manner of shaving

However, Rashi can be understood differently; scissors do not cut hair with the base of the scissors, i.e. using a single blade like the razor, rather each blade relies on the other to make the cut. Without an opposing blade, the hair would not be cut. So, even if the result was identical to that of the razor, i.e. a smooth shave of the beard, still the manner in which the instrument cuts is different.

R. Shabtai Rappoport, Rosh Yeshiva of Shvut Yisrael, put forth this explanation in an article published in the journal Techumin.(5) According to this, the halakhic ruling for an electric shaver would depend on whether the blades could cut hair without the aid of the screen. By taking apart the shaver and experimenting, it becomes evident that the blades need the screen in order to cut.

--Holes and cracks in the shaver=s screen

Rumors abound concerning the halakhic status of different shavers. One rumor has it that the shaver with linear blade motion and a thin, flexible screen was forbidden while another rumor said that the shaver with rotating blades was forbidden. Certainly, the halakhah does not rely on conjectures, but verifies each matter on its own. Still, is there any basis for these different rumors?

The thickness of a flexible screen is no different than that of the stiff screen. The stiffness is created by the screen=s profile. There is also a greater chance of the appearance of cracks and holes in the screen, which would then allow the blade to actually make contact with the facial skin. Besides the danger of injury, there is cause for concern that the blade

will cut adjacent to the hair=s root problematic according to the first explanation of Rashi regarding the result of the shave.

According to the second explanation the manner of the shave the blade cannot cut hair without the screen, and so if a crack appears in the screen, the shaver would likely not fulfill its function at all. However, in such a case, one may worry that the screen itself, being very thin, may function as a blade and the hair on its own. Either way, one should be careful not to use shavers whose screen is torn or cracked.

RABBI URI DASBERG, Tzomet Editor:Techumin

1) For instance: Kol Mevaser part 1, 19-20; Har Tzvi, Yorea Dea, 143; Minchat Yitzchak part 4, 113; Chelkat Yakov part 1 82; part 2 133; part 3, 39. 2) Leviticus 19, 27. 3) Tractate Makot 3, 5. 4) Shulchan Aruch 181, 10. 5) Techumim, Vol. 13, 200-208.

Senior Editor:-- Prof. Leo Levi, Rector Emeritus, Jerusalem College of Technology Machon Lev Junior Editor:-- Avi Polak To SUBSCRIBE or to UNSUBSCRIBE to this Dvar Torah: send e-mail to: torahandscience@mail.jct.ac.il with the following message in first line of TEXT: subscribe unsubscribe Previous shiurim are available on the JCT WEBSITE: www.jct.ac.il If you would like to support the Dvar Torah U'Mada or dedicate a Dvar Torah, please e-mail: torahandscience@mail.jct.ac.il Dvar Torah U'Mada Jerusalem College of Technology - Machon Lev 21 Havaad Haleumi St., POB16031 Jerusalem, 91160 ISRAEL Tel:-- 972-2-675-1193-- Fax:-- 972-2-675-1190