

INTERNET PARSHA SHEET
ON SHMINI - 5760

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Parshat Shemini They Brought before Hashem an Alien Fire
ROSH HAYESHIVA RAV MORDECHAI GREENBERG, SHLITA

"A permanent fire shall remain aflame on the Altar; it shall not be extinguished." (Vayikra 6:6) This pasuk prohibits extinguishing the fire which is on the altar.

What is the symbolic significance of this prohibition?

Fire is unique, in that the rest of creation was completed by G-d during the six days of creation, whereas fire was formed by Adam on motzei Shabbat. The Gemara (Pesachim 54a) concludes that fire was also conceived of during the six days of creation, but was not actually created until after Shabbat, when G-d inspired Man to strike two stones against each other to create fire. Thus, the origin of fire is in the Divine thought, and is referred to by Chazal (Yoma 21b) as "the fire of the shechina (Divine Presence)" or "the heavenly fire." The actualization of fire, however, was accomplished by man.

We must always strive to unify these two aspects of fire. We cannot rely on "the heavenly fire" alone, as G-d expects mankind to complete His intention in the creation of the world, and to bring about its actualization. "That G-d created to do" (Bereishit 2:3) -- G-d created, and it is up to us to do. At the same time, man has to realize that his actions alone are incapable of forming anything new, but can only bring to realization the inherent potential provided by the Divine thought. Chazal associated this idea with the word in Shir Hashirim (2:5) "ba'ashishot" -- with two ishot (fires), the heavenly fire and the earthly fire. (Shir Hashirim Rabbah 2:14)

The construction of the Mishkan (Tabernacle) marked a milestone in the history of the world. G-d had desired a dwelling in the lower realms as well, but man's sins had caused His presence to withdraw to the upper realms. Now, through the building the Mishkan, it returned once again to the lower realms. The fire of the altar expresses this integration of the heavenly fire and the earthly fire, of the Divine creation and the work of man.

Chazal emphasize this idea in their comment on the pasuk, "The sons of Aharon the priest shall put fire on the altar" (Vayikra 1:7): "Although the fire [on the altar] descends from the heavens, it is a mitzvah to bring an ordinary one." (Torat Kohanim) The Kli Yakar explains that this is in order to integrate the heavenly fire with the earthly one. For this reason, it is prohibited to extinguish the fire on the altar, for that represents detaching the heavens from the earth. This is also the idea behind the statement in Avot (5:7) that the rain never extinguished the fire of the Altar, since the heavenly fire is eternal and immutable.

With this introduction we can understand the sin of Nadav and Avihu, "They brought before Hashem an alien fire." (10:1) At first glance, there does not seem to be anything wrong with their action. After all, the kohanim are commanded to bring an ordinary fire, so why was it considered alien?

The Rashbam offers a novel interpretation to this dilemma. The sequence of events, as described in the Torah, seems to contain four separate events:

1) G-d's glory appeared to all the people. (9:23) 2) A heavenly fire came forth and consumed the fats on the outer altar. (9:24) 3) Nadav and Avihu offered an unauthorized fire on the inner altar. (10:1) 4) A heavenly fire came forth and consumed them (10:2).

B'S'D' In other words, Nadav and Avihu only offered their fire after the heavenly fire came forth to consume the fats, and then a second heavenly fire came forth to consume them.

The Rashbam suggests, however, that all four events were actually simultaneous! G-d's glory was manifested by a fire which came forth from the Holy of Holies, moved past the inner altar where it consumed Nadav and Avihu who had brought their own fire, and continued on to the outer altar where it consumed the fats. It is about this very fire that the pasuk says, "The glory of Hashem appeared to the entire people." (9:23)

We can now explain that although it is necessary to bring an ordinary fire, this is only after the heavenly fire descends. That fire that came forth from the Holy of Holies was intended to serve as the heavenly fire. Only after it burned the incense on the inner altar, followed by the fats of the outer altar, would it be permissible to bring the ordinary fire. Nadav and Avihu, however, offered the earthly fire before the heavenly fire descended. That is why it was considered, "an alien fire."

Symbolically, this tragedy represents the idea that it is impossible for man to rely on his actions alone, without the help of G-d, and without the recognition that the heavenly fire is the basis and origin of all.

From: RABBI LIPMAN PODOLSKY [
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DON'T PLAY WITH FIRE!

Our parsha relates the tragic tale of the two eldest sons of Aharon, who suddenly and mysteriously perished in a Heavenly firestorm. For what atrocious crime were they punished? "Rabi Eliezer says: The sons of Aharon did not die except for the fact that they rendered a legal decision in the presence of their master, Moshe (Eruvin 63a)." What does this mean? For this they were deemed worthy of death?

"Rabi Eliezer had a certain student who once rendered a legal decision in his presence. Rabi Eliezer said to his wife, 'I would be surprised he lives out the year.' He did not live out the year.

Rabi Eliezer's wife asked him, 'Are you a prophet?'

'I am neither a prophet, nor the son of a prophet. Rather, I have a tradition that whoever renders a legal decision in his master's presence is liable to death.' (ibid.)"

Why so stringent? And why didn't Rabi Eliezer forego his honor so that his student be spared? It would seem that the punishment wasn't due to the student's degradation of Rabi Eliezer. So why, then, did he die?

"Rabi Akiva said: The Jewish people are compared to a bird [of flight]. Just as a bird cannot fly without wings, so too the Jewish people cannot stand without their sages (Shmos Rabbah 5:12)."

A bird without wings is not a bird. Without its wings, its ability to survive and thrive is severely curtailed. All sorts of predators lick their hungry chops when they spy such a bird.

So too, without the counsel of their sages the Jewish people are handicapped. They cannot soar; they cannot even stand. Their vulnerability reaches pathetic proportions.

The scope of a Torah scholar penetrates much further than the average Jew. "Who is a scholar? He who foresees that which is destined to come (Tamid 32a)." It is to them we must turn for Truth, for Torah.

Thus, a Jew who renders a Halachic decision in the presence of his mentor pulls open the trapdoor from under the feet of the Jewish nation. He has undermined the principle of Emunas Chachomim -- trusting in the wisdom of the sages. As such, the punishment is relentlessly severe.

Consequently, Rabi Eliezer could not opt to forego his personal honor. For the student did not merely offend Rabi Eliezer, but chiseled away at the very foundations of the Torah itself. And that is unforgivable.

Accordingly, Nadav and Avihu, the two saintly sons of Aharon, paid the ultimate price. Should other Jews seek to emulate their error, the

fabric of Judaism would undoubtedly be torn apart. Truth would perish. The Divine reaction was therefore swift and comprehensive. The deaths of Aharon's sons would serve as a lasting lesson: Don't play with fire.

It seems obvious to many people the need to show respect for leaders of other religions, even to the point of self-effacement (i.e. removing the Jewish star from the papal ambulance). Yet, when it comes to their own religious leaders, many Jews are startlingly willing and even eager to tread upon their honor. A police investigation is only the first ignominious step.

Many complex issues face us daily. Jews of sundry shades of Orthodoxy are constantly confronted with questions of consequence. Many of these matters are pivotal, defining direction, as well as magnitude. Future generations balance precariously upon our shoulders. Dare we risk their future?

Ask the Sages. Don't play with fire.

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Hamaayan / The Torah Spring Edited by Shlomo Katz
Shemini-Ha'chodesh Sponsored by Bobbi and Jules Meisler in memory of father Irving Meisler a"h Elaine and Jerry Taragin in memory of Asriel Taragin a"h Today's Learning: Pesachim 1:3-4 Orach Chaim 271:5-7 Daf Yomi (Bavli): Ketubot 2

We read in this week's parashah that two of Aharon's sons died in the prime of their lives and on the day that should have been the happiest day of Aharon's life. What was their father's response? "And Aharon was silent" (10:3).

Naturally, writes R' Dov Meir Rubman (Rosh Yeshiva in Haifa; died 1967), we are amazed at Aharon's strength. Incredibly, though, the Midrash appears to belittle Aharon's silence by asking, "What might Aharon have said?" How are we to understand this?

The purpose of this Midrash, explains R' Rubman, is to drive home the foolishness of questioning Hashem. Why was Aharon silent? Because he understood very well that there was nothing to say. No matter how intelligent, how understanding, a person may be, his intelligence is nothing compared to G-d's. As Kohelet (5:1) said, "For G-d is in the Heaven and you are on earth, so let your words be few." (Zichron Meir)

How can one train himself to accept G-d's Will? The Maggid of Warsaw suggested that we reflect on the following: It is obvious to any adult that a toddler cannot understand his parents' thoughts, actions, or plans. What we must realize is that we are but toddlers before Hashem. (Haggadah Shel Pesach Sha'arei Armon p. 145)

"I will be sanctified through those who are nearest to Me." (10:3)

R' Aharon Kotler (Lakewood Rosh Yeshiva; died 1962) writes: This is an illustration of an inadvertent Kiddush Hashem / sanctification of G-d's Name. Although Nadav and Avihu never intended to sanctify Hashem's Name by dying as they did, nevertheless, G-d's Name was sanctified when Bnei Yisrael witnessed His judgment at work. And, because Nadav and Avihu played a role in this Kiddush Hashem, even unwittingly, it is mentioned to their credit.

This idea answers a famous Pesach-question. The Gemara (Megillah 10b) says that Hashem would not permit the angels to sing a song of praise as the Egyptians were drowning in the Yam Suf / Red Sea. Yet, we know that Bnei Yisrael did sing. Why?

R' Kotler explains that there is a difference between the angels' song

and Bnei Yisrael's song. Angels are called "Omdim" / "Those who stand," because angels can never grow spiritually. Thus, when they praise G-d, it is an honor to G-d, but it has no effect on the angels' own spiritual condition. In contrast, when man praises Hashem, man himself grows. G-d did not want to be honored for drowning the Egyptians, so He did not allow the angels to sing. However, when Bnei Yisrael sang, they honored Hashem and, at the very same time, grew spiritually by recognizing His great powers. And, the Egyptians themselves received credit in Heaven for aiding in Bnei Yisrael's growth because the Egyptians unwittingly played a role in that growth (just as Nadav and Avihu unwittingly caused a Kiddush Hashem). Since it was a benefit to the Egyptians themselves, Bnei Yisrael could sing. (Mishnat Aharon III p. 4)

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"RavFrاند" List - RABBI FRAND on Parshas Sh'mini -
These divrei Torah were adapted from the hashkafa portion of Rabbi Yissocher Frand's Weekly Portion Torah Tapes: Tape # 234, Netilas Yadayim at Breakfast: Is One "Washed Up" for the Day? Good Shabbos!

Holiness Impacts More Than Just the 'Man to G-d' Relationship
While the first reference to Kashrus [Kosher dietary] laws is contained in Parshas Mishpatim [Shmos 22:30], the Torah actually enumerates and identifies the Kosher species of animals, fish and birds here in Parshas Sh'mini.

It is interesting to note the location where the Rambam lists the laws of forbidden foods (within his 14 volume halachic Encyclopedia known as the 'Yad haChazakah'). Serious students of Rambam know that the location where the Rambam categorizes a particular set of laws in and of itself provides insight into the nature of those laws.

The Rambam places the laws of forbidden foods in his Sefer Kedusha [Book of Holiness]. Sefer Kedusha contains the laws of forbidden foods as well as the laws of forbidden sexual relationships. He indicates that observance of the laws of Kashrus and the laws of sexual morality is what makes a person holy.

There is a famous Rash"i on the pasuk [verse] "You shall be holy..." [Vayikra 19:2] which interprets these words as "You shall be removed". The Jewish definition of holiness is one who knows how to abstain, how to exert self-control. A person who is not self-indulgent, is, by our definition, a holy person.

The very pasuk in Parshas Mishpatim [Shmos 22:30], which first introduces the kashrus restrictions, begins with the words "You shall be a holy people to me..." Holiness is what Kashrus is all about.

The Talmud [Yoma 82b] says that a certain pregnant woman smelled the aroma of forbidden food and developed an uncontrollable urge to eat that food on Yom Kippur. They brought her before Rabbi and he whispered in her ear (as if to speak to the embryo) "It is Yom Kippur today". The woman's urge for food then subsided. The Talmud states that this baby turned out to be Rabbi Yochanan.

The Talmud then relates an identical story except that the whispering did not help and the mother had to eat on Yom Kippur (to save her life). The Gemara mentions that this baby turned out to be a wicked person. The Gemara identifies this wicked person as "Shabsai, the one who would hoard fruits" (he cornered the market on a basic commodity, and

then charged poor people exorbitant prices for the food).

[Editor's note: In our times, when a pregnant woman must eat on Yom Kippur, it is not an indication that she is going to have an evil child. Those times were different. People were on a different madreiga (spiritual level). In addition, we don't have the power of Amoraim whispering in our ears.]

Why should self-indulgence be related to a lack of holiness? This does not appear to be a "holiness" problem. This seems to be a problem of one who is not nice to his fellow man. What is the connection between that and the fact that he was already a gluttonous embryo?

I saw the following explanation from Rav Neimen in his work Darchei Mussar:

The answer is because a person who is not holy is self-indulgent. Eventually, self-indulgence affects not only one's relationship with G-d, but one's relationship with his fellow man as well. If a person is self-indulgent, he is focused on "My needs must be gratified". This is the opposite of a holy person. Someone, who must always satisfy his needs and his appetites, will eventually not be a nice person to his fellow man.

Holiness is not only a concept that exists between man and G-d. Holiness also affects how we conduct our daily lives and how we interact with society. Learning to control our urges and desires causes our dealings in the marketplace and business world to be different as well.

The Ultimate Act of Faith: And Aharon Was Silent

Parshas Sh'mini contains one of the greatest exhibitions of faith in the entire Torah. On a communal level, the greatest exhibition of faith was after the splitting of the Red Sea, when the Jewish people "believed in G-d and in Moshe his servant" [Shmos 14:31]. But this week's parsha contains -- on an individual level -- the greatest exhibition of total faith in G-d that appears anywhere in the Torah. That act of total faith was Aharon HaKohen's reaction to the death of his two sons.

Aharon had two sons who were tremendous individuals. They were literally Tzadikim (truly righteous people). These were children who were worthy to eventually be the leaders of the generation. These two children were taken away from Aharon in the midst of what was supposed to be the joyous celebration of the dedication of the Tabernacle.

What is Aharon's reaction? Silence, complete acceptance [Vayikra 10:3]. Aharon accomplished this because of his unshakable faith in G-d. A person who can see the death of two of his children and react with silence and acceptance provides the most eloquent and powerful exhibition of faith imaginable.

The Ramban writes in Parshas Re'eh (on the pasuk "You are children to G-d, do not tear your skin (as a sign of mourning)" [Devorim 14:1]) that the Torah's restriction against self-destructive forms of mourning serves as a testimony to our belief in the eternity of the soul. "Since you believe in the Eternity of the soul and that ultimately what G-d does is never bad, therefore do not mourn too much -- even in the face of tragic youthful death."

[Editor's Note: Mr. and Mrs. Israel Weinstein (who have themselves passed on in the years since this shiur was delivered) lost two children in a terrible car accident, on Erev Pesach, while travelling to Baltimore for the holiday.]

This week, some of us in this community saw an act of Faith reminiscent of Aharon HaKohen's. Mr. Israel Weinstein and his wife suffered a tragedy of terrible proportions with the loss of two children. I was not in the Yeshiva [Ner Yisroel in Baltimore] for Pesach, as Mr. Weinstein was. Those people who were there and saw how he reacted after he heard the terrible news were amazed at the type of Faith he exhibited.

It is mind boggling to think of the specter of a Jew having heard on the night of the Pesach Seder that he just lost two of his children. To come back to the Seder and sit down under those circumstances and

make a She-hechiyanu (the blessing thanking G-d for sustaining our lives and bringing us to this occasion) is unimaginable. To come into shul the next morning and to daven and greet people with a "Gut Yom Tov" [traditional holiday greeting] without exhibiting his emotions and dampening the spirit of the holiday requires a special faith. That Pesach morning, a little boy walked into the Yeshiva and walked down the aisle past the place where Mr. Weinstein was sitting. Mr. Weinstein patted the boy on the cheek.

The boy's father visited Mr. Weinstein during Shiva [the one week mourning period, following the burial] and asked Mr. Weinstein how he was able to accomplish that feat. "How, in the moment of your ultimate grief, could you still bend down to a child and pat him on the cheek?" Mr. Weinstein responded that at that exact moment, he realized how precious every Jewish child is. He felt he had to pat that little boy, because he realized how special each and every one of our children are.

Sometimes we take our children for granted. Sometimes we become upset with them too much. We do not realize sometimes how precious they are.

A person who, at the moment of great tragedy, demonstrates such faith and can emulate "And Aharon was silent" can only be a person who recognizes that there is a light on the other side of the world. May the family be comforted amidst the other mourners of Zion and Jerusalem.

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From:

listmaster@jencom.com[SMTP:listmaster@jencom.com]
PENINIM ON THE TORAH BY RABBI A. LEIB SCHEINBAUM
Parshas Shemini

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Moshe said to Aharon, "Of this did Hashem speak, saying, "I will be sanctified through those that are close to Me" and Aharon fell silent. (10:3)

In Toras Kohanim, Chazal state that the righteous are used to being matzduk es ha'din, accepting Hashem's judgement, regardless of its harshness. They support this statement citing three instances of tziduk ha'din: David Ha'melech, when he accepted the onus of guilt that caused his suffering; Avraham Avinu, who, in his profound humility, declared, "I am dust and ashes;" and Yaakov Avinu, when he said that he was too small, unworthy of Hashem's kindness. The question that arises from Chazal is apparent: David suffered, while Avraham Avinu and Yaakov really did not. How are they "accepting" G-d's judgement? All they were doing was expressing their unworthiness in receiving Hashem's favor. Is that tziduk ha'din?

Horav Chaim Goldvicht, zl, derives from Chazal a profound lesson regarding our relationship with the Almighty. During much of a person's life he is blessed with good health, a livelihood and nachas from his children. Such a person, unless he is a fool and is always looking to see what his neighbor has, should be satisfied with his lot in life. Thus, he serves the Almighty amid happiness and joy. In the event the "wheel of fortune" turns against him, suddenly changing his situation for the worse, he becomes disconcerted, wondering why he is suffering. If he is a G-d fearing, Torah-oriented Jew, he will introspect to see where he could have gone wrong. He will search for a reason to "accept" Hashem's decree.

This is the simple way of looking at tziduk ha'din. The individual realizes and accepts Hashem's judgement. Under normal circumstances, he has expected to live life in a positive manner, with health, wealth and happiness. This is his error. Who asserted that he "deserves" a life of happiness and joy? Perhaps it is a special gift from Hashem: Moreover, did he ever stop to think that everything he enjoys - even waking up in the morning - is a gift from Hashem? Why does he remember Hashem, why does he "accept" His judgement, only in times of crisis? We must remember and reflect constantly on the fact that everything we enjoy is a gift from Hashem. Every breath of air that we breathe warrants our boundless praise to the Almighty. Regrettably, only when that breath of air is at risk, do we remember its source.

We now have a new perspective on the life that we take for granted. It is a gift, a very special gift. The reason the righteous never complain when something "bad" happens to them is that they realize that the "good" which they enjoy is a gift. Tziduk ha'din is a profound understanding that every kindness we receive from the Almighty is just that - a kindness, a gift. We are eternally in debt to Him. For the righteous, accepting Hashem's judgement is routine; it is a moment in which one delves deeper in his understanding of the many favors he receives all of the time. Avraham and Yaakov were constantly mindful of Hashem's beneficence. Hence, even in "good times," they reflected a sense of tziduk ha'din.

For distinguishing between the impure and the pure, and between the creature that may be eaten and the creature that may not be eaten. (11:47)

Rashi comments that the Torah need not tell us to be proficient in distinguishing between a cow and a donkey. The distinction is obvious. Rather, the Torah demands that we be expert in differentiating between that which is impure to us and that which is pure to us. This refers to an animal or fowl that has had half of its windpipe severed by shechitah, slaughtering, compared to one that has had most of its windpipe severed. In other words, it takes no expertise to distinguish between species. The Torah demands our expertise in distinguishing a kosher animal that has been properly slaughtered, from one that has not.

Horav Baruch Sorotzkin, zl, notes that the difference between a kosher and a non-kosher animal is in a mashehu, a fraction. That is what it takes to make the difference between chatzi, half, and rov, majority. There is much to be derived herein from both a halachic and ethical perspective. One must eat a kazayis, specific measurement, of matzoh. If he eats a fraction less, he does not fulfill the mitzvah. This applies to all cases where the Torah prohibits certain foods. If one eats a kazayis, he is guilty and will receive kares, spiritual excision; if he eats a fraction less, he is not liable.

It would seem that this entire idea applies only to the shiur, correct measurement. It either fulfills a shiur, or it does not. Rashi, however, teaches us a profound lesson: He implies that a mashehu completely transforms the form and essence of an object. One fraction can alter the basic nature of an animal from impure to pure, non-kosher to kosher. A man begins to shecht, slaughter the animal, and makes it half-way. He has accomplished nothing. He shechts a little more. Now it is a new animal; it is kosher. It was that extra bit of effort, just a little bit longer, just a little bit better, just a little bit more enthusiasm. That is all it takes to create something from nothing, to make a kosher animal from one that would otherwise be not kosher.

This same idea applies to one's personal avodas Hashem, service to the Almighty. One thinks that he has done enough, but in reality he has not. He needs to do a little more to make the difference. That fraction of time, of effort, of enthusiasm, can oftentimes create the difference between mediocrity and excellence, between literacy and scholarship. Two students may attend the same yeshivah and have the same rebbeim, while only one of them succeeds as a scholar. Superficially, it looked like both had been expending the same effort in prayer and study. Regrettably, it just appeared to be the same. One of them worked a little

bit harder; one of them davened with a little bit more feeling. That little bit made a big difference in the end-product.

From: Yated USA[SMTP:yated-usa@ttec.com] Yated Neeman
Halacha Discussion: EATING BEFORE KIDDUSH AND
HAVDALAH BY RABBI DONIEL NEUSTADT

In keeping with the Rabbinical prohibition against eating before one is about to fulfill a mitzvah, it is prohibited to eat before kiddush, both on Friday night and on Shabbos morning. The Rabbis forbade eating prior to fulfilling a mitzvah for fear that one would become distracted during mealtime and forget to perform the mitzvah. But unlike other mitzvos where it is forbidden to have a meal before performing the mitzvah, it is prohibited to have even a morsel of food or a drink of water before reciting kiddush. One of the explanations offered(1) for this stringency is that the Rabbis wanted kiddush to be recited as close as possible to the time when it ought to be recited ideally-right when Shabbos starts on Friday night and immediately after davening on Shabbos morning. To keep the ideal time-frame intact insofar as possible, they prohibited consuming any food or drink(2) before kiddush is recited. Since women, too, are obligated to recite or hear kiddush, they, too, cannot eat before kiddush. But children under the age of bar/bas mitzvah are permitted to eat before kiddush(3). The prohibition against eating begins as soon as one "accepts" Shabbos, or inevitably at sunset. Women generally "accept" Shabbos when they light candles and they should not eat or drink after that. If, however, one is extremely thirsty after lighting candles, she may take a drink until she verbally "accepts" Shabbos upon herself(4). One who knows that he will not have wine or any other beverage or challah over which to make kiddush, may eat without reciting kiddush(5). o o o On Shabbos morning before davening it is permitted to drink coffee, tea or soda etc., without first making kiddush. This is allowed because kiddush need not be recited until it is zeman seudah, the time when it is permitted to eat a meal. Since one is not allowed to eat a meal before davening, it is not time for kiddush and one may take a drink. Even if one wants to be stringent and recite kiddush before drinking, he may not do so for two reasons: 1) A requirement of Kiddush is that it be followed by a meal, otherwise the kiddush is invalid. Since one is not allowed to eat before davening, he cannot make kiddush. 2) Drinking wine before davening is considered "haughty behavior" and is not permitted. What about a person who is ill or elderly and is allowed to eat before davening? Mishnah Berurah(6) rules that such a person should recite kiddush before he eats, for as soon as it is zeman seudah for him, he is obligated to make kiddush. The fact that he is drinking wine before davening is not a problem since he must drink wine in order to eat. He may not even drink water before kiddush, since for him it is already zeman seudah(7). The ruling by the Mishnah Berurah regarding an ill or elderly person making kiddush when eating before davening was challenged by some later poskim(8). While many poskim agree with his basic ruling(9), they suggest that the practical halachah will depend on what exactly the person in question is going to eat. If he is just going to eat fruit or even cereal and milk or other cooked mezonos items, he should eat without reciting kiddush first. If, however, his health demands that he wash over bread or eat at least a k'zayis of cake or any other baked mezonos items, he should make kiddush before he eats(10). Women and Children Whether or not women need to make kiddush on Shabbos morning is subject to much debate. In a previous column we wrote that although it is prohibited to eat before davening on weekdays, many women eat breakfast after reciting a brief supplication and finish davening later on in the morning. We noted that the poskim allow them to do so, since they may rely on the view of the Rambam who maintains that women fulfill their davening obligation with a brief supplication. Thus, they are eating after "davening". On Shabbos morning, though, they are obligated to make kiddush in addition to the

daily obligation to daven. As soon as they meet their basic davening obligation by reciting a brief supplication, it is for them zeman seudah and they cannot eat until they make kiddush(11). Many married women, however, do not make kiddush for themselves. They rely upon the poskim who hold that it is not zeman seudah for them until their husbands are ready to eat, which is not until davening is over in shul(12). Other poskim do not agree with this argument(13). In either case, unmarried women, including girls who eat at their father's table, do not have this leniency to rely upon. Children who are allowed to eat before davening do not need to make kiddush before eating(14). Eating before Havdalah For the same reason that it is prohibited to eat before kiddush, it is also prohibited to eat before havdalah is recited. Accordingly, it is prohibited to eat or drink once the sun has set and bein hashemashos begins. But, b'dieved, if one did not start eating seudah shelishis-a meal in which both men and women(15) are obligated to partake-before bein hashemashos, he may start his meal until one half hour before nightfall(16). While it is permitted according to the halachah to drink water before havdalah(17), many people refrain from doing so based on the Kabbalistic teachings of the Arizal that it is "dangerous" to drink water during this time-unless it is part of his Seudah Shelishis(18). One who began his meal before sunset may continue eating and drinking until after nightfall. But this applies only to a meal that includes bread, not a meal which consists of eating mezonos or drinking wine(19). Women, who are obligated to hear havdalah just as men are, may not eat before hearing [or reciting] havdalah either. While it is customary that women do not make havdalah for themselves, a woman who cannot hear havdalah recited by a man should recite her own havdalah(20). As with kiddush, children under the age of bar/bas mitzvah can eat and drink before havdalah. Even if one recited atah chonantonu during Shemoneh Esrei, he still may not eat until he recites or hears havdalah over wine or grape juice, etc.(Sha'ar ha-Tziyun 299:5). One who presently has no wine or other halachically acceptable beverage over which to recite havdalah but expects to obtain some later on, should-if he can-put off eating until he obtains wine etc., up to midday Sunday(21). If he is a weak person who cannot wait so long, or if he does not expect to find wine etc., beverage by that time, he does not need to wait and may eat after davening Maariv and reciting atah chonantonu(22).

1Mishnah Berurah 271:11 based on Shulchan Aruch Harav 271:9. See an additional reason in Beur ha-Gra, ibid. 2Medication, with or without water, may be taken before kiddush. 3Chayei Adam 66:10; Mishnah Berurah 269:1. 4See Da'as Torah 271:4. A nursing mother who knows that she will need to drink after lighting candles, should stipulate that she is not "accepting" Shabbos until she is finished drinking; Ketzos ha-Shulchan 74:17. 5Mishnah Berurah 289:10. If he knows that he will find wine etc., later in the night, he should wait up until midnight to eat, if he can wait that long; ibid. 6Beur Halachah 289:1 (s.v. chovas). 7Da'as Torah 289:1; Harav S.Z. Auerbach (Nishmas Avraham, vol. 1. pg. 54). 8Some suggest that the obligation of kiddush begins only after davening - even for a person who is allowed to eat before davening - since only then is it zeman seudah for all; see Keren L'David 84, Igros Moshe O.C. 2:28 and Chelkas Yaakov 4:32. 9See Emes le-Yaakov O.C. 652:2 who quotes a Taz as a source for this ruling. 10Igros Moshe O.C. 2:26. Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasa 52, note 37) holds that it is better to make kiddush and eat cake than to eat cereal etc. without kiddush. 11Pri Megadim O.C. 289:4; Minchas Yitzchak 3:28; Shemiras Shabbos K'hilchasa 52:13. 12Igros Moshe O.C. 4:101-2. 13Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasa 52, note 46). 14Mishnah Berurah 269:1. 15Shulchan Aruch rules definitively that women are obligated to eat Seudah Shelishis; O.C. 291:6, and it is important that woman should be reminded of this; Aruch ha-Shulchan 291:4. The fact that some women are not careful to perform this mitzvah is very difficult to justify; see Avodas Yisrael (Sukkos, s.v. beparashas, quoting the Arizal. 16Mishnah Berurah 299:1. One should try to avoid delaying this long, since some poskim disagree and allow Seudah Shelishis to start only a few minutes after sunset (see Igros Moshe O.C. 4:69-6 and Az Nidberu 13:22) and some do not allow starting after sunset at all (see Shemiras Shabbos K'hilchasa 56 note 17). 17O.C. 299:1. 18Minchas Shabbos 96:11; Kaf ha-Chayim 299:6 See also Aruch ha-Shulchan 299:1. Mishnah Berurah does not quote this warning. 19Aruch ha-Shulchan 299:5. 20Mishnah Berurah 296:35. 21Mishnah Berurah 296:21. One does not, however, need to put off eating in order to obtain besamim and/or a havdalah candle. 22Ibid. 17

BELOVED COMPANIONS by RABBI YISROEL PESACH FEINHANDLER

SILENCE CAN SAVE YOUR MARRIAGE

After Aharon's sons died] then Moshe said to Aharon: This is it that which the L-rd spoke, saying, I will be sanctified in them that come near me, and before all the people I will be glorified. And Aharon held his peace. (VAYIKRA 10:3)

In the Zichron Moshe section of Jerusalem there was a modest wedding hall by the name of Tiras Chen. It belonged to a Mr. Menachem Grossman, who was a student in his younger years of Yeshivas Raddin and Kaminetz. He was a very pleasant person who maintained extraordinary self-control. The following are examples of his exemplary behavior. At the time when he operated this wedding hall many Jews in Jerusalem were lacking the basic means to support themselves. Then it came time for them to marry off a son or daughter they faced severe financial difficulties. When one of these people married off a child in Tiras Chen and did not pay his debt, Mr. Grossman would try to avoid encountering them on the street lest he make them feel embarrassed for defaulting. If he saw he was going towards such a person he would make a point of crossing to the other side of the road.

Even when a person had not yet paid for a previous wedding, and would come again to order the wedding hall for another child, he would pretend that the person had no debt. He did not vaguely hint to them about the money owed by saying something like, "We will let bygones be bygones, but this time..."

Additionally, a remarkable story is told about Mr. Grossman. Once, an honorable friend of his was fired from his job at an institution because of a change in administration. The friend did not receive the compensation he deserved from the institution, and Mr. Grossman advised him how to go about getting it. The matter eventually came up in beis din, and there was a need for someone to testify if this friend was really in financial need. Mr. Grossman testified that it was clear to him beyond doubt that his friend was in such a situation.

When asked by the beis din how he knew that this was true, he replied, "A few years ago my friend married off his daughter in my wedding hall. We had agreed upon a price. He has paid only a fraction of his debt. Can you possibly believe that such an honorable man, who I see so often, would not pay his debt if he had the means?" The beis din accepted his reasoning.

Even though his friend received the compensation from the institution through the help of Mr. Grossman, he did not pay his debt to him. When Mr. Grossman was asked if he considered this ingratitude, he said, "On the contrary, his not paying me just shows how difficult his situation must be. He probably has many creditors that are pressuring him. Why should I add to his painful situation?"

It was not because Mr. Grossman was wealthy that he refrained from pressing the people who owed him money. He was himself in debt all his life. In fact, he eventually had to sell the wedding hall to pay off his debts. He told his family, "Do not think that I have gotten into this situation because I have not collected my debts. -What I was doing fulfilled the Torah's command, 'You shall not be to him as an aggressive lender of money' [which refers to the prohibition against pressuring a person to pay his debt when you know that he does not have the ability to repay it]. The Torah's principal, 'Her [Torah's] ways are ways of pleasantness, and all her paths are peace,' 2 applies equally to this mitzvah. It is impossible that I was harmed because I kept what the Torah had told us to do." (KTZES HA-SHEMESH BIGVURASO, p. 228)

Mr. Grossman restrained himself and was willing to suffer hardship in order to avoid making another person feel uncomfortable. His actions are valuable lessons to us. Through them we can get some idea to what extent we should be prepared to go in order to preserve marital peace. Restraint in the form of remaining silent can prevent many unnecessary crises from arising in marriage.

Because Aharon kept silent when his two children died in the Ohel Moed he received a reward. As it is written, "And Aharon was silent." 3 His reward was that G-d spoke directly to him, as it is written, "And G-d spoke to Aharon." 4

"The commands of G-d are straight, they make the heart rejoice." 5 This verse refers to Aharon, whose heart was sad because of his sons' deaths. However, once G-d spoke to him, he was full of joy.

Rabbi Chizkya learned, "The words of Torah become a crown for the head, as it is written, "For they are a charming ornament for your head." 6 A necklace for your neck, as it is written, "And necklaces for your neck." 7 A remedy for the heart, as it is written, "The commands of G-d are straight, they make the heart rejoice." 8 A remedy for the eye, as it is written, "The command of G-d is Clear, enlightening the eyes." 9 A cup of elixir for the intestines, as it is written, "It will be a remedy for the intestines." 10 From where do we know that the Torah is a remedy for all a person's 248 limbs? It is written, "They are life for those that find them, and for his flesh a cure." 11 (YALKUT 528, par. Yayin)

Why should Aharon receive a reward for his silence at the time of his sadness?

How was his reward proportional to his efforts? How did Aharon find so much consolation when G-d spoke directly to him that he actually became joyful? Why is Torah compared to the different jewelry and ornaments that a woman wears?

When a person encounters a tragedy or difficulty in his life and is able to accept it without complaint, this shows his strong belief in G-d. Such a person recognizes that G-d plans everything in the world, and nothing happens against His will. G-d knows what is right for us, so one should graciously accept His will as being for the best even if the consequences may seem bitter or unjust from our limited human perspective. If one does so, he shows that he has internalized this faith.

When G-d speaks directly to someone, it demonstrates that person's high spiritual level. G-d singles out a person to receive prophecy when that person's righteous actions have won G-d's special attention. This communication is an appropriate response to the righteous person's deeds. Since one has chosen to cling to G-d and totally accept his sovereignty, G-d wants to encourage this behavior. And therefore openly shows His loyal servant that he has found favor in G-d's eyes.

How did Aharon at the time of his grief find so much consolation when G-d spoke directly to him, that he actually became joyful? The answer is that sorrow comes to a person when he feels that he has lost something precious. He feels a void in his life where there was previously something substantial and important, and often he is perplexed as to why this happened to him. Such a person experiences bewilderment and pain. However, despite his loss, Aharon suddenly felt spiritually uplifted since G-d was speaking directly to him. He realized that the reason he had merited this experience was because he had quietly accepted the deaths of his sons. He understood now that their deaths had not been in vain. This event had elevated him to a plateau he had never reached before. He was no longer pained, since it was now clear to him that through his loss he had also gained something unutterably precious.

Why is the Torah compared to the different jewelry and ornaments that a woman wears? Even an attractive woman lacks something if she does not have the right jewelry to enhance her beauty. The same is true in regard to Torah, which can be considered an adornment of the soul. Even though someone may have a sharp mind and a warm heart, if he lacks Torah, the person lacks something essential. He does not know precisely what to do with the strengths to be found in his mind and heart. But once he learns Torah this becomes clear to him. He will come to understand how he can utilize his capabilities to the utmost. The Torah enhances his inner talents, just as jewelry enhances a woman's beauty.

How do the words of Torah cure a person's body? Even though the Torah is spiritual, it has a direct affect on our bodies. Our Sages tell us that there are 248 positive commandments and 356 negative ones. Our bodies also have 248 limbs and 356 tendons, which our Sages teach us correspond respectively to the positive and the negative commandments. They explain that keeping the mitzvos of the Torah can positively effect our bodies, since they parallel each of our physical components. 12

Keep Quiet and Keep Out of Trouble Aaron's silence is an example we should use in our marriages. Many times a person has something unpleasant to say to one's spouse; but it is always much wiser not to say it. We see what a great reward Aaron received for his silence, and we too will be rewarded abundantly if we are able to restrain ourselves appropriately.

It is fairly common to be annoyed by something your spouse does or says. A man may become annoyed if his dinner is not ready on time, or if he has to wait for his wife when they have to go somewhere, or if she forgets to do the errands that he asks her to do. A woman may become annoyed when her husband does not help her at home, does not show her any attention and just reads the newspaper or involves himself in some other entertainment, or if he leaves a mess behind him.

When a person is annoyed, the common reaction is to let his spouse have a peace of his mind. But before doing this, consider if there is any long-term profit to be gained from an outburst of anger. It may help you let off some steam, but it is likely will also harm the relationship between you and you, spouse.

If you see that you are unable to change the situation, then why talk about it? Instead, perhaps write it down somewhere, and when you are less angry, speak to your spouse calmly and constructively so as to try to find a solution together. Keeping silent when you are angry is an excellent policy to follow, since it will stop you from saying things that you will later regret.

Never criticize your spouse about something beyond his or her control. For instance, never make critical remarks about your spouse's accent, looks, learning capabilities, or talents.

These are things that most people cannot improve, so there is absolutely no point in talking about something that will only upset your spouse and serve no positive end. Accept these as things you were destined by G-d to live with whether you like them or not.

Learning to be silent when appropriate in marriage is one of the most valuable lessons that a person can learn. By keeping quiet you keep yourself out of trouble, away from aggravation, and out of arguments. The saying, "silence is golden" certainly applies to marriage. The wrong words said at the wrong time can destroy your marriage. Therefore think a thousand times before you say anything that might hurt your spouse. Aharon's silence brought him to a point of spiritual elevation that he had never before experienced. In marriage too, keeping silent when we cannot change the situation or when speaking is likely to hurt your spouse's feelings, may also enable us to reach new spiritual heights that we have never known before.

1. Shemos 22:24 2. Mishlei 3:17 3. Vayikra 10:3 4. Vayikra 10:8 5. Tehillim 19:9 16. 6. Mishlei 1:9 7. Ibid 8. Tehillim 19:9 9. Ibid. 10. Mishlei 3:8 11. Mishlei 4:22 12. Midrash Tanchuma Parshas Kedoshim 6

RABBI JONATHAN SCHWARTZ From jschwrtz@ymail.yu.edu Subject: Internet Chaburah -- Parshas Shimini/HaChodesh

Prologue: He was silent. In his moment of great anguish, fallen from the great heights of Simchas HaKahal, which he and his family were the center of, on that famous Yom HaShimini, Aharon suffered a great emotional fall and hit a hard ground. Yet, Aharon, did not cry out in pain. He was silent.

Rashi notes the great reward that Aharon received as a result of his silence. Rashi tells us that Aharon merited receiving the word of Hashem directly. He received that word concerning not entering the Mishkan (or Beis HaMikdash) in a state of inebriation. But what kind of reward was that? How could receiving the word of Hashem directly compare to his silence in his moment of pain and doubt?

The Ramban, commenting on the Possuk "Banim Atem" notes that when a person comes to the recognition that he considered A Ben to Hashem, whose love for his children is greater than that of a father to his children, he will not overly grieve concerning the loss of a loved one. For while a person might not understand why he must suffer the loss of that loved one at the moment of the loss, he will be able to believe that there is a greater purpose in that loss and that purpose is Tov. The person learns to rely on Aveinu She'Ba'Shomayim as a young child relies on his parent without fully understanding why things proceed as they do. Thus, Hashem allows us to cry and to feel bad about the losses we experience as the loss of loved ones is heart-wrenching for all human beings. However, there is a Halachic difficulty in over-mourning a loss (See Yoreh Deah 394:1).

In his Hespel for HaGaon Harav Shlomo Drillman Ztl. (who was niftar this week), Harav Zevulun Charlop Shlita noted that a true believer in Hashem knows that a person does not die, he merely moves to a better place. And as a person who departs company from a friend cries at the moment of departure, despite knowing that the friend is going to the new place to achieve greater success, the same is true for he who cries for the Mes in a Halachically healthy manner.

This is how the Darchei HaMussar understands Aharon's silence and subsequent "reward". Aharon's tragic loss required an incredible amount of emotional strength to overcome. He had to search and add to his reserves of Yiras Shomayim while clearly questioning the purpose of man's existence (See Hespel of the Rov ztl. for the Griz for further analysis). The Torah tells us that Aharon's silence, as he asked these questions, added to his faith and his level of fear of Heaven. In the process, he reached new spiritual heights deserving of personal Nevuah. For Shechina cannot rest upon a person with sadness or self-doubt. Aharon overcame these questions in his silence and achieved the level of Nevuah.

In periods of life that are extremely emotionally taxing, one can easily buckle to the emotional stress. During the Yomim Noraim, we heighten that emotional burden to encourage a Teshuva process. At the same time, we are particularly careful to protect each and every Mitzva and not to, God Forbid, undo any good deed we may have done by questioning it or its purpose. This week's Chaburah examines the processes of Charata particularly as it pertains to a question raised by Rav Elchonon Wasserman Ztl. It is dedicated in the memory of his late Talmid, Harav Shlomo Drillman ztl. and is entitled:

Forget about it??

Battala News Mazal Tov to Mr. and Mrs. Alan Rothman upon the birth of twins--Yechezkel and Leah

From: Yeshivat Har Etzion's Israel Koschitzky Virtual Beit Midrash :yhe@vbm-torah.org

Student Summaries of Sichot Given by the Roshei Yeshiva Parashat Shemini SICHA OF HARAV AHARON LICHTENSTEIN SHLIT"A THE ROUTINE AND THE EXTRAORDINARY Summarized by

Matan Glidai Translated by David Silverberg

"It was on the eighth day" Rashi and Ibn Ezra debate which day this verse speaks of. According to Rashi, "the eighth day" refers to Rosh Chodesh Nissan. During the seven previous days, the Mishkan had been assembled and dismantled daily, and only on this eighth day did Moshe erect the Mishkan permanently. Ibn Ezra, however, contends that the verse speaks of the eighth of Nissan. Either way, however, this day was clearly one of jubilant celebration. The Gemara (Gittin 60a) adds that eight "parshiyot" of the Torah were taught that day, and it also comments (Shabbat 87b) that this day received ten "crowns," i.e., it boasted ten distinctions: the first day of creation (Sunday), the inauguration of kehuna (priesthood), service in the Mikdash, consumption of sacrificial meat, etc. The pivotal moment of this momentous day occurred when the Shekhina descended for the first time, in the form of a heavenly fire. Indeed, this day revolved around the extraordinary; it was a day of firsts, the opening of a new chapter in the history of Am Yisrael.

On the other hand, however, we may speak as well of precisely the opposite character of this day. The eighth day marked the beginning of the routine "avoda" - ritualistic service - in the Mikdash, the day-to-day ritual, replete with dry, rigid halakhot and inherently bereft of any festive or extraordinary quality. This characteristic becomes particularly evident according to Rashi's position. For seven days the Mishkan had been assembled and then taken apart again. Throughout that week, the Mishkan served as a temporary structure and the service performed assumed the quality of a singular, one-time series of events. But on this eighth and final day, the Mishkan was erected once and for all for permanent use and entered the phase of routine and standard procedure.

Even according to Ibn Ezra, who believed that the Mishkan had already stood permanently throughout the previous week, there can be no doubt that a sense of jubilant novelty pervaded this seven-day period. One expression of this extraordinary quality is Moshe's having served the role of kohen. Aharon and his sons assumed their position as kohanim only from the eighth day onward. The Gemara (Avoda Zara 34a) remarks that throughout the seven-day period Moshe wore the special "bigdei lavan," the priestly garments worn specifically on Yom Kippur, rather than the standard garb of the kohanim. Rashi (s.v. Moshe) explains that since Moshe was not a kohen, and his serving this role was merely a temporary measure enacted by the Almighty, he was considered like any non-kohen, who may not wear the priestly garments. Tosafot explain differently, claiming that the priestly garments had yet to be officially inaugurated and sanctified, and thus despite Moshe's status as full-fledged kohen during this week, he could not wear the standard priestly uniform. But even Tosafot would concede that Moshe's serving as kohen constituted an aberration from the norm, and the routine procedures of the Mishkan service began only on the eighth day.

The fact that a prophet, rather than a kohen, officiated over the service in the Mishkan throughout the period of the "milu'im" is of great significance. Prophecy symbolizes novelty, that which lies beyond the ordinary. The beholding of prophecy is an extraordinary, exalted event, full of vitality and spiritual power. The goal of the prophet is to induce change. Priesthood, by contrast, involves a routine, day-in and day-out service. The kohanim carry out the same responsibilities each day and must ensure strict adherence to a myriad of dry and detailed laws. Their service is marked by scrupulous observance and loyalty to the system. In fact, the Gemara in Masekhet Yoma speaks at length about the oath forced upon the high priest that he would not deviate from the regulations of the Yom Kippur service. Additionally, priesthood is transmitted through inheritance from father to son, while prophecy can be achieved only through personal effort and initiative. Part of the routine of priesthood is its passage from

one generation to the next, thus affording it a quality of succession and consistency. Each prophecy, however, differs from the other, and each is stamped with the prophet's own unique individuality.

This situation of rigorous routine in the Mikdash creates a problem of sorts. Drowned by the detail and dry rules, the kohanim could potentially lose their vitality and sense of newness as they perform their service. One may never allow his service of the Almighty to become stale, routine procedure; one may not relate to his observance as only a day-to-day, mechanical mode of conduct. Both the service in the Mikdash and the service to God of each and every Jew must include both components - priesthood and prophecy. On the one hand, one must meticulously adhere to every letter of the law and not deviate even slightly from any detail of the Halakha. His life must be filled with rituals and deeds which constantly reflect a scrupulous halakhic awareness. At the same time, one must serve the Almighty with life and vitality, always searching for ways to progress further, to arrive at something new.

Moshe's officiating during the seven days of the "milu'im" was necessary to impart the prophetic spirit of newness to the service in the Mikdash. This idea may also underlie the view that Moshe in fact officiated in the Mishkan throughout the forty years in the wilderness (Zevachim 101b). As we know, throughout the Bible, the priests and prophets engaged in varying sorts of struggles and conflicts. The prophets called for greater infusion of spiritual content into the sacrifice rituals, noting that the Almighty does not need the sacrifices themselves, but rather what they represent. The priests, on the other hand, stood watch over the meticulousness of divine service.

This idea is critical for each of us. As dwellers in the beit midrash, our lives are marked by routine and day-to-day work. Nevertheless, surrounded as we are by a general atmosphere of spiritual striving, we can and we must try to seize upon those precious moments of inspiration and infuse them into our daily lives, allow them to inform and inspire all our actions.

Once one leaves the confines of the yeshiva, this becomes harder. As I indicated before, it behooves each of us, both within yeshiva and without, to constantly search for novelty and vitality, while maintaining our unwavering commitment to every detail of the dry, technical halakhot. By infusing our halakhic observance with passion and spirituality, by building our connection to God through observing his mitzvot, we will truly be worthy successors of the prophets and priests.

(Originally delivered on Leil Shabbat Parashat Shemini 5755 [1995].)

The 20th Annual Dinner of Yeshivat Har Etzion will take place on Sunday April 2, 2000 at the Grand Hyatt Hotel, NY Guests of Honor: Dr. Heschel and Adinah Raskas Parent Recognition Award: Dr. Mark and Susan Wiesen Alumnus of the Year: Rabbi Dr. Michael and Elisheva Berger Preceding the dinner at 4PM, there will be a symposium with HaRav Aharon Lichtenstein and Rav Yoel Bin-Nun. The topic of the symposium will be: The Study of Tanakh Today and Tomorrow: New Vistas and Challenges To place your reservation, please contact the NY office: 212-732-4874 or email gush@panix.com We look forward to seeing you there!

From: Ohr Somayach[SMTP:ohr@virtual.co.il]
The Weekly Daf #320 Yevamot 118 -Ketubot 3
By Rabbi Mendel Weinbach, Dean, Ohr Somayach Institutions
THE "DAF" OF SURVIVAL

"I was once traveling on a ship," recounted Rabban Gamliel, "when I saw another ship that had been wrecked. My heart grieved especially for one of its passengers, the Torah Sage Rabbi Akiva. When I reached land and resumed my studies I suddenly saw him sitting before me and discussing halachic matters with

me." When Rabban Gamliel inquired as to who had rescued him from the sea, Rabbi Akiva replied: "A daf (plank) from the ship came my way and I clung to it. When each wave came surging towards me I bowed my head and let it pass over me." >From this our Sages concluded, notes the gemara, that when wicked men come against a person he should bow his head until the danger passes. Maharsha (Bava Batra 73a) explains the connection between the story of Rabbi Akiva and the conclusion of the Sages. The enemies of the Jewish People are compared to the waves of the sea which futilely attempt to overcome the sand of the seashore to which the Children of Israel are compared. Just as each successive wave fails to learn from the failure of its predecessor to go beyond the boundary set for the sea by Heaven, so does each of Jewry's enemies fail to learn from the failures of their predecessors in trying to destroy a people whose eternity is Divinely guaranteed, and who need only bow their heads in submission until Heaven rescues them. In presenting his concept of Daf Hayomi upon which this column is based, Rabbi Meir Shapiro of Lublin some 80 years ago alluded to the miraculous survival of Rabbi Akiva which is symbolic of the survival of the Jewish People. "Daf" means a plank and also means a page of gemara. It is the "daf" of the gemara studied every day by Jews throughout the world, he declared, which will serve as the life-raft of survival against all the waves of oppression we face in our exile and which will, like in the case of Rabbi Akiva, enable us to safely reach the shore. * Yevamot 121a

HEAVENLY AND HUMAN VOICES If a "bat kol" is heard announcing that a certain man has died, says the mishna, we permit his wife to marry another man on the assumption that she is indeed a widow. This "bat kol" is clearly a sound coming from a mysterious source unknown to us. We encountered such a sound earlier in this mesechta (Yevamot 14a), in which a "bat kol" was interpreted as a Heavenly declaration that we must rule according to Beit Hillel in their disputes with Beit Shammai. Is the "bat kol" in our mishna of the same nature?

Definitely not, says Tosefot Yom Tov in his commentary on Mishnayot. The "bat kol" heard in regard to Beit Hillel, and in the dispute between Rabbi Eliezer and the Sages (Bava Metzia 59b), was the Divine communication which was occasionally received in the form of an echo of a Heavenly voice after prophecy came to an end. The "bat kol" in our mishna was the voice of a human whom we failed to locate after hearing his announcement. As support for this approach, he cites Rambam in his commentary on the mishna, who writes that the "bat kol" is explained in the cases which follow in that mishna. One case is that of a person who stood atop a hill and identified himself, announced that he had been bitten by a snake and died. But when they reached the source of the voice the corpse they found was disfigured beyond recognition. In both cases the wife of the man identified by the voice as having died was permitted to remarry. Rambam is thus suggesting that the "bat kol" in the mishna is not the Heavenly voice we have encountered in the aforementioned disputes of the Sages, but rather the untraced human voice mentioned in the ensuing cases. It is interesting to note that the Shulchan Aruch (Even Haezer 17:10) refers to our case as hearing a "kol" -- a voice -- rather than a "bat kol." This seems to support the approach of the Tosefot Yom Tov. Another support put forward by the Tosefot Yom Tov -- that we do not heed a "bat kol" in halachic matters -- is challenged by Rashash who points out that Tosefot (Yevamot 14a) states that this is only the view of Rabbi Yehoshua and not of the other Sages. * Yevamot 122a

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INSIGHTS INTO THE DAILY DAF brought to you by Kollel Iyun Hadaf of Yerushalayim daf@dafyomi.co.il, <http://www.dafyomi.co.il> YEVAMOS 112 (PURIM!) - has been dedicated towards a Refu'ah Shelema to Freyda Chana bas Esther, by the Tavin family. YEVAMOS 113 (Purim in Yerushalayim) and YEVAMOS 114 - have been generously dedicated by Dick and Beverly Horowitz of Los Angeles. May they be blessed with a life of joy and much Nachas from their very special children and grandchildren. Help D.A.F. continue to bring the Daf to thousands! Send donations to 140-32 69 Avenue, Flushing NY 11367, USA

Yevamos 114 THE MITZVAH OF "CHINUCH" OPINIONS: The Gemara discusses whether or not Beis Din is required to stop a Katan from doing an Aveirah.

Why should there be a question of whether Beis Din is required to stop a Katan or not? There is an obligation of Chinuch which requires us to teach each child to do Mitzvos! How can Beis Din *not* be required to stop a Katan from doing an Aveirah if we are required to fulfill the Mitzvah of Chinuch?

(a) The RAMBAM (Hilchos Ma'achalos Asuros 17:28, and Hilchos Avel 3:12)

explains that our Gemara is discussing the specific obligation of *Beis Din*. Beis Din has no obligation of Chinuch for a child. The obligation of Chinuch is solely the responsibility of the child's father (or parents; see Insights to Chagigah 6:1). When the father is present, he certainly is obligated to stop the child from doing the Aveirah. The Gemara's question is whether Beis Din must stop the child if the father is not present (or if he is present but does not stop the child himself). This is also one of the approaches of the TOSFOS YESHANIM in Yoma 82a, in the name of the RI.

(b) The RASHBA and RITVA, and TOSFOS in Shabbos 121a DH Shema Mina, suggest that our Gemara is discussing a Katan who has not yet reached the age of Chinuch ("Katan she'Lo Higi'a l'Chinuch"). Regarding such a Katan -- for whom there is no obligation of Chinuch -- there is a question whether Beis Din must stop him from doing an Aveirah. The point of the question is whether an Isur is more severe than a positive Mitzvah such that we must prevent a child from doing Isurim even before he reaches the age at which we are required to instruct him to do positive Mitzvos.

Although the Ritva accepts this ruling in practice, the Rashba eventually rejects it. The Rashba cites the Gemara earlier (113a) that asks that a Chareshes married to a Kohen should be allowed to eat Terumah because she is like a Katan who is not obligated to observe the Mitzvos and Beis Din is not required to stop such a person from doing an Aveirah. It seems from the Gemara there that there is no difference between a Ketanah who has reached the age of Chinuch and a Ketanah who has not reached the age of Chinuch -- in both cases, Beis Din is *not* required to stop the Ketanah from doing an Aveirah!

(The Ritva might refute this proof by differentiating between a Chareshes and a Ketanah who has reached the age of Chinuch, since a Chareshes will *never* be obligated to do Mitzvos.)

(c) The RASHBA concludes that our Gemara is talking about a child who has reached the age of Chinuch. The reason why Chinuch does not apply to him is because the Mitzvah of Chinuch may apply only to Mitzvos Aseh. The Gemara's question is whether there is a requirement of Chinuch for Mitzvos Lo Ta'aseh as well. This is also the view of TOSFOS in Nazir (28b), and of TOSFOS YESHANIM in Yoma (82a) in the name of Rabeinu Eliezer.

The reason there should be more of an obligation of Chinuch for Mitzvos Aseh than for Lo Ta'aseh is because more effort is required to teach a child to do something than to teach him to refrain from doing something (see TERUMAS HA'DESHEN #94). (See also Insights to Shabbos 121:1.)

HALACHAH: The SHULCHAN ARUCH (OC 343) cites only the Rambam's opinion (a) that the father is commanded to stop the child from sinning and not Beis Din. The REMA cites both the opinions of the Rambam (a) and the Ritva and Tosfos (b), with the Rambam's opinion as a "Yesh Omrim." (The Terumas ha'Deshen, *ibid.*, favors the opinion of the Rashba and Tosfos Yeshanim (c) who differentiate between a Mitzvas Aseh and a Lo Ta'aseh.)

YEVAMOS 117 INTRA-FAMILY FEUD QUESTION: The Mishnah states that a mother-in-law and daughter-in-law may not testify about the death of the other's husband. Each woman is suspected of maliciously attempting to harm the other by lying about the other's husband, due to the enmity they have for each other. The Gemara explains that the mother-in-law hates the daughter-in-law because the daughter-in-law is "eating all the fruits of her labor" (because the son gives his wife everything his mother prepared for him).

The Tana'im argue about the source of the inverse hatred, though. Why does the daughter-in-law hate the mother-in-law? Rabbi Yehudah, in a Beraisa, says that she hates her mother-in-law because her mother-in-law reveals all of the secrets of what her daughter-in-law does in private to the daughter-in-law's husband. The Rabanan say that she hates her mother-in-law simply because her mother-in-law hates her, as the verse says, "As water reflects a face back to a face, so one's heart reflects the other's heart" (Mishlei 27:19). The Mishnah follows the view of the Rabanan, and their view is the Halachah.

The Gemara then discusses the trustworthiness of a woman to testify about the husband of her *potential* mother-in-law ("Chamosah ha'Ba'ah l'Achar mi'Kan"). This refers to a woman who is married, but will fall to Yibum if her husband dies, and her husband's brother has a different mother than her husband. The Gemara asks whether such a woman hates her potential mother-in-law or not.

The Gemara cites proof from the Mishnah later (118a) which discusses a case where a woman's husband and her father-in-law travelled abroad to Medina ha'Yam. The woman testifies that her husband and the husband of her mother-in-law both died. The Mishnah states that she is not believed to permit her mother-in-law to remarry. The Gemara asserts from here that a woman does hate her mother-in-law now, even though it is only due to her anticipated hatred.

RASHI explains that the Gemara's proof is that we see that the daughter-in-law

hates the mother-in-law even when both husbands are in Medinas ha'Yam and the mother-in-law does not have the opportunity to reveal to her son the secrets of her daughter-in-law. Even though right now the daughter-in-law has no reason to be angry at her mother-in-law since her husband is away, nevertheless she is afraid that when her husband returns her mother-in-law will reveal her secrets.

Why does Rashi mention only Rabbi Yehudah's reason for why a daughter-in-law hates her mother-in-law? He should have explained the Gemara's proof according to the Halachic reason, that of the Rabanan, who say that the daughter-in-law feels reciprocal hatred for her mother-in-law, simply because her mother-in-law hates her.

ANSWER: Rashi means that according to the Rabanan, the Gemara has no proof from the Mishnah later. The reason the mother-in-law hates the daughter-in-law is because the daughter-in-law eats the fruit of her labors. Consequently, according to the Rabanan, as long as the daughter-in-law is benefiting from the work of the mother-in-law, she will also hate the mother-in-law because of the reciprocal hatred. If so, she will certainly hate the mother-in-law even when their husbands are away, because the mother-in-law still hates her at this very moment!

For this reason, Rashi understands that the Gemara's proof from the Mishnah later is **only** according to the reasoning of Rabbi Yehudah, that the daughter-in-law hates the mother-in-law because she reveals her secrets. According to that reason, the Gemara has a good proof that we must be concerned for anticipated hatred, because while the daughter-in-law's husband is away (and cannot hear any secrets) she has no reason to hate her mother-in-law. (The Gemara is assuming that Rabbi Yehudah agrees to the Halachah of the Mishnah later, that the daughter in law cannot testify about her mother in law when both husbands are abroad.)

This seems to be the way the RITVA understands Rashi as well. The Ritva adds that if the Gemara can only prove according to **Rabbi Yehudah** that the daughter-in-law hates the mother-in-law because of anticipated hatred, how can we prove that the Rabanan agree to him on this point? The Ritva answers that there is no reason to assume that the Rabanan should **not** agree with Rabbi Yehudah on that point. Thus, by proving that Rabbi Yehudah holds that a woman hates her mother-in-law due to anticipated hatred, we can assume that that is the opinion of the Rabanan as well.

Yevamos 120 HALACHAH: IDENTIFYING A DEAD BODY OPINIONS: The Mishnah states that a witness may not identify a corpse unless he recognizes the forehead and nose of the dead person.

RABEINU TAM (in Sefer ha'Yashar, Teshuvah 92, cited by TOSFOS DH Ein and by other Rishonim here) asserts that it does not make sense that a dead person can only be recognized through his facial features. Certainly, a person can be recognized by his bodily features as well if the witness is familiar with the dead person's bodily features, and thus the witness should also be able to identify a corpse if he recognizes the body! Rabeinu Tam therefore explains that our Mishnah is discussing a head without a body. The Mishnah is saying that a corpse cannot be identified when the witness only saw its head (since its body has been truncated) -- unless the witnesses recognizes the forehead and the nose. If the whole body is there and one recognizes the Simanim of the body, then one may certainly testify to positively identify the dead person.

The RASHBA and Rishonim (121a) reject Rabeinu Tam's explanation. They argue that the Mishnah makes no mention of the body, implying that whether the body is there or not, one may only identify the corpse based on recognition of the forehead and nose.

The ARUCH LA'NER answers this question by pointing out that Rabeinu Tam in Sefer ha'Yashar explains that our Mishnah is discussing recognition based on **Simanim**, specific features, rather than recognition based on *Tevi'us Ayin*, general recognition. Accordingly, the reason our Mishnah says that one must recognize the forehead and the nose is because even if the body is attached to the head, one cannot testify based on specific signs on the body. Only when one testifies to the identity of the corpse based on **Tevi'us Ayin** (general recognition) may he testify based on recognition of the body. Our Mishnah is discussing recognition based on signs (Simanim), and that is why it does not mention Rabeinu Tam's testimony.

HALACHAH: The SHULCHAN ARUCH (EH 17:25) cites the opinion of Rabeinu Tam and writes that other Rishonim disagree.

However, if a person recognizes the body or the head through Simanim Muvhakim -- clear signs that were unique to this person, then his testimony is accepted, because whether one holds that testimony based on normal Simanim is accepted d'Oraisa or d'Rabanan, Simanim Muvhakim are certainly accepted mid'Oraisa as testimony.

The RAMBAM (Hilchos Nachalos 7:3) writes that if a person was killed and

witnesses did not recognize the face but testified about Simanim Muvhakim that they found on his body, we may not permit his wife to remarry. It seems that the Rambam is saying that even Simanim Muvhakim are not accepted as testimony! This also seems to be the ruling of the SEFER HATTUR (as cited by the Beis Yosef).

The BEIS YOSEF (EH 17:40) and the KESEF MISHNAH (Hilchos Gerushin 13:21) ask that our Gemara seems to make it clear that even if normal Simanim are d'Rabanan, a mole that is a Siman Muvhak is certainly accepted as testimony mid'Oraisa! Moreover, the Rambam himself (Hilchos Gezeilah 13:5) writes that Simanim Muvhakim **are** accepted for all testimony mid'Oraisa, and in accordance with this he rules (Hilchos Gerushin 3:11) that one may return a Get based on a Siman Muvhak (such as a hole next to a certain letter).

The Kesef Mishnah therefore concludes that when the Rambam in Hilchos Nachalos says that a "Siman Muvhak" is not accepted, he is referring to what our Gemara calls a regular Siman, and not an actual Siman Muvhak. A Siman Muvhak that **is** accepted, even according to the Rambam, is a Siman that is **very** unique and singular to this person. Everyone agrees that we may rely upon such a Siman Muvhak. He concludes that this must be the intention of the Tur as well.

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