

Weekly Internet Parsha Sheet
VAYIKRA 5766

Mazal Tov to Neil & Marcie as well as all of the Stein – Karp families on Miriam’s & Shlomo’s wedding.

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IS DEMOCRACY JEWISH?

Having survived the Knesset elections this week with all of the uncertainty that all elections provide for the so-called winners and losers, perhaps it is time to take a cursory look at the democratic process of elections from a perspective of Jewish history. At first glance Judaism does not seem to favor the electoral process for choosing its leaders. Moshe was chosen by God to lead Israel, not by any sort of popular vote. The priesthood – the status of being kohanim was reserved for Aharon and his descendants, also by Godly fiat. Yehoshua was appointed by Moshe, again under God’s instruction, to succeed him as the leader of the people. The Judges however, were self-appointed but some of them such as Yiftach, Gideon, Avimelech and even Shimshon were popularly confirmed because of their exploits in defending Israel against its enemies.

The strongest objection to an empowered, dynastic monarchy was voiced by the great prophet Shmuel. He objected to the manner in which the people demanded a king to rule over them “just as all of the other nations.” Saul proved himself to be a failed and flawed monarch and only David proved to be the ideal king of Israel. Even his son, Shlomo, at the end of his rule was no longer viewed favorably and the record of the kings of Israel and Judah, even those anointed by God’s prophets, proved negative and spotty at best. The entire period of the Second Temple, with only rare exceptions, saw tyrannical rulers and corruption at the highest levels.

It was in the field of Torah education that democratic ideas and ideals took hold. A woodchopper such as Hillel could become the nassi – the head of the yeshiva and the Sanhedrin. Halachic decisions were made by majority vote. Raban Gamliel was temporarily deposed from the office of nassi – impeached if you will – because of his undemocratic behavior towards other scholars. Rabi Elazar ben Azarya opened the study hall to the attendance of all and not just the elite or the aristocrats. The heads of the main yeshivot of Babylonia, during the period of the composition and editing of the Talmud, were chosen by popular opinion amongst the students and the other scholars. The yeshivot of France during the time of Rashi were noted for their openness and tolerance of differing views and styles.

Since in the European exile there really was no independent Jewish government (with the limited exception perhaps of the Council of the Four Lands in sixteenth, seventeenth and part of eighteenth century Eastern Europe) Jewish leaders were chosen and recognized by popular approval and approbation. Elections, often very divisive and contentious, were held to choose rabbis of the communities. Even the lay leaders of the communities were subject to popular approval and always faced the threat of recall from office if the populace was sufficiently disgruntled with its rule.

In the yeshivot, the students pretty much ruled the roost, deciding who should be the main scholars delivering the lectures and heading the institutions. The history of the yeshivot of Eastern Europe is marked with incidents of student revolts and the students always had the option of voting with their feet and leaving one institution to study somewhere else. The Chasidic world was for its first century fiercely meritocratic. The opponents of Chasidut mocked the Chasidic world of the eighteenth century by saying “If one says he is a rebbe, then he is a rebbe!” However to a certain extent this was a form of a backhanded compliment for

Chasidut opened the field of participation in the public arena of Judaism to millions who could not meet the elite standards of high Jewish scholarship. Only in the middle of the nineteenth century did Chasidut become overwhelmingly dynastic, though even then there was room allowed for new dynasties to be created and become popular.

In the twentieth century, Jewish life was governed almost completely by elections, different parties and non-stop campaigning - a situation that obviously pertains today in our State of Israel. In all facets of the Jewish world, popular opinion held sway, for good or for better. Many of the great religious leaders of the Torah world were not people who held major public positions but were rather people who were “elected” to be followed by popular acclaim and recognition. Jewish life is therefore quite democratic, one could even say too democratic for it tends to be fractious and chaotic. But as Winston Churchill once said: “Democracy is a terrible and inefficient way to govern. But it is far better than any other way that man has devised until now.” Shabat Shalom.

Weekly Parsha VAYIKRA Rabbi Berel Wein

The opening word of this week’s parsha and of the entire book that we now begin to read raises a basic question. Vayikra means that God, so to speak, called and spoke to Moshe. The rabbis discuss in their commentaries how this communication between God and man took place and also as where this “conversation” took place. The rabbis also took notice that the word vayikra as it is spelled in the Torah ends with a small-sized alef. Though this is apparently not connected with the problem of where and how God spoke to Moshe, I feel that there is a definite connection as to the question of why God spoke to Moshe and chose him to be the great lawgiver of civilization.

The rabbis inform us that the small alef in vayikra is indicative of the great modesty of Moshe. Unwilling to overly aggrandize himself by writing in the Torah that God actually called out particularly to him, and yet he was forced to do so because of God commanded him how to actually write the Torah, Moshe compromised, so to speak, and wrote the word vayikra with a small alef indicating that he was not really worthy of the honor that God bestowed upon him. That very modesty and humility, the feeling that one should not overly indulge in self-aggrandizement no matter what position of public importance one fills, is the main reason that God “speaks” to people and guides them in their leadership roles. The Talmud teaches us that God abhors arrogance, hubris and unnecessary self-aggrandizement in human beings generally and in public leaders especially.

God Himself, so to speak, relates to man, as he informed the prophet Elijah, “in a still, small voice.” If one can use such a term about the Almighty, God is modest in His revelation to humans. All of the prophets of Israel from Moshe onwards were aware that God, so to speak, limited his voice to them in terms of volume and space. Rashi points out in this week’s parsha that God’s voice did not leave the sanctuary of the mishkan even though it was of unlimited and infinite volume. This is not merely a description of an event that happened long ago in the desert of Sinai but it is an attribute of the Almighty – the firm representation of the “small, still voice” that characterizes His revelation to humans. The prophet Isaiah has his lips burned by the heavenly coal because he spoke against Israel in heaven, allowing himself to become a judge of others instead of being purely an instrument of God’s will and instructions.

The rule in modesty is not to prejudge others and not to assume that one somehow can be certain of God’s true intentions. Humans are fallible. God is infallible. This alone should engender a feeling of humility and

modesty in humans. The small alef of vayikra should remain a constant reminder to us of our relationship to our Creator and to our fellow human beings as well. Shabat shalom.

TORAH WEEKLY—Parshat Vayikra
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by Rabbi Yaakov Asher Sinclair

OVERVIEW

The Book of Vayikra (Leviticus), also known as Torat Kohanim - the Laws of the Priests - deals largely with the korbanot (offerings) brought in the Mishkan (Tent of Meeting). The first group of offerings is called korban olah, a burnt offering. The animal is brought to the Mishkan's entrance. For cattle, the one bringing the offering sets his hands on the animal. Afterwards it is slaughtered and the kohen sprinkles its blood on the altar. The animal is skinned and cut into pieces. The pieces are arranged, washed and burned on the altar. A similar process is described involving burnt offerings of other animals and birds. The various meal offerings are described. Part of the meal offering is burned on the altar, and the remaining part eaten by the kohanim. Mixing leaven or honey into the offerings is prohibited. The peace offering, part of which is burnt on the altar and part is eaten, can be either from cattle, sheep or goats. The Torah prohibits eating blood or chelev (certain fats in animals). The offerings that atone for inadvertent sins committed by the Kohen Gadol, by the entire community, by the prince and by the average citizen are detailed. Laws of the guilt-offering, which atones for certain verbal transgressions and for transgressing laws of ritual purity, are listed. The meal offering for those who cannot afford the normal guilt offering, the offering to atone for misusing sanctified property, laws of the "questionable guilt" offering, and offerings for dishonesty are detailed.

INSIGHTS

Precious Jewels

"The entire assembly of Yisrael." (4:13)

Nowadays if you mention the words "religious court" to many people, a picture of a cabal of fanatical ayatollahs will come floating in to their minds. Indeed, political parties in Israel have been founded and thrive on no broader a mandate than the promise of the limitation and eventual destruction of the "religious coercion" that these courts represent to them. From the religious viewpoint, however, the opponents of this "coercion" are creating a crisis in Jewish marriage and divorce. In the wider Jewish community we are witnessing a mushrooming problem of non-halachic divorces. A Jewish wife who receives a non-halachic divorce from her Jewish spouse is still considered to be married to her husband. If she then re-marries, the children of that union may be prohibited from marrying virtually all of their fellow Jews. And this prohibition applies not only to them, but their offspring down the generations. While everyone has the right to make his own life-choices, there must be a realization that these choices have the potential to impact generations yet unborn. And very often, Jews seeking secular divorce are left uninformed as to the potential consequences by their Reform and Conservative rabbis. There are more than a few heart-breaking cases of young men and women from secular families who have returned to Torah Judaism only to discover that one of them was halachically ineligible to marry the partner of their choice.

The rejection and resentment of rabbinic authority is a classic symptom of our galut - exile.

"The entire assembly of Yisrael."

The Sages derive that "the entire assembly of Yisrael" refers here to the Great Sanhedrin of seventy-one Sages that resided in Jerusalem. The Sanhedrin was the supreme legislative organ of the Jewish People. The Jewish People's classic view of their Sages is an expression of the people themselves. The Great Sanhedrin is the entire assembly of Yisrael; its aspirations are identical with those of the people. The word for assembly here, eidah, is related to the word meaning "an ornament."

The Sanhedrin was our precious jewel. It gave splendor and glory to the Jewish People. If we reject the counsel of the great Sages who are always in our midst, if we no longer choose to wear the vestige of those beautiful adornments, can there be any surer sign that we are deep in exile? We await the day when for our precious jewels will be dusted off and brought out to shine in a better world.

Based on the Sifra and Ha'Ktav V'haKabbalah

Peninim on the Torah by Rabbi A. Leib Scheinbaum - Parshas Vayikra

PARSHAS VAYIKRA

He called to Moshe, and Hashem spoke to him from the Ohel Moed. (1:1)

One cannot help but notice that the concluding letter, aleph, of the word Vayikra, He called, is written in a miniature form. The commentators, each in his own way, find homiletic insights to explain this change in the text. Chazal distinguish between the way Hashem spoke to the prophets of the pagan nations of whom Bilaam was the greatest and the way that He addressed Moshe Rabbeinu. Hashem's prophecy to Bilaam is introduced with the word vayikar, without the concluding aleph. The word vayikar - which is related both to mikreh, chance, and spiritual contamination - indicates that Hashem's relationship with Bilaam was one of necessity. He certainly did not speak to him out of love. He needed to convey a message, and Bilaam served as the conduit. In his own right, he was not worthy of this unparalleled experience. He was like a microphone or tape recorder through which the words of the speaker emanate outward.

Moshe, on the other hand, was the quintessential Navi, prophet; he had attained the standard of holiness and piety inherent in a Jewish prophet. When Hashem spoke to him, it was on the level of vayikra, a complete, wholehearted communication. Due to Moshe's prodigious humility, he sought to describe his address from Hashem in the same uncomplimentary term of vayikar, which refers to Hashem's communication with Bilaam. Hashem's love for Moshe did not allow for this. Yet, out of a sense of humility, Moshe wrote the last aleph in a miniature form, making it appear that it was only vayikar.

In an alternative exposition, the Kli Yakar opines that the miniature aleph is there by design in order to convey to us that Moshe's prophecy was also to be viewed from the perspective of vayikar, by chance. This is a powerful statement. Is there anyone throughout history that was more worthy of this achievement than Moshe? Certainly, Hashem wanted to speak to him. The lesson that we are to derive is that, even though Moshe was the greatest Navi and no one deserved this honor more than he, we must always realize that, regardless of the status of the individual, nevuah, prophecy, is a gift from Hashem. One receives nevuah because his generation is in need of its message. Thus, the navi serves as the medium for disseminating Hashem's word. On his own, however, he does not warrant this unique experience.

We see this idea reiterated concerning the Golden Calf. Hashem told Moshe, "Go, descend - for your people that you brought up from Egypt has become corrupt" (Shemos 32:7). Moshe had been elevated to his lofty spiritual status only for the sake of the Jewish People. Now that they had sinned and become unworthy, Hashem ordered him to descend from the mountain. "Now that Yisrael has sinned, I do not need you," Hashem intimated. Moshe achieved his position because of Klal Yisrael. If they were not deserving, he was not needed. Klal Yisrael's leadership received a gift from Hashem for a purpose. Everything that the leadership accomplishes is a result of this gift. On his own, no one individual can reach the lofty spiritual status required of the leaders of Klal Yisrael.

This lends us insight into Chazal's dictum in the Talmud Rosh Hashanah 25b, "Yiftach in his generation is like Shmuel in his generation." On a spiritual plane, Yiftach certainly did not compare to Shmuel haNavi. Once he was appointed to be a leader of his community, however, he was

to be considered the mightiest of the mighty. Since the tzibur, community, needs him, he will be granted special powers from Heaven. Indeed, anyone who is needed by the community receives a special inspirational flow from Above.

If the anointed Kohen will sin, bringing guilt upon the people... the Kohen shall take from the blood of the bull and bring it to the Ohel Moed. (4:3,5)

Concerning every other Korban Chatas, Sin-offering, the Torah conveys explicitly that the Kohen will sprinkle the blood and atone for the sinner. Regarding the Sin-offering of the Kohen Mashiach, we do not find this stipulation. Rather, the blood is brought into the Kodesh, Holy, and sprinkled there without the involvement of anyone else. Why is this? The Meshech Chochmah gives a practical explanation. The purpose of the entire process surrounding a Korban Chatas is so that the sinner will regret his sin. The requirement that the Kohen must assist in sprinkling the blood is to add guilt to the sinner's conscience, something that will hopefully drive home the lesson: You have erred, and now you must regret and atone for your sin.

When the Kohen Mashiach sins, publicizing his error can have a deleterious effect on the people. Once word gets out that the spiritual leader had sinned, people will begin to talk about his failures and weaknesses, instigating a general lack of respect for him and his position. Others might use this negative influence as an excuse to sin personally. Thus, the Torah felt it prudent to allow the Kohen to conceal his error and to obligate him to bring the blood of his offering into the Holy and to sprinkle it personally, without fanfare, without an audience. The Torah's perspective is that the indiscretions of its spiritual leaders should be dealt with in a discreet and confidential manner, thereby avoiding a situation that would lead to a "guilt upon the people," in which the common person will find individual rationale to justify his own iniquity.

If an individual person shall sin unintentionally... he shall bring as his offering a she-goat unblemished for the sin that he committed. (4:27,28)

The korban is a means for expiating the sin and the consequent spiritual blemish that it creates in the cosmos. We cannot conceptualize the effect of our sins on the spiritual realm of the world in which we live. If we were able to realize the taint that our sin catalyzes, we would be much more vigilant in distancing ourselves from any situation that might lead to sin. The following story may leave a lasting impression concerning this thought.

The Apta Rebbe, zl, known as the Ohaiv Yisrael for the sefer which he authored, related that he remembered who he was in his previous gilgul, reincarnation. He lived in the time of the Bais Hamikdash. His name was Rabbi Zerach, a distinguished, pious and learned man. When his students heard this, they asked, "Rebbe, if you were righteous, why were you sent back as a gilgul to live your life over? Is this not a form of punishment?"

The Rebbe replied, "I was mechallel Shabbos b'shogeg," transgressed and profaned Shabbos unintentionally.

"But if there was the Bais Hamikdash, surely you were forgiven," they countered.

"Yes, there was the Bais Hamikdash, and I brought a korban to expiate that sin. Yet, I had to relive my life in order to correct my spiritual defilement." Indeed, as I speak, I remember the overwhelming shame I experienced when I brought the korban."

The Rebbe then related his ordeal in bringing the korban, "First, I went to the market to purchase an animal to sacrifice. When I requested a seirah, she-goat, the merchant looked at me incredulously and said, "Reb Zerach, one may use a he-goat for a Korban Shelamim, Peace-offering." I replied, "Yes, I know, but I am offering a Korban Chatas, Sin-offering. The merchant looked at me and mumbled, "It just is not right, Reb Zerach - not someone of your status."

"Well, what could I do? I paid for the animal and walked towards the Bais Hamikdash to have it sacrificed. The whole way I felt that everyone was staring at me. To make matters worse, when 'we' arrived at the Har

HaBayis, the goat ran off, and I was compelled to chase after her, while everyone stared. Up and down the small side streets I went, asking people if they had noticed a loose she-goat. In response, people asked me, 'Why are you, Reb Zerach, bringing a she-goat. Is that not for a Chatas?' Finally, someone called out, 'Reb Zerach, I found your she-goat. Now you can have your kaparah, atonement.' Can you imagine how this felt? I finally arrived at the Bais Hamikdash and handed the animal over to the Kohen who asked, 'A Korban Shelamim, I presume?' 'No,' I answered, 'it is a Chatas.' He just stared at me in shock. Trust me, my hair turned white that day."

"But, Rebbe," the talmidim asked, "if you went through all of this, and you offered a korban, surely your sin must have been expiated. Why then did you have to return to this world as a gilgul?"

The Rebbe replied, "You have no idea of the extent of spiritual damage that chillul Shabbos catalyzes."

If a man commits treachery and sins unintentionally against Hashem's Holies. (5:15)

Meilah, trespassing against Hekdesh, the Sanctuary or its vessels, is a Hebrew term which implies the unauthorized use of sacred property. In the laws applying to Meilah, we find a distinction between Meilah of an object that is kadosh kedushas haguf, the actual item, whose "body" is sacred; and an object which is only kadosh kedushas damim, its value has been sanctified. Concerning an item which has only kedushas damim, the law states that once it has undergone one Meilah its kedushah, sacredness, is gone. The reason for this is that the individual who had made use of it had intended to remove it from the custody of the Sanctuary. By doing so, he profaned and transferred it out of the dominion of the Sanctuary. An item that is in itself inherently sacred retains its sanctity under all circumstances. Even if it has been the subject of Meilah, it does not lose its status of kedushah. Thus, an object whose value is consecrated can only undergo Meilah once. Afterwards, it is no longer holy. An object which is essentially holy can undergo Meilah as often as a person uses it in an unauthorized manner.

The Bais HaLevi extends this distinction to kedushas Yisrael, the inherent holiness of each and every Jew. This kedushah is a kedushas haguf, whereby every Jew has an essential sanctity that permeates his entire essence. This kedushah is irrevocable. Thus, we understand the Rabbinic dictum that, Yisrael - af al pi she'chatah - Yisrael hu, "A Jew - even if he has sinned - remains a Jew." This applies regardless of the gravity of the transgression. Even if a Jew were to worship an idol with the express intention of apostatizing himself from the Jewish People, he nonetheless retains his kedushas Yisrael and does not need to convert back to Judaism when he is ready to repent. On the other hand, prior to performing teshuvah, repenting, he cannot say, "I do not ascribe to the Jewish religion." He remains a Jew, reflecting both the positive and negative implications of the word.

He shall return the robbed item that he robbed. (5:23)

The thief must first return the stolen goods, and only then may he bring a korban to atone for his sin. One does not approach Hashem for forgiveness until he has first appeased his victim. Horav Yitzchak Zilberstein, Shlita, relates an incredible story about a thief who returned stolen goods, which I feel has its underpinnings in a Midrash in Parashas Toldos. A Sefer Torah was stolen from a Shul. This was an unusual Sefer Torah. It was written by one of Yerushalayim's most prominent sofrim, scribes. It had just been brought into the shul a few days earlier amid much pomp and celebration. The theft catalyzed a depression in its contributor, who had dedicated it in memory of his parents. He had put away money for years, so that he could remember them in this most unique and meaningful manner. He would not give up hope of retrieving his beloved Sefer Torah. It meant too much to him.

One of the members of the shul, who was a "worldly" person with connections throughout the spectrum of society, suggested that he speak with a well-known baal teshuvah, returnee to religious observance, who prior to his teshuvah had been acquainted with members of the lower

echelons of society. He would point him in the direction of the thief, or, at least, he might be able to offer advice about locating the missing Sefer Torah. The man spoke with the baal teshuvah, who asked for a few days to spread the word among his "old friends." Perhaps he would be able to strike a chord in the right person's heart and compel him to return the Sefer Torah. A few days later, the baal teshuvah returned to the man and said, "To the best of my knowledge, I have reason to believe that the Sefer Torah will be returned to you shortly."

Two days later, a man wearing a large yarmulka knocked on the door of the donor's home. In his arms, wrapped in a Tallis, he cradled the lost Sefer Torah. "I am the thief who stole the Sefer Torah," he mumbled. "I have come to return it." The donor was overjoyed to see the Torah, but he did not believe that the man who stood before him, wearing a yarmulka, was the thief. How could an observant Jew, wearing a yarmulka, fall to such a nadir of depravity that he would steal a Sefer Torah? This man was probably an agent who was doing the thief a favor.

The thief noticed the incredulous look on the donor's face. "I can imagine what is going through your mind," he said. "Yes, I am the thief. Do not let my yarmulka deceive you. When I stole the Sefer Torah, I was very distant from religious observance. I would never think of wearing a yarmulka. After keeping the Sefer Torah in my home for a week, however, I decided that I had to become a baal teshuvah. I have sinned, and I want to correct and change my life."

The kedushah emanating from the Sefer Torah had a spiritual effect, transforming a hardened criminal into an observant Jew.

This story reminds me of a Midrash in Parashas Toldos, which relates the story of Yosef Meshissa, an apostate Jew, who was asked by the Roman conquerors to enter the Bais Hamikdash before them. They figured, let a Jew go in first, then we will follow and take whatever we want. They told him that he was allowed to take one item, any item that he wanted for himself. Yosef came out carrying the gold Menorah. When they saw this sacrilege, they said, "This is not made for a common person to use. Go back inside and take something else." He refused. They attempted to persuade him by offering a three-year release from paying taxes. He reiterated his refusal, saying, "Is it not enough that I angered my G-d once, that I should do so again?" When they saw that he was intractable, they placed him on a carpenter's table, which was used for cutting wood. His death was both painful and gruesome. As he died, he screamed out, "Woe is to me that I angered my Creator!"

Any sensible person would wonder what happened here. This was an apostate who left no transgression to the imagination. He had the gall to enter the Bais Hamikdash with impunity. Then, all of a sudden, he refused to return to the place of his first iniquity and, instead, died a baal teshuvah. What catalyzed this sudden transformation? The Ponevezer Rav, zl, explains that it was the kedushah, sanctity, of the Bais Hamikdash. Once Yosef entered the holy site, he could no longer leave as the same person. The holiness of the Bais Hamikdash permeated his essence, and he was no longer Yosef Meshissa, the apostate; he became Yosef Meshissa, the baal teshuvah.

If this is the case, why is it that so many of us have no problem transforming the bais haknesses or bais hamedrash into our private business office, social club, or for any other secular/mundane role? Have we lost sight of the inherent kedushah these holy places manifest? Why do they not inspire us the way Yosef Meshissa was inspired? In Vayikra 5:2,3, the Torah addresses the individual who enters the Sanctuary in a state of tumah, ritual contamination, or eats kodoshim, food of korbanos, in a state of tumah. If he does so intentionally, the punishment is kares, Heavenly excision. If he does so unintentionally, such as he knew of his contaminations but either had a momentary lapse; or he remembered that he was tamei - but he forgot that the Sanctuary or the food is holy - and then realizes what he has done, he must bring a korban. Let us analyze this case. A man stands in the Bais Hamikdash, after having passed through the Har Habayis, Temple Mount, and the various entranceways leading to the Sanctuary - and he forgets that he is in a holy place! How

are we to understand this? The surrounding area, the architecture, the Kohanim and the aura that permeate the locale, scream kedushah, holiness, at every juncture. Yet, he forgets that he is in a holy place! This is mind-boggling!

Horav Yosef Sholom Elyashiv, Shlita, explains that it is all the side effects of hergel, habit. If a person becomes familiar with a place, if he is there often, it loses much of its impact. Familiarity breeds contempt. In the Talmud Sanhedrin 52b, Chazal teach us how an am ha'aretz, common, unschooled person, views a talmid chacham, Torah scholar. At first, he appears as a golden ladle. Once he has conversed with him, he takes on the appearance of a silver ladle. After he has benefited from him, he is viewed as earthenware ladle, which, once it is broken, is no longer mendable. A parallel may be noted with regard to any davar she'bikedushah, holy endeavor. If a person does not make an effort to acknowledge its distinctiveness, viewing it as something new and fresh each time he comes in contact with it, he will soon become acclimatized to it, and it will lose its superiority and preeminence in his eyes.

This is what David Hamelech asked of Hashem, "One thing I asked of Hashem, that shall I seek - that I dwell in the House of Hashem all the days of my life, to behold the sweetness of Hashem and to contemplate in His Sanctuary." (Tehillim 27:4) First David asks, shivti b'bais Hashem, "to dwell in Hashem's House," then he asks, l'vakeir be'heichalo, "to contemplate/to visit His Sanctuary." These two requests seem to contradict one another. Rather, David is saying, I know that there is the danger of familiarity and complacency that is endemic with always being in the sanctuary. Therefore, I ask that every time I enter the Sanctuary, it should be like my first visit. The excitement and enthusiasm - the invigorating wholesomeness and passion, the awe and trepidation - associated with entering the Sanctuary for the first time should never leave me.

This is what we should all strive to achieve. The bais hamedrash should become our second home, but that is only with regard to our attendance. Concerning our relationship with our house of worship and study, it should be as if we are entering it for the first time, each time. We should never forget its function, its significance and our place therein.

Va'ani Tefillah

Hashem, Elokai, shivaati eilecha va'tirpaeni. Hashem, my G-d, I cried out to You and You healed me.

David Hamelech gives thanks to Hashem for healing him. We wonder, would it not have been better had he not be stricken ill altogether? If he had not gotten sick, he would not have needed to be cured. Horav Zalman Sorotzkin, zl, explains that David understood the therapeutic effect of illness. He was acutely aware that this illness spared him from any further punitive measures in Olam Habah.

The Malbim distinguishes between the words shavah and tzaakah, both of which mean outcry. Shavah is derived from yeshuah, salvation; it is a more focused cry, articulating what and where it hurts, where the salvation is needed most. Tzaakah, however, is a more general outcry, lacking any specific message.

Ibn Ezra notes that David turned only to Hashem for salvation, since he understood that the source of his ills were of a spiritual, not physical, nature. Horav Avigdor Miller, zl, adds that David did not just say, "O' G-d," he said, "My G-d," proclaiming his closeness to the Almighty. He reiterates, "You healed me," not merely, "I was healed." Just as he never attributed his affliction to chance, so, too, did he not attribute his deliverance to anyone but Hashem.

In memory of our beloved parents Rabbi Dr. Avrohom Yitzchok Wolf Rebbetzin Anna Moses Sruly and Chaya Wolf and Family Ari and Rivky Wolf and Family Abba and Sarah Spero and Family Pesach and Esther Ostroy and Family Sruly and Chaya Wolf and Family

Rav Kook on Psalm 34: Who Wants a Good Life?

How does one live a good life? The psalmist reveals the secret to good living:

“Who is the person who desires life, who loves days to see good?
Watch your tongue from evil, and your lips from speaking guile.
Turn away from evil and do good; seek peace and pursue it.”
[Psalm 34:13-15]

The recipe for good living, the psalm teaches, lies in good speech.
Why does speech play such a critical role?

Two Worlds

We live in two worlds. The first is the outer world, consisting of our various needs and activities, both as individuals and as members of society. The second world is our inner life, a sublime realm of holiness and purity. The psalm appears to be repetitive because it relates to both of these aspects of life.

“Who desires life?” This refers to our inner world, a realm of life itself, unrestrained by the framework of time. “Loving days to see good,” on the other hand, refers to our outer world of beneficial activities that we perform over the years. Like an outer peel protecting the inner fruit, these actions are means to a goal; they acquire meaning as they lead towards their ultimate objective. Thus, the verse refers to our natural desire for purity and goodness of life in both aspects: our inner world of life itself, and longevity of days to allow us to perform many actions benefiting the world.

Inner and Outer Speech

Just as we live in two realms, so too, we have a form of speech for each realm. One is directed inwards, while the other is directed outwards for interpersonal relations. Our inner speech is connected to spiritual values, such as prayer and Torah study. (The mitzvah of Torah study is only truly performed when it is verbalized. See Eiruv 53b; Shulchan Aruch Orach Chaim 47:4.) Our outer speech, on the other hand, is verbal communication for the sake of fulfilling our various needs, both personal and social.

The two phrases, guarding the “tongue from evil” and “lips from speaking guile,” correspond to these two forms of speech. The tongue and lips are the principle organs used to form words. The tongue, situated inside the mouth, is a metaphor for our elevated, inner speech; while the lips, located outside the mouth, represent our practical, external speech.

We need to be careful in both types of speech. We protect our inner life by watching over the tongue, the faculty of inner speech. This form of speech needs to be protected from evil itself, by avoiding the expression of spiritually-damaging thoughts and concepts. “Watch your tongue from evil.” Thus, the Torah prohibits even mentioning the names of idolatry [Ex. 23:13]. When we carefully guard our inner speech, our soul preserves its pristine purity, and our spirit retains the energy needed to perform beneficial actions. By guarding the tongue, we “avoid evil and (are free to) do good.”

The faculty of external speech, represented by the lips, is used primarily for interpersonal relations. The psalmist warns us to guard our “lips from speaking guile,” for if we do not properly restrain our external speech, our social interactions will be contaminated by guile and deception. But when we watch over this form of speech, then we may attain social harmony and peace - “seek peace and pursue it.”

[adapted from Olat Re'iyah vol. II pp. 65-66]

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Bar-Ilan University's Parashat Hashavua Study Center

Parashat Va-Yiqra 5766/ April 1, 2006

For the Birds: Offerings of Fowl in the Late Second Temple Period*

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In the beginning of Leviticus, at the outset of the laws of sacrifices, the Torah mentions turtledoves and pigeons as the only possible offerings from the family of birds (Lev. 1:14). In Maimonides' opinion, one of the reasons was that turtledoves and pigeons were the most commonly-available birds in the land of Israel: “Since it is beyond the capabilities of

most people to make an animal offering, He also commanded that offerings could be made of the most common, best, and most easily attainable birds in the land of Israel, and those were turtledoves and pigeons.”[1]

Tannaitic sources, mostly dating from the period prior to the destruction of the Temple until two generations after the destruction, provide extensive information about bird sacrifice. The sources of this period call offerings of turtledoves and pigeons kinnim, a term derived from the word ken (meaning bird nest), and referring to an offering of a pair birds of the same gender, apparently because turtledoves and pigeons generally lay eggs in twos.

Shalosh Regalim

were in greatest demand during the three pilgrimage festivals, since in many instances people waited for the pilgrimage time to fulfill their accumulated sacrificial obligations. The number of pilgrims during each festival is estimated at several tens of thousands,[2] and presumably every pilgrim either brought with him or purchased in Jerusalem at least one turtledove or pair of pigeons, either as an obligatory offering or as a voluntary offering. In excavations of the area around the southern wall of the Temple Mount a fragment of a stone vessel from the Herodian period was discovered, on which was engraved the word korban, offering, and under the inscription, upside-down figures of two birds.[3] This finding may have been a special vessel in which bird-offerings were brought.[4] As most of the people who brought bird-offerings were apparently women either after birth or discharge, therefore in dealing with a certain halakhah the Mishnah cites as examples the offerings of such women. It follows from these examples that often women would bring five or more bird-offerings.[5]

The greatest number of pilgrims to gather in Jerusalem would come for the festival of Passover, on account of the pascal offering. During this time of year the demand for bird-offerings was greatest, sometimes causing a shortage of birds and a steep rise in price. It is told that Rabban Gamaliel the Elder once sought to proclaim a leap-year because the fledglings were too young. This story is countered by a baraita in the Talmud stating that one is not to proclaim a leap year simply “because fledglings have not yet matured.” However this argument could be used as partial support for declaring a leap year. If there were additional arguments as well.[6] Rabban Gamaliel was apparently referring to the fledglings of a specific type of pigeon (yonat ha-sela'im), a bird that begins nesting only in early March,[7] or to the common turtledove, which only returns to Israel from its winter migration to have its young here in early April. That year it seemed the pigeons and turtledoves might not be large enough by Passover to be brought as offerings, but the Sages ruled that this in itself did not suffice to proclaim a leap year, since alternatively one could use pigeons that lived in the land the year round.

Some pilgrims brought their bird-offerings along with them, but most celebrants, especially those who came from far away, purchased their offerings in Jerusalem since they preferred not to carry them along on the lengthy journey. Another reason for buying the offerings in Jerusalem was the age limitation on the pigeons that would be accepted for sacrifices on the altar. According to one interpretation, this age span was relatively short, so there was a distinct possibility that the offerings of pilgrims coming from afar would be proclaimed not fit by the time they reached Jerusalem. Therefore, pilgrims who nevertheless preferred bringing their offerings with them presumably chose to bring turtledoves, since there was no upper age limit on these birds once they had reached maturity.[8]

Raising the Birds

The birds were sold by people who raised them for a living, as well as by an organized industry run by the priests. In the late Second Temple period commerce in bird-offerings took place outside the walls of the Temple Mount.[9] The payment for bird-offerings sold to the public was placed in two shofar-shaped horns, one of them bearing the inscription, kinnim, and intended for payment for large turtledoves, and the other

bearing the inscriptions *gozalei olah*, fledglings for offerings, and intended for payment for pigeons.[10] The priests would collect the money from these horns daily, in exchange sacrificing the bird-offerings for the owners.[11]

For the Feast of Weeks (Shavuot) it was customary to bring first-fruits to the Temple, with fledglings as an adornment. The fledglings that were brought as offerings were apparently placed in separate baskets, or “on top of the baskets” of first-fruits, while the fledglings that were brought as gifts for the priests were held in the pilgrims’ hands.[12] The fledglings for offerings were not placed directly in the baskets of first-fruits, so that the birds would not soil the fruits with their droppings.[13] The method of fastening the birds around the outside of the baskets of first-fruits is depicted in a mosaic that was discovered in the ancient synagogue at Sephoris.[14]

A special person

A special person was placed in charge of all bird-offerings in the Temple. In the late Second Temple period the person who held this position went by the name of Petahiah and was known as a very wise man: “Petahiah was in charge of bird-offerings (Petahiah is Mordechai). Why was he called Petahiah? Because he could sound forth (Heb. *pote’ah be-devarim*) and explicate things, and he knew seventy tongues.”[15]

The Essentials of Halakha

It was necessary to have a special person in charge of bird-offerings for several reasons. Firstly, the laws concerning bird-offerings were considered especially complex and difficult: “Bird-offerings and the laws of menstruation (*niddah*) are the essentials of halakhah.”[16] Thus it was necessary to appoint someone who was particularly expert in the details of the law. For example, if obligatory and voluntary bird-offerings became confused with each other, or bird-offerings brought as burnt-offerings were confused with those brought as sin-offerings, that might lead to all the bird-offerings becoming unfit, according to the mishnaic statement that “if a sin-offering were confused with a burnt-offering, or a burnt-offering with a sin-offering, even one among ten thousand, then all of them must be left to die.”[17] From this mishnah we learn that one of the ways a bird-offering could become unfit was by the birds themselves becoming interchanged because of the crowding among the people bringing the sacrifices and the great number of bird-offerings at the Temple, especially during the three pilgrimage festivals. Another possible reason a bird-offering might become unfit was mixing up the money that was set aside for their purchase,[18] hence extreme care was taken that the payment for them go into separate horns.[19]

Be that as it may, we can easily understand why an entire tractate was devoted to the subject, Tractate Kinnim. This tractate as we have it today was redacted after the destruction of the Temple, and is complex also by reason of the way its mishnahs are arranged.[20]

The second reason a special person in charge of bird-offerings was necessary was economic. We are dealing with an extensive and complicated branch of commerce, which involved contacting suppliers, setting prices, collecting money from the public,[21] and managing a complex work schedule of sacrifices. It appears that the public preferred to buy their bird-offerings from the system under supervision of the priests in the Temple, rather than from private merchants, since these bird-offerings came with insurance and in the event that they might be declared unfit, one could invoke the court stipulation that “unfit bird-offerings be replaced by those that came from the public.” Moreover, the Temple’s private suppliers were required to provide replacement bird-offerings free of charge in the event that the birds flew away or were lost.[22] This provision was made due to the great loss resulting from bird-offerings in the Temple being declared unfit, which could come to quite a considerable sum of money. Nevertheless, it was apparently still worthwhile for suppliers to take the risk and absorb the possible losses, since in exchange they were assured steady business supplying bird-offerings to the Temple the year round, not only in the peak seasons of the three festivals.

Keeping the Prices Down

The increase in population and in demand for bird-offerings in the late Second Temple period led to private pigeon-breeders charging exorbitant prices. A story is told of Rabban Simeon ben Gamaliel attempting to lower prices by a halakhic ruling that would cause a substantial drop in the demand for pigeons:

The price of a pair of pigeons in Jerusalem once reached a golden dinar. Rabban Simeon ben Gamaliel then said: By this Temple (an oath), I shall not rest tonight until a pair of pigeons are sold for [a silver] dinar. He went into the court and taught: If a woman underwent five definite births or five definite issues, she brings only one pigeon as a sin-offering and she may then eat of the sacrifices, and no obligation devolves on her to bring the other offerings. That very day the price of a pair of pigeons stood at two quarters [of a silver dinar].[23]

The bird-offerings sold in the Temple came primarily from large suppliers who specialized in the business, but also from private dovecots.[24] Pigeon-breeding was a business that naturally focused around Jerusalem. Talmudic traditions note that pigeons were raised on the Mount of Olives, on a tree on which there grew “forty se’ah of fledglings each and every month, providing sufficient bird-offerings for all Israel.”[25] Another version of the text attributes their breeding to King Yannai on King’s Mountain, claiming that from the same tree “forty se’ah of fledglings were taken down from three broods (*berekhot*) in a single month.”[26]

This depiction is only appropriate to raising pigeons, since the term *berekhot* means a single breeding cycle,[27] which with pigeons is relatively short. Even if the quantities mentioned here seem an exaggeration, the general picture that emerges from Talmudic sources is certainly reliable. It is also supported by archaeological findings from the same period, as well as by the descriptions of the first-century B.C.E. Roman writer, Varro,[28] who describes the practice of raising pigeons in columbarium towers that held as many as 5,000 domesticated pigeons at any one time. Remains of such towers were found in Israel, most notably three towers in the area of the City of David in Jerusalem.[29] In Jerusalem and its environs alone an archaeological survey found columbaria dating to the Hellenistic and early Roman period (2nd century B.C.E. – 1st century C.E.), and these attest that raising pigeons was an important branch of commerce when pigeons and fledglings were brought to the Temple, were eaten as meat, and their droppings were used to fertilize the fields. During the Hasmonean period demand for pigeons as sacrifices was high, but after the destruction of the Temple this branch of the economy was reduced to supplying meat and fertilizer alone and eventually declined throughout the region of Judea.

* See Z. Amar, *Massoret Ha’of: Collected Articles* (Hebrew), Neve Tzuf, 5764[2004].

[1] Guide for the Perplexed (Y. Kapah edition), Jerusalem 1977, 3.46, p. 382.

[2] S. Safrai, *Ha-Aliyah la-Regel be-Yemei Bayit Sheni*, Tel-Aviv 1965, pp. 71-74.

[3] B. Mazar, “Harifot Archaeologiyot be-Yerushalayim ha-Atukah,” *Eretz-Yisrael*, 9 (1969), pp. 168-170.

[4] A vessel with the work *korban* (sacrifice) on it is mentioned in the Mishnah (*Ma’aser Sheni* 4.10).

[5] *Mishnah Keritot* 1.7; *Kinnim* 2.3 (All further references are to Mishna, unless stated otherwise).

[6] *Tosefta Sanhedrin* 2.6; *Jerusalem Talmud*, loc. cit., 1.18d; *Babylonian Talmud*, loc. cit., 11a.

[7] The nesting season continues until August and can have as many as two or three cycles of nesting. Pigeons in Israel lay eggs almost throughout the entire year and, when conditions are good (such as a nest which is shielded from the cold), a pigeon can have from eight to twelve cycles of nesting. Only in the cold weather of Europe the pigeon takes a short break from nesting, as Rashi notes in his commentary on *Betzah* 10a (cf. M. Katan, *Ha-Hayyim be-Yemei Rashi*, Jerusalem 1997, p. 83).

[8] “Turtledoves – once they hatch, and even if they are old,” (*Tosefta Hullin* 1.15).

[9] For further elaboration, cf. Safrai, p. 148.

[10] *Shekalim* 6.5.

[11] *Tosefta Shekalim* 3.2-3.

[12] *Bikkurim* 3.5; *Tosefta* loc. cit., 2.11; S. Lieberman, *Tosefta ki-Peshutah on Bikkurim*, Jerusalem 1993, p. 851.

[13] *Jerusalem Talmud Bikkurim* 3, 65d.

[14] Z. Weiss and E. Netzer, *Havtahah u-Geulah, Psefas Beit ha-Knesset mi-Zippori*, Jerusalem 1996, p. 24.

- [15] Shekalim 1.1.
 [16] Avot 3.18.
 [17] Kinnim 1.2.
 [18] Kinnim 1, דגם בארץ [what on earth is this about?]
 [19] Shekalim 6.5.
 [20] Cf. M. Weiss, "Seder ha-Mishnah be-Masekhet Kinnim: Le-She'elat Pirkei Mishnah Toseftiyim," Sidra 13 (1997), pp. 61-91.
 [21] Cf. Maimonides, Hilkhot Klei ha-Mikdash, 7.9.
 [22] Shekalim 7.7; Jerusalem Talmud, loc. cit., 5, 50d.
 [23] Keritot 1.7.
 [24] Me'ilah 3.6.
 [25] Jerusalem Talmud, 4, 69a; Lamentations Rabbati, 2.4. Josephus mentions a rock in this region which was called the "dovecot" (Jewish War, 5.12.2).
 [26] Babylonian Talmud, Berakhot 44a; cf. Tosefta, Menahot 9.13.
 [27] Cf. Bava Batra 5.3.
 [28] Varro, Rerum Rusticarum III, 7.
 [29] B. Ziso, "Hafiroi David Alon be-Hurbet Abu Haf bi-Shnat 1980 – Gilui Migdal Columbarium," in Yishuv, Civilizatza ve-Tarbut – Divre ha-Kenes le-Zikhro shel David Alon (A. Meir and A. Barukh, eds.), Ramat Gan 2001, p. 177; A. Kloner, "Columbaria in Jerusalem," Jerusalem and Eretz Israel (J. Schwartz, Z. Amar, I. Ziffer, eds.), Tel-Aviv 2000, pp. 61-66.
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YatedUSA Parshas Vayikra 2 Nissan 5766

Halacha Discussion

by Rabbi Doniel Neustadt

Operating a Business Website on Shabbos and Yom Tov

Question: Must a Shabbos-observing business shut down its website on Shabbos and Yom Tov?

Discussion: A final decision on a question with such far-reaching consequences requires the da'as Torah of the gedolei hador, the halachic decisors of our generation. This is an issue that not only will impact many thousands of people and many millions of dollars, but will also affect the very spirit of Shabbos. Our discussion, therefore, will limit itself to a presentation of the arguments, pro and con, from an halachic perspective. Halachic background

The Torah command to keep Shabbos specifically prohibits one's minor children, servants and animals from performing forbidden Labors on behalf of their parents or masters.¹ But the Torah does not prohibit one's tools or machines from working on Shabbos on behalf of their owner or operator. It is for this reason that we permit our light fixtures to light our homes and our air conditioners to cool them, since it is permitted for machines to "desecrate" Shabbos. Min ha-Torah, therefore, there is no reason why a website would not be allowed to operate on Shabbos. Websites are completely automated and require no human intervention. They are no different from any other machine which is set to operate before Shabbos and continues to run automatically throughout Shabbos.

There are, however, a number of Rabbinic restrictions that may - or may not - apply to operating a website. Here are three possible concerns: Mekach u'memkar

In order to avoid potential Shabbos violations such as Writing, the Rabbis forbade all types of business transactions on Shabbos, even if no contract will be drawn up nor will any money change hands. This edict, known as gezeiras mekach u'memkar, prohibits any kinyan, transfer of ownership from one party to the next - including selling, buying, gift giving or rendering an item hefker - to take place on Shabbos. An argument can be made, therefore, that if a business website offers items for sale and the sale is consummated on Shabbos, it should not be allowed to operate, since a business transaction - a sale - will take place on Shabbos on behalf of its owner.

But on the other hand, the transaction is being completed on a machine without any active involvement or knowledge of the website owner. We do not find an halachic requirement that one is obligated to stop someone else from transacting business on his behalf on Shabbos. Indeed, there is a case in Shulchan Aruch which implies otherwise — that it is, indeed, permitted l'chatchilah to arrange such a transaction before Shabbos:

Shulchan Aruch² rules that it is permitted to give a non-Jew money before Shabbos so that he may purchase items for a Jew, provided that he does not instruct the non-Jew to buy the item specifically on Shabbos. Similarly, it is permitted to give a non-Jew clothing to sell on his behalf before Shabbos, provided that he does not instruct him to sell the clothing on Shabbos specifically.

Apparently it is Shulchan Aruch's opinion that as long as the restrictions against amirah l'akum are adhered to, it is permitted for business to be transacted on Shabbos on behalf of a shomer Shabbos Jew, since the Rabbis forbade only an active transaction; they did not forbid a "passive transaction" from taking place.³

Allowing a website to operate on Shabbos and conduct business on behalf of its owner is quite similar to this case. Business is being conducted by means of a machine. Passively, the Jewish owner of the business is engaged in business, but passive business, apparently, is not prohibited on Shabbos.

[An apparent difficulty with this conclusion arises from a ruling in Teshuvos Rav Akiva Eiger (159). He prohibits, for instance, a pidyon ha-ben transaction from becoming valid on Shabbos, even if the father gave money to the kohen on erev Shabbos with the stipulation that the pidyon ha-ben will go into effect on Shabbos. It seems, therefore, that Rav Akiva Eiger would prohibit a passive transaction from taking place on Shabbos. There is, however, a fundamental difference between Rav Akiva Eiger's specific case and ours. In his case, a transaction is deliberately initiated on erev Shabbos with the stipulation that it should go into effect on Shabbos. There is a particular reason for the transaction to take place specifically on Shabbos: that is the correct day for the pidyon ha-ben. In our case, there is nothing specific being prepared or initiated on erev Shabbos to become valid on Shabbos; the fully automated website is open 7 days a week all year long. Whether or not a transaction takes place on Shabbos, before Shabbos or after Shabbos is of no consequence whatsoever.⁴]

Sechar Shabbos

As part of the Rabbinic decree against engaging in business on Shabbos, the Rabbis also prohibited profiting from an activity engaged in on Shabbos. Even if the profit is being generated by a permitted activity such as babysitting, still it is prohibited to keep the profits from an activity that was performed on Shabbos.⁵ Even money earned from property rentals on Shabbos is not allowed to be kept by the Shabbos observing owner, since these are considered Shabbos profits.⁶ An argument could be made, therefore, that the profits generated by the sale of items on a website on Shabbos are prohibited to be kept by the owner.

But this is not the case. The poskim agree that the Rabbis forbade only profits generated from a service [or a rental] rendered on Shabbos. Profits generated from a sale that takes place on Shabbos, such as food which is bought on credit on Shabbos, are permitted.⁷ This is because the payment is for goods, not for services, and profits generated from goods are not considered sechar Shabbos.⁸ Thus a website owner is permitted to keep his profits from Shabbos sales.

Zilzul Shabbos

There remains the intangible yet crucial issue that allowing a website to operate on Shabbos will cause zilzul Shabbos - a desecration of the sanctity of Shabbos, since business will be conducted seven days a week with no regard for Shabbos and Yom Tov. Traditionally, a Jew was always cognizant of the fact that Shabbos was a day when business was not conducted and profits were not earned. Allowing business to be conducted on one's behalf on Shabbos could very well be considered a pirtzah, a "breakdown" and a violation of the spirit of Shabbos. A final decision on this subject should be rendered by the leading poskim of the generation, Shlita.

(Footnotes)

¹ Shemos 20:10; Devarim 5:14.2 O.C. 307:4.

³ Indeed, according to the ruling of the Mishnah Berurah, it is even permitted to derive benefit from that item on that very same Shabbos day; see 307:15 and Sha'ar ha-Tziyun 17.

4 In addition, several poskim disagree with Rav Akiva Eiger even in his case; see Maharam Shick O.C. 1 31; Igros Moshe O.C. 3:44.

5 O.C. 306:4.

6 Mishnah Berurah 306:19.

7 See O.C. 323:1-4.

8 Noda B' yehudah, Tanina, O.C. 26; Minchas Yitzchak 3:34; Harav S.Z. Auerbach (Shemiras Shabbos K'hilchasa 29, note 70).

YatedUSA Parshas Vayikra 2 Nissan 5766

Halacha Talk

by Rabbi Yirmiyohu Kaganoff

The Four Questions of Matzoh Purchasing

Question One: On all other nights of the year we sift our flour before we use it; on this night of Pesach we check our matzoh before eating it. What are we looking for?

Question Two: On all other nights of the year we eat any kind of matzoh; on this night of Pesach, some people eat only hand matzoh, others eat only machine-made machine, and still others eat hand matzoh for the bracha and machine matzoh afterwards. What is the basis for these different practices?

Question Three: On all other nights of the year we prepare our food leisurely; on this night of Pesach we eat matzoh advertised as special "18-minute matzoh." But I thought that matzoh dough becomes chometz after 18 minutes, so all matzoh left around longer than 18 minutes before baking should be chometz. So what is special about 18-minute matzoh?

Question Four: On all other nights of the year, no guests arrive early in order to "lift up" their food before Yom Tov, but on this night of Pesach some guests arrive before Yom Tov in order to "lift up" the matzohs they intend eating at the Seder. Why do only some of my guests ask me if they can do this?

"Father, what is the answer to my four questions?"

"Son, before answering your excellent questions, I'll tell you how matzoh is made."

WE WERE ONCE SLAVES IN EGYPT

Although matzoh is the simplest of products, simply flour and water, many details are involved at every step to process it correctly according to halacha. The matzoh that we eat to fulfill the mitzvah on Seder night must be "guarded," or supervised, to guarantee that it did not become chometz. The mitzvah of matzoh on Seder night is fulfilled exclusively with matzoh produced lishmah – that is, produced for the sake of the mitzvah with concern that it not become chometz. Thus, even if we know by remote-control camera that matzoh was produced 100% kosher for Pesach, but a well-trained team of chimpanzees manufactured it, one cannot use this matzoh to fulfill the mitzvah on Seder night because it was not produced lishmah. Only adult Jews can produce matzoh lishmah (Shulchan Aruch Orach Chayim 460:1). Therefore, before beginning work in a matzoh bakery the workers must say: Kol mah she-ani oseh hayom, hareini oseh lisheim matzos mitzvah, "Everything that I am doing today, I am doing for the sake of producing matzohs that will be used for the mitzvah."

Although the Gemara (Pesachim 40a) discusses preparing matzoh lishmah, it is unclear how early in their production one must have active concern that it not become chometz. We need not plant the wheat for the sake of the mitzvah, since nothing at this stage can make the product chometz-dik. Until the grain can become chometz, there is no need to guard it lishmah from becoming chometz.

The early poskim have three opinions concerning the stage when one must prepare matzoh lisheim matzos mitzvah: —

(1) From the time of harvesting, which is the earliest time the grain can usually become chometz

(2) From the time of grinding, at which time it is more probable that the flour could become chometz. In earlier times, most flour mills were located alongside rivers and used the flow of the river as their power source. Thus, there is great concern that the flour could become wet and begin to leaven.

(3) From the time of kneading, when one must certainly be concerned about the possibility of chimutz (fermentation).

Shulchan Aruch (Orach Chayim 453:4) concludes that it is preferable to guard the wheat lishmah from the time of the harvesting, but that it is satisfactory to use wheat that supervised only from the time of grinding. However, some other poskim require lishmah from the time of the harvest (Pri Chodosh). Nowadays, shmurah matzoh generally refers to matzoh that supervised against chimutz from the harvest.

HARVESTING CONCERNS

Fully ripe grain can become chometz even while still connected to the ground (Piskei Tosafos, Menachos 208). Thus, in order to guarantee that the grain harvested for matzoh does not become chometz, it is harvested early, before it is fully ripe (Chayei Odom 128:2; Mishnah Berurah 453:22; Biyur Halacha to 453:4 s.v. Tov). Furthermore, we cut the wheat in the afternoon of a dry day to allow the night's dew to evaporate in the morning. Before cutting the wheat, someone checks to see that it has not yet sprouted. One should also be careful not to harvest wheat when it is wet and to put it down in a dry place (Piskei Tosafos, Menachos 206). A combine used to harvest shmurah wheat must be clean and dry.

The poskim dispute whether a non-Jew may operate the combine when it harvests the wheat, or whether a Jew must operate it (Sefer Matzoh Mitzvah pg. 26). According to the second opinion, harvesting lishmah requires that someone who observes the mitzvah actually cuts the grain – and operating a large combine is technically equivalent to swinging a sickle.

Sometimes, it seems that life was simpler when people harvested wheat by hand. A friend of mine born in the Soviet Union once described how his father harvested wheat for matzoh baking with a hand-sickle. Even today, some people are mehader to use hand-cut flour for their Seder matzohs.

After cutting, the wheat must be stored and transported in a way that guarantees that it remains dry (Sdei Chemed, Vol. 7 pg. 383), and one must make sure that it always remains shamur by an observant Jew (Biyur Halacha 453:4 s.v. ulipachos). Furthermore, one must be careful to store it a way that it does not become infested by insects. One must also check grain samples for signs of sprouting, which is considered a chimutz problem (see Rama 453:3). There is a well-established custom that an experienced posek checks the grains before they are ground (Daas Torah to 453:1 s.v. ve'od).

GRINDING THE FLOUR

As mentioned above, most poskim require supervising the grain lishmah from chimutz from the time it is ground into flour. Nowadays, matzoh sold as kosher l'pesach is supervised at least from the time it is ground. This should include care that the wheat was not soaked before it was ground, which is common practice in many places. Furthermore, a mashgiach must carefully inspect the milling equipment to ensure that no non-Passover flour remains in the grinders and filters.

Chazal instated many halachos to guarantee that the dough does not become chometz prematurely. For example, one should not bake matzoh with freshly-ground flour, but wait a day or two after the grinding to allow the flour to cool so that it does not leaven too quickly (Shulchan Aruch 453:9). They were also concerned that one should not bag the Pesach flour in old sacks previously used for chometz-dik flour. In many countries, non-Pesach grains are covered with leaves before grinding in order that they should be moist when they are ground. This facilitates separating the different parts of the kernel. Of course, this is prohibited for Pesach-dik flour.

SPECIAL WATER: MAYIM SHELANU

Pesach matzoh must be baked exclusively with mayim shelanu, water that remained overnight (Gemara Pesachim 42a). This means that one draws water from a spring, well, or river immediately before twilight and leaves it in a cool place for a minimum of one complete night to allow it to cool (Shulchan Aruch Orach Chayim 455:1 and commentaries). One may draw water for several days at one time (Shulchan Aruch 455:1), provided one

draws the water immediately before twilight and then stores it in a cool place, although some poskim prefer that the water be drawn freshly each night (Maharil quoted by Be'er Heiteiv 455:7). The water should not be drawn or stored in a metal vessel since metal conducts heat and warms the water (Magen Avraham 455:9). In addition, the water should not be drawn or stored in a vessel that has been used previously to hold other liquids since some liquid may mix with the water, and this may cause the dough to rise faster than otherwise (Magen Avraham *ibid.*). Many contemporary poskim discourage using tap water for matzos because of concern that fluoride and other chemicals introduced into the water may cause the dough to rise faster (see Mo'adim U'zmanim 3:261). It is important to note that the requirement for mayim shelanu is not only for the matzos eaten at the Seder, but for all matzos eaten during the entire Pesach.

The words mayim shelanu, which means water that rested overnight, also translate as "our water." This once led to a humorous incident recorded by the Gemara: When Rav Masneh told the public in Papunia that they must use mayim shelanu to bake their matzos, the following day, a long line of people stood outside his door, requesting that he provide them with water to bake their Pesach matzos! At this point, he clarified to them that mayim shelanu means "water that rested" and not "our water" (Pesachim 42a).

KNEADING THE DOUGH

One may not knead matzoh dough in a warm area or in a place exposed to the sun. Similarly, one must cover the windows so that no sunlight streams through (see Mishnah Berurah 459:2). Furthermore, one must be very careful that the tremendous heat from the oven does not spread to the other parts of the bakery, warming dough before it is placed into the oven (Shulchan Aruch 459:1). Thus, one must construct a matzoh factory so that dough can be transported to the oven quickly without exposing the kneading area to heat from the oven.

Once the flour and the water are mixed, one must strive to produce the matzoh as quickly as possible (Shulchan Aruch Orach Chayim 459:1). If dough is left unworked for eighteen minutes, it is regarded as chometz. However, if one works on the dough constantly, we are not concerned if more than eighteen minutes elapses before it goes into the oven. On the other hand, once one begins to work the dough it warms up and may begin to leaven if left idle. Therefore the Shulchan Aruch (Orach Chayim 459:2) rules that once one begins working with the dough, it becomes chometz immediately if one leaves it idle. Although there are more lenient opinions as to whether the dough becomes chometz immediately, all agree that one must not allow unnecessary delay without working on the dough (see Mishnah Berurah 459:18; Biyur Halacha *ad loc.*; Chazon Ish, Orach Chayim 121:16). Thus, practically speaking, it is far more important to work constantly on the dough to ensure that it does not begin to leaven, than to guarantee that it takes eighteen minutes from start to finish.

I once accompanied a Rav who was checking a matzoh bakery, naively assuming that all hand matzoh bakeries have the same standard of kashrus. The Rav told me that there can be major differences. I noticed that he was very distressed that in one bakery we visited, the matzoh dough was sitting on the table ready for baking without anyone working on it, and he complained, "People paying the kind of money this bakery charges for its finished product should not receive matzoh that is only kosher bedei'eid (after the fact)."

It is of course a much bigger concern if dough from an earlier batch is not cleaned off hands and equipment and mixes into later batches. All equipment must be cleaned thoroughly to make sure this does not happen.

BAKING PROBLEMS

Several problems can occur during the baking of the matzos. If the baker leaves a matzoh in the oven too long it burns, and if he removes it too soon it becomes chometz. If he removes a matzoh from the oven before it is fully baked he should not return it to the oven to finish (Rama 461:3).

Certain other problems can occur while matzoh is baking. Two very common problems are that matzoh becomes kefulah (folded) or nefucha (swollen). A matzoh kefulah is folded inside the oven in such a way that the area between the folds is not exposed directly to the flame or heat of the oven. This area does not bake properly making the matzoh chometz-dik (Rama 461:5). One may not use the folded part of the matzoh and the area around the fold that is the thickness of a finger (Mishnah Berurah 461:28).

A matzoh nefucha is a matzoh that swells up, usually because it was not perforated properly (Rama 461:5). During baking, air trapped inside the matzoh develops a large bubble. If the swollen area is the size of a hazelnut, the matzoh should not be used (see Mishnah Berurah 461:34 for a full discussion).

To avoid discovering these problems on Yom Tov, one should check one's matzos before Yom Tov to ascertain that none of the matzos are kefulah or nefucha. I can personally attest to finding both among matzos that I intended to use for the Seder.

Of course you may ask, "Why didn't the bakery mashgiach notice these matzos and remove them?" I too am very bothered by this question, but nevertheless, I and many other people have found that the matzos one purchases often include kefulos and nefuchos.

Now, my dear son, I am glad you have been so patient, because now I can answer your first question: "On this night of Pesach we check our matzoh before eating it. What are we looking for?" We are checking that there are no folded matzos, or bubbles in the matzos the size of a hazelnut.

At this point, I think we can begin to answer the second question:

"On this night of Pesach, some people eat only hand matzoh, others eat only machine-made machine, and still others eat hand matzoh for the bracha and machine matzoh afterwards. What is the basis for these different practices?"

Although many people today accept the use of machine matzoh for Pesach, it is instructional to understand a major dispute that existed among nineteenth century poskim over their use. The two main protagonists in the original 1850's controversy were Rav Shlomo Kluger, Rav of Brody, and the Sho'el Umeishiv, Rav Yosef Shaul Natanson. Both of these renowned poskim, as well as dozens of other great Rabbonim who became involved in this dispute, were gedolei yisroel. Unfortunately, the machlokes over the use of machine matzos became as heated as the temperature of the matzoh ovens, with each side issuing broadsides and rallying support from other rabbonim.

Rav Shlomo Kluger opposed the use of machine-made matzoh on Pesach primarily because of the following three major issues:

1. The economic factor: He was concerned that introduction of machine matzoh would seriously affect the livelihood of many Jewish poor who were employed kneading and baking matzos.
2. The chometz factor: There were major concerns about whether the factories' matzoh met all the above-mentioned halachic requirements. Among the concerns raised were: Is all dough cleaned off the machinery, or does dough stick to the equipment and remain in place for more than eighteen minutes? Does the machinery work the dough constantly, or does it sit after it has begun to be worked?

Apparently this was a big concern in the early matzoh bakeries. In a teshuvah dated Monday, Erev Rosh Chodesh Nisan 5618 (1858), the Divrei Chayim (Shu't 1:23) refers to machine matzoh as chometz gamur (unquestionably chometz) based on the way it was produced.

He also adds that there are other reasons according to halacha why it is assur to use machine matzoh, but did not want to reveal what they were.

3. The lishmah factor: Another issue involved in the manufacture of machine matzos is whether it is considered lishmah? Is the intent of the person operating an electrically-powered machine considered as making matzos lishmah? The same issue affects many other halachic questions, such as the spinning of tzitzis threads by machine, the manufacture of leather for tefillin straps and batim, and making hide into parchment. Some poskim contend that pushing the button to start a machine is not

sufficient to make it lishmah since the pushing of the button only produces the very first action, and the rest happens on its own and is not considered made lishmah (Shu't Divrei Chayim 1:23). There is extensive discussion and dispute about this issue in the poskim (see for example, Shu't Chesed L'Avraham 2:OC:3; Shu't Maharsham 2:16; Shu't Achiezer 3:69 at end, Sdei Chemed Vol. 7 pgs. 396-398; Chazon Ish, Orach Chayim 6:10 s.v. vinireh d'ein tzorech; Shu't Har Tzvi, OC#10 Mikra'ei Kodesh, Pesach II pgs. 11-17.). It is primarily for this reason that today many halachically-concerned people who use machine-made matzoh on Pesach, still use hand-made matzoh for the Seder.

It is also curious to note that the initial matzoh machines over which these poskim debated were nothing more than hand turned rollers that quickly made a large quantity of thin dough into circles the way a cookie cutter operates. They enabled a fantastic increase in the output of one small factory.

Thirty years after the original dispute, the issue was still heated as evidenced by the following teshuvah of Rav Yehoshua Trunk of Kutna, widely acknowledged in the latter half of the nineteenth century as the posek hador of Poland.

“On the subject of the new idea brought to knead matzos by machine, G-d forbid that one should follow this practice. Over thirty years ago, all the Gedolei Yisroel in our country prohibited it. At their head were the Av Beis Din of Tchechenov; Rav Yitzchok Meir of Gur (The Chiddushei Ha'Rim, the first Gerrer Rebbe); and Rav Meir, the Rav of Kalish; all of whom signed the declaration prohibiting their use. Not a single individual was lenient about this matter. I therefore say to our brethren, ‘Do not separate yourselves from your brethren since all the gedolim in our country prohibited this machine and virtually all the people accepted this prohibition’ (Shu't Yeshu'os Malko, Orach Chayim #43). Thus, it appears that in central Poland, where these gedolim lived, hand matzos were used almost exclusively.

Similarly, in a teshuvah penned in the year 5635 (1895), the Avnei Nezer (Orach Chayim #372), renowned posek and gadol hador a generation later, echoed this sentiment with emphasis. He writes that although he had never seen a matzoh factory, he prohibited eating this matzoh based on the fact the previous generation's poskim had prohibited it, quoting Rav Yehoshua of Kutna.

At about the same time that the Avnei Nezer wrote his above-quoted responsum, the Maharsham (Shu't 2:16) was asked by the Rav of St. Louis, Missouri, Rav Zecharyah Yosef Rosenfeld, about a matzoh machine that took a half hour to prepare the matzoh. Rav Rosenfeld was highly concerned about several problems regarding this machine. The Maharsham ruled that if all the equipment is kept cool and all the other requirements are met, then the matzoh may be used.

In the contemporary world, a factory for baking matzos can be planned and constructed in a way that a very minimal amount of dough adheres to equipment, and mashgichim can supervise that whatever dough sticks is swiftly removed. Someone who purchases machine-made matzoh is relying on the supervising agency or rabbi to guarantee that the operation is run properly.

Some rabbonim and communities accepted that it was preferable to use machine matzos because one could control the product better – thus in German communities and in “the old yishuv” in Eretz Yisroel, machine matzos were preferred. Rav Shlomo Zalman Auerbach zt”l, and his brother-in-law Rav Sholom Shwadron zt”l, (a grandson of the maharsham) only ate machine matzos on Pesach, as well as Rav Yosef Breuer zt”l, and other gedolim ate only machine matzos on Pesach.

Among the reasons quoted for favoring machine matzos are:

- 1) Kneading by hand takes considerably more time before the matzoh is ready for baking. In addition, the dough is likely to warm up considerably by the hands of the kneader, which may lead to it becoming chometz.
- 2) Hand matzos are of uneven thickness, so that some parts of the

matzoh are burnt while other parts may still be incompletely baked, thus there could be a problem of a matzoh being removed from the oven before it is uniformly baked.

3) Machine matzos are thinner and thus less susceptible to leavening.

On the other hand, all Chassidic circles and some Litvishe groups (e.g. Brisk) eat only hand matzos on Pesach, following the long list of poskim who were strongly opposed to machine matzos because of concerns about chometz and other issues. In between these two approaches are those who feel that the kashrus of machine matzos is fine or even preferred, but who are concerned about whether matzoh produced by a machine can be considered lishmah. Thus, in order to avoid any halachic problem, they use hand matzos for fulfilling the mitzvah at the Seder, but eat machine matzoh the rest of Yom Tov.

At this point, my son, I can answer your Third Question:

“On all other nights of the year we do not rush to prepare our food quickly, on this night of Pesach we eat matzoh that is advertised as ‘18-minute matzoh.’ What do they mean that they are selling 18-minute matzoh?”

Ideally, one should stop every matzoh machine every eighteen minutes to guarantee that the equipment is completely clean before it is run again. However, factory owners feel that this is a non-profitable way to operate the machinery. Thus, the equipment usually runs constantly with the hope that no dough sticks to it and remains from one batch to the next. To avoid this problem, many people who use machine matzoh insist on using only matzoh produced after the equipment was stopped for a thorough cleaning and examination. This matzoh is usually called “eighteen minute matzoh,” that is, the machine has not been running for eighteen minutes since it was last thoroughly cleaned.

Different hechsherim have different standards – thus, whether some dough remains on the equipment longer than eighteen minutes will depend on how tight the hechsher's standards are. It is fair to assume that if the factory is not stopped for cleaning every eighteen minutes that some dough remains on the equipment for more than eighteen minutes from one production to the next. However, even if dough was abandoned on the equipment for over 18 minutes, it is batail, nullified, in the final product.

To quote a friend's recent observation. “I went to a major matzoh bakery a few years ago where they had two runs simultaneously. One was a mehadrin, where they stopped the equipment every 16 minutes for cleaning. The other production was constant, and we witnessed piles of dough building up along the sides of the conveyor belt that eventually mixed into the production dough.

The Fourth Question was:

A guest once asked me if he could pick up the matzos on Erev Pesach that he was planning on eating at the seder. Why did he request this, and why have I never heard of this before?

The halacha is that to fulfill the mitzvah of eating matzoh, the matzoh must be your property. Thus, one cannot fulfill the mitzvah with stolen matzoh. Some have the practice of being certain that they have paid for their matzoh before Pesach to demonstrate that the matzoh is definitely theirs (based on Mishnah Berurah 454:15).

There is an interesting dispute between poskim as to whether a guest at someone else's Seder fulfills the mitzvah with matzoh that belongs to the host. Sfas Emes (commentary to Sukkah 35a s.v. biGemara asya) contends that one can fulfill the mitzvah of matzoh only with matzoh that one owns to the extent that one would be able to sell it. Therefore, a host must give to each of his guests their matzoh as a present before they eat the mitzvah or they have not fulfilled the mitzvah. However, the universally accepted practice is to follow the opinion of the Mishnah Berurah (454:15) who states that one fulfills the mitzvah with borrowed matzoh.

May we all be zocheh to eat our matzoh this year together with the Korban Pesach in Yerushalayim.

The Weekly Halacha Overview

by Rabbi Josh Flug

Mechirat Chametz: Theory and Practice

The Torah (Shemot 12:19 and 13:7) prohibits possession of chametz on Pesach. As such, there is a biblical requirement to dispose of all chametz in one's possession. As an alternative to the disposal of chametz, many people sell their chametz to a non-Jew (mechirat chametz) as a means of removing the chametz from their possession. They then reacquire the chametz after Pesach from the non-Jew. This article will explore the basis for mechirat chametz and the method of acquisition that is used both in the sale and the reacquisition.

Is Mechirat Chametz an Inappropriate Loophole?

A cursory examination of the mechirat chametz practice may lead one to the conclusion that mechirat chametz is merely a legal loophole. R. Yisrael Isserlin, Terumat HaDeshen 1:302, rules regarding the prohibition of charging interest on a loan (ribbit), that one should not seek out loopholes that avoid violation of a biblical prohibition. Ostensibly, one should apply the same logic to mechirat chametz and conclude that since the purpose of mechirat chametz is to avoid the biblical prohibition of owning chametz, mechirat chametz should be prohibited.

However, the comments of Terumat HaDeshen cannot possibly serve as the basis for prohibiting mechirat chametz because Terumat HaDeshen authored another responsum (1:120) which explicitly permits mechirat chametz, and this responsum serves as the basis for modern-day mechirat chametz (See Beit Yosef, Orach Chaim 448, and Shulchan Aruch, Orach Chaim 448:3). One must then ask: why isn't mechirat chametz a violation of the prohibition to create a legal loophole in order to avoid a biblical prohibition?

Perhaps the answer is based on the comments of Shach, Yoreh Deah 157:20. Shach explains that there are two types of legal loopholes. The first type of loophole is one where there are terms built in to the transaction that serve to control the transaction and protect both parties from the inherent risk normally associated with such a transaction. The second type of loophole is one where the transaction is carried out normally with no special terms and both parties subject themselves to a certain element of risk. The first type of transaction is fictitious and is prohibited if the purpose is to prevent violation of a biblical prohibition. The second type of transaction is permitted because there are no false clauses in the transaction.

One can now suggest that the reason why Terumat HaDeshen permits mechirat chametz is because it belongs to the second category of transactions. Mechirat chametz (if done properly) is a transaction devoid of any false terms of sale. If the non-Jew decides to retain possession of the chametz after Pesach, he is legally entitled to do so. Similarly, if the seller of the chametz decides not to reacquire the chametz after Pesach, the non-Jew is legally bound to the sale and he has no legal claim to the money that is used for purchase of the chametz. Since both parties subject themselves to the normal risks associated with a transaction, the transaction is similar to the second category of loopholes and is permitted. Terumat HaDeshen's opinion notwithstanding, some Acharonim prohibit all forms of legal loopholes when their purpose is to prevent violation of a biblical prohibition. R. Yosef D. Soloveitchik urged his followers to refrain from mechirat chametz on all types of chametz whose possession on Pesach entails a biblical prohibition (see Nefesh HaRav pg. 177). R. Alexander S. Shor, B'chor Shor, Pesachim 21a, agrees that one should not rely on any type of loophole to avoid a biblical prohibition. However, he suggests that since one can actually accomplish the biblical requirement to dispose of one's chametz by nullifying the chametz (bittul chametz), mechirat chametz is only necessary to accomplish the rabbinic requirement of totally removing chametz from one's possession. Since the loophole of mechirat chametz only serves to avoid violation of a rabbinic prohibition, B'chor Shor permits mechirat chametz.

The Method of Transaction

In order to properly execute mechirat chametz, the transaction must be a halachically significant transaction. The Mishna, Kiddushin 26a, states that transactions of movable items must be performed by physically transferring possession of the item (meshicha or hagba'ah). A transaction cannot be completed by merely transferring money from the buyer to the seller. There is a dispute in the Gemara, Bechorot 13b, whether this is true for transactions between Jews and non-Jews. According to R. Yochanan the proper method of transaction between a Jew and a non-Jew is through physical transfer of possession of the item. However, according to Reish Lakish, the transaction is performed through monetary transfer. Tosafot, Avodah Zarah 71a, s.v. Rav Ashi, note that the final ruling is a matter of dispute. Rashi sides with the opinion of Reish Lakish and Rabbeinu Tam sides with the opinion of R. Yochanan. Tosafot add that in order to fulfill both opinions, one should perform both physical transfer of the item and monetary transfer when performing a transaction with a non-Jew that has ritual significance.

As such, Mishna Berurah 448:17, rules that when selling one's chametz, one should not only insist that the non-Jew pay for the chametz, but he should also take physical possession of the chametz. However, due to the large volume of chametz involved in a single sale, it is highly impractical to insist that the non-Jew take actual physical possession of all of the chametz. Therefore, Mishna Berurah 448:19, recommends combining monetary transfer with other forms of transaction. There are a few possible forms of transaction that may be used. First, the Gemara, Bava Metzia 74a, states that there are situations where one can enact a transaction by performing an action that local businessmen use to close a deal. One modern example is a handshake. Second, the Mishna, Kiddushin 26a, states that one can transfer movable items as part of a real estate transaction. Regarding mechirat chametz, Mishna Berurah, ibid, suggests selling or renting land as part of the sale, and including the chametz in the package. Third, Mishna Berurah 448:17 also recommends including kinyan chalipin (barter transaction) as a means of transferring the chametz. This is accomplished by the non-Jew giving an item of his in exchange for the chametz.

The Reacquisition of the Chametz

Mishna Berurah, Biur Halacha 448:3, s.v. B'Davar, notes that common practice demands that the sale price of the chametz should reflect the value of the chametz. However, he adds that there is no requirement for the non-Jew to pay in full at the time of the sale. It is sufficient if he pays a down-payment at the time of the purchase and incurs the balance as debt.

While this solution is very practical in executing the initial transaction, it does complicate the reacquisition of the chametz after Pesach. If the non-Jew were to pay in full prior to Pesach, that money could be used to repurchase the chametz after Pesach. However, since common practice is that the non-Jew only pays a down-payment, there are insufficient funds in the down-payment to repurchase the chametz. It is also not possible to nullify the sale on grounds that the non-Jew failed to pay in full because nullification of the sale would retroactively place the chametz in possession of the Jew for the entirety of Pesach.

Therefore, there are two possible methods of reacquiring the chametz. The first option is to initiate a new sale that reacquires the chametz. The balance that the non-Jew owes is factored into this new sale. The second option is to seize the chametz in lieu of the debt incurred by the non-Jew. The advantage of this second option is that it doesn't require a new sale after Pesach. However, R. Shlomo Kluger, HaElef Lecha Shlomo, Orach Chaim no. 221, doesn't recommend such a practice. He suggests that seizure of property for defaulting on a payment is something that is normally done through beit din. Therefore, seizure of the chametz without a beit din would cast aspersions on the original sale. This view is also reflected in Mishna Berurah, Biur Halacha 448:3 s.v. Mechira. R. Kluger notes that if the non-Jew is not available after Pesach for the reacquisition of the chametz, a beit din may authorize seizure of the chametz as payment for the balance of the original sale.

TALMUDIGEST Pesachim 72 - 78
For the week ending 1 April 2006 / 3 Nisan 5766
from Ohr Somayach | www.ohr.edu
by Rabbi Mendel Weinbach

Uncommon Features With A Common Denominator

Communal sacrifices, both the daily ones and those of the special days, were offered even on Shabbat or when the kohanim were ritually impure. In regard to the daily sacrifice, the Torah command (Bamidbar 28:3) states that it be offered "in its set season," and the same phrase is used *ibid.* 9:3) with regard to the Pesach sacrifice. This is interpreted by our Sages as an indication that these sacrifices must be offered in all situations, Shabbat and ritual impurity notwithstanding.

In regard to other communal sacrifices offered on holidays, there is another passage (*ibid.* 29:39) spelling out the need to offer them "in your set seasons" in all circumstances. The question arises, however, as to why separate passages are required for each of these categories rather than have any one of them serve as the prototype for all communal sacrifices. The answer given by the gemara is that each of these categories has a special characteristic which would have set it apart from all the others as qualifying for the special status of rising above the obstacles of Shabbat and ritual impurity.

The daily sacrifice would have been considered as unique both because of its frequency and because it is completely consumed on the altar, features that are absent in the Pesach sacrifice. Had only the Pesach sacrifice been mentioned we might have attributed its uniqueness to the fact that one who fails to offer such a sacrifice is punished by extirpation, something that does not apply to any other sacrifice.

But once the Torah has spelled out the need to offer both of these sacrifices under all circumstances, why is it necessary to once again communicate this rule regarding all other communal sacrifices?

The gemara's answer is that we would not have been able to learn from the daily and Pesach sacrifices because they have a common denominator setting them apart from other communal sacrifices.

The version of the answer that appears in our text is that the common denominator is that each has a unique feature missing in the other sacrifices. The version that Tosefot had, however, is that the common denominator is that Jews already offered both of these sacrifices before the Torah was given. This is in accordance with the opinion (Mesechta Chagigah 6a) of Beit Hillel that the burnt offerings mentioned (Shmot 24:5) before the giving of the Torah were the daily sacrifices. Since the first Pesach sacrifice was also offered before the Torah was given while they were still in Egypt, there is a common denominator of uniqueness that would have made it impossible to extend to other communal sacrifices, and made it necessary to assign a passage for them as well.

What The Sages Say

"When the Torah commands us 'to love the other like yourself' (Vayikra 19:18) it includes even carrying out the execution of one deserving the death penalty sinner in a dignified manner."

Rabbi Nachman Pesachim 75a

Jerusalem Post, March 23, 2006

A test for Israel

by Jonathan Rosenblum

Israeli society will be judged by its treatment of the Gush Katif evacuees. On that score, we are failing at present.

It is precisely those who view the Gaza withdrawal as a national triumph - not those who warned that the Gaza withdrawal would lead bring Ashkelon's oil refineries and power plant within range of Palestinian missiles and give Hamas a huge popularity boost -- who should be most concerned with the fate of the evacuees.

For even if the withdrawal were a signal success, it was achieved by sacrificing the evacuees. Like fallen soldiers, who give their lives to protect us, the settlers paid heavily on our behalf. That they view the destruction of their homes and communities as a national tragedy does not diminish the analogy.

We salve our consciences by telling ourselves that the settlers brought their suffering on themselves by refusing to cooperate with the Disengagement Authority (SELA) in advance of the withdrawal. That balm will not work. Nothing could replace what they lost. Moreover, the State Comptroller's special report on preparations for the disengagement details the government's woeful lack of preparation.

The Gush Katif settlements were not bedroom suburbs; they were faith communities of people animated by a shared vision and depth of commitment. The Gush Katif settlers, in Ari Shavit's words, "buil[t] a kind of model Zionism in the sand . . . [and maintained] on the dunes of Gaza beach a form of the lost Israel soul to which Israel itself is already foreign."

From the beginning, the settlers made clear to the government (through their legal representative the Legal Forum for the Land of Israel) that their primary concern was to remain together with the neighbors with whom they built their lives over nearly four decades. Yet the timeframe for withdrawal was far too short to allow for communal housing solutions, or to give the majority of settlers any chance of finding jobs after evacuation. The government preferred the simple path of handing out checks and sending the evacuees packing.

As of evacuation day, only 10% of the evacuees had permanent housing solutions, and even temporary housing solutions were in place for only 500 of the more than 1500 families. The rest were consigned to overcrowded hotel rooms lacking any marital privacy.

Rabbi Yosef Rimon, a communal rabbi in Alon Shvut and at Yeshivat Har Etzion, was shocked by what he found at one Jerusalem hotel on the eve of the evacuation. No provision had been made for laundry facilities; no lunch was to be offered; the level of kashrut was unacceptable to most of the families who would be arriving; and there were no activities for children. Only one SELA employee was assigned to the hotel, which was better than many, according to the State Comptroller's report.

Not only did evacuees have to endure bus rides of up to ten hours, after the trauma of watching their communities destroyed, but many families had to wait six hours for a room after they finally arrived at their new "homes."

Had hundreds of volunteers from Alon Shvut not given up their summer vacations to assist at the hotel, the situation would have been catastrophic. That situation was repeated at nearly every hotel: Volunteers - primarily from the national religious community - offered activities for children, did the evacuees' laundry, and offered the counseling services the government failed to provide.

The hardships of the first days, however, soon paled in comparison to the months of sitting around that followed. The Gush Katif settlers were among the hardest working people in Israel. The tiny settlement bloc produced 6% of the world's potatoes, and 12-15% of Israel's total agricultural output.

Nothing in the Gush Katif farmers' dawn to dusk day prepared them for months of inactivity. Healthy marriages have broken up in the overcrowded conditions, as formerly productive breadwinners lose their self-respect and debts pile up. Children used to running free over large expanses have gone stir crazy in confinement and stopped going to school. Again, the primary initiative to find jobs for the evacuees has come not from the government but from private volunteers. Perhaps the most significant effort has been JobKatif, run by Rabbi Rimon. The organization has located jobs for 300 evacuees, provided monetary grants to those formerly self-employed to allow them to open stores, paid for retraining courses, and is investigating large-scale employment projects. One hundred volunteers interviewed all those still unemployed, and maintain daily contact to discuss job possibilities, training courses, and

provide needed personal support. The JobKatif website links employers and those seeking jobs, and maintains a large data base of employment openings.

The outpouring of volunteer spirit on behalf of the evacuees is inspiring. But the task of finding jobs for the evacuees should not rest primarily on the shoulders of volunteers. The government decided that destroying the Gush Katif communities was a national imperative, and it is for the government to minimize the impact on those expelled from their homes.

Doing so is not only right; it is wise. Israel cannot afford to further alienate its most idealistic elements – those who comprise a disproportionate share of the IDF junior officer corps and the last bastions of the original Zionist ethos.

If the soil bound Israelis of Gush Katif, and all those who share their values, continue to feel that the "digital Israelis of Tel Aviv would throw them out like an object no one wants" (Shavit's words again), we will have one more proof of the loss of concern for one another in today's Israel.

**Please address all comments and requests to
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