

# למען תספר

**A Journal of *Divrei Torah*  
in honor of Pesach 5779**

*Compiled by the Members of the*



***Bais Medrash  
of Ranchleigh***





A project of the  
**Zichron Yaakov Eliyahu Fund**  
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# לפען תספר

I am grateful to have the privilege of sponsoring this year's collection of *Divrei Torah* to enhance your Yom Tov and Seder table. I look forward to the inspiration gleaned from the worthy contributors to this Sefer - *Kol HaKavod* to Rabbi Naiman for his leadership and for spearheading this worthy project. I would like to dedicate this Sefer to both Rabbi Naiman and to my dear *mechutanim*, Moshe and Lisa Rock.

In *parshas Pekudei*, the phrase, "*Ka'Asher tzivah Hashem es Moshe*," repeats itself at least eighteen times in relation to the building of the components of the Mishkan. Rav Ruderman *zt"l* comments that we can infer from this that the goal was not merely the final product but that each element, each component, deserves focus and emphasis. If the Mishkan was to serve as a resting place for the *Shechinah*, it was not enough to build an edifice. Rather, every component therein required the holiness and emphasis if the result would indeed become a holy Mishkan. The *prat* and details are very much what builds the result.

The goal of the Seder then is not simply to get to the end before falling asleep or to get from page 1 in the Hagadah through the singing of *Chad Gadya*. The focus needs to be on each of the fifteen holy steps of the Seder. The *kadesh*, the *ur'chatz*, the *karpas* and *yachatz* etc. each deserves uncompromising focus and investment of understanding, "*Ka'asher tzivah Hashem es Moshe*," so that the result can truly be *nirtzah*, that our Seder is beloved by Hashem and impactful to those around our table.

Not only is each "Seder step" critical to the goal, but each family member and guests as well contribute to the ultimate experience of the Seder. Often during the Seder, there are references that note the contribution of the individuals—the young and old, the wise and those still learning, the righteous and the growing. All become an important "*prat*," essential contributors, to the attainment of a successful Seder experience.

May we all merit to enjoy much *nachas* at our Seder tables, joyously singing Hallel with our children and grandchildren, the *prat* joining the *klal*, and may we soon celebrate our Seder in Yerushalayim!

Wishing you a *Chag Kasher V'samei'ach*,

*Moshe and Sara Lea Dear*





## Preface

You hold in your hands yet another Pesach *kuntress*, the work of the members of our *chashuveh kehillah*, *bs”d*. This has been a special year for us, completing extensive renovations to our *Beis HaMikdash Me’at* and celebrating the 20<sup>th</sup> anniversary of our founding.

I am honored that my esteemed colleague in the ArtScroll “Kollet,” Rav Yoav Elan, again agreed to share his expertise about Bais HaMikdash themes with a piece from his upcoming *sefer*, *The Original Second Temple*, due to be published later this year (p. 6). Two important members of our morning Kollet now completing its tenth year, R’ Pinchas Mandel and R’ Eliezer Shames, contributed their *Divrei Torah* (pp. 68 and 105). Also featured is a chapter from a work being composed by Rabbi Shmuel Chaim Naiman on *Capital Punishment in Judaism* (p. 125). You will find an excellent *dvar Torah* by one of the outstanding *bachurim* of our Beis HaMidrash, Benyamin Vurgafman (p. 70). We have included a brilliant composition by R’ Yaakov Grossman on the deeper meaning of Shavuot (p. 137). And we have collected the various *shul minhagim* from our weekly newsletter as a first draft of an official record of the Minhagim of Bais Medrash of Ranchleigh (p. 115).

We once again have a section of *divrei Torah* given by my *bachurim* at their Bar Mitzvah, printed in alphabetical order (p. 165). And we unfortunately have included a section of memorials for special people who are no longer with us (p. 182). The first, the Kohen whose family has been in my family’s life since we were children, Reb Naftali Raczkowski, *a”h*. We miss the dignity his presence gave our shul during Yomim Tovim when he would daven with us. The second, Rabbi Meir Zlotowitz, *z”l*, who I was *zocheh* to work with for almost thirty years as part of the team that produced the Schottenstein editions of *Bavli* and *Yerushalmi*. And lastly, my high school principal who helped guide us in turbulent times, HaRav Yoel Feldman, *z”l*, with a *hesped* written by his daughter, Mrs. Aviva Orlian, which conveys a profound message for us.

This year's Hebrew section highlights *divrei Torah* from two *marbitzei Torah* of our Beis HaMidrash. The first is the *Maggid Shiur* of our weekly *Yerushalmi Shiur*, HaRav Ori Millrod, *shlita*, who contributed a chapter from his upcoming *sefer*, *Ohr Moshe*. The second is our long-time *Maggid Shiur* of our weekday morning Seder, HaRav Elya Caplan, *shlita*, who has completed many *mesechtos* over the years, and who this year began a popular monthly shiur for women based on the *Re'eh Emunah* by HaRav Moshe Shapira, *z"l*. And this section also aptly features a *maftei'ach* of HaRav Moshe's *sefer*.

Our annual final word about the *divrei Torah* in this *kuntress*. The goal was not to create an original *chidush*, although there are many here. The assignment was to pick a *dvar Torah* that resonated in one's mind and heart, which he felt was worth sharing with his fellow members of the *tzibbur*. You, the reader, will therefore find a diverse selection of topics, but all written from the heart, each composed with the conviction that his words are worth writing and sharing with others.

I will close with a thank you to the members of the *maareches* who were indispensable in producing this work: R' Chaim Sugar, R' Moshe Rock, and R' Roman Kimelfeld. Thank you to R' Avi Dear for producing another beautiful cover this year. Thanks also to the generous sponsors who made the printing possible. And very special thanks to Rabbi and Mrs. Moshe Dear and family for sponsoring the *kuntress* name again this year; may it be a *zechus* for their entire family.

A final thank you is due to my *eishess chayil*, the *Rebbetzin*, who allowed me to spend time away from my family duties to work on this *kuntress*.

Each year I express the wish that we be *zocheh* to produce another *kuntress* next year, in Eretz Yisrael, with the coming of the *Mashiach*. We have produced another *kuntress*, but sadly we are still in *galus* as of this writing. May we be speedily redeemed with the *geulah sheleimah*, במהרה בימינו אמן.

Abba Zvi Naiman  
Adar HaSheni 5779

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<sup>1</sup> See also *Three Hidden Lessons*, page 14.

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## Rosh Chodesh

Irvin Naiman

After many years of hearing the *parshah* of *Bo*, I was wondering why the idea of Rosh Chodesh is inserted within the *makkos*.

It is cited that over the many years of oppression the Jewish people were forbidden to observe Shabbos, *bris milah* and marking the beginning of a new month. A bit odd, that Rosh Chodesh should be considered as important and Shabbos and *bris milah*. It is also brought down that blessing of the New Moon is a time of renewal and all should recognize how Hashem is part of everything that we do; that he controls the mundane as well as the amazing. Everything happens for a reason and although we may not understand it at the time, all is meant for good. That being said, the idea of *kiddush levanah*, or Rosh Chodesh, is a reminder that although we may think that nature happens on its own, it really does not. A much higher force is at play on a second by second basis. So why does the mitzvah of Rosh Chodesh fall within the *makkos*?

I believe part of this is that we should not forget. It happens so often, at least to me, as to why all the repetition? We hear or say the same *parshahs* year after year, Shabbos, Yom Tov, the telling of *Yetzias Mitzrayim*, and the list goes on and on. Is it that we need to be reminded consistently or is there some other reason for all the repetition?

We know that Hashem rules the world. We are human and perhaps we may not take note of this on a continuous basis. We get wrapped up with family, business, life, etc. However, we have something that keeps us grounded and reminded that there is a G-d. I believe that *something* is in fact the repetition. Perhaps, that is an incorrect word to use. Instead of *repetition*, a better word may be *endearment*. Why does Hashem want us to keep performing the same mitzvos day after day? Is it just for Him or is it to make us better and striving to do more mitzvos and to learn more and perhaps be better people? It is sort of a win-win situation. We are here to

serve Hashem to our best abilities, and he is here to help us towards that mission.

Since this *kuntress* is geared to Pesach, I feel it is appropriate to address the above to Pesach, although, it may be able to pertain to all walks of life. We are told to tell our children of the miracles and all that happened as we left Egypt. Every year we do the same. Families come together, we invite others who are alone to join in the Pesach Seder. We do the same the following year and so on.

When I was little, I could not wait for Pesach. My grandparents would be with us and other relatives would stop by and we stayed up late and would hear a bit about the Hagadah. As I got older, I learned to appreciate the story of the Hagadah and what family meant when we are together and participating, and something I did with my children and now they with their children. So this is not really about repetition, although it seems that way. For me, it is really about renewal. Each Yom Tov brings about something new or at least something nice to look forward to. The mitzvah of *kibud av v'eim* and *kibud Hashem* along with all the other mitzvos that we do, many, without even knowing it.

Rosh Chodesh is a time of renewal. Reminding us that Hashem is here for us and has created a wonderful *Olam HaZeh* for all of us. It is a time to reflect and remind us that Hashem is here for us just as he makes the moon rise and set. The telling of the Hagadah is quite similar. We prepare and prepare some more, for Yom Tov and when it is here, we reflect not just on the people who left Mitzrayim but all the generations who either left or came somewhere to make a difference in Hashem's world. Not repetition but renewal and endearment to Hashem for giving us something that we can have and hold onto year after year, month after month, day after day and second after second.

## Nissan: The First Month

**Daniel Menchel**

הַחֹדֶשׁ הַזֶּה לָכֶם רִאשׁ חֳדָשִׁים, *This month shall be for you the beginning of the months (Shemos 12:2).*

R' Moshe Feinstein in his sefer, *Darash Moshe*, notes that *Rashi* says this *pasuk* teaches us that Nissan is to be the first month in the order in which months are counted and, accordingly, all the others are to be counted after it: Iyar is the second month, Sivan the third, and so on.

The reason for this requirement is simple. For Jews, it is not enough to believe merely that Hashem created the world, for which Shabbos is our sign and our everlasting covenant. We must also believe, concurrently, that Hashem still continues to be the Creator and the Ruler over everything that happens to any human or animal. This is the lesson of the plagues and *Yetzias Mitzrayim*. This is why Nissan, the month in which *Yetzias Mitzrayim* occurred, was chosen to be the first of the months, as a sign of Hashem's ongoing rulership over all people and events.

It is still unclear, R' Moshe asks, why Nissan was chosen to be the first month, since neither of the world's two great beginnings: the Creation and the giving of the Torah, took place in that month. If anything, Nissan marked only the start of the preparations for *Kabbalas HaTorah* at Har Sinai. Nonetheless, he says that without the preparation that took place in Nissan, it would have been impossible to receive the Torah, and without the Torah, then all of Creation would have been purposeless.

With preparation, however, *anyone* (his emphasis) can accept the Torah and make it part of himself. Therefore, the month in which the main preparation for receiving the Torah occurred was chosen to be the first in the count of months.

## ***Yashar* in the Eyes of Hashem**

**Reuven Kaplan**

Before leaving Mitzrayim, Hashem gave Klal Yisrael their first mitzvah: Rosh Chodesh, the new moon. There is a famous *Rashi* on first *pasuk* of the Torah (*Bereishis* 1:1) that quotes Rabbi Yitzchak's question of why the Torah starts with the creation of the world rather than directly with the first mitzvah of Rosh Chodesh. The Torah is not meant to be a history book, but rather as a source of mitzvos, utilized by man as a guide for proper way of life. The answer that *Rashi* provides is that in the future when the other nations accuse the Jewish people of stealing the land from its original inhabitants, we can reply by saying that the whole world was created by Hashem and He gives it to whom He sees fit, to those who are *yashar be'einav*, just in His eyes.

*Nesivos Shalom* states that while *Rashi's* comments answer the question of why the Torah starts with and mentions the creation of the world, they do not explain the purpose of other *parshios* that are between *Bereishis* and *parshas Bo*. If *Bereishis* serves as a testimony of Hashem being the Creator of the world and thus having the power to run it at His will, what is then the purpose of the *parshios* after *Bereishis* and before the mitzvah of Rosh Chodesh?

*Nesivos Shalom* points out that while there is a big emphasis by Chazal on development of proper *middos*, none of the 613 mitzvos directly dictate one to be a person possessing and expressing good *middos*. Since all the necessary knowledge comes from the perfect Torah, how does one learn and develop proper *middos*? This knowledge of proper *middos*, suggests *Nesivos Shalom*, is revealed to us through the actions of our *Avos* in sefer *Bereishis*, which Chazal also refer to as *Sefer HaYashar*, the Book of the Just. It is through the *parshios* in the book of *Bereishis* that we learn about our *Avos* and their lives, and focus on their actions as the model of our self-character refinement.



## Section I: Preparing for Pesach

In *Pirkei Avos* (*Perek* 4) we learn that “*kinah* (envy), *taavah* (desire), and *kavod* (pursuit of one's self honor) remove a person from this world”. *Nesivos Shalom* refers to these three traits as the principles of *middos ra'os*, rooted in physicality, which lead a person to self-destruction. We see examples of these traits in *Sefer Bereishis*. Due to his envy of Hashem's accepting his brother's offering and not his, Kayin killed Hevel. The immoral desires of the *Dor HaMabul* led to its destruction. The pursuit of self *kavod* caused the downfall of the generation during the *Dor Haflagah*.

It is the *Avos*, *hayesharim v'hakedoshim*, who through their actions of *middos tovos* are able to rectify the aforementioned events. Avraham's *chessed* was a *tikkun* for Kayin's *kinah*, Yitzchak's self-sacrifice at the *akeidah* was a *tikkun* for *Dor HaMabul's kavod*, and Yaakov's *emes ve'tiferes* was a *tikkun* for the immoral *taavah* of the *Dor HaMabul*. Together, the *Avos* were able to uplift the world and instill it with *kedushah*.

Looking back at *Rashi* quoted above, we can see that *Rashi* does give us a complete answer as to why we need all these *parshios* in the Torah between *Bereishis* and *Bo*. By learning proper *middos* from our *Avos*, we can become *yashar* in the eyes of Hashem and be worthy of being His chosen people, and the true inheritors of Eretz Yisrael.

## **SRO in the Azarah on Erev Pesach<sup>1</sup>**

**Rabbi Yoav Elan**

*Once upon a time, toward the end of the Second Temple era, King Agripas wanted to take a census of the Jewish people. He told the Kohen Gadol to keep track of how many Pesach offerings were brought that year in order to estimate the number of people. The Kohen Gadol collected one kidney from each offering, and at the end of the day they found that they had counted six hundred thousand pairs of kidneys (1.2 million in total), which was double the number of people who left Egypt. Even this was not an accurate estimate, because it did not count those who were tamei or who were far away from the Beis HaMikdash (and did not participate in the korban Pesach). Furthermore, this was only a count of the korbanos, not the people, for there was not a single korban that did not have at least ten people in the group that was going to eat it. They called that year the “Crowded Pesach” because there were so many people.*

*(summarized from Pesachim 64b)*

This Gemara indicates that on one particular year, over one million *korbanos* were processed in the *Beis HaMikdash* on *erev Pesach*. In this article I would like to examine how many people could reasonably fit in the *Azarah* at one time and how to reconcile the result with our Gemara.

The *Azarah* measured  $187 \times 135$  *amos* (*Middos* 5:1), which is equal to 25,245 square *amos*.<sup>2</sup> Not all of this space could be used for people and

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<sup>1</sup> Editor’s note: Rabbi Elan is one of my esteemed colleagues in the ArtScroll “Kollel,” and a popular lecturer on *Bais HaMikdash* themes. I invited him again this year to share his expertise with us. A version of this article was first published on the author’s blog [beishamikdashtopics.blogspot.com](http://beishamikdashtopics.blogspot.com), *Beis Hamikdash Topics*. His book, *The Original Second Temple*, is due to be published later this year.

<sup>2</sup> For the purposes of this discussion we may bypass the contemporary halachic debate over the number of inches or centimeters in an *amah*. As we will see below,

## Section I: Preparing for Pesach

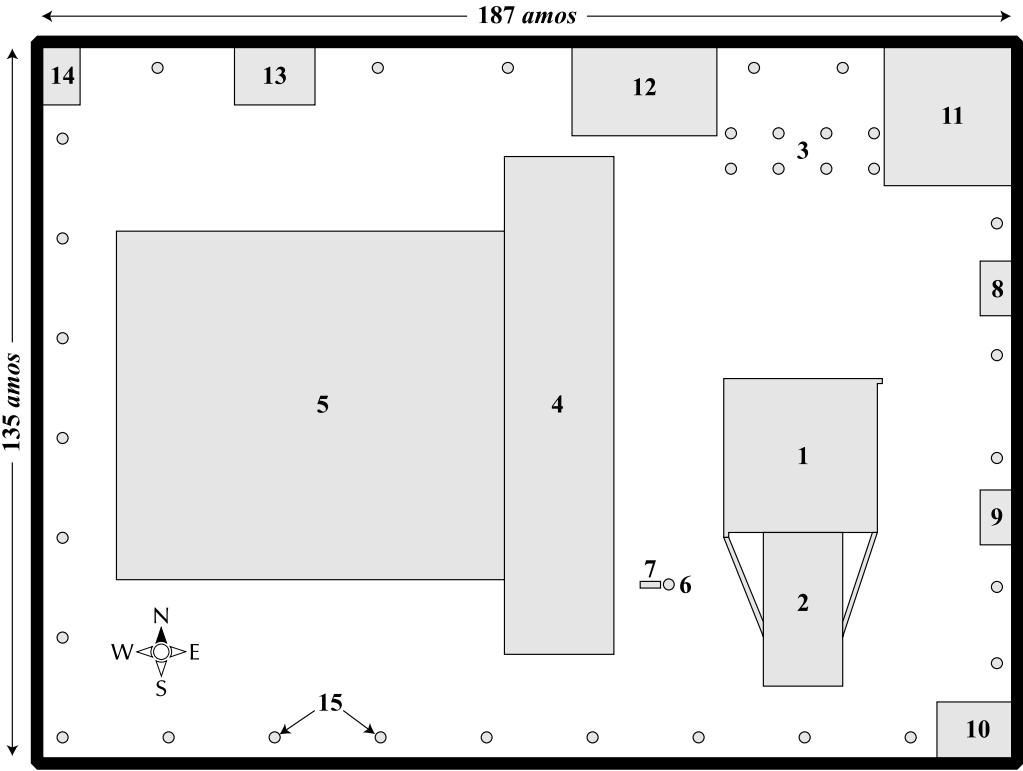
their offerings, though, because there were many chambers, objects, and other pieces of architecture located within the *Azarah*. These are listed here and shown on the diagram on the next page (many of the dimensions are not stated in the sources and have to be estimated):

- 1) The large, Outer *Mizbei'ach* where the *korbanos* were burned:  $32 \times 32$  *amos* = 1,024 square *amos*
- 2) The Ramp leading up to the *Mizbei'ach*:  $30 \times 16 = 480$  square *amos*
- 3) The eight short columns located to the north of the *Mizbei'ach* where the *korbanos* were skinned and cut into parts: approx.  $2 \times 2$  each = 32
- 4) The *Ulam*, or front chamber of the *Heichal* Building:  $100 \times 22 = 2,200$
- 5) The back of the *Heichal* Building, which included the *Kodesh*, the *Kodesh HaKodashim* and the small storage rooms (*tau'im*) built around the outside of the building on the north, south, and west:  $70 \times 78 = 5,460$
- 6) The *Kiyor*, the large copper utensil that held the water used by the Kohanim to sanctify their hands and feet prior to starting the *avodah*:  $1.5 \times 1.5 = 2.25$
- 7) The *Muchni*, a large wooden apparatus that raised and lowered the *Kiyor* from a hole in the floor of the *Azarah*: approx.  $1 \times 3 = 3$
- 8) Chamber of Pinchas where the *bigdei kehunah* were stored and the Kohanim were dressed before performing the *avodah*: approx.  $12 \times 5 = 70$
- 9) Chamber of *Chavitin*, where the *chavitin* (meal offerings) of the Kohen Gadol were prepared each day: approx.  $12 \times 5 = 70$
- 10) Chambers in the southeastern corner of the *Azarah*, including the Chamber of Salt (where salt was stored), Chamber of Parvah (where the hides of the *korbanos* were treated), and Chamber of Rinsers (where the innards of the *korbanos* were rinsed): approx.  $18 \times 7 = 126$

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the Talmudic sources tell us how many *amos* of space a person takes up, obviating the need for any conversion.

- 11) Chambers in the northeastern corner of the *Azarah*, including the Chamber of Hewn Stone (seat of the 71-member *Sanhedrin* court), Chamber of the Basin (where fresh water was stored), and Chamber of *Parhedrin* (housing for the Kohen Gadol for the week before Yom Kippur): approx.  $22 \times 23 = 506$
- 12) *Beis HaMoked* where the Kohanim would be quartered when they served in the *Beis HaMikdash*: approx.  $30 \times 13 = 390$
- 13) Chamber of *Paroches* where the large curtains of the *Heychal* Building were woven: approx.  $13 \times 8 = 104$



**Floorplan of the *Azarah***  
Labels correspond to numbering in the text

## Section I: Preparing for Pesach

- 14) Chamber of *Shekalim* where the half-*shekel* donations were stored:  
approx.  $5 \times 8 = 40$
- 15) Approximately 25 columns for the portico just inside of the *Azarah*  
walls: about  $2 \times 2$  *amos* each = 100

All of these combine to 10,607 square *amos*. Subtracting this number from the total size of the *Azarah* yields the amount of floor space, in square *amos*, available for people to stand:

$$\begin{array}{r} 25,245 \\ -10,607 \\ \hline 14,638 \end{array}$$

A person is one *amah* wide (*Succah* 8a) and a person's feet are half an *amah* long [which is why all of the steps in the *Beis HaMikdash* were half an *amah* long] (*Rosh* to *Middos* 2:3). A person therefore takes up  $1 \times \frac{1}{2} = 0.5$  square *amos* (assuming, of course, that their stomach does not extend past their feet!). This would mean that a maximum of 29,276 people could fit into the *Azarah* at one time.

Some of these people are the Kohanim doing the *avodah*. When the *Mishnah* wishes to use a large number it often picks 300 (see *Middos* 3:8), so for argument's sake let us assume that about 300 Kohanim could service the entire *Azarah*. This leaves room for about 29,000 people to stand.

Some of the space was also taken up by the animals. To make it simple, let us assume that a sheep takes up as much room as a person, so we must divide 29,000 in half. **If so, the total number of people with their *korban* that could fit into the *Azarah* at one time is 14,500.**

The *korban Pesach* was brought in three shifts. **Therefore, the grand total of Pesach *korbanos* that could be brought each year is 43,500.**

Admittedly, this is nowhere near the figure of one million mentioned in

the Gemara. But the truth is, even if the above approximation of the standing room in the *Azarah* is completely wrong, and that every square *amah* of space inside the *Azarah* walls could somehow be used (!), and that we do not count space taken up by Kohanim (!!), and that the people carried their *korbanos* on their heads so as to take up less space (!!!), that still only results in room for 50,490 people/*korbanos* at a time, or 151,470 in total after all three shifts. When the math fails us even after this *ad absurdum* calculation, the answer must lie elsewhere.

Of the ten levels of holiness with which Hashem imbued our physical world, all but the lowest few are located within the *Beis HaMikdash* (*Keilim* 1:6-9). It should come as no surprise that in such a holy place the usual laws of nature do not always apply, as evidenced by the fact that ten miracles occurred regularly in the *Beis HaMikdash* (*Pirkei Avos* 5:5). One of those ten miracles was that of עומדים צפופים ומשתחוים רוחים, *they would stand crowded together and bow down with room to spare*. This would happen when thousands of people gathered in the *Azarah* during the festivals, standing shoulder-to-shoulder to watch the *avodah*. When it was time to bow down (such as when the Kohen Gadol spoke the Name of Hashem during the Yom Kippur *avodah*), they found that not only was there was plenty of space to do so but that each person was distant enough from his neighbor that they did not hear each other's personal prayers (*Vayikra Rabbah* 10:9). This is a manifestation of the principle הַחֲזִיק מוֹעֵט אֶת הַמְרוּבָּה, *a small [space] held many [people]*, a phenomenon experienced by the Jewish people numerous times throughout their history (*ibid.*). In one such instance where this was quantified, we find that Moshe gathered 600,000 people within the confines of the *Mishkan*, an area that measured 100×50 *amos* (*ibid.*). If Hashem suspended the constraints of physical space to such an extent in the *Mishkan*, then He could certainly allow over one million *korbanos* to be processed in the *Beis HaMikdash* on *erev Pesach*.<sup>3</sup>

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<sup>3</sup> The miracle of fitting *Klal Yisrael* into the *Mishkan* is approximately twice as “great” — quantitatively — as the miracle of the *korbanos* on *erev Pesach*. The math is left as an exercise for the reader.

## Three Hidden Lessons

Jeffrey Silverberg

Our Torah contains much Jewish history and many, many laws. But in its essence, it is neither a history textbook nor a set of divine statutory requirements. Rather, it is a guide for a Jew's behavior, attitudes, and outlook on life, providing instruction on how to emulate Hashem as much as possible and to become as close to Him as we can.

Although we must always rely on Chazal (our rabbis) to reveal the finer points and hidden meanings, many of these lessons are stated simply and straightforwardly. *מה הוא רחום אף אתה רחום*, *Just as He is merciful, so must you be merciful*; *וְאֵנֶשֶׁי קֹדֶשׁ תִּהְיוּ לִי*, *Be holy people for Me*; and *קֹדָשִׁים תִּהְיוּ*, *You shall be holy*, are three examples. There are countless others.

The Torah also contains many not so plain directives, lessons that must be learned by contemplating events related in the Torah and digging deeper. The purpose of this essay is to examine a few of these events and suggest some of the ways to better ourselves that are hidden therein.

### I

Many years ago, I had the great privilege of studying *Sefer Shemos* at Yeshiva University under the guidance of Rabbi Binyamin Blech, who was the Rabbi of the Young Israel of Oceanside for many years. Rabbi Blech dove into the text with an enthusiasm that was contagious, and the depth of his shiur was remarkable.

His opening shiur addressed the question of why different books of the Chumash are necessary. What would be wrong with having one long book all the way from *Bereishis* to *Devarim* – and why is the break between *Sefer Bereishis* and *Sefer Shemos* placed after the death of Yaakov and his funeral?

He explained that *Sefer Bereishis* is the story of the first Jewish families and the rivalries between brothers. From Kayin and Hevel, to Shem, Cham, and Yefes, from Yitzchak and Yishmael, to Yaakov and Eisav, and on to Yosef and the *Shevatim*, each set of brothers was faced with profound differences. The Torah tells us the resolution of these conflicts. Kayin killed Hevel. Cham was cursed. Yishmael was sent away from his father. Yaakov fled the wrath of Eisav and maintained his distance after their initial encounter when he returned to Eretz Yisrael. Yosef's brothers threw him into a pit full of snakes and scorpions and then sold him into slavery with the expectation that he would disappear forever.

The *meforshim* do suggest that Yishmael did *teshuvah* before he died and one opinion holds that Eisav had sincere feelings of brotherhood toward Yaakov when they met. But let us put aside these explanations and concentrate on the plain text of the Torah.

These conflicts are all between brothers, members of the same family. Murder is obviously the most extreme method of settling a disagreement, and that's what Kayin chose in his dispute with Hevel. The cursing of Cham is also extreme, but nevertheless less harsh than being killed. The exile of Yishmael continues the progression towards more lenient solutions as does the fleeing (and subsequent return) of Yaakov.

Yosef's relationship with his brothers had the potential to be almost as bad as Hevel's with Kayin. He could have died in the pit and his life remained fraught with peril for the first thirteen years of his exile in Egypt, many of which he spent in prison. And who can imagine the court intrigues and risks of being viceroy in the government of ancient Egypt? His brothers struggled with their guilt and suspected Yosef of harboring a grudge for seventeen years after their reunion, going so far to invent a story about Yaakov instructing Yosef to forgive them after they returned from his burial. But what happened then? Yosef assured them that he had sincerely forgiven them, that he knew that everything that had happened was part of Hashem's plan, and that he had been sent ahead in order to provide food



at the time of famine. The *Sefer* ends with the brothers at last at peace and with a full brotherly relationship.

Rabbi Blech suggested that *Bereishis* is the story of the development of the first *families* of the Jewish people. *Shemos* is the story of the development of the Jewish *nation*. A nation is a collection of families, and there can be no nation without families. Once the family of Yaakov Avinu was stabilized and at peace, once brothers had learned to get along with one another, then, and not until then, could the nation begin. Therefore, it is appropriate for one *sefer* to conclude and another to begin at that point.

## II

Yisro, the father-in-law of Moshe Rabbeinu, had seven names. One of them was “Yeser” meaning “additional” and *Rashi* writes that this name was given to him because a *parshah* of the Torah was added as a result of his actions.

Yisro saw Moshe judging the people from morning until night and was concerned. He told Moshe that this system was inefficient and unsustainable and that the people were ill-served. If nothing changed, Moshe would be worn out and the people inconvenienced.

These observations begin in *pasuk* 13 of chapter 18 in *Shemos* and continue through *pasuk* 20. *Pasuk* 21 begins with the words וְעַתָּה תִּרְאוּ, *and now you should see*, and for the next several *pesukim* Yisro makes suggestions about how to improve the situation. Pick good, honest men, he tells Moshe, men who are truthful and hate bribes, and appoint them as judges over smaller groups of people. Let them handle the smaller cases and reserve your services for bigger disputes and to those that the other judges cannot decide.

The *Chidushei HaRim* points out that *Rashi*’s comment about the extra *parshah* references *pasuk* 21 (וְעַתָּה תִּרְאוּ), rather than *pasuk* 13, which

begins the narrative of Moshe's judging process and would therefore seem to be a more appropriate reference. He has an answer. The first few *pesukim* contain criticism and an unfavorable critique of the process. Anyone can complain, says the *Chidushei Harim*, anyone can criticize. That is not noteworthy. It is only when Yisro offers a positive solution, a formula to better the method and improve lives that the *parshah* becomes truly significant. That is what *Rashi* indicates by citing that part of the text as the new *parshah* that was added through the merit of Yisro.

### III

There is a brilliant *talmid chacham* in Bnei Brak whose name is Rabbi Yonoson Shrager Domb, *shlita*. He gives a weekly shiur at Yeshivas Bais Meir and has collected those shiurim into a wonderful set of *sefarim*, eight to this point, entitled *L'ha-ir, L'hodos uL'haskil*. The very first piece in the very first volume deals with the concept of giving thanks to Hashem.

Rabbi Domb begins by bringing the *Rambam* from the first *perek* of *Hilchos Tefillah* (*halacha* 2), which establishes the mitzvah of daily *tefillah* (prayer). *Rambam* proceeds to set a framework: A person must begin with *shevach* (praise) to Hashem, then ask for his needs, and then end by again giving praise and thanks for all the good that Hashem has showered upon him. In other words, writes Rabbi Domb, prayer is not to be haphazard – there is an order to it. And part of that order is that after a person asks Hashem for his needs, he must thank Him for all that he has received.

A bit later in the *perek* (*halacha* 5) *Rambam* brings that Ezra and his *beis din* established the blessings of *Shemoneh Esrei* according to this order. The first three *berachos* are to consist of praise, the middle thirteen of requests, and the final three of thanks.

A quick peek at the siddur will confirm that the first three *berachos* are praise to Hashem and that the middle section consists of requests. But,

asks Rabbi Domb citing the *Avudraham*, what about the final section, the section that is to consist of thanks? Obviously the *berachah* of *Modim* is consistent with that specification. The other two, though, *Retzei* and *Sim Shalom* consist of requests for the rebuilding of the *Beis HaMikdash* (a theme of several of the middle *berachos* as well) and asks for peace. These are requests! He brings support from the *Seder Hayom* of Rabbi Moshe ben Machi who writes “After the order of praise and the thanks of the *berachah* of *Modim*, at that time of *eis ratzon* we pray before Him that His love for us will be constant and that He will grant us peace.” Rabbi Domb points out that it is clear from these words that only *Modim* is thanks and we return to requests with *sim shalom*. So what are this *berachah* and the *berachah* of *Retzei* doing in the section of giving thanks?

To answer this question Rabbi Domb cites the different reactions of Leah and Rachel to giving birth. Yehuda is born to Leah and her response is “*Hapa’am odeh es Hashem*” (This time I will thank Hashem) *al keyn karaah shemo Yehuda* (therefore she called his name Yehuda) ***vata’amod miledes (and she stopped from giving birth)***. Rachel’s reaction to giving birth is a bit different: *asaf Elokim es cherpasi* (Hashem has taken away my shame) *vatikra es shemo Yosef* (and she called his name Yosef) (saying) ***yosef Hashem li ben acher (May Hashem add to me another son)***. The *Rashbam* notes that Rachel knew that there was only one *shevet* left to be born and she was davening that she would be the one to bear him.

In fact, of course, Rachel’s prayer was answered. She merited to have another son. But why did Leah stop giving birth (although she resumed later)? After all, the Gemara (*Berachos* 7b) teaches us that from the time Hashem created the world until Leah gave birth to Yehuda no one had thanked Hashem. She *invented* the concept of thanking Hashem. That is high praise indeed! What is to be learned from this?

Rabbi Domb begins his answer by quoting the *Minchas Eliezer*: “I heard in the name of the *Chozeh MiLublin* that every time a person thanks Hashem for a particular matter he must immediately add ‘may Hashem

continue to assist me in the future.’ This is alluded to in the story of Leah, who thanks Hashem but does not ask for the future and consequently stops giving birth.”

Similarly, the *Tur* writes that Leah thanked Hashem for all of her portion but did not ask for more and was therefore held back. And the *ibn Ezra* suggests that Leah’s response implied that she needed nothing more from Hashem.

Contrast Rachel. She had suffered enormous pain by being barren for so many years, to the point that she wished for death if she remained childless. Her prayers are at last answered, she gives birth, her shame is removed. Her reaction: thank you Hashem, but please may I have another son.

It is clear, concludes Rabbi Domb, that any thank you given by a person to Hashem *must* include a further request. We are to be happy with our portion, but we also must recognize that Hashem is without limits, that He has both the infinite ability and the desire to bestow His blessings upon us. He wants us to ask for more. The ingredients of a thank you to Hashem are the thanks itself *and* requests for more. Our gratitude, however sincere and heartfelt, is not sufficiently expressed without both.

Here is an illustration from criminal law. Imagine that Tom hates Jerry. He burns with the desire to kill him. Tom buys a gun and obtains a permit to carry it publicly. He watches Jerry’s movements and he finds that every Tuesday afternoon Jerry sits on a certain bench in the park. One fine Tuesday Tom goes to the park and sees Jerry on the bench. No one is around. He walks past Jerry and shoots him. Shoots him a second time. Shoots him a third time. He drives to the top of a hill a short distance away and looks down at the park to see what happens.

To his surprise, there is no police activity. He sees a hearse arrive and take Jerry’s body away. Eventually Tom gathers that a few minutes before he

arrived, a bystander had discovered a motionless Jerry on the bench. Jerry had suffered a fatal heart attack and was dead before Tom got to the park to shoot him.

What crimes did Tom commit?

The answer is none. One cannot murder a person who is already dead. One cannot attempt to murder a person who is already dead. The victim being alive at the time the shots were fired is an *essential element* of these crimes. Intent is irrelevant if the intended victim has already become a corpse.

Similarly, asking for more is an *essential element* of thanking Hashem. “Thanks” is not thanks without it.

This is why the *berachos* of *Retzei* and *Sim Shalom* belong in the section of *Shemoneh Esrei* together with *Modim*. The section of thanks would not be complete without them.

Rabbi Domb cites further examples of this principle in *modim d’rabanan*, *birkas hagomel*, the *berachah* of *asher g’alanu* in the Hagadah, and in *Nishmas*. When one completes the study of a tractate of the Gemara or an order of the Mishnah he recites the *hadran* in which he not only gives thanks to Hashem for his efforts but also asks that he merit to study and finish other tractates in the future.

Rabbi Domb suggests that the prototype, the *binyan av*, of this concept is the famous *pasuk* that concludes *Hallel*. “*Hodu laShem ki tov, ki l’olam chasdo.*” (Give thanks to Hashem Who is good, whose kindness endures forever). Such is the way of thanks, he writes. Thank Hashem for all the good that we have received. And then immediately pray that His kindness will endure and always remain with us.<sup>1</sup>

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<sup>1</sup> Editor’s note: Many of us remember R’ Simcha Bluth, who davened with us before he was *zocheh* to move to Eretz Yisrael. He used to say the same thought from the previous section of *Hallel*. After thanking and praising Hashem for all

May we take all of these lessons to heart. May we build supportive and loving families that form the backbone of *Am Yisrael*. May we remember to always try to be constructive and helpful rather than critical. May we have many opportunities to thank Hashem for all the good that He does for us.

And may we always remember that Hashem wants to give us more, more than we can even imagine, if we only remember to ask.<sup>2</sup>

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the miracles, we say *אנה ה' הושיעה נא*, *Hashem, please save!* And then, *אנה ה' הצליחה*, *Hashem, please bring success!* Yes, after Hashem has saved us with His miracles, we need to ask him for further salvation and success.

<sup>2</sup> Editor's note: This thought-provoking article stimulated me to look further into this topic. I had thought that perhaps we say *רצא* before *מודים* because we cannot properly thank Hashem unless the *Shechinah* is in its proper place, in the Beis HaMikdash. I suggested this approach to HaRav Yaakov Hillel, *shlit"a*, on my recent trip to Eretz Yisrael, and he approved. Later, I saw a similar thought in the R' Hirsch Siddur. He looks at the *berachah* of *רצא*, not so much as a *prayer* for the return of the *avodah*, but as a form of *avodah* itself. The *Mashgiach*, HaRav Moshe Eisemann, *shlit"a*, also proves this in his sefer, *עיונים בתפילה*. The way HaRav Hirsch, *z"l*, puts it is that it would be a *chillul Hashem* for us to be thanking Hashem for something if we are not totally involved in serving Him (להודות לה' (בלי עבודת ה' בהתמסרות אינו אלא חילול השם). For further discussion on this topic, along with how *שים שלום* fits in, see HaRav Eisemann's *sefer* at length.

I later found that this topic is discussed much earlier by the *Radvaz* in his *Teshuvos* (8:15).

ושלא להניח הנייר חלק נביא דבריו בתשובה שם:  
נקראו כולן הודאה על שם ברכת הודאה שהיא עיקר, תדע שתקנו בה כריעה בראשה ובסופה. ולפי שהיא עיקר תקנו לה ברכה לפנייה ולאחריה כאשר עשו בקריאת שמע, כאילו היא ענין בפני עצמו. והברכה הראשונה היא שירצה וישמע לתפלתינו, והיא כללות מה שהתפללנו כבר, שהיא התפלה במקום הקרבנות, והברכה הראשונה כלל כל התפלה. ואחר כך נותן הודאה שהוא עיקר. ואחר כך מתפלל על השלום לפי שהוא צריך לתת שלום כעבד הנפטר מרבו (כברכות לד.), וחותרם בה שהוא כלי המחזיק את הכל. ולפי ששלשן סדר אחד נקראו הודאה וחשבינן להו כברכה אחת ואם טעה חוזר לראש דהיינו רצה.  
א"נ יש לומר כי הברכה של רצה יש בה הודאה, שהרי אומר "והשב העבודה לדביר ביתך ואשי ישראל ותפלתם מהרה באהבה תקבל רצון" כאלו כבר שב העבודה למקומה. ואנו מתפללין שיקבלנה ברצון, ותהי לרצון תמיד עבודת ישראל עמך. היש לך הודאה גדולה מזו.  
א"נ שאנו מתפללין על העבודה שהיה כהן גדול מברך על ההודאה כאשר כתוב בסדר עבודת י"ה. והראשון עיקר.

## Whom Hashem Brags About

by Moshe Rock <sup>1</sup>

After Moshe Rabbeinu followed Hashem's instructions and demanded of Pharaoh to let the Jewish People out of slavery, Pharaoh only made their workload much harder. So, Moshe went back to Hashem, advocating on behalf of the Jewish People. He said, לָמָּה הִרְעַתָּה לְעַם הַזֶּה, *Hashem, why did You do bad to this Nation by making their work load so much harder?*

In *parshas Va'eira*, Hashem replied to Moshe with words of rebuke. The pasuk says: וַיְדַבֵּר אֱלֹקִים אֶל מֹשֶׁה וַיֹּאמֶר אֵלָיו אֲנִי ה', *Hashem spoke to Moshe and gave him a message: I am Hashem.* What was that message that Hashem was giving over? Didn't Moshe already know who Hashem was?

The commentaries explain, the name *Elokim* refers to Hashem's attribute of justice and the name *Hashem* refers to His attribute of mercy. Hashem was telling Moshe, although it looks like there's *Elokim*, like there's דִּין, harsh judgements in the world, in actuality ה' אֲנִי ה', *I am Hashem.* This means that it's all mercy – even *Elokim* is רַחֲמִים, *mercy.*

The way that it appeared was that Hashem told Moshe that He's going to take the people out of Egypt and, instead, He just made their workload harder. But in actuality, that was the way Hashem was bringing them out. There was still a long way to go in slavery, but because they experienced this extra hardship, that took the place of all the extra years. In fact, the *Ohr HaChaim HaKadosh* writes that the extra workload lasted only one day. It must be that the fact that they thought the harsh slavery was going to continue was enough to fulfill their quota and have their slavery ended. It was all Hashem's compassion. So, Hashem told Moshe afterward, לָכֵן אָמַר לְבָנֵי יִשְׂרָאֵל אֲנִי ה', *I want you to go back to the people and give them this*

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<sup>1</sup> Adapted from Emunah Daily Jan. 4 2019 / 27 Teves 5779. Emunah Daily is a project of Yeshiva Ateres Shimon, Far Rockaway NY.

*message – that I am Hashem, I am all mercy, even what looks like the biggest hardship is, in essence, pure goodness.*

Hashem bragged to Moshe Rabbeinu about the אבות הקדושים, *our holy forefathers*, and how much He appreciated their not questioning Him when they were having hardships. Their trust was so precious. For a person going through a tough time and having so many reasons to ask questions on Hashem, but instead he says, "This must also be Hashem's mercy. I don't understand it, but I will trust in Him anyway" is extremely precious. The person will be rewarded each time he is able to have that *emunah* and, one day, he will see how it was truly merciful.

Sometimes people experience extremely painful situations and they're not able to immediately respond with this high level of *emunah*. But in those situations, if they would even just want to respond with *emunah*, that itself is so great.

A woman said she went through the most horrible experience, *lo aleinu*, watching her child in pain for months until he gave back his soul to Hashem. She always believed in Hashem and His love for us, but that experience made it so much harder for her. She spoke to a Rabbi about it, because she sincerely wanted to believe. She asked the Rabbi, "How could it be that Hashem is so merciful if He could put somebody through that kind of pain? We learn that Hashem loves a child more than a parent ever could, but a parent would not do that to a child, so how could Hashem do it?"

She said that the Rabbi spoke to her about how much compassion she had for her child. Then he told her that the fact that a human being is able to feel any type of compassion is only because Hashem gives them from His compassion, like it says in the *pasuk*: וְנָתַן לָךְ רַחֲמִים, *He will give you compassion*. We are created beings. We do not have anything of our own. The fact that we can feel any type of feeling is only because Hashem allows us to feel that way. So as much compassion and mercy that people



## Section II: *Galus Mitzrayim*

have, and there are people with a great deal of compassion, that is all just a small tinge of the endless compassion that Hashem has. He gives us a little of His own compassion so that we can experience the beauty of it, but we could never even begin to fathom how much compassion Hashem has.

When the woman heard those words from the Rabbi, she told him, "I never thought of that. I thank you for giving me that very useful piece of information. And now, I will be able to, *b'ezras Hashem*, go back to the *emunah* that I want to have."

There is nothing wrong with asking questions if the goal is to gain more *emunah*. There are a lot of difficulties for people to deal with, but if they are able to rise and trust in Hashem's mercy and compassion, they will become people that Hashem brags about and they will reach the highest levels.

## **Face Slapped**

### **Label Cooper**

In the liturgy of Hoshanah Rabbah (seventh day of Succos), there are seven *hoshanos* recited, each to accompany one of seven encirclements we perform around the perimeter of the shul. It's known that the willow service in the Temple from which it derives evokes a Kabbalistic-like sense and hidden meaning. It's hard to avoid the feeling on that day, during that service, that we're transcending into some lofty zone – holding the lulav, continuously circling, all while calling out in a reverent atmosphere a vast array of unusually cryptic expressions. Also, armed with the knowledge that our coming year supply of water (thus life) is linked to these prayers, the day naturally radiates a more cosmic expression of our Judaism, one that seems to connect us to higher spheres that are likely more accessible in those majestic moments, with their inner meaning closer to grasp.

Each of these seven *hoshanos* contain short phrases, an accumulated full Aleph-Bet acrostic. In itself, this suggests a spiritual breadth coded into the prayers of the day. These short mostly two-word expressions in some cases describe longing for worthiness (*lemaan chasdach*, *lemaan tuvach*, etc....). Another set of *hoshanos* reflect heartfelt calling that the coming year gives us protection from a multitude of unique plagues and blights associated to various grains and staples, for which we depend on Divine protection to the minutest level to keep us alive.

So let us take a look at our third *hoshanah* of that day. The feature of this list expresses a state of perpetual persecution, as if to say this reality never escapes being a central feature to our inheritance. Yet for each expression of persecution, the *hoshanos* also revert to endearing Heavenly calls that we are to remain steadfast and Holy. The words clearly express forever linking our fate to a commitment to remain connected with our Creator, even when our choice for a higher moral existence draws the attention and

ire of nations deeply unsympathetic or outright antagonistic to our goals. One such phrase is “considered like a sheep lead to the slaughter.” Whether this is a proof of our willingness to give our lives for G-d, or interpreted as a weakness that permits us to the enemy, this is not just a modern phrase, but a somehow a permanent state of our national being. “Sheep lead to the slaughter,” by being etched into the permanent prayer book reality, means it is a national defining characteristic; it never disappears, thus rendering it irrevocably linked with our destiny.

If each phrase is in fact another truth about our definition, we ought to look closer and reflect on how the Jew is being described. One particular phrase is *merutas lechi*, literally slapped in the face/cheek. As we return to this cycle every year, in every land and in every era, what is it supposed to mean? What does it say about us, is it good, is it bad, what purpose does it serve to know we are a Face-Slapped people?

Well, on its most basic level, the image of an adult being openly slapped in the face conjures up the picture we’ve seen of the Nazi soldier who brazenly shaves the beard of the Jew in public, if not something fiercely more demeaning, and the sense is that we are absolutely powerless to stop him. One would have to say this means to reflect a very personal vulnerability. And so indeed, ever consistent with the unfolding of Jewish history, sooner or later we find ourselves, or our community, or our Holy land, a constant target for belittling, very much reflective of a defined perpetual state of being modeled for the next open slap in the face. For if we are indeed a nation that aspires to a higher moral calling, one whose core belief requires the greatest human sensitivity to the feelings of all others, it places us naturally so often at odds with much of what surrounds us. Consider the core of Jewish family, the focus on caring, inner goodness, and delicate nurturing profiled as the quintessential Jewish home, aspects of elevated human quality forever being sought to nourish, we really are on a vulnerable path.

It is very interesting to note that just over a year ago a Palestinian teenage

girl openly slapped the face of an Israeli soldier. She gained amazing notoriety for this act and was heroically lauded among not only Palestinians, but even around the globe. But it all makes perfect sense, because it showed the pride and strength of a young Palestinian, especially a girl, who was able to muster up a decisively striking response against oppression to the never-ending humiliation by the belligerent Zionist Regime for their brutal occupation.

Now just consider any of the current day world conflicts where people must routinely face opposition soldiers all the time, Syria, Ukraine, Yemen, Somalia, Congo, etc.... What would happen if a young girl slapped a soldier? Would she live to tell the story? Would it even be a story? Would her entire people be able to openly write and boast about it?

Consider a given Jew on the street of today, assuming at least a minimal pride of their association with being Jewish, and the equation is very simple. Who among them would be likely to bear even the smallest doubt understanding why a Jewish soldier would greatly struggle to respond to this slap with harm or aggression? Even without the belief that a contrived nation seeks to evoke a wicked response from the vulnerable Jew to provide meat for drooling reporters. Rather, the subtle but deeply rooted vulnerability felt on our side is what truly evokes a naturally shared conscience on how to process this story. The (presumed) commonly shared response is reflective of an underlying built-in vulnerability, our essential definition as a delicate and sensitive nation (*am temimi*), and so the very act itself arguably unifies us as one (*me'ached*). (Perhaps it is curious to note that the Arab teen's name is Ahed Tamimi).

Lastly, there is a true story that occurred during the Holocaust, which seems to turn all the above suggestions upside down. But rather than dissect how it could have happened, perhaps it is a better suggestion to leave that for you to discuss at your Shabbos table. Here's the story, but it's yours to interpret:

This is a story about Karoly Karpati, a Jewish wrestler who had

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impressively attained notable Olympic stature before the Holocaust. By nature, this very feisty and proud athlete would not be one to allow another to belittle him in any form. Indeed, he was placed with a group of Jews on a painful and demeaning forced-labor duty, early in the war years, overseen by Nazi guards. His close friend, already anxiety stricken by the situation itself, was that much more riveted with fear knowing that his buddy Karoly would not be one to turn the other cheek, and thus the intensity of the threat was that much greater. On the very first day of the demeaning work duty, a Nazi guard in fact walked by Karoly, and in typical Nazi style whacked him with the butt of his rifle. Karoly immediately turned around, yanked the rifle and cracked it over his knee, then grabbed the Nazi with both hands, lifted him in the air, and cast him over the side of the bridge on which they stood, landing the Nazi into the stream below.

You and I know what happened after that..... No, change that..... you and I *think* we know what happened after that. Yes, the entire Jewish work crew began to cry and say the *Shema*. But in fact, that Nazi guard was pulled from the water by his superiors and promptly arrested, while Karoly was merely transferred on the spot to a different work camp. And he lived to tell the story!!!

## Predicting Redemption: Egypt, Babylon, Today

### Yehoshua Dixler

At the beginning of *Parshas Vayechi* (*Bereishis* 46:28), *Rashi* writes that Yaakov wanted to reveal the end of the exile, “the *keitz*,” to his sons, but it was hidden from him. Since Hashem already revealed the end to Avraham at the *bris bein habesarim*, what was the big secret? Must we assume that Avraham did not tell his grandson Yaakov about the 400-year duration of this exile that was revealed to him?

In fact, the exile in Egypt was only 210 years (*Rashi*, *Bereishis* 15:13), yet after the exile was done the Torah records the duration as 430 years (*Shemos* 12:40). While we could understand why Hashem would not want the end-date revealed through Yaakov to the Jews in Egypt, so they should daven, for example, why would the Torah hide the true duration after the exile is already over?

In *HaEmunos V’HaDeios* (8:3), R’ Saadyah Gaon (4642-4702, 882-942 C.E.) points out that hiding the *keitz* was not limited to our exile in Egypt, but also the *keitz* for our exile in Babylon after the first *churban* was hidden as well. From this pattern he learns an important lesson.

R’ Saadyah explains that the three different numbers presented as the *keitz* for the Egyptian exile (400, 430, 210) all refer to the same date. The 400 years counts from when Yitzchak was born, as he was a stranger in the land; adding the 30 years that Avraham was a stranger, after leaving his home and living in Charan, explains the 430 years. Both of these counts end on a date that is 210 years after Yaakov entered the Egyptian exile.

For the Babylonian exile there are two different durations mentioned for the *keitz*. The first is 52 years, as it’s written (*Yirmiyah*: 29:10), “According to the completion of 70 years for Bavel I will redeem you.” This count would put the redemption 52 years after the *churban*, since the kingdom of Bavel (king Nebuchadnetzar) began 18 years earlier. The

### Section III: *Geulas Mitzrayim*

second time mentioned is 70 years, as it is written (*Daniel 9:1*), *At the end of 70 years from the destruction of Yerushalayim*. R' Saadyah explains that both counts are actually referring to the same date. The 52 years refers to the year Koresh became king and granted permission to rebuild the Beis HaMikdash. They did in fact build that year, but then were paused for 17 years until the end of the 70-year count. Both prophecies of Yirmiyah for the *keitz* of the Babylonian exile refer to the same date, just like in the Egyptian exile.

According to R' Saadyah the *keitz* for the current exile has multiple dates as well. Hashem told Daniel three different end dates for our current exile, each counted from the time of Daniel's prophecy in the year 3390: 1150, 1290, and 1335. The latest of these would have been the year 4725, which was possible to occur during the lifetime of R' Saadyah who died in the year 4702 (see footnote 9 to *HaEmunos VeHaDeios* 8:3 for the calculation).

Why does Hashem communicate multiple dates for the end of our exiles? If knowing the end is detrimental, He shouldn't reveal a date at all! R' Saadyah explains that Hashem provided multiple end dates for previous exiles on purpose. Although three different counts are associated with the first redemption (400, 430, 210) and two counts are associated with the second redemption (52, 70), we must remember that all doubt was removed when the redemption finally occurred. He wants us to know that the uncertainty we feel during our current exile is nothing new and He promises that the redemption will happen.

Of course, the dates R' Saadyah gave for the end of our current exile have long passed. Knowing this was possible, R' Saadyah explains that if the predicted *keitz* has passed before we have repented, we cannot be redeemed because we were exiled due to our sins and we have remained sinners. If we were to be redeemed before repairing, through repentance, the damage caused by our sins, the exile would have accomplished nothing.

It's fascinating that *Rambam* (*Iggeres Teiman*, Mosad HaRav Kook edition, Chapter 3), while strongly disagreeing with R' Saadyah on the propriety of revealing a date, calling it an *issur d'oraisa*, strengthens the main point concerning the deliberate lack of clarity surrounding the date for redemption from Egypt. While Hashem promised the exile would only last 400 years, it's not clear at all when the counting of 400 years should begin. Some count from the time Yaakov entered Egypt; others count from Levi's death, which is the beginning of the slavery; and yet others count from the time the prophecy was told to Avraham at the *bris bein habesarim*. This last opinion led to a great tragedy when the tribe of Ephraim attempted to leave 400 years after the *bris*. They were subsequently slaughtered, having left before the requisite redeemer, Moshe, arrived on the scene thirty years later.

It appears we don't *pasken* like the *Rambam*, since great Rabbanim have continued to attempt to determine the end of our exile. The *Ramban* (*Sefer HaGeulah* §4) suggests that the concern about revealing the time for the *geulah* applied in former times when the calculation could have yielded a date far in the future, which would have been discouraging to hear. But since we have been exiled for so long, our calculations of a *geulah* not so far in the future can provide us inspiration to repent and give use hope for the future. While we have suffered many tragedies and lost many of our brethren to assimilation during this long exile, we will continue to pray and, like R' Saadyah, even expect Mashiach to arrive soon in our days.



## Pharaoh's Heart

Yirmiyahu Lauer

An interesting part of the story of *yetzias Mitzrayim* is the relationship between Hashem and Pharaoh. Although Hashem never actually spoke to Pharaoh, it seems like Pharaoh thought he could simply spar with Hashem and stubbornly refuse to listen. It was as if he thought they were both on the same level. Obviously, the cards are completely stacked against Pharaoh, for not only can Hashem turn all their water into blood, but Hashem can play havoc with all of nature and its rules. Pharaoh does not stand a chance.

Of course, the ultimate manipulation is where Hashem controls Pharaoh's heart. At each of the ten plagues the *pasuk* always explains how Pharaoh's heart was hardened. At this juncture we understand how futile a battle with the Master of the world really is. If Hashem can seemingly make you choose what He wants instead of what you want, then what chance can Pharaoh think he has? Nevertheless, this begs the often-asked question which I'd like to address: How can Hashem punish Pharaoh for not giving in if he wasn't even acting on his own volition? How can Hashem punish him for something he could not choose?

The premise of this question is that freedom of choice, *bechirah*, is central to Jewish philosophy. This assumption, that we possess the ability to have *bechirah*, is the cornerstone of normative Judaism. The *Rambam* explains that life without this freedom would be pretty pointless and meaningless. If man were simply programmed to perform various actions, he would have no responsibility for those actions, and life itself would be futile at best. We would be no different than an animal or an angel who are stuck in their current level and have no chance or possibility of growth. We, on the other hand, can overcome our natural human desires to choose contrary to what we should, and thereby become better from it. Therefore, how can Pharaoh be stripped of this basic human function?

This is actually a very old question that is already brought in the *Midrash Rabbah*. Rabbi Yochanan asked this same question and Reish Lakish replied as follows:

Let the mouths of the heretics be stopped up ... when Hashem warns a man once, twice, and even a third time, and he still does not repent, then Hashem closes his heart against repentance so that He should exact vengeance from him for his sins. Thus it was with the wicked Pharaoh. Since Hashem sent five times to him and he took no notice, Hashem then said: “You have stiffened your neck and hardened your heart; well, I will add to your uncleanness.”

According to Reish Lakish's response, the hardening of Pharaoh's heart was not merely the catalyst that would lead him to a future punishment, but was actually the punishment itself. The punishment Pharaoh actually receives is quite exact, measure for measure. Just as Pharaoh had closed his heart and ignored Hashem, now Pharaoh was punished by losing the sensitivity of his heart, which he had hardened himself. This would actually work out well in answering our question. Pharaoh wasn't being denied free will. This was his punishment for already refusing to listen and hardening his own heart.

The Midrash quoted speaks of five occasions when Pharaoh did not heed Hashem. An analysis of the *pesukim* shows that Hashem did not harden the heart of Pharaoh during the first five plagues. Amazingly, quite the opposite happened. It is Pharaoh who hardens his own heart and ignores the might of Hashem. Only by the sixth plague does the *pasuk* say that Hashem actually hardened Pharaoh's heart. Until then it wasn't Hashem, but it was Pharaoh himself. So, the hardening of his heart by Hashem in the last five plagues was a punishment for Pharaoh hardening his own heart until then. And coupled with the harsh bitter slavery which the Jews were subjected to all these years, provides ample justification for the treatment given to the land of Mitzrayim.

### Section III: *Geulas Mitzrayim*

The problem is there is another *Midrash Rabbah* that seems to have a subtle difference. It says:

I will harden his heart...to exact retribution from them.

This clearly indicates that the hardening of his heart was not *the* punishment but *in order* to punish. Pharaoh's heart was hardened so he would say no in order that the future punishments can happen. Therefore, we are back to our original question: What happened to Pharaoh's free will? How can he be punished for something he couldn't control?

I think the answer is actually quite simple and teaches us a great lesson regarding the essence of free will. Had Pharaoh suffered through the harshness of the plagues without Hashem hardening Pharaoh's heart and manipulating his ability to choose, it is hard to imagine Pharaoh not giving in to the strain they all endured after witnessing the awesome power of Hashem.

Therefore, it was the plagues that took away, or at least limited, the free choice of Pharaoh. Surely a beaten Pharaoh would not have the freedom to make a rational decision regarding belief in Hashem. In order to allow Pharaoh the freedom of choice to either accept or reject Hashem, his heart had to be hardened. By doing so it would effectively restore the equilibrium to Pharaoh's impaired, plague-ridden decision-making process. The hardening of his heart by Hashem was not a way of denying his free will but in fact it let him have his free will without any outside situation being able to taint it.

Now that we understand how free will really works, we could also understand many other seemingly problematic stories. The Jews who stood at Har Sinai experienced an unprecedented encounter with the King of the world in a display that was more supernatural and mind-numbing than we could ever imagine. They actually heard Hashem speak to them.

Yet, it is almost unbelievable that just forty days after this event, the nation is worshipping an idol. How is that possible?

By understanding our explanation of the free-will dilemma with Pharaoh, we can better understand how the Jews could have done such an unspeakable act considering the awe-inspiring experience they had just gone through. After witnessing what they saw at Har Sinai, the Jews lost a certain degree of free choice. They were no longer people who had a choice of which way to turn. Belief in Hashem was now so clear and palpable that there was no choice and their free will was of much lesser value and significance.

The very same revelation that brings a person closer to Hashem, at the same time limits individual free will, making the actions of the individual almost meaningless. Hashem reestablished the equilibrium in His relationship with man by imbedding in the nature of man the desire to rebel. This is the key to the Golden Calf problem.

In general, this same problem existed all throughout the age of prophecy. When people heard direct communication from Hashem, their free will was understandably affected. There was no more a belief in Hashem. It was a forgone conclusion. It was something that was tangible and undeniable and because of this there was a lack of growth in deciding to believe in Hashem because it was so obvious. Therefore, throughout the age of prophecy there existed a powerful urge to worship idols. Only during the time of the *Bayis Sheni*, when prophecy stopped, did the urge for idolatry disappear.

There is a concept in Judaism which teaches that every miracle done by Hashem is purposely done in such a way which will leave at least a little room for denial. There will always be some way for any skeptic to rationalize the miracle and to be able to choose to deny it. By the splitting of the Yam Suf the *pasuk* says there was an east wind that blew all night. This was in order to split the sea, but the obvious question is why the wind?

Hashem could have done it without the wind. The reason was to leave that little window of choice open so people could say it was just the wind that did it; it wasn't supernatural. As long as there is an explanation, as far-fetched as it might be, that is possible to latch on to, there is still free will.

Now we understand from Pharaoh that without this element of free will still open, something else will have to give. There will have to be something else to counterbalance the fact that we have lost our ability to objectively choose and it frankly might not be worth it.

Many of us are always asking for some sort of a revelation, craving the simple, non-intermediate relationship with Hashem that such revelation would ensure. We forget that any revelation of this sort carries a heavy price tag, rendering subsequent belief almost meaningless unless accompanied by a counterbalancing temptation.

We believe that freedom of choice is an unalienable right and an absolutely necessary part of life, without which we would have no purpose because we would not be able to grow. We forget that, at times, this right may be forfeited, as part of a punishment or as part of a larger scheme. The Torah reminds us of this with the lesson of Pharaoh.

## The *Rechush Gadol*: Establishing our *Emunah* Dani Zuckerbrod <sup>1</sup>

The *pasuk* says (*Shemos* 11:2): דָּבַר נָא בְּאָזְנֵי הָעָם וְיִשְׁאַלּוּ אִישׁ מֵאֵת רֵעֵהוּ וְאִשָּׁה מֵאֵת רֵעִיהָ כֶּסֶף וְזָהָב *Speak, please, in the ears of the people, Let each man request of his fellow and each woman from her fellow silver vessels and gold vessels.*

The Gemara explains (*Berachos* 9a): *The word “na” in this context is nothing other than a term of appeal.* Hashem begged Moshe to tell the *Bnei Yisrael* to ask the Mitzrim for their gold and silver vessels so that Avraham Avinu should not say that Hashem carried out with them the first part of the *pasuk* in the *bris bein habesarim* (*Bereshis* 15:14): *They will enslave them and they will afflict them*, but He did not keep the second part of his promise: *and afterwards they will depart with great possession, “berechus gadol.”*

The Gemara continues and R’ Ami says that they borrowed the vessels “against their will.” According to one opinion, this means that it was against the will of the *Bnei Yisrael*. They weren’t interested in carrying the gold and silver out of Mitzrayim. It was quite the burden.

The *Gra* in his *chiddushim* to *Berachos* asks why Hashem needed to fulfill his promise because he didn’t want Avraham Avinu claiming anything against him? If Hashem promised it, then he would have to fulfill it regardless of what Avraham Avinu says? The *Gra* answers that we know (*Mechilta Bo* 12:36 and *Shir HaShirim Rabbah* 1:11) that the spoils at the Yam Suf were greater than those of Mitzrayim. These spoils would have been enough to fulfill the promise of going out with *rechush gadol*. However, Hashem didn’t want Avraham Avinu to claim that when they

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<sup>1</sup> This *Dvar Torah* is largely based on a piece in R’ Shlomo Brevda’s *Sefer Leil Shimurim*. It has been a favorite of mine for many years.

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were actually leaving Mitzrayim they didn't have the *rechush gadol*. This also fits nicely with the explanation that *Bnei Yisrael* didn't want to carry all of the gold and silver out of Mitzrayim. The Mitzrim were going to bring all of their gold to the Yam Suf and the Bnei Yisrael would get it there. Why bother carrying it out when the Mitzrim will do it for you?

But we can ask that if Hashem had indeed intended to fulfill the promise of the *rechush gadol* at the Yam Suf, why was Hashem concerned that Avraham Avinu would claim that he wasn't fulfilling his promise? Avraham's claim would be in error or at least frivolous.

In truth, the Midrashim surrounding the story of *Yetzias Mitzrayim* have a number of similar episodes. Somebody might have a farfetched claim, so Hashem went out of His way to address it. The first example of this is Moshe Rabbeinu's change of Hashem's word during the warning for *makkas bechoros*. Hashem told Moshe that he was going to strike the Egyptian firstborns בַּחצוֹת, "at" midnight. But Moshe told Pharaoh that the *makkah* was going to occur כְּחֻצוֹת, "around" midnight. Rashi explains that Moshe was worried that Pharaoh's magicians would have a slightly different midnight and call Moshe a liar for saying that *makkas bechoros* was going to be at midnight. When you take a step back, you realize how ridiculous this claim is. We know from Chazal that every *bechor* in all of Mitzrayim, whether he was a *bechor* from the father or the mother, and also the oldest in the house, died. If it happened a few minutes after the promised time, would you say that Moshe is a liar? This tremendous *makkah* came to Mitzrayim, and the magicians were going to deny it was from Hashem?

Hashem also killed the first-born animals (*Mechilta* 12:29) and first-born captives (*Rashi pasuk* 5) from other countries who found themselves in Mitzrayim during the time of *Yetzias Mitzrayim*. This was all in an effort to prevent claims that someone other than Hashem was responsible for *makkas bechoros*. After the nine *makkos* predicted by Moshe, would anyone have really thought that this *makkah* came from somewhere else?

Again, at *Kerias Yam Suf* Hashem went out of His way to perform a miracle to prevent some far-fetched claim against Him. *Rashi* says that the Yam spit out the *Mitzrim*'s dead bodies on the other side of the Yam so that Klal Yisrael would see them. He did this so that Klal Yisrael shouldn't say that just like they escaped through the Yam, maybe the *Mitzrim* did as well and are now on the other side of the Yam. Would Hashem save Klal Yisrael with all of the miracles involved in *Kerias Yam Suf* and allow the *Mitzrim* to live and continue to chase them?

The persisting question is why does it seem that Hashem was concerned about addressing all the seemingly small, outlandish claims throughout the exodus story?

The Gemara in *Avodah Zarah* (54b) recounts a conversation between the philosophers in Rome and the *Chachamim*. The philosophers asked if Hashem dislikes *avodah zarah* why doesn't he just remove it from this world? The *Chachamim* responded that their question was valid, but only on things the world does not need to survive (idols of wood, stone, etc.). But those *avodah zaros* that are things that the world does need (the sun, moon, etc.) would Hashem ruin the world just because of the *shotim*, the fools, who serve them? Rather, *olam keminhago noheig*, the world works within nature, and Hashem does not veer it off course because of the *shotim* in this world. These *shotim* will have to deal with the *din v'cheshbon* in the future for their sins. The same is true for a robber who steals seeds and plants them in his field. By rights, Hashem should not allow the seeds to grow and the robber to benefit from his sin. However, *olam keminhago noheig*, and the robber will have to account for what he did in the future. Hashem doesn't change the nature of the world for those *shotim* out there.

This Gemara does not seem to fit well with what we noted above about the story *Yetzias Mitzrayim* where Hashem did change the nature of the world to answer the claims of the *shotim*.



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The answer to this inconsistency can be found in a Chazal that talks about another time when Hashem performed a miracle due to the claims of *shotim*. The Gemara in *Bava Metzia* (87a) says that after Yitzchak was weaned Avraham Avinu made a great *seudah* to celebrate Yitzchak's birth and to spread the news of the great miracle that Hashem had performed. All of the nations of the world did not believe that Avraham and Sarah, an old couple, were capable of having this son. He must have been an *asufi*, an orphan found in the market, adopted and claimed to be theirs. Now Avraham and Sarah were having a *seudah* to celebrate his birth.

Avraham Avinu invited all of the "*gedolei hador*" to the *seudah* and Sarah invited their wives. As a trick, the wives brought their own children but left their wet nurses at home. When it came time to feed these babies, the women told Sarah that since there was no other nurse there, she would have to feed them. Assuming that she had not mothered Yitzchak, this would have been very embarrassing to her. Hashem performed a miracle, and she nursed every one of them. This did not settle the crowd as they were still claiming that Avraham at the age of one hundred was not capable of being the father. Immediately, Hashem changed Yitzchak's face into the same face as Avraham Avinu. At this point the "*gedolei hador*" had no choice but to admit Avraham gave birth to Yitzchak. This is another time where Hashem took steps to perform great miracles all because of the claims of the *shotim*.

The *Ramban* (*VaYigash* 46:27) points out that Hashem very often refrains from pointing out miracles that occurred as part of the narrative of the Torah. For example, we know that Yocheved was 130 years old when she gave birth to Moshe. She was born as they were entering Mitzrayim and her son Moshe was 80 years old when they left Mitzrayim 210 years later. Having a baby at 130 years old is supernatural and is left out of the Torah, yet the Torah found it important to report that Sarah had a baby at 90 and that was miraculous. The *Ramban* says that the Torah only points out miracles when they were predicted by a *navi* or a *malach*.

The birth of Yitzchak was predicted in advance by a *malach* to Avraham and Sarah. Avraham, as was part of his entire mission in life, wanted to spread to the entire world that Hashem is G-d and master of the universe. The best way to do that is to show to the world the miracles he has performed. This is why he threw a large party to announce Yitzchak's birth. He wanted everyone to know that Hashem runs the world and he is all powerful.

There were certain times in history when Hashem was establishing Himself as the ruler of the world. During those times Hashem felt it was necessary to make it absolutely clear that He and no other being is the master of the universe. He went out of his way to clear up any possible misconception or farfetched claim that He isn't in charge. He performed miracles, even ones that were not necessary, for the sole purpose of proving that He runs the world. This is why the miracles happened at Yitzchak's party and during *Yetzias Mitzrayim*. That is why he had to give the *Bnei Yisrael* gold and silver in Mitzrayim. Hashem wanted that there be no room for doubt that He is the King and capable of keeping His word.

However, the time for Hashem to establish Himself in this world is not ongoing. It had a very finite time (the time of the *Avos* through the conquest and division of Eretz Yisrael). During the ten generations leading up to Avraham Avinu, *avodah zarah* was so great that Hashem was almost completely forgotten in this world. He needed to reestablish Himself back in this world. He did this by leading the *Bnei Yisrael* to have complete *emunah* in Him without any doubt. Subsequent to that, *olam keminhago noheig*. *Shotim* cannot come and cause Hashem to change it any more.

The following story really brings out this point. R' Yisrael Salanter used to travel every year to a certain town and stay with the same innkeeper. One year, he walked into the inn and received the same warm welcome he always did. However, the innkeeper said to R' Yisrael Salanter that there has been a change in the last year due to the following incident that happened in his inn. One day a non-religious Jew walked into his inn. He

announced that it is permitted to eat pig meat, and if it isn't, G-d should strike him dead for doing so. He opened his bag, pulled out pig's meat and ate it right there in the inn. Nothing happened to the man. The innkeeper was so taken aback by the incident that that he decided he no longer wanted to be religious.

R' Yisrael Salanter listened to the story but did not comment. He asked the innkeeper politely to take him to his room. After an hour, there was a knock on R' Yisrael Salanter's door. It was the innkeeper's daughter holding a certificate. R' Yisrael asked why she had come. She responded that she had come to show R' Yisrael a certificate stating that she had just finished in first place in the national dance competition. She explained that when her father had decided to no longer be religious, he enrolled her in a non-religious school. She excelled in her studies but really showed the most talent for dancing. She practiced every day and became very good at it. She entered competitions and won them. She went all the way to the national competition and won that as well. Her certificate signed by elected officials proves this.

R' Yisrael heard this and said that if she is really such a good dancer, she should prove it and dance for him. She declined and said that her feet ached; she had been dancing for months practicing and competing. The certificate should be enough proof for him that she is an expert dancer. She was not going to show him an actual dance.

R' Yisrael went to the innkeeper and told him this. He explained that Hashem works the same way. There were certain times, *l'havdil*, when Hashem proved His power to this world. The *Bnei Yisrael* established their *emunah* in Him for all times. We saw His miracles and believe in Him forever based on those events. This is the certificate of achievement from the national competition. After that, we cannot expect Hashem to constantly prove Himself, especially to the claims by *shotim*. *Olam k'minhago noheig*, Hashem runs the world based on the rules of nature. We must look back to *Yetzias Mitzrayim* for any questions in *emunah*.

## Yosef's Bones

Avi Dear

Seven years ago, I sat at the *Shabbos* table of Rav Man in Bnei Brak on *Parshas Beshalach*. In the middle of the meal, Rav Man started to *shukkle* back and forth as he slowly and quietly repeated the *pasuk*, וַיִּקַּח מֹשֶׁה אֶת עֲצָמוֹת יוֹסֵף. He started quietly and grew louder and louder, his voice booming. His family, perhaps used to this, continued talking. He then started murmuring the *pasuk* in *Mishlei* (which the Gemara brings to describe the above *pasuk*), חֲכָם לֵב יִקַּח מִצְוֹת, He began quietly, and then his voice again grew gradually louder, enunciating the last syllable slowly, drawing it out in a deep, rumbling voice. He repeated these two *pesukim* for a few minutes until his family finally grew quiet and listened to his *dvar Torah*.

Seven years later, I don't remember the *dvar Torah* that he said that Friday night, but the *pasuk* and its corresponding *pasuk* in *Mishlei* are seared in my mind. Since then, this moment in the Chumash has always been special to me. In this space, I would like to describe how fundamental and powerful this one moment in *Parshas Beshalach* is. In fact, I believe its theme is universal to the Yom Tov of Pesach and to our lives as Jews.

Hashem told Moshe before they went out of Mitzrayim, דַּבֵּר נָא בְּאָזְנֵי הָעָם, Please tell the Jewish people to ask the Egyptians for their gold and their silver. Hashem was asking in a *lashon bakashah* to please make sure they looted Mitzrayim because Hashem promised Avraham that his children would leave in great wealth, as the Midrash says, and He was "scared" that Avraham would say, 'You fulfilled the promise of slavery but not the promise of leaving the slavery with great wealth!' So Moshe told the Jews this special work of looting Mitzrayim.

But it is at this precise moment that Moshe goes on a different mission. He searches after the coffin of Yosef. There are varying opinions regarding

this. Some say that Serach bas Asher knew where it was. Some say it was in a royal pyramid guarded by magic dogs. Others say the bones of Yosef were submerged in the Nile. But either way, ויקח משה את עצמות יוסף, Moshe took the bones of Yosef with him. On this *pasuk*, the Gemara in *Sotah* brings the *pasuk* in *Mishlei*, חכם לב יקח מצוות, a wise-hearted man takes mitzvos. While everyone else was collecting gold and silver – Moshe went after the bones of Yosef!

These bones of Yosef were in no way symbolic or sentimental to Moshe. Yosef made his children swear to take him out and bury him in Eretz Yisrael – but at the same time, they were also instrumental in the process of *Yetzias Mitzrayim* and the beginning stages of *Bnei Yisrael* becoming the *Am Segulah*.

When *Bnei Yisrael* came to the *Yam Suf*, the *malachim* famously said to Hashem, הללו עובדי עבודה זרה והללו עובדי עבודה זרה. What separates the Jewish people from the Mitzrim?! How are they any different? They both serve idols. Why save one and drown the other? But, as R' Yaakov Kamenetzky explains, the bones of Yosef powerfully attested that we may have served idols, but our pure essence is unique. We are made from different *materials* than the other nations! As the *pasuk* says, הים ראה וינוס, *the sea saw and fled*. What did the *Yam Suf* see that made it fled? It saw the amazing actions of Yosef when *eishes Potiphar* tried to seduce him, the *pasuk* says, וינס ויצא החוצה, *Yosef ran outside*. The amazing action of Yosef who not only overcame the temptation of the *yetzer hara*, but who also risked his life (for he was thrown in jail – this is his master's wife we're talking about) to do *ratzon* Hashem. The bones of Yosef testified that we may have served *avodah zarah* – but we are hewn from a different material. We are not the same.

As we stood at *Har Sinai*, the bones of Yosef saved us once again. We heard many nations turn down the Torah because it prevented them from indulging in their own specific desires. Hearing all that, impacted *Bnei Yisrael*, says the *Aznaim LeTorah*. Maybe the Torah is not practical for

humans? Maybe it requires us to live an impossible type of life! The *aron*, the coffin of Yosef came next to the *aron* of the Torah – קיים זה מה שכתוב בזה. Yosef was able to overcome all of his temptation and fulfill the mitzvos of the Torah!

So Moshe's choice to decline looting Mitzrayim and rather go after the bones of Yosef really tied it all together. Yosef began the journey with his superhuman (or shall we say *human*) strength, his amazing *mesiras nefesh* for *ratzon* Hashem. It was that *mesiras nefesh* of saying "no" to *eishes Potiphar* that got him in jail, which set the stage for him becoming second to the king, which set the stage for the slavery. Now Moshe is ending the journey in Mitzrayim with *mesiras nefesh* of saying "no" to the looting, saying "no" to physical pleasure and rather being *oseik* in a mitzvah *lishmah*. The slavery in Mitzrayim was נפש וסופו מסירות נפש תחילתו.

And so it is thousands of years later during our Pesach. Now is a time to focus on our personal *mesiras nefesh*. *Mesiras nefesh* comes in many forms. *Baruch* Hashem we are not asked to risk our lives as our grandparents did. But again, *Mesiras nefesh* comes in many forms.

Focus on what's important.

The Vilna Gaon asks, why is Moshe's action termed חכמה, it should be considered חסידות, not wise?! He explains that really Moshe was a Kohen and was not allowed to become *Tamei Mes*, but once everyone was consumed with looting Mitzrayim, he quickly took advantage of the moment because Yosef became a Mes Mitzvah and Moshe was therefore allowed to take his coffin.

## ***Parshas HaMan***

### **Shimon Weichbrod**

#### **Introduction**

There is a *minhag* to recite *Parshas HaMan* on a daily basis after *Shacharis*.<sup>1</sup> Additionally, there is a famous *segulah*<sup>2</sup> to recite *Parshas HaMan* (*shenayim mikrah v'echad targum*) specifically on the Tuesday of the week of *Parshas Beshalach*.

There are some major discussions on whether reading *Parshas HaMan* is a *segulah* for *parnasah* in and of itself, or whether it is supposed to encourage the reader to put their trust in Hashem for their *parnasah*. This *Bitachon* in Hashem is one of the most important aspects of the *parshah*.

If one carefully reads *Parshas HaMan* in *Beshalach* (שמות טז), and compares it to the story of *slav* in *Parshas Behaaloscha* (במדבר יא), one will come away with multiple questions, just in the *pashut pshat*.

In this article, I attempt to identify many of the questions I have noticed reading the *parshah*. For a long time, I had not really found an answer that really addresses all the questions in a concise and consistent manner. I have recently discovered an article written by Rabbi Ezra Bick (<https://etzion.org.il/en/what>) who asks some additional questions and provides a *mehalach* that can answer many of the questions.

#### **The Questions**

1. What is the difference between the *slav* mentioned in *Parshas Beshalach* and the one in *Behaaloscha*? It seems from *Beshalach* that the *slav* was a daily occurrence, just like the *man*, yet, in *Behaaloscha*, *Bnei Yisrael* ask for meat, and Hashem says he will

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<sup>1</sup> *Shulchan Aruch Orach Chaim* 1:5, *Tur* 1; *Aruch Hashulchan* 1:22; *Shulchan Aruch HaRav* 1:9.

<sup>2</sup> Attributed to Rav Menachem Mendel of Rimanov.

provide the *slav*, as if this is the first time it is happening. Moshe, himself questions how Hashem will provide meat for the entire nation, yet in *Beshalach* he says that Hashem will be providing it.

The *Ramban* provides multiple possibilities on whether the *slav* was a one-time event<sup>3</sup> or not, and whether it was available to everyone, or only *Tzadikim* (טז:יב):

(א) וכן דעת רבותינו שהיה השלו עמהם מן היום ההוא והלאה כמו המן, וכן נראה, כי על שני הדברים נתלוננו ובשניהם שמע את תלונתם ותאותם יביא להם... (ב) ויתכן שהיו גדוליהם לוקטין אותו, או שהיה מזדמן לחסידים שבהם, וצעריריהם היו תאבים לו ורעבים ממנו, כי לא יספר בשלו וילקטו המרבה והממעט כאשר אמר במן... (ג) ועל דרך הפשט היו כל מעשה השלו לעתים, והמן שהיה חיותם היה להם תמיד.

However, even with the *Ramban's* explanations, we are still left with the following questions, namely:

- a. If the *Bnei Yisrael* have seen the *slav* once before, then they know that Hashem can deliver it, so what was the specific need that they were lacking?
- b. Even more importantly, why was Moshe questioning Hashem's ability, if he was the one that reported it in *Pashas Beshalach*?

2. *Parshas HaMan* starts off with:

וַיֹּאמֶר ה' אֶל מֹשֶׁה הִנְנִי מִמְטִיר לָכֶם לֶחֶם מִן הַשָּׁמַיִם. וַיֵּצֵא הָעָם וַלְקֻטּוֹ דִּבֶּר יוֹם בְּיוֹמוֹ לִמְעַן אֲנִסְנוּ הַגִּלְדִּי בְּתוֹרַתִּי אִם לֹא.

The Torah does not use the word לֵאמֹר. Typically, it is understood that the word *leimor* indicates that Moshe is to repeat the words<sup>4</sup> to *Bnei Yisrael*.

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<sup>3</sup> *Tos. Arachin* 15b.

<sup>4</sup> *Radak*, and also see *Yoma* 4b: (מוסיא בר בריה דרבי מסיא משמיה דר' מוסיא) רבה: אמר ר' מניין לאומר דבר לחבירו שהוא בבל יאמר עד שיאמר לו לך אמור שנאמר (ויקרא א, א) וידבר ה' לאמר לאמר. *The Ramban*, however, argues and says that לאמר means to clarify it to them.



For some reason, Hashem says I want to give the nation food to test them – but do not let them know.

3. What does *הִנֵּלֶךְ בְּתוֹרָתִי* mean? *Rashi* learns that they were tested to see if they would keep the rules of the *man* (not to leave it overnight, and not to try and collect it on Shabbos). The *Ramban*'s approach is to focus on the word *nisayon* – it was a test to see if they could rely on Hashem to provide for them. According to *Rashi*'s *pshat*, why is the term *torasi* used over *mitzvasi* or *chukasi* – either of which would indicate “the rules,” why the term “Torah”? According to the *Ramban*, the word *torasi* is completely superfluous. The *pasuk* should have said “to test them, to see if they would rely on me”?
4. Why did Moshe not tell *Bnei Yisrael* the rules about the *man* not falling on Shabbos? Hashem was explicit that there would be double on Friday and none on Shabbos. It is also unclear what Moshe means when he says, *וַיֹּאמֶר אֲלֵהֶם הוּא אֲשֶׁר דִּבֶּר ה' שֶׁבֶתוֹן שִׁבֹּת קִדַּשׁ לָהּ מִקֵּד*. Is this an “oh, I forgot to tell you...” or “like I told you...”?
5. In addition, why did Moshe tell them that they may not cook on Shabbos, but instead had to prepare everything beforehand. This was before *Matan Torah*, the Jews were not yet required to keep Shabbos. Even if we are to understand that Hashem would not allow the *man* to fall on Shabbos, why are the Jews prevented from doing other *melachah*?

*Rashi* points out that Moshe told them about Shabbos at Marah (*Shemos* 15:25): במרה נתן להם מקצת פרשיות של תורה שיתעסקו בהם, *שבת* ופרה אדומה ודינין:

*Ramban* elaborates on *Rash*'s explanation:

ולשון רש"י שאמר פרשיות שיתעסקו בהם, משמע שהודיעם החקים ההם ולימד אותם עתיד הקב"ה לצוות אתכם בכך... והודיעם שעוד יצוו במצות, זהו שאמר אם שמוע תשמע לקול ה' אלהיך והאזנת למצותיו אשר יצוה אותך בהם.

This was an introduction to the mitzvos, not the commandment to do them.<sup>5</sup>

6. The *pesukim* that describe what Hashem is going to provide are out of order. In *pasuk ches*, Moshe tells the *Bnei Yisrael* that they will get meat in the evening and *man* in the Morning. It's not until *pasuk yud beis* that Hashem tells Moshe that meat and *man* will be provided. Typically, we assume that if Moshe says something that the Torah did not mention, it is because the Torah felt no need to repeat itself, and we should assume that if Moshe said it, it must have come from Hashem. However, we do not typically see that Moshe reports something first, and then Hashem tells it to him.
7. The reasons behind the *slav* and *man* given by Moshe and given by Hashem are not the same.

Moshe states:

(ט:ו) ויאמר משה ואהרן אל כל בני ישראל ערב וידעתם כי ה' הוציא אתכם מארץ מצרים ובקר וראיתם את כבוד ה'.

Hashem states:

(ט:יא-יב) וידבר ה' אל משה לאמר. שמעתי את תלונת בני ישראל דבר אליהם לאמר בין הערבים תאכלו בשר ובבקר תשבעו לחם וידעתם כי אני ה' אלוקיכם.

Moshe seems to indicate that the *slav* is *Zecher Yetzias Mitzrayim*, while the *man* is to identify the *kvod Hashem*. Hashem states that the reason is to know *Hashem Elokeichem*.

8. I did a search of *אל-אהרן* and this is the only *pasuk* in *Tanach* where Moshe tells Aharon to tell the *Bnei Yisrael*. Why is the language different?

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<sup>5</sup> The *Ramban* also points out that this is the reason the Torah is not explicit on what “was commanded”, but just calls them *Chok U'Mishpat*.

Rav Bick, in his article, adds the following questions:

9. Why was the Torah so verbose when recording the complaints of *Bnei Yisrael* here in Midbar Sin versus when they encamped at the previous two stops?

The first stop in Marah:

(טו:כג) וַיָּבֹאוּ מִדְּבַר סִינַי לְמִדְבַּר מִרָה וְלֹא יָכְלוּ לִשְׁתּוֹת מִמֶּיּם מִדְּבַר כִּי מָרִים הֵם עַל כֵּן קָרָא שְׁמָהּ מִרָה.

In Eilim:

(טו:כז) וַיָּבֹאוּ אֵילִמָּה וְשָׁם שְׁתִּימָה עָשְׂרָה עֵינֹת מִיָּם וְשִׁבְעֵים תְּמָרִים וַיִּתְּנוּ שָׁם עַל הַמֵּיִם.

Finally, they come to *Midbar Sin*:

(טז:א) וַיִּסְעוּ מֵאֵילִם וַיָּבֹאוּ כָּל עֵדַת בְּנֵי יִשְׂרָאֵל אֶל מִדְּבַר סִין אֲשֶׁר בֵּין אֵילִם וּבֵין סִינַי בְּחַמְשָׁה עָשָׂר יוֹם לַחֹדֶשׁ הַשֵּׁנִי לְצֵאתָם מִמִּצְרָיִם מִצְרָיִם.

In *Midbar Sin*, suddenly, the Torah tells us the specific location of the encampment and on the specific day they arrived.

10. In *Marah* and later in *Refidim*, the Torah first tells us what the problem was (the water was bitter in the former, and there was no water in the latter), yet here the Torah states no problem, only that they complained: וַיִּלֹּנוּ [ויילינו] כָּל עֵדַת בְּנֵי יִשְׂרָאֵל עַל מֹשֶׁה וְעַל אֹהֲרֹן בְּמִדְבָּר.

11. Why did the Torah have to explicitly write that they complained “in the desert”? We know they are in the desert, and in fact, the location is explicitly called *Midbar Sin*?

While many *meforshim* answer individual questions, I have been searching for a thematic answer that can reconcile all of them, and provide a clear explanation of what is going on in this *parshah*.

Rav Bick’s approach to answer the questions he posed, can be extended to many of the additional questions above. We will revisit the remaining

unanswered question in the conclusion. He explains that we need to focus on the mindset of the *Bnei Yisrael* when they entered the desert.

*Bnei Yisrael* were coming from a place that had engrained a slave mentality on them over many years. But, no matter what a master does to a slave, the one thing they always provide is food – since a slave cannot survive, and therefore not work without food. Now, *Bnei Yisrael* were heading into the desert, a place where there is no food. So, while they were actually not *yet* needing a new food supply (as they were barely 24 days from leaving *Mitzrayim*) they were already nervous about not having food. This is why the Torah specifies, that they were “in the Desert.”

“In the Desert” is also the reference to their location, halfway between leaving *Mitzrayim* and getting to *Matan Torah*. While a person cannot go long without water, and therefore had a justified complaint in *Marah* and *Refidim*, they did not yet have a need for food. What they had a need for was the reassurance that there would always be a food source in the future. Rabbi Bik proves this from the words in the pasuk elaborating the complaint: *בְּשֶׁבֶתֵנוּ עַל סֵיר הַבָּשָׂר*, *when we sat around pots of meat*. The *pasuk* does not say that they remember eating the meat, only that they had the pot of meat in front of them. This is indicative of the comfort of knowing there is food, not of actually eating it.

He further states that the *nisayon* that Hashem was testing them with, was not, as *Rashi* indicates, “would they follow the rules of the *man*,” rather more in line with the *Ibn Ezra* – it refers to the entire relationship between the *Bnei Yisrael* and Hashem. Would they understand that everything is from Hashem and that there is no reason to worry about the future? In fact, worrying about the future ends in worms and maggots, as we saw from those that left the *man* over for another day. The Jews had to be weaned off the hoarding mentality they had as slaves and put their full faith in Hashem.

This approach, says Rav Bick, answers many of the questions we have

identified. Specifically, Rav Bick explains:

1. The *Bnei Yisrael* have exchanged their Egyptian master, for Hashem as their master. (*Ki Li Bnei Yisrael Avadim.*) One of the major differences between Egyptian masters, and Hashem as a master, is this switch from hoarding for the future to putting their faith in Hashem for the future – this then is THE test. This is likely why, there is no *לֹא מָרָה* in the pasuk. This was not a test where the rules needed to be supplied. This was a 40-year long test, of slowly putting their faith in Hashem.
2. This, he says, is also the connection between *man* and Shabbos. While the daily *man* teaches man to put his daily faith in Hashem, Shabbos takes it one step further. Shabbos, with its restrictions on *melachah* requires man to “take from his savings” and use it now. He must prepare for two days. (This also explains why some went out on Shabbos, they have not yet broken this dependence on needing to plan for the future).
3. This is why *man* had to also be an entirely new food that the Jews have never seen before (*מִן הָיָא כִּי לֹא יָדְעוּ מֶה הָיָא*). If the food was something they could wrap their heads around, they would, over time become complacent, and slowly fade from their reliance on Hashem. But the fact that it was a new *beriah* that could taste like anything, would force them to always be appreciating the uniqueness of the food being provided by Hashem, and therefore not ever just assume it is “the food from the desert.”

Rav Bick then discusses the relationship between the *slav* and *man*, the questions that bothered me the most in this *parshah*: Why did Moshe mention the *slav* before Hashem did, and why was his reason different than the one given by Hashem? He takes the question even further and asks, if the *slav* was provided in this *parshah*, why, after the first couple of *pesukim*, is only the *man* mentioned for the rest of the *parshah*?

He explains, that, in reality there are two issues going on in this *parshah*. One, as stated above is the need for Hashem to change the mentality of

*Bnei Yisrael*, to fully depend on Hashem. And, as we have explained, this is epitomized by the *man*. Moshe and Aharon, however, noticed another issue that they wanted to address. This was the issue of: וַיֹּאמְרוּ אֲלֵהֶם בְּנֵי יִשְׂרָאֵל מִי יִתֵּן מִיְּתֵנוּ בְּיַד ה' בְּאֶרֶץ מִצְרַיִם בְּשִׁבְתֵּנוּ עַל סֵר הַבָּשָׂר בְּאֲכָלְנוּ לֶחֶם לְשָׂבַע כִּי הוֹצֵאתָם אֶתָּנוּ אֶל הַמִּדְבָּר הַזֶּה לְהָמִית אֶת כָּל הַקָּהָל הַזֶּה בָּרָעַב. The fact that *Bnei Yisrael* still believed that it was Moshe and Aharon that took them out of Mitzrayim and not Hashem.

You can see this in their reasoning when they respond: עָרַב וַיִּדְעָתָם כִּי יְהוָה הוֹצִיא אֶתְכֶם מֵאֶרֶץ מִצְרַיִם. Specifically, *erev*, the time when the *slav* falls, is when *Bnei Yisrael* will recognize that Hashem (and not Moshe and Aharon) is the One who took them out of Mitzrayim.

The difference between the *man* and the *slav* is that the *man* is a complete miracle, whereas the *slav* is a natural phenomenon (though, miraculously provided). The *slav* is a direct rebuke to *Bnei Yisrael* to teach them that not only is Hashem the master over the supernatural, but also the master of the natural. Even though Moshe and Aharon were perceived to be the ones who physically took them out of Mitzrayim, it was Hashem who set up the events and guided them out of Mitzrayim.

So, Rav Bick's approach is that, while Hashem was prepared to send the *slav* and the *man* (and likely told Moshe this initially, even if not recorded in the first *pasuk*), the *man* was initially the primary focus – it was the real purpose here. When Moshe wanted to also make the *slav* primary, Hashem acquiesced, as we see in *pasuk yud beis*.

This explains the apparent convoluted exchange in the first few *pesukim*. However, while the *slav* also took a front stage, Hashem wanted *Bnei Yisrael* to put their reliance in Him, which is why the rest of the *parshah* discusses only the *man*.

Of course, we see that Hashem was correct, *Bnei Yisrael* were not ready to learn the lesson of the *slav*, as we can clearly see from the story of the

*Eigel.*

לב:א - וַיֵּרָא הָעָם כִּי בָשָׁשׁ מֹשֶׁה לְרֹדֶת מִן הַהָר וַיִּקְהֵל הָעָם עַל אַהֲרֹן וַיֹּאמְרוּ אֵלָיו קוּמָה עֲשֵׂה לָנוּ אֱלֹהִים אֲשֶׁר יֵלְכוּ לִפְנֵינוּ כִּי זֶה מֹשֶׁה הָאִישׁ אֲשֶׁר הָעֵלָנוּ מֵאֶרֶץ מִצְרַיִם לֹא יָדַעְנוּ מָה הָיָה לוֹ.

לב:ד - וַיֹּאמְרוּ אֵלָהּ אֱלֹהֵיךָ יִשְׂרָאֵל אֲשֶׁר הָעֵלָנוּךָ מֵאֶרֶץ מִצְרַיִם.

And this continues on through *Sefer Bamidbar*. The *Bnei Yisrael* seem not to have learned that Moshe is not the decision maker, but rather only the *shliach* of Hashem. First, the need is to remove the Egypt mentality; and faith needs to be placed in Hashem before they can learn to recognize Hashem's hand in even every day events.

Using this approach, I believe we can answer many additional questions that I've identified.

The term *torasi* that is used, is because it is an all-encompassing long-term lesson being learned. Putting your faith in Hashem can be a lifelong mission. The *man* was to fall for the entire time *Bnei Yisrael* were in the *Midbar*.

Shabbos and *Man* are intertwined, so to experience the *man* means that you must also keep Shabbos. In fact, reading the pesukim, when there were those that left the *man* overnight, Hashem did not report His annoyance, yet when some went out to collect on Shabbos, the *pasuk* states: וַיְהִי בַיּוֹם הַשְּׂבִיעִי יָצְאוּ מִן הָעָם לִקְלוֹט וְלֹא מִצְוָה. וַיֹּאמֶר ה' אֶל מֹשֶׁה עַד אֵנָה מֵאַנְתֶּם לְשֹׁמֵר מִצְוֹתַי וְתוֹרָתִי.

It is this fact, that the *man* and Shabbos are so intertwined, that required adherence to Shabbos for the *man* to fall. You will also note that *torasi* is mentioned along with *mitzvosai* – the Torah (lifelong reliance on Hashem, as we already showed) and the mitzvah (keeping Shabbos).

Lastly, it is possible that the reason Moshe told Aharon to tell *Bnei Yisrael* is to remind them of the mission of Moshe and Aharon when they were in

*Mitzrayim*. For when Moshe was first called upon to take *Bnei Yisrael* out of *Mitzrayim*, Hashem too told Moshe that Aharon will be his spokesperson. *Bnei Yisrael* would now recall that it was Hashem who told Moshe and Aharon to perform the miracles, and it was He, not them that took them out of *Mitzrayim*.<sup>6</sup>

### **The Remaining Questions**

There are two of the above questions that remain, as of yet, unanswered. How is the *slav* in *Beshalach* different than the one in *Behaaloscha*?<sup>7</sup> Specifically, what happened to the *slav*, and didn't the Jews and Moshe both already know that Hashem could provide it?

And I am still unclear as to why Moshe did not inform the *Bnei Yisrael* that they were required to keep Shabbos and that they would get double on Friday, and instead waited until this was reported back to him.

In the *zechus* of studying the *Parshas HaMan* and striving to recognize that Hashem provides for us every day, whether in direct and open miracles, or via any of his naturally occurring *shluchim*, may we merit to have complete faith in Hashem delivering all our needs and never be wanting.

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<sup>6</sup> It is also possible, that since Hashem had not commanded them to tell *Bnei Yisrael* about the *slav* that Moshe's speech impediment prevented him from addressing the nation (as we know, whenever Moshe spoke in the name of Hashem, his speech impediment disappeared).

<sup>7</sup> For a possible answer to this question, see *Edrei Tzohn* on *Parshas Behaaloscha*.



## ***Yisro: Opportunities to Repair***

**Dr. Eli Lazar Singman**

It is axiomatic that the *Ribono shel Olam* wants to be good to us. We are often given wonderful opportunities that might lead to miraculous rewards. While it is unfortunately true that we often do not succeed, we remain hopeful because we know that Hashem offers even more opportunities to effect repairs (*tikkunim*).

One such person who squandered an opportunity was Kayin, the *bechor* of Adam *HaRishon*. Adam served Hashem with a *korban* and therefore could be said to have been the first holder of the *kehunah*. Kayin imitated his father in bringing a *korban* but brought something he had found (fruit of the ground) rather than something precious that he considered his own. Contrast this to his younger brother Hevel who brought from the first of his own sheep. Real *avodah* means real sacrifice from ourselves, i.e., to do things that might be difficult, rather than doing things with the attitude that we are doing Hashem a favor. Hashem offered Kayin another opportunity and even explained how he might improve himself, but Kayin again squandered this opportunity and killed Hevel. Even after this, Hashem offered Kayin the benefit of the doubt (no one taught him not to murder) and mercy, marking him so that none might kill him for seven generations. Although it is unclear what this mark was, there is one perspective that it was circumcision. At any rate, Kayin again rebuffed the opportunity to repent and instead “left the presence of Hashem” and with this abandoned the *kehunah*.

Fast forward ten generations and we encounter Shem, son of Noach. Shem was also known as MalchiTzedek, king of Shalem (Yerushalayim) and inheritor of the *kehunah*. He was visited by Avraham immediately after Avraham defeated four kings (including Nimrod) and rescued his nephew Lot; at that meeting, Avraham gave him one tenth of the spoils of that war. Notably, this symbolized the tithe (*maaser*) that Avraham’s descendants would provide to the Leviim. It must be mentioned that MalchiTzedek

was a great man. Aside from the enormous kindness he performed on the ark feeding animals day and night, he engineered the attack of the four kings in order to place them in Avraham's hand and he even brought bread and wine to Avraham, demonstrating that he bore no ill will for the death of those four armies, despite their being MalchTzedek's descendants. But when MalchTzedek had the opportunity to provide a priestly blessing, he first blessed the servant (Avraham) rather than the Master (Hashem). This cost him the *kehunah* which was then transferred forever to Avraham's descendants.

Fast forward yet another ten generations and we are in the era of Moshe *Rabbeinu*. Moshe's father-in-law was Yisro, a descendant of Kayin (i.e., a Keini), and a Midianite, therefore making him a descendant of Avraham (since Midian was a son of Avraham and Keturah). Yisro was the kohen of the gentiles. However, he rejected the gentile gods and was ostracized by his people. This was a difficult test for him; his daughters went unmarried and had to watch over his flocks. This was also *hashgachah pratis*, for it provided Moshe the opportunity to rescue them (an opportunity he did not waste), meet his *aishes chayil*, Tzipporah (Yisro's daughter) and bring Yisro's family close to Moshe's family.

We know that Moshe left Yisro to free Israel from Mitzrayim and when Yisro heard of the great miracles that Hashem wrought thereafter, he came to Moshe and rejoiced over all the good that Hashem had done for Israel. Yisro also accepted bris *milah* (became a *ger*) and said, "blessed is Hashem," i.e., he blessed the Master first and foremost, unlike MalchTzedek.

In my opinion, cosmic events occurred through these seemingly simple actions. First, Yisro repaired the mark of Kayin by having a circumcision that protects him not only in *Olam Haze*h (as Kayin's circumcision did) but also grants him *Olam HaBa* (which was denied to Kayin). Second, he restored the *kehunah* to Kayin's line by correcting the error MalchTzedek made! No, Yisro did not become a Kohen (remember that Hashem can

### Section III: *Geulas Mitzrayim*

repay goodness across generations). Rather, Yisro's grandson Pinchas (son of Elazar ben Aharon HaKohen and Yisro's daughter) was given the opportunity to become a true zealot risking everything for Hashem's honor. And because Pinchas did not squander that opportunity, he became a Kohen and earned eternal life as Eliyahu HaNavi.

As a side note, it should be mentioned that Pinchas had lots of kohen-*yichus*. His father was a Kohen, and his mother was descended from both of the only kohanim of the gentiles so named in the Chumash, i.e., Yisro and Potiphera. As mentioned above, Pinchas's mother's father was Yisro. But through Pinchas' mother's mother, Pinchas was descended from Yoseph HaTzaddik! And we have a tradition that Yoseph married Osnas, the daughter of Potiphera, also known as the kohen of On in Mitzrayim.

## ***Vayeira*: It's about Perspective**

**Dr. Eli Lazar Singman**

In *parshas Vayeira*, there are many instances of situations involving vision or the lack thereof. Indeed, the title of the *parshah* means to appear. As one considers the circumstances in which terms related to vision are used, it seems that a pattern develops. Specifically, it is the beholder who determines what the eyes may or may not see.

When Avraham sees something, it appears to reflect positively on his very high *madreigah*. First and foremost, a vision of Hashem appeared to Avraham, to comfort him during his recovery from his *bris milah*. Avraham also lifts his eyes, i.e., elevates his perception, to see angels approaching his tent, the *Shechinah* hovering above *Har Moriah*, and a ram to replace *Yitzchak* as a *korban* on the *akeidah*. Even when he saw something “negative,” it still spoke of his greatness. When he gazed down on the remnants of Sodom, he was performing the same act (using the same verbiage) as when the angels gazed down upon Sodom prior to its destruction, likening his level of perception to that of angels. When it was distressing in his eyes to send off Hagar and Yishmael, it was a testament to his boundless *chesed*; he had to be reassured by Hashem that his wife Sarah, who prompted this decision, was correct. When he was asked by Avimelech what he saw in Philistia that ultimately lead to a terrible affliction of closing the wombs of all women in Avimelech's house, he responded that he did NOT see fear of *Elokim* in that place. This shows how perceptive Avraham was, i.e., he could see through the veneer of civility of Philistia.

When Sarah sees something, it is unvarnished and prophetic truth. She saw Yishmael “mocking,” i.e., claiming the right of the first born despite Hashem's reassurances that Yitzchak would inherit from Avraham (*Me'am Loez*, Genesis II, p. 284). Sadly, the Yishmaelim have never ceased to continue their claims and their efforts to co-opting sites, rites and texts holy to Israel, Yitzchak's heir. Sarah also knew when something

should not be seen, because of the dangers of an evil eye (*ayin hara*). When Sarah heard the news that she would soon conceive, she “laughed” saying “Is it so that in truth I shall bear (a child) though I have aged? (18:13). She later said she “did not laugh for she was frightened” (18:15). The Targum Yonasan ben Uziel writes that Yishmael was standing outside, listening and recognizing that another child would threaten his status. Sarah was frightened of an evil eye from Yishmael so she verbally tried to deemphasize the angels’ announcement.<sup>1</sup>

Diametrically opposed in *madreigah* to Avraham and Sarah are the townsfolk of Sodom, as well as Lot’s wife and sons-in law, and the residents of Gerar, the capitol of Philistia, i.e., people with markedly suboptimal *middos*. The Sodomites were struck blind during their attempt to harass Lot’s guests (angels). They even groped in their darkness attempting to continue their efforts, suggesting that their unsavory goals were more important to them than their ability to see. In a similar way, Lot’s wife turned around to see the destruction of Sodom, against the explicit instructions of heaven-sent messengers; for this she turned into a blind (and deaf, speechless and motionless) pillar of salt. The Midrash explains that this was *middah keneged middah* for her *lashon hora*. After Lot invited the angels into his home, Lot’s wife went to neighbors to borrow salt and purposely mentioned that this was needed by her guests. In Sodom, hospitality to guests was considered a crime punishable by immolation and so she was putting Lot and her guests into terrifying danger. Lot’s sons-in-law mocked Lot, sarcastically telling him that it was pointless to run away from G-d’s destruction since G-d’s reach is limitless (i.e., he was like a jester in their eyes), despite the fact that he was trying to save their lives! Finally, the residents of Gerar needed their eyes covered, i.e., their attention diverted, from seeing Sarah, since they would either covet her despite her being married or look upon her with suspicions of carrying Abimelech’s child.

What about Lot and Hagar? They seem to have a more moderate

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<sup>1</sup> <http://www.dailyhalacha.com/WeeklyParasha.asp?ParashaClipID=563>

*madreigah*. The two of them merited to see angels both while living with Avraham and even after leaving his house. Indeed, one of the reasons Lot did not want to leave the plain of the Five Towns (Sodom, Gomorrah, Zoar [Bela], Admah and Zeboim) was that he was considered a *tzaddik* there, whereas if he moved back with Avraham, he would pale in comparison. However, he was consciously blind to the consequences of becoming drunk, and even after he recognized what his oldest daughter had done, he permitted himself to become blind-drunk the next night so that his younger daughter could repeat the situation. Concerning Hagar, it is notable that she was an Egyptian princess who understood that it was better to be a maidservant to Avraham than a ruler in Egypt. Yet she left her febrile son (Yishmael) beneath a tree in the desert rather than see him die. This selfishness made her blind and unable to see a well near her. It was only after Hashem heard his (not her) cries that she perceived this source of water needed to save Yishmael.

Although there is no place in the chapter that specifically mentions anything seen by the half-brothers, Yitzchak and Yishmael, we have a Midrash to tell us that when Avraham saw the cloud of the Shechinah hovering over Har Moriah, he asked the young men with him (Yitzchak, Yishmael and Eliezer) if they also saw it; only Yitzchak saw, indicating that he was closer to Avraham's level than was Yishmael. The Midrash (*Me'am Loez*, Genesis II, p. 335) goes further to say that while Avraham was gazing into Yitzchak's eyes as Yitzchak was bound on the *akeidah*, Yitzchak's eyes were directed toward heaven and he, not Avraham, saw the angels. Thereafter, G-d opened the gates of the seven firmaments for Avraham, so that he might see the Divine Presence (*Me'am Loez*, Genesis II, p. 337) and then see the ram caught in the thicket as a replacement *korban* for Yitzchak.

The story of the *akeidah*, Avraham's tenth and final test, took place upon a mountain and ends with Avraham naming the place *Hashem Yireh*, G-d will see. While we cannot begin to understand Hashem, we can still apply our original thesis, i.e., the vision is fitting to the beholder. Hashem is

infinitely merciful, and Avraham meant by the new name to comfort his future generations, saying that G-d will see this mountain and have mercy on Avraham's children (*Me'am Loez*, Genesis II, p. 340).

From a *hashkafah* perspective, perhaps we can suggest that the notion that "the vision is fitting to the beholder" works in both directions. Perhaps by taking care to look upon things that are good, or to look at things to find the good in them, we can elevate ourselves to be worthy to see greatness more easily and more often.

Appendix: *Pesukim* containing terms related to vision.

1. **Appeared** to him (Avraham) did Hashem on the plains of Mamre while he was sitting at the entrance of the tent in the heat of the day. (18:1).
2. He (Avraham) **lifted his eyes and saw** there were three men (angels) standing over him; he **perceived** and so he ran toward them from the entrance of the tent and he bowed to the ground. (18:2)
3. And he (Avraham said, "O Lord, if now I have found favor **in Your eyes**, do not please go away from Your servant". (18:3)
4. They (the angels) got up from there, the men, and **gazed down** upon the face of Sodom while Avraham was walking with them to send them (on their way). (18:16).
5. And Hashem said: Am I **concealing** from Avraham what I (am about to) do? (18:17).
6. I (Hashem) will descend now and **I will see** if in accordance with its outcry which has come to Me they have acted; then destruction; and if not, I will know. (18:21)
7. They came the two angels to Sodom in the evening and Lot was sitting at the gate of Sodom and Lot **saw** (them) and he stood up to meet them and he bowed (with his) face to the ground. (19:1).
8. And the men who were at the entrance of the house they **struck with blindness** from the small up to the great and they were not able to find the entrance. (19:11).

9. So Lot went out and spoke to his sons-in-law (and) the betrothed of his daughters and he said “Get up and go from this place for Hashem is about to destroy the city, (but) he seemed like a jester ***in the eyes*** of his sons-in-law. (19:14).
10. And it was as they (the angels) took them (Lot, his wife and two daughters) that he said: Flee for your life! Do not ***look behind*** you and do not stop (anywhere) in all the plain; to the mountain flee lest you be obliterated. (19:17).
11. Lot said to them, No please, O Lord, indeed now Your servant has found ***favor in Your eyes*** and You ***magnified*** Your kindness which You did with me to save my life; but I am not able to flee to the mountain lest I be overtaken by the destruction and I did. (19:19).
12. His (Lot’s) wife ***looked behind*** him and she became a pillar of salt. (19:26)
13. And he (Avraham) ***gazed down*** upon the face of Sodom and Gomorrah and upon the entire surface of the land of the plain and ***he saw***, and indeed there rose the smoke of the earth like the smoke of a kiln. (19:28).
14. And Avimelech said to Avraham: What did you ***see*** that you did such a thing (as) this? (20:10).
15. And Avimelech said: Here is my land before you; in (the place that) is ***good in your eyes***, settle. (20:15).
16. And to Sarah he (Avimelech) said: Indeed, I have given a thousand pieces of silver to your brother. Indeed, it is for you a ***covering of the eyes*** for all who are with you; and with all you will be vindicated. (20:16).
17. Sarah ***saw*** the son of Hagar the Egyptian whom she had borne to Avraham mocking. (21:9).
18. Distressing was the matter greatly ***in the eyes*** of Avraham regarding his son (Yishmael, who was to be sent away). (21:11).
19. So G-d said to Avraham: Let it not be distressing ***in your eyes*** over the youth (Yishmael) or over your slave woman (Hagar); all that she Sarah tells you, heed her voice for (only) through Yitzchak will they be considered your offspring. (21:12).



### Section III: *Geulas Mitzrayim*

20. She (Hagar) went and sat down herself opposite (Yishmael) at a distance of some shots of the bow for she said: Let me not **see** the death of the child; and she sat opposite him; she lifted her voice and she wept. (21:16).
21. Then G-d opened her (Hagar's) **eyes** and she perceived a well of water; she went and she filled the skin bottle with water and she gave drink to the youth (Yishmael). (21:19).
22. On the third day, Avraham **raised his eyes** and perceived the place from afar. (22:4)
23. Note Midrash: Avraham asked Yitzchak if he **saw** what Avraham **saw** and Yitzchak did. However, he asked his two attendants (Yishmael and Eliezer) if they **saw** and they did not. So since they did not **see** and the donkey with them did not **see**, they were to stay with the donkey.
24. Avraham said: G-d will **seek** out for himself the lamb for the offering, my son; and they went the two of them together. (22:8).
25. Note Midrash: Yitzchak **looked** up to heaven while bound on the alter and the tears of the angels entered his **eyes**, leading to his eventual **blindness**. An alternate medrash is that he **saw** the kisei hakvod and that sight resulted in **blindness**.
26. Avraham lifted **his eyes and saw**, and there was a ram afterward caught in the thicket by its horns. Avraham went and he took the ram and brought it as an offering instead of his son. (22:13)
27. He called did Avraham the name of that site Hashem **Yireh**, as it is said this day: On the mountain of Hashem He will be **seen**. (22:14).

## **Shabbos and Yetzias Mitzrayim**

### **Rabbi Moshe Grossman**

In *Devarim*, when Moshe repeats the *Aseres HaDibros*, he explains that the reason for the mitzvah of Shabbos is to remind us that we were slaves in Egypt and Hashem freed us from slavery and brought us out of Egypt [*Devarim* 5:15]. However, in the *Aseres HaDibros* at Har Sinai, the Torah states that the reason for the mitzvah of Shabbos is to remind us that Hashem is the Creator of the world. Just as Hashem rested on the seventh day of Creation, we are commanded to rest on Shabbos. In fact, we mention in kiddush on Friday night that Shabbos is both a reminder to us that Hashem created the world and that He took us out of *Mitzrayim*.

These two reasons appear to be completely unrelated. How can Shabbos be a reminder of both *Maaseh Bereishis* and *Yetzias Mitzrayim*?

The *Ramban* [*Devarim* 5:15] explains that *Yetzias Mitzrayim* itself shows that there is a Supreme Being, who existed before all else, and who brings about new creations as He wills. The miracles that He performed in *Mitzrayim* demonstrate that He has complete control over nature and the ability to control everything in the world. Therefore, if one's faith in Hashem, the Creator, wavers, he should consider the miracles that Hashem performed in *Mitzrayim* that show His power.

In *Shemos* [20:2], the *Ramban* explains that the first of the *Aseres HaDibros* is a mitzvah to believe that Hashem is the Being whose existence is eternal and preceded all other entities, and who brought them all into existence. He then states that *Yetzias Mitzrayim* attests to Hashem's existence before all else and to His knowledge of, involvement in, and direction of the affairs of the world. The miracles that Hashem performed in *Mitzrayim* demonstrated, furthermore, that He is in complete control of the physical world to the extent that He can change nature when He desires and return it to its previous state.

The *Ramban* in *Devarim*, cited above, states that since the Jewish people

witnessed all the miracles that Hashem performed in *Mitzrayim*, their faith in Hashem was firmly established. Therefore, if a doubt might enter one's mind regarding the origin of the universe, he need only recall the miracles of *Yetzias Mitzrayim* to dispel this doubt. Since *Yetzias Mitzrayim* is a reminder and a proof that Hashem created the universe, it is also a reminder of Shabbos, which is an acknowledgement and celebration of Hashem's creation of the world.

The *Ramban* [*Devarim* 5:15], also points out that Shabbos is a reminder of *Yetzias Mitzrayim*. Observance of Shabbos reminds us that Hashem created the world from nothing physical (*yesh mei'ayin*) and, now, continues to exercise complete control over it. He is able to fulfil whatever He desires regarding his creation. In particular, we note on Shabbos that Hashem chose the Jewish people to be His nation. Hashem gave us the mitzvah of Shabbos as a sign of our special relationship with Him [*Rashi*, *Shemos* 31:13]. This relationship was forged when Hashem took us out of *Mitzrayim* with miracles that subverted nature, and, subsequently, gave us His Torah. In this way, Shabbos is a reminder of *Yetzias Mitzrayim*.

In the *Maggid* section of the Hagadah, it is stated, "If the Holy One, blessed is He, had not taken our forefathers out of *Mitzrayim*, then we, and our children, and our children's children would have been enslaved to Pharaoh in *Mitzrayim*." Rav Moshe Chevrone understands this statement in a spiritual sense. Even if we had somehow managed to escape from *Mitzrayim*, we would still be enslaved to its religious and philosophical ideas. It is difficult to ignore and, certainly, to disregard the ideas, attitudes, and values of the society in which you live. In fact, we often adopt the values of the society in which we live without realizing it.

In *Mitzrayim*, when Hashem openly displayed His power and control over nature, He thereby refuted the idolatrous philosophy of *Mitzrayim*. The miracles of *Yetzias Mitzrayim* have left an indelible impression on the entire Jewish people, even after 3,000 years. It is etched into the spiritual DNA of every Jew. We reinforce these beliefs not only on Pesach at the

Seder, but every Shabbos as well when we declare that Hashem created the world and controls it as our ancestors witnessed in *Mitzrayim*.

Hashem gave us Shabbos and Pesach so that we are constantly cognizant of Hashem's existence, His omniscience, and His omnipotence. Furthermore, Hashem has chosen us as His people and constantly cares for us. Observance of these mitzvos provides us with the opportunity to deeply consider these ideas and to allow them to affect us emotionally, thereby strengthening our *emunah* and *bitachon* in Hashem.

## ***Tzei U'Imad, Go Out and Learn*** **Moshe Kravetz<sup>1</sup>**

**צֵא וְלָמַד מֶה בִּקְשׁ לְבֶן הָאֲרָמִי לַעֲשׂוֹת לִיעֲקֹב אָבִינוּ.**

With these words, the Hagadah deviates from the topic of *Yetzias Mitzrayim*, which is discussed before and after. Its mention of Lavan and his intentions seems out of place; what is the connection between Lavan's hatred toward Yaakov and *Galus Mitzrayim*?

In truth, the Torah in *parshas Ki Tavo* (26:5) when discussing *bikkurim* brings these two topics in the *pasuk* אֲרָמִי אֶבֶד אָבִי וַיֵּרֶד מִצְרָיִמָּה. However, why does the Hagadah focus on this point at greater length telling us “Go Out and Learn” and contrasting it with Pharaoh's decree? Furthermore, why does the Torah itself link the two subjects in a single *pasuk*, when there does not seem to be a direct connection between Yaakov's descent and his dispute with Lavan?

Furthermore, the person bringing the *bikkurim* begins his speech with this *pasuk*. We can certainly understand why *Yetzias Mitzrayim* is mentioned as part of bringing *bikkurim*; *Bnei Yisrael's galus* and *geulah* were part of our nation's origin, from which thereafter we received the Torah and inherited the land, which in turn makes it possible to bring *bikkurim*. Why however do we mention Lavan's hatred toward Yaakov in this *pasuk*? It seems to have no connection to *bikkurim*!

One might simply say that Yaakov's escape from Lavan made it possible for his descendants to exist and inherit the land. This answer would be insufficient as Lavan was not the only one who was out to destroy the Jewish people prior to the arrival in Eretz Yisrael. There was Eisav, Amalek and Bilam; and we can also say that had Hashem not saved us, we would not be bringing *bikkurim*. So why mention Lavan?

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<sup>1</sup> Based on *Dorash Dovid on Mo'adim* by Rabbi Dovid Hofstedter.

The Vilna Gaon explains that, although we are not always aware of the miracles that Hashem performs, he is nevertheless constantly performing them. *Go Out and Learn* from Lavan, where the harm was not evident.<sup>2</sup> Nevertheless, the Torah attests אֶרְמִי אֶבֶד אֲבִי. It must be that Lavan attempted to destroy everything, and Hashem reversed the outcome. Similarly, Hashem performs miracles for us constantly, even though we do not notice them. Based on this, Yaakov's salvation from Lavan was unique as Lavan's intent was hidden and was not apparent until the Torah revealed it. Only after the Torah exposed Lavan's true intent do we see how great Hashem's kindness to Yaakov was. This was not the case with the other enemies as their hatred was not concealed but rather well publicized.

With this it can be explained why the miracle of Yaakov's salvation from Lavan is included while bringing *bikkurim*. The lesson is that Hashem's kindness has always accompanied the Jewish people; even when we are completely unaware of the dangers we face. *Hineh, lo yanum v'lo yishan shomer Yisrael*.

The Torah is teaching us that whenever we give thanks for the open miracles of *Yetzias Mitzrayim* we must also thank Hashem for the hidden ones – as represented by our encounter with Lavan.

We can now explain the unusual wording of “*Go Out and Learn*.” The Hagadah is telling us to take ourselves out of our ordinary understanding of the miracles that took place in *Mitzrayim* and to *learn* about them from the hidden miracles that Hashem performed for Yaakov in order to save him from Lavan. Conversely, we should deduce from those miracles performed in *Mitzrayim* as well, that there were many hidden miracles that Hashem performed *in addition* to the ones we recognize. (As the Hagadah relates how R' Akiva, R' Elizer and R' Yose HaGlili calculate how many

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<sup>2</sup> By switching Leah for Rochel, Lavan prevented Yosef from being the first born, leading to the hatred between the brothers that caused the descent to *Mitzrayim*.

## Section IV: The Seder

subcategories of *makkos* there were in Mitzrayim and how many at the Yam Suf.)

Thus, the open miracles that took place in Mitzrayim and that are described in the Torah serve to teach us about the many hidden miracles that Hashem performs for us.

This is an important lesson. In every exile that we have endured, we have experienced open miracles that protected us. We must understand and realize that we have also benefited from many hidden miracles and that Hashem is constantly watching over us. This constant protection is what the Hagadah tells us to “go out and learn,” something we must always remain aware of.

## Matzah and *Cheirus*

### R' Pinchas Mandel

*Yetzias Mitzrayim* is considered the birth of Klal Yisrael as a nation, and that is what we celebrate every year on Pesach. Pesach is when we became the *am segulah*. Many of the things we do on Pesach express our *cheirus*, our freedom. Many of the *minhagim* at the Seder are there to show that we are free. We set up the table with fine dishes and dress in new clothing. We lean on our side when we eat to express *cheirus*.

However, one of the primary mitzvos of Pesach seems to completely contradict everything we celebrate on Pesach. We have a mitzvah to eat matzah. Matzah is thin and dry bread and is called לחם עוני, *a poor man's bread*. It is definitely not something that expresses our freedom. Additionally, it is forbidden to own or eat any *chametz* or anything that contains *chametz*. Things that don't rise are usually not very tasty! How do these very central ideas coincide?

To truly understand the real idea of what we are celebrating on Pesach we need to take a step back. In what way did we become free? The *Rabbeinu Bechaye* writes (*Shemos* 20:2) that the reason Hashem took us out of Mitzrayim was so we should serve Him, and because He took us out of Mitzrayim we are servants of Hashem. So, in what way did we really become free? We are just serving Hashem instead of Pharaoh. What are we really celebrating on Pesach?

To answer this question, we need to define what freedom is. What did we achieve by leaving Mitzrayim? There are two words in *lashon hakodesh* to describe freedom, *cheirus* (חירות) and *chaphsi* (חפשי). The Vilna Gaon gives a well-known explanation to explain the difference between the two. *Chapshi* represents freedom without any responsibilities or meaning. *Cheirus*, however, represents freedom to lead a meaningful life. When we left Mitzrayim, we received the ability to live with direction. Serving Hashem is the ultimate freedom that we can achieve. Chazal teach us (*Avos*



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6:2): אין בן חורין אלא מי שעוסק בתורה, *only someone who is serving Hashem is free*. Only someone who is not tied to the *yetzer hara* is free. Someone who isn't serving Hashem is a slave to the *yetzer hara*.

The Gemara (*Berachos* 17a) says that yeast represents the *yetzer hara*. Yeast represents inflation of one's self, no room for Hashem. To serve Hashem we need to subjugate ourselves to Hashem. We need to realize there is something greater than ourselves. On Pesach there is a mitzvah to eat matzah, which is thin with no expansion. We are not allowed to own or eat chometz on Pesach. *Chametz* represents the *yetzer hara*. On Pesach we cannot have anything to do with the *yetzer hara*. We need to live in a total state of *cheirus*. We need to be completely immersed in being *ovdei Hashem*, servants of Hashem. The mitzvah to eat matzah represents what Pesach is really all about. It is a time for us to celebrate our ability to be servants of Hashem, to experience true freedom!

## Whoever Wants, Come Join Us Benjamin Nosson Vurgaftman

בְּכָל־דּוֹר וָדוֹר חַיֵּב אָדָם לִרְאוֹת אֶת־עַצְמוֹ בְּאֵלֹוֹ הוּא יֵצֵא מִמִּצְרַיִם, שְׁנֵאֲמַר: וְהַגִּדְתָּ לְבִנְךָ בַּיּוֹם הַהוּא לֵאמֹר, בַּעֲבוּר זֶה עָשָׂה ה' לִי בְּצֵאתִי מִמִּצְרַיִם. לֹא אֶת־אֲבוֹתֵינוּ בְּלֶכֶד גָּזָל הִקְדוּשׁ בְּרוּךְ הוּא, אֲלֵא אִף אוֹתֵנוּ גָזָל עִמָּהֶם, שְׁנֵאֲמַר: וְאוֹתֵנוּ הוֹצִיא מִשָּׁם, לְמַעַן הִבִּיא אוֹתֵנוּ לְתֵת לָנוּ אֶת־הָאָרֶץ אֲשֶׁר נִשְׁבַּע לְאֲבוֹתֵינוּ.

In every generation, one is obligated to regard himself as though he himself had actually gone out from Egypt, as it says, “You shall tell your son on that day saying, “For the sake of this, Hakadosh Baruch Hu did so for me when I went out from Egypt.” Not only our fathers did Hakadosh Baruch Hu redeem, but also us did He redeem with them as it says, “And He brought us out from there so that He could bring us and give us the Land which He had promised to our fathers.”

The Hagadah is telling us that no matter how many years have passed since *Yetzias Mitzrayim*, one must still feel as if they had personally left Mitzrayim, as it says, בְּכָל־דּוֹר וָדוֹר, *in every generation*, meaning everyone [in the future generations up until the coming of Mashiach] should feel as if they were slaves in Mitzrayim and have just now left.

Nevertheless, it is not very easy to feel as if one had a personal connection with an event that happened at least three thousand years ago.

Last year on Pesach, during Maggid, my parents decided to talk about the challenges they faced in Russia and how, for them, leaving Europe was like leaving Mitzrayim. However, my father says that we left Europe which is Mitzrayim in this case, and now we are in the desert which is America. My father compared America to the Midbar because, like in the Midbar, we are mainly focused on Torah and Mitzvos. In the Midbar, they ate the *man* which satisfied them and went into their system completely so they could spend as much time learning as possible. Think about it,

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wherever they traveled, their water and food were with them and Clouds protected them at all times. Today there are many *sefarim* available in Hebrew and English and on apps that have *shiurim* recorded so whenever one wants and wherever one is, he can always have something to learn.

While it is true that it is good for us here, Baruch Hashem, we must not forget that we are but “strangers in the land” and really, we belong in Eretz Yisrael. For those with relatives who went through WWII, we, like the Hagadah says, left Mitzrayim. But like the generation that left Mitzrayim and wandered in the Midbar, we too are now wandering in America. As we wait for the *geulah* to come, we are, in a way, in a desert.

Often in our history, we see that bad things happen because we get too caught up in other things that make us comfortable where we are, and we therefore do not want to return to Eretz Yisrael. One example of this is when we were in Mitzrayim before we became slaves. As long as the sons of Yaakov were alive, the actual slavery didn’t start. The reason for this is because, while the brothers were still alive, their children remembered that they didn’t belong in Mitzrayim. They remained distinct from the Egyptians and knew that they really belong in Canaan because they constantly reminded them with their presence that they were Jewish. However, once Levi was *niftar*, their children finally realized that they were “in a land not theirs.” Once this happened, they began to get comfortable where they were because they thought they would still be there for another four hundred years. Another example is in the Megillah. The Jews went to the feast by Achashverosh because they thought they were like the Persians. Sadly, there are many such examples in many places in *Tanach*.

Now, how does one inculcate in oneself the constant hope for the arrival of Mashiach? One way I found, with Hashem’s help, was the deeper meaning (in my opinion) of what we say in the morning when we wake up and at night when we go to sleep. In the *tefillah Reishis Chachmah*, which we say in the morning after *Modeh Ani*, the last three words are, לְשׁוּעָתָךְ

” קְוִיָּי, *For Your Salvation (The coming of Mashiach and the Geulah) do I long for, Hashem.* The same is said in the *Kerias Shema* we recite before going to sleep. The same three words are said in three different orders, recited three times לִישׁוּעָתָה קְוִיָּי, קְוִיָּי לִישׁוּעָתָה, קְוִיָּי לִישׁוּעָתָה, *For Your Salvation, do I long(for), Hashem. I do long, Hashem, for Your Salvation. Hashem, for Your Salvation, do I long (for).* This, in my opinion, is helping us start the day on a positive note with the belief that, “Today is the day when the *geulah* will come. Today Mashiach will come.” Then after a day in which unfortunately Mashiach didn’t come, we end the day believing that tomorrow the *geulah* will come, repeating it three times. This constant hope in Mashiach is something to which we all, myself included, should work towards.

The Gemara in *Shabbos* (31a) says that one of the questions a person is asked in *Shamayim* is if they waited in hope for the Mashiach. Now, one might ask, “How could one do this? It seems too difficult to do.”

While it is true that it is not easy to have this in mind, my Rebbe this year, R’ Shimon Barkin, told us a very interesting *dvar torah* on *erev Shabbos parshas Yisro*. He asked why it was that Yisro came to Moshe Rabbeinu after he had heard about what Hashem did to Moshe and *Bnei Yisrael*, which *Rashi* tells us that Yisro heard about *Kerias Yam Suf*, the War with Amalek, and (according to the opinion that Yisro came after *Maamed Har Sinai*) the giving of the Torah at Har Sinai. The *pasuk* makes a special point to say that Yisro came to Moshe, in the desert. *Rashi* tells us that the *pasuk* is praising Yisro for leaving Midyan even though he was very wealthy there and had a very high political position. He still knew that Hashem was the true G-d and no matter what he came to Moshe, despite it being hard for him. The sum of the matter is, when it comes to something *gashmiyus*, it isn’t harder than something *ruchniyus* because the *yetzer hara* knows that this is something which is beneficial for a person and specifically makes it hard to learn and keep the mitzvos. Therefore, a sign that if a person finds it hard to do something *ruchniyusdik*, it means he is doing the right thing by taking that step because it is actually good for him.

So too in our case, it is hard to have in mind of the coming of Mashiach but that just means how great it is and if one constantly reviews this, myself included, it will hopefully bring the *geulah* closer to us.

This concept of constant review and toiling in something is found throughout the Torah, but I feel it would be good to quote the *Sefer HaChinuch* on this topic.

Among the mitzvos in *Parshas Bo* are:

- ❖ The commandment of eating the meat of the *korban pesach* (Mitzvah 6)
- ❖ To not eat the *pesach* uncooked or boiled (Mitzvah 7),
- ❖ To not leave from the meat of the *pesach* (Mitzvah 8),
- ❖ That we not feed of the *pesach* to a heretic Jew (Mitzvah 13),
- ❖ That we not feed of the *pesach* to a stranger or a resident non-Jew in the same city (Mitzvah 14)
- ❖ Not to take the meat of the *pesach* outside (Mitzvah 15)
- ❖ To not break a bone from the *pesach* (Mitzvah 16)
- ❖ That someone without a *bris milah* cannot eat from the *pesach* (Mitzvah 17)

The Chinuch says (Mitzvah 16) that one of the main reasons why we have numerous mitzvos regarding the *korban pesach* is because it is to remember *Yetzias Mitzrayim*. However, the *Sefer HaChinuch* says that you might have thought that only one mitzvah would have been enough for us and our offspring to remember *Yetzias Mitzrayim*. He answers that if we constantly engage in good things, in this case the mitzvos, we will become better people.

So too in our case, perhaps if we will constantly work on ourselves to constantly remember that Mashiach will come any day, it will gradually be easier.

## ***Pidyon HaBen* through Agency**

**Rabbi Yitzchak Friedman**<sup>1</sup>

The mitzvah of *pidyon haben* appears prominently in the Torah reading of the first day of Chol Hamoed. Additionally, Pesach celebrates the creation of the Jewish people, who Yishayahu calls, “*bni bechori Yisrael*.”<sup>2</sup> The question that will be addressed is whether the mitzvah of *pidyon haben* can be accomplished through an agent.

This question can be divided into two parts: Can the *bechor*'s father accomplish the giving of the five *selaim* through an agent, and can the Kohen receive the coins through agency. In answering this question, we must explore the nature of *mitzvas pidyon haben*?

*Sefer Pidyon haben Kehilchaso* (*siman beis*), does just that. It presents three paradigms in which to view this mitzvah:

- 1) The redemption of one's first-born son from belonging to the Priesthood. This is accomplished by the gifting of five sela'im of silver to a Kohen.
- 2) A two-step process: a) the redemption of the first-born by setting aside five *selaim*, for that purpose. b) the subsequent handing over the sum to the Kohen which constitutes a separate mitzvah of *matnas kehunah*. This would be like the *Noda Beyehuda*'s understanding of giving *tetrumah* to the Kohen. The setting aside of the grain converts the *tevel* into *Chullin*, and then the farmer must give the *terumah* to a Kohen of his choosing, as a gift to the Kohen.

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<sup>1</sup> During the *pidyon haben* of my grandson, Ezriel Gershon Friedman, I started researching a *she'eilah*, but was unable to put my findings on paper. B”H, thanks to the prodding of Moshe Rock, the mission was accomplished. May the zechus of these *divrei Torah* help my *bechor* grandchildren (even the one that wasn't eligible for a *pidyon*, due to his Cohen status) and the rest of my family, BS”D.

<sup>2</sup> See *Pachad Yitzchak, Pesach*, §20-21

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- 3) Alternatively, it could not be a redemption at all, just a gift one is Biblically mandated to give a Kohen.

This third explanation is difficult to understand because of a Gemara in *Kiddushin* (6b). The Gemara states that if one gives the *pidyon* money on condition that it will be returned to him, he fulfills the mitzvah. Rav Herschel Schacter, *shlit"z*, in a letter of *berachah* to his son, (on publishing his sefer, *Ali Tzion U'Pidyon Bechoreha*, says that this text refutes the notion that it is a mere debt to the Kohen. If the purpose of the mitzvah was that the Kohen should receive a gift from the father of the infant, why would such a condition accomplish that goal. He is not ending up with a net gain of five *sela'im*?<sup>3</sup> In addition, if one adopts this paradigm, they would have to say that the use of the word *pidyon* is a euphemism and doesn't really indicate a redemption of any sort.

The *Shulchan Aruch* (*Orach Chaim* 339:4) says that we do not do *pidyon haben* on Shabbos. The *Gra*, *z"l*, seems to cover all the bases by giving two explanations for this decision.<sup>4</sup> First, it is like transacting business. This would prohibit *pidyon haben*, if it was act of redemption from the Kohen. Second, says the *Gra*, *z"l*, paying back debts is prohibited on Shabbos. This would address the paradigm that states that *pidyon* is merely the payment of a Biblical debt.<sup>5</sup>

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<sup>3</sup> After questioning the notion that *pidyon haben* is merely a required gift to a Kohen not a redemption, Rav Schacter calls into question a proof advanced by the *Ketzos HaChoshen* (*Choshen Mishpat* 243:4). The *Ketzos* wants to prove that the *Rivash* is correct and that the *pidyon haben* money can be given against the will of the Kohen. His proof is from the fact that a debt can be paid against the will of the lender. However, *Kiddushin* 6b seems to indicate clearly that it is more than the payment of a debt and perhaps we need the Kohen to accede to receiving a *pidyon* payment for it to affect the mitzvah.

<sup>4</sup> The source of the *Gra* is the *Shu"t Rivosh* §156.

<sup>5</sup> See the *Gra* (YD 305:17) who concurs with the opinion that *pidyon haben* is just a debt you must pay to the Kohen.

The *Rama* (YD 305: 10, with the *Rivash* §131 being the source of this ruling) *paskens* that the father cannot give the five *selaim* to the Kohen through an agent. The *Shach* and the *Taz* question this *psak* by asking, “Why is this different than any other mitzvah that is not incumbent upon the person’s own body (i.e. tefillin, tzitsis, etc.), where agency works?”

There are two answers to this query, recorded in the *Sefer Pidyon HaBen Kehilchaso*:

- 1) *Aruch Hashulchan* (305: 6-7) says that any mitzvah that the Torah commands you to do specifically cannot be delegated to an agent. An example of this principle would be the nullification of one’s daughter’s or wife’s vows.
- 2) *Chasam Sofer* (Responsa YD §295), limits the *Rama*’s stringency of not redeeming one’s child through an agent to when the agent uses his own funds. However, if the father uses the agent merely as a courier of the funds to the Kohen, the *Rama* would agree that a *pidyon* is accomplished. Unlike *milah*, where the Torah requires the Beis Din to act when the parent is not present,<sup>6</sup> no such requirement is indicated with *pidyon haben*. Hence, a *shaliach* is unacceptable to perform this mitzvah in the father’s stead. What is also obvious is that the *Chasam Sofer* holds that *pidyon haben* is not a repayment of a debt but an actual redemption. Otherwise, the father’s agent could use his own money.<sup>7</sup>

*Halachah lemaasah*, there is a disagreement between the *Rama* and the *Shach* and *Taz* whether the father can procure an agent for *pidyon haben*. The *Shach* and *Taz* say that since this is not a mitzvah done with one’s body, an agent may be appointed. The *Gra* adds another reason that an

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<sup>6</sup> As it states, המול לכם כל זכר.

<sup>7</sup> Additionally, the *Chasam Sofer* writes that Rav Nosson Adler said that it is preferable for the father to redeem the child remotely than to use a *shaliach* in the Kohen’s locale. This underscores the *Chasam Sofer*’s position in defending the *Rama*.



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agent is effective in *pidyon haben*, since it is merely paying a debt. The *Aruch HaShulchan* and the *Chasam Sofer* defend the *Rama* with differing approaches. The *Chasam Sofer* distinguishes between whether the agent uses his own money where it is ineffective to when the agent is merely delivering the father's *pidyon* monies to the Kohen. The *Rama* would concede that the agent's *pidyon* would be effective. However, as with all mitzvah acts, it is preferable to do the mitzvah oneself then have it done through agency.<sup>8</sup>

May the Kohen use an agent to receive the *pidyon* money? This question should also hinge on the question of what the nature of the *pidyon* is. If it is merely the receipt of a debt payment and can be done even against the will of the Kohen, it could surely be accomplished through an agent. This would be in contradiction to the *Sifrei* (*Devarim* 18:3) that explains that the *paskuk*, *v'nossan laKohen*, "and you shall give to the Kohen," implies "and not to his agent."<sup>9</sup> If there are two mitzvos, the redemption of the *kedushas bechor* onto the five *selaim* and a gift payment to the Kohen, an agent should be able to be used to receive a gift. However, the *Chasam Sofer* (YD:292) says that from the fact that the Kohen gives the father an option to be *podeh* indicates that the Kohen has some ownership stake in the infant. Hence, he must be involved himself, if the infant is to be released from the Priesthood. The *Ketzos HaChoshen* (243:4), based on the formulation that "the Kohen is the master of this bechor," says that a *shaliach* could help the Kohen accept the *pidyon* if he is acquiring the five *selaim* on behalf of the Kohen without his knowledge. The part of the *pidyon* that involves receipt of the five *selaim*, can be affected through agency, but not the Kohen's return of the infant.<sup>10</sup>

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<sup>8</sup> See *Kiddushin* 41a

<sup>9</sup> The *Machneh Ephraim* (*Zechiah u'Matana* §33) explains the *Sifrei* as excluding a non-Kohen agent. However, a mere debt payment, as opposed to a Kohanic gift, should be able to be received by a *shaliach*, since it is able to be returned involuntarily.

<sup>10</sup> The *Nesivos HaMishpat* (243:3) says that this is due to the Kohen saying he doesn't trust the volunteer agent. The *Chasam Sofer* (YD:292) posits that it is a

In closing, I would like to add the beautiful vort that was said by my son, Reb Tzvi, at the *pidyon haben*. The question is asked, if *pidyon haben* is really a redemption of the child from some type of *kedushah*, why would we celebrate and recite a blessing on an act that constitutes the infant's descent from belonging to the Kohen to becoming a regular Yisrael?<sup>11</sup> What are we thankful for?

Rav Pam, *zt"l*, answered that the infant does not have the DNA to be a Kohen. Raising him to be a Kohen would result in a failed and depressed child. He is surrounded by Kohanim, strives to be a Kohen and his genetics hinder him from assuming that role. People should rather be their best selves instead of playing a role that was not designed for them, with mediocrity.<sup>12</sup>

I would add another answer to this question, also in the realm of *chinuch*. No matter how great the environment you enter as a child there is no substitute for a parent's love and caring. A child raised in a functional home will end up being more adjusted than if they are raised by other's regardless of the environment. Obviously, this is a generalization and requires intelligence guided by experience, to be applied correctly!

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mitzvah to receive the Kohanic gifts and hence better to be done by oneself than through an agent.

<sup>11</sup> If it is a gift to the Kohen, this *berachah* would be no different than any other *berachah* on giving gifts to a Kohen. If it is a *birchas hodaah*, a thanksgiving blessing for the saving of Jewish firstborn children in Egypt, we would also understand the *berachah*.

<sup>12</sup> Rav Shmuel Brudny, *zt"l*, said that this idea can be deduced from a Gemara in *Arachin* (10b). The Gemara says that there existed an *abub* instrument from the days of Moshe *Rabbeinu*. Subsequently, a king decorated it with gold and it no longer produced a sweet sound. Only after the gold was stripped away, did the *abub*'s sweet sound return. Similarly, when we try to perfect ourselves rather than imitate someone who is much greater than ourselves, the results are usually more pleasing.

## The Wisdom of Az

### Rabbi Yonasan Klafter

On the seventh day of Pesach we read the *parshah* of *Kerias Yam Suf*, to commemorate the miraculous event that happened on that day. One of the expressions of *Shirah* contained in *Az Yashir* is the proclamation מִי־כָמֹכָהּ ה' בְּאֵלִים, *Who is like you amongst heavenly powers, Hashem!* (*Shemos* 15:11). The Gemara in *Gittin* (56a), and *Mechilta* as well, expounds this *pasuk* like this: מִי כמכה באלמים ה', translated as “Who is like you amongst the mute ones, Hashem?” The Gemara explains, for Hashem hears the cries of the Klal Yisrael and is silent. The obvious question is, what is praiseworthy in ignoring the cries of the Jews, and why is this included within the *Shirah*?

We can explain this perplexing Gemara based on a Gemara in *Pesachim* which says (50a), לא כעולם הזה העולם הבא העולם הזה על בשורות טובות אומר, ברוך הטוב והמטיב ועל בשורות רעות אומר ברוך דיין האמת לעולם הבא כולו הטוב והמטיב, *This world is not like the World to Come. In this world, on good tidings we recite “Baruch Hatov Veha’Meitiv,” and on bad tidings we recite “Baruch Dayan Ha’Emes.” However, in the World to Come we will recite only “Baruch Hatov Veha’Meitiv”.*

The reason for this is, for although everything Hashem does is for our ultimate benefit, in this physical world our perception is very limited. We see but a very small slice of the big picture, and may not always perceive everything as good and we therefore cannot truly say “*Hatov Veha’Meitiv*.” However, during *Kerias Yam Suf* Klal Yisrael was uplifted to the exalted level of *Olam HaBah*, as is hinted to by the opening words “*Az*” (*then*) *Yashir*.

The concept of *Az* is a reference to something beyond time, as it says in *Tehillim* (126:2) אֲזַיִּמְלֵא שִׁחִי פִינֹה, “*then*” *our mouths will be filled with laughter*. At the moment of *Kerias Yam Suf*, Klal Yisrael had reached a level where they were able to perceive everything as total good. Therefore,

it was truly a praise for them to thank Hashem for remaining silent in the face of the Klal Yisrael's troubles, for ultimately, that too was for their benefit.

With this concept we can resolve another apparent difficulty. The Midrash says (*Shemos Rabbah* (23:3) that Moshe Rabbeinu sinned with the word *Az* (on his high level) by expressing doubt after seeing the situation degrade after his conversation with Pharaoh, as the *pasuk* says: (*Shemos* 5:23) וּמֵאָזָּה בָּאתִי אֶל־פַּרְעֹה, *From "then" that I came to Pharaoh he has harmed this nation, and You have not saved Your nation.* So, it was fitting for Moshe to do *teshuvah* with the *Az* of *Az Yashir*. It is obvious that this comparison of the Midrash is not simply because of the identical word usage. Rather the connection is much deeper, since now Klal Yisrael rose to the level where they were able to perceive everything as good, this was a fitting *teshuvah* for failing to see the bigger picture and expressing doubt at a bad situation.

While researching this Midrash, I stumbled upon a beautiful addendum to this *vort*. The Artscroll Edition of Midrash Rabbah quotes an *Ohr Gedalyahu* who elaborates on a Midrash a bit further on. The Midrash says: From the day the world was created, there was no one who said *shirah* until the moment of *Kerias Yam Suf*. Meaning, although the Avos definitely said *shirah*, no one was able to reach this level of clarity to see the bad as if it was actually good, until this event. This is the special *Shirah* that Klal Yisrael achieved that was never done before.

The *Pachad Yitzchak* (*Pesach* §53) elaborates on the word *Az*, which in grammatical Hebrew turns a future tense into something in the past (the word "*yashir*" translates as "they will sing," but with the leading *Az* it is translated as "then they sang," in the past). The Vilna Gaon explains this phenomenon, for the word *Az* is comprised of *aleph* and *zayin*, in which *zayin* (7) represents the seven days of creation, and *aleph* (1) represents the one entity in which the entire seven days is contained. Meaning, the future is already contained in the past. This concept is highlighted in the

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*Lecha Dodi* we say on Shabbos: סוף מעשה במחשבה תחילה, *the finished product was already embodied in the original thought*. The seeds of the creation in its entirety were already present in its creation. This, then is the secret of *Az*, that not only does Hashem prepare the cure before the sickness, rather the seeds of redemption *are already contained* within the tragedy itself. This was the incredible level of clarity which Klal Yisrael reached at *Kerias Yam Suf*, and this is the level of *shirah* the Midrash was referring to, which was never reached before.

This Pesach, let us strive to reach this level of *shirah*, where we can recognize that there is a plan for every event. To gain the clarity that Hashem not only has a cure, but the cure is already here. With this, may we merit to rise to the level of *Olam Habah*, the world of total goodness, and to experience ourselves the *Az* of אֶז יִמְלֵא שְׂחָק פִּינוֹ

## To Sing or Not to Sing

### Chaim Sugar

A well-known Midrash states that at the time of *Kerias Yam Suf*, the malachim wanted to sing *shirah*. However, Hashem did not allow this, claiming that His *maasei yadi*, the works of My hands, drowned in the sea and you want to sing *shirah*? Many read this as HaKadosh Baruch Hu teaching us to have feelings of sadness for His drowned creations, regardless of their evilness.

The *Chanukas HaTorah* is a collection of novellae on the *parshios* of the Torah, attributed to a 17<sup>th</sup> century Torah scholar known as the Rebbe Rav Heschel (Rabbi Avraham Yehoshua Heschel, 1595-1663). On the *parshah* of *Beshalach*, regarding the above-noted Midrash, the *sefer* writes of Rav Heschel's disagreement with the common interpretation of the Midrash and points out some of the issues Rav Heschel has with this common interpretation.

Rav Heschel is opposed to the idea that we must feel sad for the destruction of evil individuals. He quotes a *pasuk* that specifically suggests we are to rejoice (*rinah*) at the downfall of evil people. One might suggest that additional proofs to the permissibility of saying *shirah* are the facts that Moshe sang *shirah*, Miriam sang *shirah*, and, as we read in the Haftarah for *parshas Beshalach*, Devorah sang *shirah* after the destruction of evil.

Also, Rav Heschel points out that the *malachim* wanted to sing *shirah* at night and the Mitzrim did not drown until the morning (see *Shemos* 14:24). Therefore, the verb used by HaKadosh Baruch Hu, "drowned" in the past tense, is not appropriate because when the *malachim* wanted to sing *shirah*, the Mitzrim had not yet drowned.

Rav Heschel cites a Gemara in *Mesechtah Sanhedrin* regarding the defeat and death of Sancherev's army. The Gemara tells us that if a human hears the *malachim* singing *shirah* the human will die. HKB"YH allowed the

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soldiers of Sancharev to hear the *malachim* sing *shirah* and that is how they died.

At the *Yam Suf* too, the *malachim* wanted to sing *shirah* and thus kill the Mitzrim. But HKB”H said, NO! These Mitzrim “drowned” (past tense) My *maasei yadi*, the works of My hands, referring to My Yidishe babies that the Mitztiim drowned in Mitzrayim. The Ribono Shel Olam tells the *malachim* that He metes out punishment *midah keneged midah*, meaning the punishment must match the crime. Since the Mitzrim drowned My babies in the *Yam*, not an easy death, so too these Mitzrim, these evil creatures, need to die by drowning in the *Yam*. And yes Moshe, you, and all *Bnei Yisrael* may sing *shirah*.

## ***Zeh Keili V'anveihu and Mishkal Hachasidus*** **Aryeh Stein**

One of the hallmarks of our *avodas Hashem* is the concept of *zeh Keili v'anveihu* – when a Jew does a mitzvah, he should seek to perform it in a beautiful manner. The examples that the Gemara presents are that one should seek out a beautiful sukkah, lulav, shofar, tzitzis, etc. (*Shabbos* 123b). The source for this idea is a pasuk in the *Shiras HaYam* (*Shemos* 15:2): *זֶה אֱלֹהֵי וְאֶנְהוּ אֵל-הִי אָבִי וְאֶרְמְמֶנְהוּ*, *This is my G-d, and I will beautify Him; the G-d of my father, and I will exalt Him.*

What prompted the *Bnei Yisrael* to make this proclamation of *zeh Keili v'anveihu* at this time? One would think that, given that they had just been saved from the Egyptians, the focus would have been “Thank you Hashem for saving us from extermination!” and not on the seemingly ancillary concept of *zeh Keili v'anveihu*! The answer to this question can be derived from the manner in which Hashem saved us. After 210 years of servitude, Hashem could indeed have “simply” taken the Jews out of Egypt without the fanfare of a *Kerias Yam Suf*. Or, even with a *Kerias Yam Suf*, Hashem could have “simply” split the sea and allowed the Jews to go through the muddy seabed without any fanfare.

Instead, as elaborated upon in great detail by the Midrash, Hashem performed the act of *Yetzias Mitzrayim* in the most beautiful manner possible. To give just a few examples: the floor of the Yam Suf dried completely like there was never any water there and the seabed became a beautiful mosaic; the Yam Suf split into twelve thoroughfares for the twelve *shevatim*; there were fruit trees for mothers to feed their hungry children; vegetation grew from the ground for the animals to eat, etc. The *Bnei Yisrael* noticed this and recognized that Hashem was demonstrating His infinite love for the Jews. This, in turn, inspired the Jews to want to reciprocate and show their love for Hashem – by seeking to perform His mitzvos not in a minimally acceptable manner but in special and beautiful manner.



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A simple way of looking at *zeh Keili v'anveihu* is that one should spend more money on a mitzvah in order to procure a more beautiful mitzvah item. This, of course, is not wrong, as this is the very example brought in the Gemara – buy a beautiful esrog, talis, etc. But to stop the evaluation of *zeh Keili v'anveihu* at this rudimentary level does a disservice to Hashem and our performance of His mitzvos. Rather than view *zeh Keili v'anveihu* in this limited and one-dimensional manner, it is important to analyze *zeh Keili v'anveihu* in a more holistic manner. Taking this multi-faceted approach can often lead to a situation where *zeh Keili v'anveihu* actually compels one to do what seems the opposite of *zeh Keili v'anveihu* if *zeh Keili v'anveihu* were applied in a purely objective manner. It is this approach that the *Ramchal* espouses in his magnum opus, *Mesillas Yesharim*.

### **The Ramchal's Mishkal Hachasidus**

Near the end of *Mesillas Yesharim*, the *Ramchal* discusses what he calls a “very, very fundamental” matter – the importance of exercising judgment before doing any and every act that one does: the *mishkal hachasidus*. Before blindly going about one’s day and engaging in the performance of mitzvos, a serious Jew needs to first think whether his proposed course of action is indeed proper or not, or are there, perhaps, unintended consequences that need to be considered. Without this thought process, one could ostensibly perform a mitzvah that could cause more harm than good. When one first considers all of the ramifications of his proposed course of action, the result is more likely to coincide with *ratzon* Hashem.

The *Ramchal* gives several examples, both general and specific, of the importance of engaging in a *mishkal hachasidus*. For example, there is a *mitzvas aseh* of reproving a fellow Jew if you witness him doing something wrong. However, if you know that saying something to this person will backfire and cause him to sin further, it is recommended to refrain from saying anything. The Gemara says (*Yevamos* 65b): *Just as it is a mitzvah to say what will be heeded, so it is a mitzvah not to say what will not be heeded*. Likewise, while, generally speaking, one should run to

do a mitzvah, if this will lead to arguments and discord between a group of people fighting to perform said mitzvah, it is better to abstain and allow others the *zechus* of performing the mitzvah

This exercising of judgment applies equally to *mitzvos lo saseh*. The *Ramchal* cites the story of Gedaliah ben Achikam, the leader of the Jewish people that remained in Eretz Yisrael after the destruction of the first *Bais HaMikdash*. Gedaliah was warned that Yishmael ben Netanya had been sent by the king of Ammon to kill him, but Gedaliah refused to believe these reports (or at least take steps to protect himself) because they constituted *lashon hara*. As we know, Gedaliah was indeed assassinated by Yishmael, and Chazal fault Gedaliah for blindly refusing to believe *lashon hara*. Had Gedaliah engaged in a *mishkal hachasidus*, he might have to come to the conclusion that the situation called to take heed of the reports and protect himself from Yishmael. Instead, Gedaliah (and many others) were killed, and the last remnant of the Jews living in Eretz Yisrael were dispersed to other lands.

### **Zeh Keili V'anveihu and the Mishkal Hachasidus**

While the *mishkal hachasidus* is important in regard to both positive and negative mitzvos, it is no less important in the application of *zeh Keili v'anveihu*. The story is told<sup>1</sup> of a person who was getting ready to purchase a new pair of tefillin and there were two *sofrim* in his town: one was a very experienced *sofer* whose tefillin were known to be the most *mehudar* in every way, and the other *sofer* was a younger and relatively inexperienced *sofer*; whose tefillin, while 100% kosher in every way, were certainly not as *mehudar* as those of the experienced *sofer*. The man assumed that he should buy his tefillin from the experienced *sofer* as a fulfillment of *zeh Keili v'anveihu*, but he had the foresight to first consult with his Rav. The Rav explained that *zeh Keili v'anveihu* should not be viewed from the narrow perspective of which tefillin would be objectively more *mehudar*,

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<sup>1</sup> See *Tuvcha Yabia* Vol. I p. 229.

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but from the broader perspective that would take other factors into consideration. The Rav continued and explained that the young *sofer*, having just started out, was struggling to support his family. Thus, the Rav recommended that the person buy his tefillin from the younger *sofer* – and the fulfillment of *zeh Keili v'anveihu* would be achieved through the provision of *parnasah* to the *sofer* and his family in an honorable fashion.

It is important to keep in mind that *zeh Keili v'anveihu* is also not about simply spending more money when performing a mitzvah. The story is told of Reb Yidel of Dzhikov who, several days before Purim, went to the bank to exchange his old and wrinkled money for new bills. When questioned by the bank teller as to why he wanted to make the exchange (when the new bills were obviously not worth more than the old bills), Reb Yidel explained that, in a few days, he will be giving *matanos l'evyonim* and he felt that distributing fresh and crisp bills was a fulfillment of *zeh Keili v'anveihu*. Another unique application of *zeh Keili v'anveihu* is that of R' Shmshon Rafael Hirsh. Since each and every Jew should view himself as an *eved Hashem* and as a vessel for Hashem's *Shechinah* to dwell within, *zeh Keili v'anveihu* obliges one to should strive for personal holiness and purity.

We are familiar with the halachah that one is not permitted to eat matzah on Erev Pesach so that one will eat the matzos mitzva at the Seder *beteiavon* – with a hearty appetite. Similarly, R' Yisrael Isserlin (the author of the *Terumas HaDeshen*) would refrain from sleeping on Erev Succos so that he would be able to perform the mitzvah of sleeping in the Succah later that night *beteavon*. (I think it is safe to assume that R' Isserlin performed a *mishkal hachasidus* and concluded that foregoing an erev Yom Tov nap would not detract from his simchas Yom Yov at the *seudah*.) The abstaining from matzah on Erev Pesach and sleep on Erev Succos are both distinctive applications of *zeh Keili v'anveihu*.

Another important consideration is to make sure that one's fulfillment of *zeh Keili v'anveihu* is *l'shaim shamayim* – grounded in an honest desire to

honor Hashem - and not based on an attempt to impress others. For example, if a person sets out to buy the fanciest silver esrog box but is content with using an esrog that is barely kosher, it would appear that his priorities are skewed.<sup>2</sup> The *Binyan Shlomo* cites a “*chacham echad*” who explains the Gemara’s somewhat glaring omission of tefillin from the list of mitzvos that are subject to *zeh Keili v’anveihu*, by explaining that *zeh Keili v’anveihu* applies only to mitzvos that are public and visible to others so as to increase *kavod Shamayim* (and tefillin *shel yad* are hidden from view). *Zeh Keili v’anveihu* and the *mishkal hachasidus* requires one to be honest with one’s true motivations – which at times can be a very uncomfortable thought process.

A timely example is when it comes to cleaning for Pesach. We all want to do a complete job of ridding our homes from any traces of chametz (as a fulfillment of the mitzvah of *tashbisu* together with *zeh Keili v’anveihu*), but we must do so without violating other mitzvos while doing so. If our fastidiousness in cleaning for Pesach instills a sense of dread on one’s family, it is quite likely to lead to blatant violations of serious *issurim* such as *ona’as devarim* (hurtful speech). This is an indication that one’s method of cleaning for Pesach is not purely *l’sheim shamayim*. A proper *mishkal hachasidus* would lead to a balanced approach to cleaning for Pesach, an approach that will lead to a chametz-free home while at the same time ensuring that the home is one of equanimity and *simchas hachaim*.

As we count down the days towards Pesach, it behooves us to remember everything that Hashem did for the Jewish people thousands of years ago when he took us out of Mitzrayim and led us through the Yam Suf. The same way that Hashem redeemed us in the most magnificent and glorious

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<sup>2</sup> Without an honest assessment of one’s motivation, the application of *zeh Keili v’anveihu* can be taken to somewhat absurd proportions. R’ Chaim Pinchas Scheinberg discusses why, on one hand, there is an *inyan* to use a *talis naeh* – even though the mitzvah is ostensibly limited to the actual strings of tzizis, and, on the other hand, why there is no *inyan* of owning a palatial mansion so that one can fulfill the mitzvah of mezuzah in a beautiful manner. See *Mishmeres Chaim* (Vol. I pps. 3-4).

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manner, we should, in turn, endeavor to do Hashem's will in the most beautiful manner possible – while at the same time always engaging in the Ramchal's *mishkal hachasidus*. It is only through a thoughtful and comprehensive assessment of our actions that we can hope to fulfill our obligations in this world in the most beautiful manner possible.

## **What Hashem Does**

**Louis Leder**

The Gemara in *Sanhedrin* (94a) cites a criticism directed at Moshe Rabbeinu and the *Bnei Yisrael* who left Mitzrayim. A Tanna taught in the name of R' Papayas: It is a discredit to Moshe and the 600,000 men who experienced *Yetzias Mitzrayim* and did not say “*Baruch*” until Yisro came and said ברוך ד' אשר הציל אתכם מיד מצרים.

This *Chazal* is a wonder. Wasn't the *Shirah* of משה ובני ישראל full of praise to Hashem? Why was the “*Baruch*” of Yisro a discredit to Moshe Rabbeinu and the *Bnei Yisrael*?

Maybe one can surmise to say that the praises of the *Bnei Yisrael* in the *Shirah* were praises for what Hashem did for them. When Yisro said ברוך ד', he was praising Hashem for what He did for others – for the *Bnei Yisrael*. Yisro said to Moshe, אשר הציל אתכם, that Hashem saved *you*, the *Bnei Yisrael*.

The lesson to learn is that it's not enough to praise Hashem for what He does for us, but we have to also praise Hashem for what He does for others.

## ***Leil Shimurim: A Protected Night***

**Rabbi Moshe T. Schuchman**

### ***M'ain-sheva on Leil haSeder***

Each *leil Shabbos*, Friday night, the *berachah* of *m'ain-sheva* is recited in shul after *maariv*. It was appended to the *tefillah* out of concern for *sakanah*, danger (*Shabbos* 24b). *Rashi* explains that *batei keneisiyos* were formerly located in fields on the outskirts of the city. Latecomers would still be davening when others were leaving to go home. Since remaining alone outside the city was dangerous because of *mazikin*, destructive forces, that were prevalent, the *Chachamim* extended the *tefillah* so everyone could go home together. This was not a concern on weekdays because, in those times, daily work schedules did not afford people the opportunity to daven *maariv* in shul as a *tzibur*.

Why was this additional prayer instituted only for *Shabbos* and not for Yom Tov?

*Rabbeinu Perachyah* answers that on *Erev Yom Tov* most people were exceedingly busy preparing for *simchas Yom Tov* – without refrigeration everything had to be made close to consumption – and were unable to allot enough time to trek out to the fields for *tefillah*. With lower shul attendance, latecomers were infrequent, and accordingly, there was no reason to enact a *takanah* for their safety. (*Meiri to Taanis* 2a has a similar explanation for why *mashiv ha'ruach* and *morid hatal* begins only in the morning of Yom Tov and not the evening prior.)

*Chidushei HaRan (HaMeyuchasim)* provides a different answer for why there is no *m'ain-sheva* on Yom Tov. Talmud *Pesachim* (112b) relates how upon the insistence of R' Chaninah ben Dosah, *mazikin* only have license to roam around inhabited areas on *leil revi'i* (Tuesday night) and *leil Shabbos*. When Yom Tov falls on *leil Shabbos* we anyway recite *m'ain-sheva* because of *Shabbos*. Yom Tov occurring on Wednesday is infrequent (in today's calendar it happens when *Rosh HaShanah* is a

Monday causing *Yom HaKippurim* to fall on Wednesday, and for *Shavuot* when *Pesach* is on Tuesday), therefore, there was no need for a separate *takanah*.

It clearly emerges from the *sugya* that *m'ein-sheva* must be recited when Yom Tov occurs on *Shabbos*. The major Rishonim, such as *Rif* and *Rosh* (second *perek* of *Shabbos*) and *Rambam* (*Hil. Tefillah* 9:12) – the pillars of *psak halachah*, do not distinguish between Yomim Tovim, indicating that the first night of Pesach is no exception. *Avudarham*, cited by *Beis Yosef* (487), writes explicitly that when there is a confluence between Pesach and *Shabbos*, *m'ein-sheva* must be said. *Siddur Rashi* and *Shibolei HaLeket* concur. (R' Yaakov Moshe Hillel in *Shu"t Vayeshev HaYam* I:8 collects the sources.)

However, *Ritva* (*Shabbos* 24b and *Rosh Hashanah* 11b) in the name of ‘*Tosafos*’ writes that *Leil Pesach* is different. When the *Chachamim* instituted the *berachah* of *m’ein-sheva* for *leil Shabbos* they specifically excluded the *Shabbos* of *leil Pesach*. The reason for this exclusion is based on a *drashah* (*Rosh Hashanah* 11b) from the *pasuk* in *Parshas Bo* (12:42): לֵיל שְׁמֵרִים הוּא לֵה' לְהוֹצִיאֵם מֵאֶרֶץ מִצְרָיִם הוּא הַלַּיְלָה הַזֶּה לֵה' שְׁמֵרִים לְכָל בְּנֵי יִשְׂרָאֵל לַיְלָה הַשְּׁמוּרָה מִן הַמַּזְכִּיקִין. The night of *Pesach* is a *Leil Shimurim*, a ‘Protected Night’, which affords us protection, for all generations, from *mazikin*. Consequently, the extra *tefillah* instituted due to safety is unnecessary and thereby omitted.

The Gemara presents this interpretation of the *pasuk* only for R' Eliezer, but *Tosafos* explain that even R' Yehoshua, who uses it for a different teaching, namely that the future redemption will also take place in the month of *Nissan*, agrees with the notion that the night of Pesach is guarded from *mazikin*. Their proof is from *Pesachim* (109b) which says that although we generally avoid *zugos*, doing things in pairs, because that invites *mazikin*, the night of *Pesach* is a *Leil Shimurim* and we are able to safely drink four cups of wine without worry. Ostensibly, R' Yehoshua also had *arba kosos*.



## Section VI: Tefillah on Pesach and Beyond

*Beis HaLevi* (Bo) says this protective property of the night is the basis for the custom of opening the door at *Shefoch Chamaschah*. One could have thought that the door should be opened at the beginning of the *seder* before saying *Ha Lachma Anya*, when we invite anyone who still needs a place to join us. *Beis HaLevi* explains that the true reason for opening the door now, as we pour the fourth *kos*, is to demonstrate that although we are about to drink an even number of *kosos*, there is no concern for danger. Tonight is a *Leil Shimuirim*, and we are confident that no calamity will befall us.<sup>1</sup>

Along the lines of *Ritva*, the *Tur* (487) brings that *Rav Nissim Gaon* also ruled to omit *m'ein-sheva* tonight because we are protected from *mazikin*. Interestingly, *Shulchan Aruch* adopts this ruling, contrary to the usual protocol of following the consensus of the major *Rishonim*. (R' Y.M. Hillel asserts that the position of *mekubalim* was that *m'ein-sheva* should be recited.)

One could have argued that even though the concept of *Leil Shimurim* mitigates any concern of *sakanah*, nevertheless, once a *takanah* is in place it applies across the board in all circumstances, even in instances where the original motivation does not hold true. Furthermore, *Poskim* consider *m'ein-sheva* a mini version of *chazaras haShatz*. (For instance, *Mishnah Berurah* holds that if one forgets *Mashiv HaRuach* in *maariv*, instead of davening again it is sufficient to just listen to the *shatz* say *m'ein-sheva*; others disagree.) *Chazras haShatz* remains a fixture of *tefillah* even if the revealed reasons for its institution seemingly no longer apply. *M'ein-sheva* should be the same.

*Ritva* himself pre-empts this argument. He notes that when *Chazal* initially enacted the *takanah* of *m'ein-sheva* they specifically excluded the night of

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<sup>1</sup> The reason for opening the door at *Shefoch Chamoschah* given by *Rama* (480) is: כדי לזכור שהוא ליל שמורים ובזכות אמונה זו יבא משיח וישפוך חמתו על העכו"ם. This is an appropriate juncture as the Seder now shifts its focus away from *Geulas Mitrachim* and toward the upcoming *geulah*, שיבוא בקרוב.

*Pesach* that occurs on *Shabbos*. This is like the exclusion of *leil haSeder* from the *takanah* of saying *kiddush* in shul on the nights of *Shabbos* and *Yom Tov*.

### **Protection for All Generations**

While 3,331 years have elapsed since the night of *geulah* from *Mitzrayim*, the special quality of this night being a *Leil Shimurim* endures. As the *pasuk* states, “לדרתם”, the Divine *shemirah* on the fifteenth of *Nisan* is for all time. Other *hanhagos* unique to this night reflect that reality. Among them:

- 1) *Rama* (167:5) says salt should be brought to the table at each meal להגין מן הפורענות, as a protection from calamities. But on *Leil Shimurim* there is no need, as the night itself affords protection from *mazikin*.
- 2) *Rishonim* cite a *minhag* to not lock the house door. (*Magen Avraham* 481 cites *Maharil* that one who resides in a dangerous neighborhood, a מקום דשכיה הזיקא, should not rely on this.<sup>2</sup>)
- 3) The sections of the bedtime *Shema* dealing with nocturnal protection are omitted. (*Rema* 481)
- 4) Usually, eggs and onions left peeled overnight may not be eaten due to a *ru'ach ra'ah* the descends on them. (*Niddah* 17a). *Poskim* discuss a possibility that *Leil Shimurim* may ward off this danger.

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<sup>2</sup> Every *Shabbos* and *Yom Tov* the end of ברכת השכיבו is changed from השומר עמו to שבת שלום. One reason is because טור הלכות שבת סימן רסו. ופרוס עלניו סוכת שלום to ישראל לעד טור בשם רבי נטרונאי גאון, itself bestows a degree of protection. Yet, לילי רביעיות on שכיחי מזיקין because טור הלכות שבת סימן רסו. ופרוס עלניו סוכת שלום to ישראל לעד טור בשם רבי נטרונאי גאון, says to omit ברוך ה' לעולם on Friday nights because טור הלכות שבת סימן רסו. ופרוס עלניו סוכת שלום to ישראל לעד טור בשם רבי נטרונאי גאון, so people should not be walking outside after dark. This seemingly contradicts what was said earlier that on שבת we have שמירה! *Derishah*, in one answer, compares this to the situation in מצרים where on one hand it was ליל שימורים but at the same time לא תצאו איש מפתח ביתו עד בקר, indicating that in a place of שכיחא הזיקא a person must take minimal precautions.

### The Protected Night in *Mitzrayim*

During the original *Leil Shimurim* in *Mitzrayim*, there was a prohibition imposed on *B'nei Yisrael* against leaving the house (*Bo* 12:22).

וְלִקְחֶתֶם אֶזְזוּב וּטְבִילֶתֶם בְּדָם אֲשֶׁר בְּסֶף וְהִגַּעְתֶּם אֶל הַמִּשְׁקוֹף וְאֶל שְׁתֵּי הַמְּזוּזוֹת מִן הַדָּם אֲשֶׁר בְּסֶף וְאַתֶּם לֹא תֵצְאוּ אִישׁ מִפֶּתַח בֵּיתוֹ עַד בֹּקֶר.

*Rashi* explains, from *Mechilta* (also in *Bava Kama* 60a), that once permission was granted to the *Mashchis* (Destroyer) to act during *Makkas Bechoros* (Plague of the Firstborn), it would not distinguish between righteous and wicked. Therefore, everyone was enjoined to remain confined inside their home.

### A few questions:

1) The plague was directed only against the firstborns. If so, why was *everyone* among *Bnei Yisrael*, including non-firstborns, prohibited from leaving the house? How were they in danger?

2) Furthermore, the *Hagaddah* teaches:

וְעִבְרָתִי בְּאֶרֶץ מִצְרַיִם בְּלִילָה הַזֶּה וְהַכִּיתִי כָּל בְּכוֹר בְּאֶרֶץ מִצְרַיִם מֵאָדָם וְעַד בְּהֵמָה וְגו' (יב:יב) - אני ולא מלאך... ולא שרף... ולא שליח.

The direct presence of *HaKadosh Baruch Hu* Himself, *kaviyochol*, wrought the *Makkah*. Certainly, He distinguishes between nationalities and levels of righteousness.<sup>3</sup> Where was the threat from an indiscriminate *Mashchis*?

3) Finally, as a *Leil Shimurim*, shouldn't the night's protective powers guard against hazards? Why then was it necessary to remain inside?

### Some Suggestions:

1) An answer for the first question is, perhaps, found in *Parshas Shemos*. When Moshe is dispatched from Yisro's house to return to *Mitzrayim*, Hashem him instructs to say to Pharaoh (4:22): וְאָמַרְתָּ אֶל פַּרְעֹה כֹּה אָמַר ה' בְּנִי

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<sup>3</sup> בבא מציעא סא: - אמר הקב"ה אני הוא שהבחנתי במצרים בין טפה של בכור לטפה שאינה של בכור וכו'. ע"ע מכתב מאליהו חלק ד.

**בְּכֹרֵי יִשְׂרָאֵל**. The entire nation of *Yisrael* has the prestigious status of being the *bechor*, firstborn, of *Hashem*. Within *Klal Yisrael* there is a hierarchy, where some are a *bechor* and others are not, but relative to the nations, we are all *bechor*. This is also expressed in the *berachah* recited after *Shema* each morning: כל בכוריהם הרגת, ובכורך ישראל גאלת. Therefore, the *Mashchis* whose mission was to target *bechorim*, could have smitten any member of *Klal Yisrael*.

2) A resolution to the second question might be found in the *Targum Yerushalmi (Yonason)* on that *pasuk* (12:12):

וַתִּגְּלֵי בְּאַרְעָא דְּמִצְרַיִם בְּשָׂכִינַת יְקָרִי בְּלִילְיָא הַדִּין וְעַמִּי תִשְׁעִין אֶלְפִין רַבּוּן מְלָאכִין מַחְבְּלִין וְאַקְטוּל כָּל בּוֹכְרָא בְּאַרְעָא דְּמִצְרַיִם מֵאַנְשָׁא וְעַד בְּעִירָא וּבְכָל טַעוּת מִצְרָאִי אֲעִבִיד אַרְבַּע דִּינִין וְכו'.

Indeed, the *Shechinah* did pass through directly that night, but it was also accompanied by 900 hundred million *מַחְבְּלִין*, destroyers, who were unleashed against the Egyptians. That heavenly entourage was the undiscerning destructive force.

*Maharsha* in *Bava Kama* explains that the passing through of the *Shechinah* was only at the precise moment of *chatzos*, midnight. However, the other forces lingered all night thus posing a danger.<sup>4</sup>

3) To help understand the message of the prohibition against leaving the house on that first *Leil Shimurim* we can note how the *geulah* from *Mitzrayim* was different from subsequent redemptions. The redemptions of *Purim* and *Chanukah*, although miraculous, had an element of human agency. Even *Keriyas Yam Suf* was initiated by *Hashem's* instruction to Moshe to lift up his staff and stretch out his arm (*Beshalach* 14:16): וַתֵּקֶם

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<sup>4</sup> R' Akiva Eiger is quoted as explaining how the *Shechinah* and the accompanying *Mechablin* each had separate roles. Firstborns from the father are not readily identifiable and executing the *Makkah* required more direct Divine intervention. But firstborns from the mother were known as they were tracked by Egyptian birth records. Therefore, lower level forces were sufficiently competent for the task.

## Section VI: Tefillah on Pesach and Beyond

הָרַם אֶת מִטָּה וּנְטָה אֶת נֶדֶךְ עַל הַיָּם וּבִקְעָהּ. There was no natural correlation between Moshe's action and the sea splitting, but it was nonetheless a subtle human contribution.

Not so on the night of the fifteenth of *Nissan*. There were no actors, human or otherwise. *HaKadosh Baruch Hu* alone, His glory fully palpable across the Egyptian landscape, unilaterally executed the *geulah* without any human component.

Our inability to venture out past the thresholds of our homes indicated that we had no role to play in this redemption, however minimal. Even Moshe and Aharon, the leaders and interlocutors between *Bnei Yisrael* and *Hashem*, were confined to their dwellings. *Midrash (Rabbah 18:1)* relates how Pharaoh had to evacuate his palace and run through the streets looking for their houses.

It was a completely passive *geulah* on the part of *Bnei Yisrael*. When it was time to leave, we were transported על כנפי נשרים, a Divine form of transportation, and not on our own volition. Subsequently, we imparted much effort along the journey to receive Torah at *Har Sinai*. But in *Mitzrayim* our transformation was externally imposed.

These miracles and wonders did not occur on account of any merit we had. To the contrary, the *Midrash* (see *Shemos Rabbah 21:7*) relates how the celestial accuser charged, הָלַל עֹבְדֵי עֶ"ז וְהָלַל עֹבְדֵי עֶ"ז, that we were enmeshed in the idolatrous society of our Egyptian oppressors. The *geulah* came about solely in the merit of our forefathers, the *Avos*, who forged a *bris* with Hashem.

The blood of *Korban Pesach* smeared on the doorposts and lintel blocking our exit reminded us that we were protected as long as we were absolutely committed to serving Hashem and followed His guidance. Recognizing that Hashem alone controls our destiny allowed us to survive and be transformed into His nation.

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כִּימִי צֵאתָהּ מֵאֶרֶץ מִצְרַיִם אֲרָאנוּ נִפְלְאוֹת (מיכה ז:טו). הֵן גָּאֲלֹתִי אֶתְכֶם אַחֲרִית פְּרָאשִׁית לְהֵיוֹת לָכֶם לְאֱלֻקִּים (קדושה מוסף שבת, נוסח ספרד).

The impending redemption from our current *galus* will mirror the way *Yetzias Mitzrayim* transpired. *Midrash (Shir HaShirim Rabbah 8:9)* records how this *geulah* will again be challenged by celestial accusers calling attention to our entanglement with immoral elements of our host society. No matter; we too will be recipients of a miraculous redemption and will experience both interpretations of *Leil Shimurim (Rosh Hashanah 11b)*:

ר' יהושע אומר: בניסן נגאלו בניסן עתידין ליגאל. מנלן? אמר קרא "ליל שמורים" - ליל המשומר ובא מששת ימי בראשית. ואידך (רבי אליעזר) לילה המשומר ובא מן המזיקין.<sup>5</sup>

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<sup>5</sup> ע"ע ספר המאור שבתורה (פ' בא) מתורת הרבי מלובביץ זצ"ל לביאור נפלא באיסור יציאה מן הבית בליל פסח במצרים ע"פ דברי הגאון מראגטשוב זצ"ל שבהקדמת הפסח חלה קדושה על בית הישראלי עצמו בדומה לקדושתו של מקום המקדש. מכח קדושה זו נתחייבו לשהות במשך הלילה באותו בית בדומה לחובת הלינה בירושלים לאחר הבאת קרבן בבית המקדש. ומוכיח מדברי התוספתא שאיסור היציאה לא היה רק מפני הגנה מהיזק המשחית.

## The *Mi Shebeirach* for a *Choleh*

### Rabbi Abba Zvi Naiman

It has become common practice in many shuls for the Gabbai to recite a *Mi Shebeirach* for the sick during *laining* on Shabbos. We will look into the various opinions about how and even whether it should be done.

Let's start with visiting a sick person on Shabbos. According to the Gemara (*Shabbos* 12a-12b), we are not allowed to daven for him because this could cause sorrow, which is forbidden on Shabbos. Instead, we offer him words of hope to raise his spirits (see *Ran* there). The Gemara presents five opinions regarding what we may say. We will cite the three that are discussed by the *Poskim*, some of which have found their way into our *nusach* of the *Mi Shebeirach*.

- Tanna Kamma – שְׁבֵת הִיא מְלֻזֶּעַק וְרִפּוּאָה קְרוּבָה לָבָא, *Shabbos* [prevents us] from crying out [for your recovery], but recovery will come soon.
- R' Yose – יְרַחֵם יְיָ עָלֶיךָ בְּתוֹךְ חוּלֵי יִשְׂרָאֵל, *May Hashem have mercy on you among the sick of Israel*.
- Shevna, Man of Yerushalayim – שְׁבֵת הִיא מְלֻזֶּעַק וְרִפּוּאָה קְרוּבָה לָבָא, *Shabbos* [prevents us] from crying out [for your recovery], but recovery will come soon. [Hashem's] mercies are many, and rest [during Shabbos] in peace.

The *Shulchan Aruch* (*Orach Chaim* 287:1) rules in accordance with Shevna, Man of Yerushalayim. The *Rama* (there) says it is not necessary to say what Shevna added to the Tanna Kamma's formula, and this is how people are accustomed.

Based on this, if we are not allowed to daven for a sick person when visiting him, there would seem to be no permission for us to daven for him in shul during a *Mi Shebeirach*. But there is another halachah that must be explored.

The Gemara in *Taanis* (22b) cites a Baraisa that lists situations where it is permitted to cry out in prayer on Shabbos. Generally, it is forbidden to pray for one's need on Shabbos, but for these cases it is permitted. One of them is someone who is being pursued by an evil spirit that might cause him to do something from which he will die. The *Ran* learns from this that we may daven for any sick person who is in danger of dying that day. And he concludes that this could be the source of those places where they daven for sick people on Shabbos, but he emphasizes that this is true only for those sick people who have a סכנת היום, *danger [of dying] that day*.

The *Shulchan Aruch* (ibid. 288:10) *paskens* like this *Ran*. The *Rama* adds there) that it is also permitted on Shabbos to give a *berachah* to someone in danger of dying that day.

The *Magen Avraham* (288:14) asks that based on these *halachos*, how can we justify the custom to make a *Mi Shebeirach* on Shabbos for people *not* in danger of dying on Shabbos? He answers that perhaps we are relying on the *Ramban*, who *paskens* like R' Yose above, that it is permitted to say יְהוָה הַמֶּקוֹם יְרַחֵם עָלֵינוּ בְּתוֹךְ חוֹלֵי יִשְׂרָאֵל, *May Hashem have mercy on you among the sick of Israel*. But he adds that we may not say any more than that, meaning that we may not say וְכו' לוֹ רְפוּאָה שְׁלִימָה כּו', *May Hashem send him a complete cure* (as explained by *Machatzis HaShekel* there).<sup>1</sup> The *Magen Avraham* concludes that it is also proper to add the formula of the Tanna Kamma, שְׁבִיטָה הִיא מְלֻזְעָה וְרְפוּאָה קְרוֹבָה לָבָא, *Shabbos [prevents us] from crying out [for your recovery], but recovery will come soon*.

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<sup>1</sup> We cannot say that the *Magen Avraham* is allowing a prayer for the sick person not in immediate danger by adding מְלֻזְעָה הִיא שְׁבִיטָה because if we're not allowed to pray for such a person how can we yes pray for him and then add that Shabbos prevents us from praying. It sounds like people who talk about business on Shabbos and then add *nisht um Shabbos geredt*. In fact, the *Elyah Rabbah* understood that this is what the *Magen Avraham* was saying and asks this very question. The *Machatzis HaShekel* therefore says that the *Elyah Rabbah* misunderstood the *Magen Avraham* and explains his words as recorded above.



## Section VI: Tefillah on Pesach and Beyond

The *Mishnah Berurah* (288:28) accepts the *Rama's* ruling that it is permitted to give a *berachah* to a dangerously ill person on Shabbos, and he adds that this may not be done for someone not in immediate danger of dying. He then writes that when making a *Mi Shebeirach* for a sick person not in danger of dying on Shabbos, one should say שְׁבֶתָּהּ הִיא מִלְּזַעַק וּרְפוּאָהּ, קְרוּבָהּ לְבֹא, *Shabbos [prevents us] from crying out [for your recovery], but recovery will come soon.*

Reading this *Mishnah Berurah* carefully, we conclude that one should not daven for someone not in immediate danger on Shabbos. What we can say in shul is what we may say when we are visiting a sick person not in immediate danger of dying. That is, just the words שְׁבֶתָּהּ הִיא מִלְּזַעַק וּרְפוּאָהּ.<sup>2</sup> He is presumably basing this on the *Magen Avraham*, but he disagrees with the *Magen Avraham's* first half that we can also say הַמֶּקוֹם יִרְחַם עָלֶיךָ בְּתוֹךְ חוֹלֵי יִשְׂרָאֵל, *May Hashem have mercy on you among the sick of Israel.*<sup>3</sup>

This also seems to be the opinion of the *Shulchan Aruch HaRav*, who generally bases his rulings on the *Magen Avraham*. In this case, he leaves out the *limud zechus* of the *Magen Avraham* and writes only that one should say שְׁבֶתָּהּ הִיא מִלְּזַעַק וּרְפוּאָהּ קְרוּבָהּ לְבֹא for a sick person not in immediate danger.

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<sup>2</sup> The *nusach* would be: מי שברך אבותינו אברהם יצחק ויעקב הוא יברך את פלוני בן פלוני, שבת היא מלזעוק ורפואה קרובה לבא, השתא בעגלא ובזמן קריב, ונאמר אמן.

<sup>3</sup> I know that some modern *sefarim* understand the *Mishnah Berurah* to mean that after we make the regular *Mi Shebeirach* that is in our *siddurim* we should add the line of שְׁבֶתָּהּ הִיא מִלְּזַעַק. But this is very forced in the *Mishnah Berurah's* words. If he was referring to our *Mi Shebeirach*, he should have just said that for a sick person not in immediate danger we should say our *Mi Shebeirach*, which includes this line. He obviously is telling us how to make the *Mi Shebeirach* for such a person; meaning say only שְׁבֶתָּהּ הִיא מִלְּזַעַק, like the *halachah* for visiting a sick person. And there is also the problem of how this added line would prevent the prohibition of davening on Shabbos for someone not in immediate danger, as the *Elya Rabbah* cited in note 2 asks. Furthermore, the *Aruch HaShulchan* (288:17) says that we do not daven for a חולה סתם, but rather make a *Mi Shebeirach* and say שבת היא מלזעוק. And we will see below that he clearly objects to saying our *nusach* of the *Mi Shebeirach* for someone not in immediate danger.

Let's look at the *nusach* of our *Mi Shebeirachs* and see how it fits in with the Poskim. We say:

מי שברך אבותינו אברהם יצחק ויעקב משה ואהרן דוד ושלמה הוא יברך את החולה (פכ"פ) בעבור (שפכ"פ) נזדר צדקה בעבורו. בשכר זה הקדוש ברוך הוא ימלא רחמים עליו ולהחלימו ולרפאתו ולהחיותו, וישלח לו מהרה רפואה שלמה מן השמים לרמ"ח אבריו ושס"ה גידיו בתוך שער חולי ישראל, רפואת הנפש ורפואת הגוף, שבת היא מלועזק ורפואה קרובה לבוא, השתא בעגלא ובזמן קריב. ונאמר אמן.

Now we say the final sentence of *שבת היא מלועזק* the way the Poskim say to do it. But we also say *וישלח לו מהרה רפואה שלמה מן השמים*. This is the exact line that the *Magen Avraham* says that we are not allowed to say for someone who is not in immediate danger. It must be that this *nusach* is used only for people who are that sick. In fact, the *Aruch HaShulchan* (287:2) notes that this *nusach* is printed in the *Mi Shebeirachs* of our *Siddurim* and asks who allowed that *nusach* unless it is for someone in danger of dying that day.<sup>4</sup>

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<sup>4</sup> Since this *nusach* is for someone in immediate danger for whom it is permitted to daven on Shabbos, we should not have to conclude the *Mi Shebeirach* with *שבת היא מלועזק* ורפואה קרובה לבוא. In fact, the *Raavad shlit"a*, records that when they were making a *Mi Shebeirach* for such a person on a Yom Kippur that fell on Shabbos, the *Chazon Ish* told them not to say *שבת היא מלועזק*. However, he concludes that this *nusach* itself might be a prayer. We are saying that there is no need to cry out on Shabbos because the merit of Shabbos itself helps provide healing (*Teshuvos VeHanhagos* IV §84).

A possibility I am thinking of is that the *nusach* we have printed in our *Siddurim* is supposed to be two choices for the *Mi Shebeirach*, one for someone in immediate danger and one for others. It would look like this [with the two choices in brackets]:

מי שברך אבותינו אברהם יצחק ויעקב משה ואהרן דוד ושלמה הוא יברך את החולה (פכ"פ) בעבור (שפכ"פ) נזדר צדקה בעבורו,  
 [(לחולה מסוכן בו ביום) בשכר זה הקדוש ברוך הוא ימלא רחמים עליו ולהחלימו ולרפאתו ולהחיותו וישלח לו מהרה רפואה שלמה מן השמים לרמ"ח אבריו ושס"ה גידיו בתוך שער חולי ישראל, רפואת הנפש ורפואת הגוף,  
 [(לחולה שאין בו סכנת היום) שבת היא מלועזק ורפואה קרובה לבוא, השתא בעגלא ובזמן קריב. ונאמר אמן:]

## Section VI: Tefillah on Pesach and Beyond

Based on the above, it is clear that it is not proper to add the name of someone not in immediate danger to the *Mi Shebeirach* of our *Siddurim* even if he is terminally ill. This means even if he has an incurable disease, but he is not in ICU or otherwise immediate danger of dying. Certainly, if someone is undergoing treatments for a disease ר"ל that will hopefully *bs"d* add weeks or months or even more to his life, the *Mi Shebeirach* of our *Siddurim* may not be said for him on Shabbos.<sup>5</sup>

Should we change the *nusach* of our *Mi Shebeirach* to comply with the *limud zechus* of the *Magen Avraham* et al. so we can add the names of people who are not in immediate danger? I don't think so. Because that *nusach* does not contain any *prayer* for the person's recovery; it is meant only to encourage the sick person. So if someone is in immediate danger, placing his name on this list will not help at all at a time when he needs urgent prayer. It seems that the custom was accepted to focus on the possible urgent need for prayer for such a person, rather than compose the lukewarm *berachah* that the *Magen Avraham* allows for other seriously ill people.<sup>6</sup> And besides, it seems that the *Mishnah Berurah* and the *Shulchan Aruch HaRav* disagree with saying even the *Magen Avraham's* formula.

There are other reasons as well to refrain from adding people not in immediate danger to the list.

The *Yaavetz* (*She'eilas Yaavetz* §64) writes that it is appropriate to do away entirely with the custom of the *Mi Shebei'rach* for the sick because

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On my recent visit with him in Eretz Yisrael, the Raavad, *shlit"a*, agreed that it might be proper to make two *Mi Shebeirachs*, first a *tefillah* for those with a סכנת חיים, and then a *berachah* for other seriously sick people.

<sup>5</sup> I once heard a *chashuva* Rav wondering how people can give in a name of someone with an illness and ask the Gabbai to make a *Mi Shebei'rach* for him for the next six months while he is undergoing treatments.

<sup>6</sup> This does not mean that we don't care about people who are seriously ill, but not in danger of dying on Shabbos. We should certainly daven for their wellbeing every day other than on Shabbos.

there is a mitzvah of *oneg Shabbos*, and we should not pray with lengthy requests like we do during the week.

The Rosh HaYeshivah, HaRav Yaakov Yitzchak Ruderman, z"l, held that the entire idea of having the Yeshivah (or a shul) saying *Tehillim* for someone should be done only with great consideration. By separating this person from the rest of the *tzibbur*, he in a certain way loses some of the *zechus* of the *tzibbur*.<sup>7</sup> The same would apparently apply to placing his name on a *Mi Shebeirach* list. Instead of being part of the *tzibbur*, he is now on a list of people who are seriously ill. And if he is not in immediate danger, he is being placed together with the people who *are* in immediate danger. This could add a further element of *ayin hara*. It does not seem like a good idea to gratuitously add names to the list unless there is an urgent need even during a weekday.<sup>8</sup>

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<sup>7</sup> The *Kav HaYashar* (§71) learns a similar idea from the Shunamis, who said (*Melachim II* 4:13): בְּתוֹךְ עַמִּי אֲנִכִּי יוֹשֶׁבֶת, *I live among my people*. See also Rav Tzadok HaKohen (*Resisei Lailah* §40).

<sup>8</sup> I would like to conclude with the further observation that some modern *sefarim* attempt to justify listing any sick person in the *Mi Shebeirach* based on reasons they find in certain earlier Poskim, like the *Menorah Tehorah*'s opinion that the prohibition is only for a *tzibbur*, and since only the chazan says the *Mi Shebeirach*, it is permitted. (But he adds that no one should say "amen" for a sick person not in immediate danger. This would kind of ruin it for the sick people who really need the *tefillah*.)

It seems strange that we should start looking for Poskim that the *Mishnah Berurah* and *Aruch HaShulchan* did not accept. And it is worth remembering that the *Aruch HaShulchan* always looks to justify an existing *minhag*, but he was unable to find a justification in this case. If we want to look for other opinions in the earlier Poskim, why not consider the *Taz*, who holds that it is forbidden to make a *Mi Shebeirach* on Shabbos even for a sick person in immediate danger?

## ***Kiddush Levanah***

**R' Eliezer Shames <sup>1</sup>**

In the Land of Egypt, before leaving, Hashem said to Moshe and Aaron, “This month will be for you the head of months” (*Shemos* 12:2). *Rashi* says that Hashem showed Moshe what the moon should look like to be *mekadesh* the month. While this refers to proclaiming when the month starts, we will examine *kiddush levanah*, which is similar in name.

### **Should Women recite *kiddush levanah*?**

The Gemara in Sanhedrin (42a) states that Rav Ashi said: In our town, women make the blessing of *kiddush levanah* (some learn that blessing was a truncated blessing, nevertheless, we see women do say *kiddush levanah*). The *Magen Avraham* explains that Rav Ashi did not mean to say that women make *kiddush levanah*. Rather he used the word “women” as a way of referring to male ignoramuses such that even male ignoramuses say *kiddush levanah* or a truncated *kiddush levanah*. (I encourage one to speak to a qualified Rabbi for the proper understanding of this *Magen Avraham*).

On its face, *kiddush levanah* would appear to be a time-bound mitzvah. It is recited in a specific time period in the first half of the month (the exact time period will be explained later). Since women generally do not perform time-bound mitzvos like Succah, it would appear that women should not recite *kiddush levanah*. The *Machatzis Hashekel*, in

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<sup>1</sup> Disclaimer: None of this article should be taken as *psak halachah*. Any question one has about *kiddush levanah* should not derive the answer from this article.

The *Beur Halachah* writes that he heard from someone that the reason we say *Aleinu lishabei'ach* after *kiddush levanah* is because we do not want people to think that we are honoring the moon, rather we are honoring Hashem in how He created the moon. Therefore, we say *Aleinu lishabei'ach*, which states “Hashem is the G-D.” In a similar vein, I was only able to write this article with the help of G-d and not due to my own strengths – “Hashem is the G-D.”

understanding the *Magen Avraham*, explains that time-bound mitzvos like Succah requires a blessing and an action; therefore, women do not perform it. However, *kiddush levanah*, which has a blessing but no action, women do perform. However, the *Magen Avraham* says, according to the *Shelah*, the moon is compared to a woman – they both have a monthly cycle and they both accept; the moon accepts sunlight from the sun and a woman accepts from a man – therefore they act as a team where actions and consequences of one effect the other. When Chavah sinned and was punished, the moon was also punished in that it provides less light after Chavah's sin than it did before the sin. As a result, it would be inappropriate for a woman to make a blessing on the moon.

The *Marhashal* states, *kiddush levanah* is not considered a time bound mitzvah. A time bound mitzvah is one that can be performed all year round, but the Torah specifies a specific time when it should be done like lulav and succah. However, if a mitzvah cannot be performed all year round because it physically is only around certain times, like a new fruit (it is only around when it is new) and *kiddush levanah* (the moon is only in the “new” position for a certain amount of time), that is not considered a time-bound Mitzvah and women would need to recite *kiddush levanah*.

### **Minors and Visually Impaired**

The *Mishnah Berurah* says that a blind person should say *kiddush levanah* because *kiddush levanah* was established for the renewal of the world, which a blind person benefits from. Moreover, since a blind person is helped by persons who benefit from the moon, we consider that as if the blind person is receiving benefit from the moon. However, the *Maharikash* holds that when the *Shulchan Aruch* specifically states “one who sees the moon in its newness makes the blessing” that teaches to exclude a blind person from making a blessing because he cannot see the moon.

Regarding a minor, if the child is below the age of six or seven, the child does not need to do *kiddush levanah*. If the child has reached the stage of *chinuch*, then, according to the *Mishnah Berurah*, the dispute between

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*Rashi* and the *Rabbeinu Tam* regarding the recitation of *Shema* would apply here. The *Rabbeinu Tam* holds the father must make sure his child recites the *Shema* and *Rashi* holds the father does not need to have his child recite the *Shema* because at night the child is not around and in the morning the child is sleeping. The *Mishnah Berurah*, in the laws of *Shema*, states that one should hold like the *Rabbeinu Tam*. Therefore, applying that to our case, one should have their child who reached the age of *chinuch* recite *kiddush levanah*.

### **The Proper Time to Say Kiddush Levanah**

The *Rama* says that we say *kiddush levanah* at night when the moon shines and one derives benefit from its illumination. The *Magen Avraham* says that the moon must be visible from the ground. One may not say *kiddush levanah* during *bein hashemashos* because it is still considered day.

The *Sefer Hakanah* writes that it is preferable to say *kiddush levanah* on the first night of the month. However, the *Shulchan Aruch* says that one should wait seven days into the month before reciting *kiddush levanah* in order that one derive full benefit from the illumination of the moon. The *Mishnah Berurah* says that one should wait three days, but during the winter time and the rainy season one who recites *kiddush levanah* the first time he sees the moon is considered praiseworthy. (I do not know if this specifically applied to the locale of the *Chafeitz Chaim* or can be applied to us as well.)

The maximum time one has to say *kiddush levanah* is 15 days. However, there are two ways to count: The days method and the time-period method. Thus, if the *molad* falls out on Monday night, if we were to go by days, then Monday night would count as day one and we would count 14 more days which would mean the last time to do *kiddush levanah* would be on a Sunday night and not on Monday night. However, if we go by time periods, if the *molad* was 11:00 PM Monday night, that is the first night and we count 14 days and we would allow *kiddush levanah* to be recited until 11:00 PM on Monday night, the night of the 16<sup>th</sup>.

The *Rama* says that one can say *kiddush levanah* 14.5 days, six hours, and 22.02778 minutes after the *molad*. This would seem to be closer to the day method. If the *molad* was 11:00 PM Monday night, then 14 days later would be Sunday night, and then if we add another 18 hours and 22.02778 minutes (after the 14 days we add another half a day of 12 hours, then another six hours which is 18 hours) that would bring us to approximately 5:22 PM Monday. Therefore, the *Rama*'s method would have a shorter time span to say *kiddush levanah* than the time period method. The reason for the *Rama*'s method is that the moon renews itself every 29 days and 12 hours and 793 *chalakim* of an hour. In an hour, there are 1,080 *chalakim* so that would be approximately 44.6 minutes. There are 12 months of the year, so half the months are 30 days and half are 29 days to account for half days of the month. Therefore, after many years we must add an extra day to a month to make up the lost amount of time that our yearly months are rounded to.

The *Mishnah Berurah* says that preferably we should follow the *Rama*. However, if it is after the *Rama*'s limit but still not the night of the 16<sup>th</sup> then one can still say *kiddush levanah*. If it is the night of the 16<sup>th</sup> but has not yet reached the limit based on the time period method, one should say *kiddush levanah* without Hashem's name.

### **Should We Face the Moon?**

The *Shiyarei Kenesses HaGedolah* write that one should look at the moon throughout the whole recitation of *kiddush levanah*. The *Sefer Chareidim* says one should only look at the moon for the blessing. The *Magen Avraham*, in the name of the *Shelah*, says that one should look at the moon once and then make the blessing not looking at the moon. The *Mishnah Berurah* says that the custom is in accordance with the *Shiyarei Kenesses HaGedolah* who says to look at the moon during the whole recitation of *kiddush levanah*.

One should stand while reciting *kiddush levanah*, because, in *kiddush levanah*, it says that Abaye said "therefore it should be said standing up."



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The *Beur Halachah* explains that looking at the stars and the moon, which constantly do their jobs, remind us that Hashem always exists and therefore we stand because of the glory of Hashem.

The *Beur Halachah* writes further that if one walks with a cane but does not need it to stand up, one should not lean on the cane. If one needs to lean of the cane to stand, that would be permitted.

### **The Visibility of the Moon**

One needs to be able to see the moon and derive benefit from it such that one can distinguish items that can be distinguished with a clear moon. This standard applies to a cloud or a screen covering the moon. However, it is preferable to say *kiddush levanah* not under a roof because we should go out to greet the glory of Hashem. Moreover, according to the *Maharal*, under a roof, one is taking the risk that there can be something impure under the roof causing everyone under the roof to be impure while reciting *kiddush levanah*. The Taz writes that he once saw the *Rashal* at a simchah and he did not want to go outside, so he opened the window and said *kiddush levanah*. Therefore, if outside there are no Jews or it is dirty, one may make *kiddush levanah* inside by opening a door or a window.

The *Shaar HaTziyun* writes that if one is making *kiddush levanah* inside, one should preferably open the door or window even if it is glass. The *Birkei Yosef* says that opening it less than three *tefachim* would suffice because we do not apply *lavod* (something within three *tefachim* is considered as if it is touching) to be stringent. Although, if it is very cold outside one does not need to open the window or door if they are glass.

R' Chaim Sanzer says that if one saw the moon and it met the proper standards, one can say *kiddush levanah* as long as it is within *toch kidei dibbur* (approximately the amount of time it takes to say hello to one's teacher). This means, if the moon is completely covered now but he saw it immediately before, within *toch kidei dibbur*, he can say *kiddush levanah* even though the moon is now not visible at all. The source for this

is that if one is in a dirty place and hears a rumble of thunder, if one can leave the dirty place and say the blessing on thunder within *toch kidei dibbur* it is permitted. However, the *Beur Halachah* writes that by thunder the blessing is on the fact that Hashem makes interesting things, so if it is within *toch kidei dibbur* of that interesting thing one can still make the blessing. The main point of *kiddush levanah*, however, is to derive benefit and once a person does not derive benefit from it, he may not make the blessing. An analogous case to *kiddush levanah* would be where one forgot to make a blessing on bread and finished his meal and within *toch kidei dibbur* of finishing the meal remembered that he did not make a blessing; it is too late to make the blessing because the pleasure has passed.

The *Mishnah Berurah* says that if one sees the moon but knows that it will get covered while reciting the blessing, one cannot make the blessing. However, if one thought that it would not get covered and then it got covered in the middle of the blessing, one may still finish the blessing.

## Two *Amens* for Three *Berachos*

### Roman Kimelfeld

*Mishnah Berurah*, where he discusses how to complete the required one hundred daily *berachos* (46:14), states that according to *Rama* there are three *berachos* for Torah study (*laasok b'divrei sorah*, *v'haarev na*, and *asher bachar banu*). Nevertheless, *Mishnah Berurah* states later (47:12) that one should not answer *amen* after the first *berachah* (*laasok b'divrei sorah*) because the first and the second *berachos* might really be one long *berachah*. So, in one place *Mishnah Berurah* holds that there are three *berachos* on Torah; and in a different place he seems to hold that there are only two *berachos*. We have to try to resolve the apparent contradiction between these two rulings of *Mishna Berurah*.

The *berachos* for Torah study are listed in the Gemara (*Berachos* 11b). *Rosh*, citing *Rabbeinu Tam* rules that *laasok b'divrei sorah* and *v'haarev na* constitute one long *berachah*. He writes that we should say *v'haarev na*, rather than *haarev na* so that the letter “vav” connects these two parts of the same *berachah*.

On the other hand, *Rambam* (*Hilchos Tefillah* 7:10) writes that there are three *berachos* on Torah study. According to *Rambam*, *haarev na* is a separate *berachah*; and it does not begin with the letter “vav” because it does not need to be connected to the first *berachah*. *Avudraham* brings the following support for *Rambam*’s opinion: since the *berachah laasok b'divrei sorah* is in the past tense, whereas *haarev na* is in the future tense, it makes more sense that they are two separate *berachos*.

This difference of opinion between *Rambam* and *Rosh* hinges upon the question of whether the *berachah* (*v'haarev na*) is a *semuchah l'chaverta* (i.e. a *berachah* that does not begin with the word *baruch* because it follows another *berachah* that does). According to *Rosh*, *v'haarev* is not a *semuchah l'chaverta*, because *semuchah l'chaverta* can only be following a long *berachah* (i.e. one that ends with the words *baruch atah Hashem*)

and not following a short *berachah*. Since “v’haarev na” is not a *semuchah lechaverta* (as it does not follow a long *berachah*), and since it does not begin with the word *baruch*, therefore it is not a separate *berachah*; rather it is a continuation of the *berachah* that contains the words “*laasok b’divreis sorah*.”

On the other hand, *Tosafos* (*Pesachim* 104b ד"ה הרי"ב) after first bringing the opinion of *Rosh* above, subsequently present the opposing view. *Tosafos* quote *Yerushalmi Berachos* (16a in ArtScroll), where the Gemara asks (among other questions) why the second *berachah* of Friday night kiddush begins with the word *baruch* instead of being *semuchah lechaverta* (since it follows *borei pri hagofen*). The Gemara does not simply answer that the second *berachah* of kiddush is not a *semuchah lechaverta* because it follows a short *berachah*, and not a long *berachah*. Rather, the Gemara explains that since sometimes the second *berachah* of kiddush could be said separately from *borei pri hagofen* (for example, if a person was in the middle of drinking wine when Shabbos started, in which case he omits *borei pri hagofen* from kiddush) the second *berachah* of kiddush is not a *semuchah lechaverta*. The Gemara implies that if the second *berachah* of kiddush always followed *borei pri hagofen*, it would indeed have been *semuchah lechaverta*. It is thus clear from *Yerushalmi* that *semuchah lechaverta* could follow a short *berachah*. Accordingly, *haarev na* is a *semuchah lechaverta* to *laasok b’divreis sorah*, and thus they are two separate *berachos*, like *Rambam* holds.

*Bais Yosef* (§47) writes that since *Rosh* holds that v’haarev na is a continuation of “*laasok b’divreis sorah*”, it is better to say v’haarev na with the letter “vav.” Otherwise, according to *Rosh*, it will be a disjointed *berachah* – because the two parts of the *berachah* (*laasok b’divreis sorah* and *haarev na*) will not be connected. *Bais Yosef* also says that even though according to *Rambam* *laasok b’divreis sorah* and *haarev na* are two separate *berachos*, adding “vav” before *haarev na* will not cause a problem. (I think the reason why *Bais Yosef* says that the letter “vav” will not cause a problem even according to *Rambam* is because the letter “vav”

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– meaning “and” – merely joins two sentences into one long sentence, with the meaning of each sentence fully preserved.)

It must be pointed out that *Bais Yosef* is not *machria* (taking sides) between *Rosh* and *Rambam*, he is just saying that adding the letter “vav” satisfies both opinions (i.e. it is essential according to *Rosh* and it does not cause a problem according to *Rambam*). On the other hand, *Rama* in *Darchei Moshe* states that the custom is like *Rambam*; i.e. he *paskens* like *Rambam* that there are three *berachos* on Torah (this is how the previously noted *Mishnah Berurah* 46:14 understood *Rama*). However, in his commentary on *Shulchan Aruch*, *Rama* says that it is preferable to say “v’haarev na” beginning with the letter “vav.” It appears that although *Rama paskens* like *Rambam*, nevertheless he agrees with *Bais Yosef*’s recommendation, that it is proper to add the letter “vav” to *haarev na* – to satisfy *Rosh*’s opinion. According to *Rama*, when one hears *Birkas HaTorah* – should he answer *amen* after *laasok b’divrei sorah*? According to *Darchei Teshuvah* (47:6), it seems that one should, since it is a separate *berachah*. In fact, he states that *Arizal* used to answer *amen* after this *berachah*, and he says that this was probably also *Rama*’s opinion.

On the other hand, *Mateh Yehudah* says that adding “vav” before *haarev na* (thus implying that it is a continuation of *laasok b’divrei sorah*) after answering *amen* to *laasok b’divrei sorah* (which implied that it is a separate *berachah*) is a self-contradictory practice (*tarti d’sasri*). Rather, since *Rama* is telling us to include “vav” before *haarev na*, he is telling us to treat these two separate *berachos* as one; and therefore, we should not say *amen* after “*laasok b’divrei sorah*.” Although normally it is an *aveirah* to refrain from saying *amen*, here it is not a problem because the person is refraining from saying *amen* in deference to *Rosh*’s opinion, so he is not demonstrating disrespect for the *berachah*. Thus, it emerges that according to *Rama*, as understood by *Mateh Yehudah*, there are indeed three *berachos* on Torah. However, one does not answer *amen* after the first *berachah* out of respect for *Rosh*’s opinion. This is how *Mishnah Berurah*

*paskens* (47:12). [In *Shaar HaTziyun* 47:10, where he lists sources for his *psak*, he lists *Mateh Yehudah* first.]

Thus, there is no contradiction between the two rulings of *Mishnah Berurah* that we cited in the beginning. In accordance with *Rama*, *Mishnah Berurah* rules that there are three *berachos* on Torah. Also, in accordance with *Rama*, as interpreted by *Mateh Yehudah*, *Mishnah Berurah* rules that one should not answer *amen* to the first of these three *berachos* – in deference to *Rosh*'s opinion.

## Minhagim of the Bais Medrash of Ranchleigh <sup>1</sup>

### Kavod for the tefillah

In addition to the parts of davening where it is strictly forbidden to talk, we do not talk even at other times. For example, while waiting for the *shaliach tzibur* to begin *chazaras hashatz* or *kaddish*, we do not want to disturb the people still davening by talking.

We do not collect tzedakah during davening. Our *pushkes* are on the bookshelf near the door. We encourage *sheluchei mitzvah* to collect towards the end of davening and not disturb during the davening.

We do not put on or take off the Shabbos tablecloths any time during davening. This may be done only after the last *amein* of the last *kaddish*.

We say all of the words in *V'hu Rachum* on Mondays and Thursdays, as well as all of the words of long *tefillos*, like *Baruch Hashem LeOlam* at weeknight Maariv.

The *baal tefillah* and anyone receiving a *kibud* (*hagbahah*, *gelilah*, *pesichah*, etc.) wears a tallis.

We encourage the *tzibbur* not to take off their tallis and tefillin before the end of the last *kaddish*, unless of course someone has to leave early.

The *tzibbur* should not wander out of their seats during davening.

The *tzibbur* is encouraged not to talk *divrei chol* in the Bais Medrash at any time, including politics, sports, and business deals.

Every minyan must have someone responsible who will direct the minyan according to the shul minhagim.

### The Baal Tefillah

The *baal tefillah* must know the proper *nusach* and *niggun* of the davening

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<sup>1</sup> This is a compilation of the *minhagim* that appeared in our shul newsletter under the Shul Minhag Corner column. Thank you to R' Roman Kimelfeld for reviewing this article.

and be able to say all of the words properly.

The *baal tefillah* is required to wear a jacket, sweater, or long-sleeved shirt.

Anyone davening for the *amud* should use the *amud* siddur.

The priorities of *chiyuvim* to daven for the *amud* are printed in the *amud* siddur and posted on the bulletin board.

The *baal tefillah* should not repeat words in any of the davening, including *lecha dodi*, *al hanisim*, *piyutim*, and certainly not in *kedushah* or *chazaras hashatz*.

We do not switch *baalei tefillah* once davening has begun, even if a *chiyuv* walks in.

For Shacharis and Mussaf on Yom Tov, and Mussaf on Shabbos *Mevorchim*, the *baal tefillah* should be past high school age.

For all Shabbos *tefillos*, including Minchah, the *baal tefillah* should wear a tie and jacket.

No one should tell the *baal tefillah* that his davening is too fast, slow, mistaken etc. Any comments should be addressed to the Rav and/or Gabbai who will determine how or whether to present the information to the *baal tefillah*. An obvious exception is if the *baal tefillah* forgets *yaaleh veyavo* or some other essential part of the *tefillah*.

### **Weekday davening**

We follow the Ezras Torah *luach* in cases where there is no specified minhag of our own.

In the winter, we delay Shacharis a couple of minutes on non-laining days to arrive at Shemoneh Esrei after *haneitz*.

If *zman tallis* and *tefillin* is after the scheduled start of davening, we pause after *ישתבה* for the *tzibbur* to move them and make the *berachos*.

We start *ישמעאל אומר* three minutes after the start time for Shacharis whether or not *berachos* were said by a *shaliach tzibbur*.

In *pesukei dezimra* we do not stop for *עמו הברית* unless there is



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a *mohel* doing a *bris* in shul.

We do not answer *amein* to the *berachah* before *kerias Shema*.

After the *baal tefillah* completes the *berachah* before *Shema*, he pauses momentarily so the *tzibbur* can have in mind to be *yotzei* the mitzvah, and he then recites *Shema* out loud.

We answer *ברוך הוא וברוך שמו* to the *berachos* of *chazaras hashatz*.

We do not wait for the Rav for *chazaras hashatz* during weekday Shacharis and Mussaf (Rosh Chodesh and Chol HaMoed). We begin when nine men are ready to answer. The same is true for Minchah, Sunday through Thursday. For Maariv we begin when seven men, including the Rav, have finished *Shemoneh Esrei*.

For Shacharis on Rosh Chodesh and Chol HaMoed, the entire *Chazaras HaShatz* – including *Yaaleh VeYavo* – should be recited with the regular weekday *niggun*, not the Yom Tov *niggun*.

We do not say *tachanun* on Pesach Sheni and the Minchah before. We do say *למנצה* both days. If Pesach Sheni falls on the Monday or Thursday of *BeHaB*, we say *selichos*, but not *tachanun*. If Pesach Sheni falls on Sunday, we do not say *צדקתך צדק* or make a *Keil Malei* on the Shabbos before.

We do not say *tachanun* on Isru Chag of Shavuot, but we do say *tachanun* on the days after.

We do not say *tachanun* on Lag BaOmer, nor on the Minchah before.

We do not say *tachanun* when a *chasan* is there on the day of his wedding only if the wedding will take place during the time of that tefillah. In other words, if the *chasunah* is in the afternoon, *tachanun* will not be recited during that Minchah, but it will be recited during Shacharis. If the *chasunah* is after dark, *tachanun* will be recited during Minchah as well. The same is true of a *bris*.

When there is a *yahrzeit* for a weekday Minchah or Maariv, he says the Kaddish after *Aleinu*. If there are other *chiyuvim* present, we say ... *מזמור* to add another Kaddish. On *Leil Shabbos*, the *yahrzeit* Kaddish is after *ליום השבת* ... *מזמור*.

We only have one Kaddish after *Aleinu* and the *Shir shel Yom*, both on Shabbos and weekdays. The exception is a *yahrzeit*, which gets a kaddish after *Aleinu*.

Even if there is no *chiyuv* present, *kaddish* should be recited at the very end of each *tefillah*.

No one is allowed to shout out a *barchu* after davening during Shacharis or Maariv.

We do not change our schedule for religious holidays of other religions.

### **Shabbos davening**

In the summer, the early minyan davens Minchah before the *plag* and Maariv after the *plag*.

The responsive piyutim like Lecha Dodi and Keil Adon we sing responsively.

For Kabbalas Shabbos, the *aveil* walks into the shul *before* בואי בשלום.

At Maariv on Shabbos, the *tzibbur* says ברוך הוא וברוך שמו after the *Baruch Atta Hashem* following *Vayechulu*.

We begin Shacharis on Shabbos and Yom Tov at 8:30.

On Shabbos *Mevorchim* when there are two Sifrei Torah, the second sefer is given to the *baal tefillah* and the one who is holding the first one from *hagbaah* remains seated.

On Shabbos *Mevorchim* we say ולמחרת only when Rosh Chodesh falls out on the following Shabbos and Sunday.

For Mussaf on Shabbos *Mevorchim*, the *baal tefillah* should be past high school age.

For Shacharis on Rosh Chodesh and Chol HaMoed, the entire *Chazaras HaShatz* – including *Yaaleh VeYavo* – should be recited with the regular Shabbos *niggun*, not the Yom Tov *niggun*.

Maariv on *Motza'ei Shabbos* is 45 minutes after *shekiah*.

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### Yom Tov

We do not say *אֱלֹהֵינוּ וְאֵלֵינוּ רָצָה בְּמִנוּחָתָנוּ* on Shabbos Yom Tov.

We do not wait until *tzeis hakochavim* to begin Maariv the first night of Pesach.

We say Hallel during Maariv of the first two nights of Pesach.

For *hoshanos* we only say "*hosha na*" for the last one or two of each set, as printed in all of the old *machzorim*.

Sefiras HaOmer. We do not say any *pesukim* or *tefillos* before the count. We say *הִרְחַמֵּן הוּא יַחְזִיר אֶת בֵּית הַמִּקְדָּשׁ*... after the count.

We do not count *sefirah* during *bein hashemashos*. The tzibur is reminded to count *sefirah* after Minchah/Maariv and after Shacharis each day. On Shabbos only, we count *sefirah* if it is at least 38 minutes after *shekiah*.

The *baal tefillah* counts the *omer* out loud.

Before *hakafos* one person leads all the *pesukim* of *אתה הראת*.

After Succos, we do not say *tachanun* on *isru chag*, but we say it on the days after.

On Chol HaMoed tefillin and non-tefillin men sit together. The *baal tefillah* does not wear tefillin unless he is a *chiyuv*. The *baal tefillah* should be wearing a dress shirt, tie, and jacket.

We generally do not make a *מִי שְׁבֵרֶךְ* for *חולים* on the second day of Yom Tov unless it is known that the person is still in critical condition. An exception is Shavuos, where we do not generally make a *מִי שְׁבֵרֶךְ* for *חולים* at the early minyan on the first day but we do make the regular *מִי שְׁבֵרֶךְ* on the second day.

### Elul and Yomim Noraim

In Elul we say blow the shofar between the *לדוד אורי* and *שיר של יום*.

The person who says selichos davens Maariv the night before, Shacharis, and the Minchah afterwards. If there is a *chiyuv*, he davens Maariv, Shacharis from Borchu, and Minchah; the *baal selichos* davens only *pesukei d'zimra* in this case.

For *pizmonin*, the Chazan begins the first stanza, the tzibbur answers the first and second, the Chazan then says the second, and so on.

The tzibbur says על פניו ויעבר ה' first, and the chazan says it afterwards.

We say כרחם אב etc. only after the first *selichah*.

We say all of the *Selichos* on *erev* Rosh Hashanah.

We do not wait until *tzeis hakochavim* to begin Maariv the first night of Rosh Hashanah. We announce that everyone should remember to say *Kerias Shema* before their *seudah*.

We say לדוד מזמור on Maariv of Rosh Hashanah and Yom Kippur. Someone opens up the Aron HaKodesh, and the *tzibbur* says it straight, not *pasuk* by *pasuk*.

For the *Yamim Noraim* we follow the Ner Yisrael schedule of the *piyyutim* we say.

When we cannot guarantee separation of men and women at *Tashlich*, we do not put it in our schedule. Our members are asked to go at their discretion. We recommend using the stream running through what is now the Beazer development, which is a natural stream.

During the *Asseres Yemei Teshuvah* we conclude the final *berachah* of Shemoneh Esrei with עמו ישראל בשלום like the rest of the year.

On Shabbos *Shuvah*, the *Mara D'Asra* says the *Haftarah*.

We open the Aron Hakodesh before the Kaddish before the silent Shemoneh Esrei for Ne'ilah.

All *baalei tefillah* from *Berachos* through *Musaf* should wear a *kittel*. All *baalei tefillah* should wear their *tallis* over their head (not a hat).

The special *Yamim Noraim niggunin* should not be used during the rest of the year.

For *BeHaB*, we substitute the word תפילה where the *selichah* says תענית, just like we do in Elul.

For *selichos* on *BeHaB*, we do not say the תפילה לתחולאי ילדים, but we say אבינו מלכינו.

## Section VI: Tefillah on Pesach and Beyond

### **Chanukah and Purim**

On Chanukah we sing על הנסים after lighting the Menorah.

A *chiyuv* may daven for the *amud* for Minchah and Maariv on Chanukah, just like on Rosh Chodesh. Someone else should light the menorah at Maariv.

We don't say *yotzros* on any of the *arba Parshiyos*.

The *Mara D'Asra* is called up for the *aliyah* of *Parshas Zachor*.

An *aveil* does not daven for the *amud* on Purim.

### **Tishah B'Av (when it is a fast day)**

On the night after Tishah B'Av, we come back to shul at a scheduled time to say *Kiddush Levanah* after we have broken our fast and put on shoes.

An *aveil* davens for the *amud* on Tishah B'Av.

We say all the Kinnos in the traditional Kinnos books, and we add the one by Rabbi Schwab z"l for Churban Europa.

### **Laining**

The Chazan does not begin בנסוע ויהי until the Aron HaKodesh has been opened.

We say ועל הכל... when taking the Sefer Torah out on Shabbos and Yom Tov.

Someone stands on each side of the *baal korei* and *baal aliyah* for all *aliyos*.

The *baal korei* on Shabbos and Yom Tov should be מקפיד on שוא's and מלעיל ומלרע's.

The *baal korei* should use the *yad*.

We do not shout corrections to the *baal korei* when the *Mara D'Asra* and/or a competent Gabbai is present.

We sing to the *chasan* on his *aufwurf* after the final *berachos* of the *haftarah*.

We allow a dvier Torah to be shared quietly with a neighbor לגברא לגברא.

But on Shabbos there should be no talking at all during the *berachos* before and after the *aliyah* and during the *berachos* of the Haftarah.

On Shabbos and Yom Tov, a מי שברך should be made only for someone who is in *sakanas hayom, chas veshalom* (for example, in ICU). [See article in this year's *kuntress*.]

After the מי שברך for חולים on Shabbos and Yom Tov we make a מי שברך for those protecting and in danger in Eretz Yisrael. We do not make מי שברך's or קל מלא's during the week during davening. Tehillim or a קל מלא can be recited after davening.

We make a מי שברך for a יולדת with קריאת השם on a weekday.

At *gelilah*, we place the *yad* on the *Bereishis* side of the Sefer Torah.

### **Other**

Any sefer taken out of the shelf must be returned immediately after use. This includes Gemaras, Mesivtas, and Artscroll Gemaras used for the daf. Failure to return sefarim will result in losing the privilege to use them.

So that everyone will be comfortable, all functions of BMR must serve *pas Yisrael* and *yoshon* grain items. All items must have a *hashgachah* accepted by the Star-K.

All packages, bottles, and bags for the Kiddush must be opened before Shabbos.

Items left in the building will be disposed of at the discretion of the shul.

If you see someone who has not read about or does not know about any of these shul minhagim, please feel free to tell him about it in a nice way.

## Love Your Mitzvah

### Rabbi Paysach Diskind <sup>1</sup>

Every society has its norms and its mores. There are manners of behavior that are expected and there are some that are mandated. In America it is expected that you return a smile back to the one who smiles at you. You are obligated to pay your bills on time and can anticipate a fine for paying late. These define a society.

In *parshas Mishpatim*, we are given a large list of mitzvos that at first glance seem pretty much the same as what every society has. However, this is not the case. Let us attempt to distinguish how the mitzvos of Hashem are distinctly different from these societal conventions.

Our Sages instituted injunctions for the purpose of safeguarding the mitzvos. In describing how these Rabbinic injunctions are an integral part of Torah, *Maharal* compares them to the safeguards that nature places on the sensitive organs of the body. Take for example, the eyelids that are there to protect the eyes. Although they are distinct from the eye, they are nevertheless, part and parcel of the body. So too, the laws instituted by our Sages to protect the mitzvos are part and parcel of the Torah.

How does *Maharal* compare the eyelids which protect the eyes to the Rabbinic injunctions which protect the people from transgressing the mitzvos. The eyelids protect the eye and are naturally part of the body. The mitzvos, however, are simply instructions. Are they harmed if the people transgress them? The Rabbinic injunctions were designed to protect us, the people of the Torah, from transgressing the mitzvos.

*Maharal* is opening a window through which we can appreciate what a mitzvah is. Mitzvos are not instructions. Instructions do not have an

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<sup>1</sup> To subscribe to Rabbi Diskind's weekly *dvar Torah*, please contact him at [paysach@achim.org](mailto:paysach@achim.org).

existence of their own. They do not need to be fed and cared for. They are simply instructions which exist whether or not they are followed.

Mitzvos, on the other hand, do have an existence of their own. In fact, our Sages teach us that the mitzvos correspond to the different parts of the human body. If the eye exists then the mitzvah corresponding to the eye exists. The welfare of our mitzvos are dependent upon our observance of them. Just as when we abuse our eyes they suffer, so too, when we abuse our mitzvos they suffer. The injunctions to protect us from transgressing the mitzvos were designed to protect the mitzvos as much as they protect us.

If we take this notion one step further, we will discover how we can actually build a relationship with the mitzvos we do. We can adopt a mitzvah to be our special mitzvah. When a mitzvah is done with special attention, we actually beautify the mitzvah. Yes, the mitzvah itself, the one that we created is beautified and adorned with all the intentions we place on it. People like to adopt pets. It adds life to the home. They become part of the family and can even contribute love and affection. Once we can gain this appreciation of mitzvos, we can adopt a mitzvah. It will add life to the home and even contribute love and affection to the home.



## Capital Punishment in Judaism

### Chapter One – Discretion \*

#### Rabbi Shmuel Chaim Naiman

*Over the past year or so, as part of my studying the Talmudic tractate of Sanhedrin, I've been writing a book about Judaism's death penalty, attempting to work through both its practical laws and underlying concepts. It is an exciting journey, full of surprises and challenges.*

*In the Introduction, I quote and contemplate some of the biblical verses that order us to stone, burn, behead, and strangle our fellows, noticing the uncomfortable parallels to other forms of fundamentalist religion. Taken at face value, the biblical penalty definitely seems to depict an angry, vengeful, and unforgiving God. I then attempt to lay down some parameters for a productive discussion on a topic so sensitive and controversial to the modern reader, particularly the necessity to view the Scriptures from the lenses of our Oral Tradition.*

*What follows is an abridged draft of the first chapter of the book's first section. In this section, I attempt to portray what the Torah's capital punishment judicial system actually looks like – a far cry from the superficial, and indeed inaccurate, impression based on an unaided reading of the Written Torah.*

“The innocent and righteous among you – do not kill” (*Exodus 23:7*).

No, this verse is not out of the Ten Commandments. That was several chapters earlier, “Do not murder” (*ibid 20:12*). “Murder” and “kill” offer two very different meanings, in both Hebrew and English. Rather, the commandment above was directed at judges presiding over capital cases, ordering them to execute only those guilty felons who deserve to die. But why would the Torah court seek to kill the innocent and righteous? And if they would purposely frame an innocent defendant, isn't that cold-blooded murder?

This injunction, the Oral Torah elucidates, must be understood as a

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\* Editor's note: This is the first chapter of a work that is geared to the wider Jewish public. We have therefore not edited it to conform with our “*Kuntress Style Sheet*.”

prohibition to execute the death penalty when the defendant's guilt has only been established as probable, even if well beyond any reasonable doubt. Whenever there remains some possibility, however remote, for the man to be viewed as innocent, and therefore righteous, "do not kill" him. The Tradition also provided us with a clear demarcation line between complete certainty and ambiguity. Any evidence requiring judicial assessment, that is, all circumstantial evidence, shall be disqualified, for the presiding judges can still choose to perceive the defendant as guiltless. Only the testimony of eye-witnesses will suffice to condemn a person to death.<sup>1</sup>

I sense a crack in that wall of callous disregard for human life, so appallingly constructed out of the Pentateuchal victims' shattered bones. If God is really so desperate for violent vengeance, as the biblical verses apparently make Him out to be, shouldn't His Law behave bit more trigger-happy? Come on, Torah jurisprudence, have some more trust in the discretion of your religious tribunals. While the judges iron out the minor details of guilt, we'll get busy stoking the fires, sharpening the axe, gathering an ample supply of nice, little, round stones. The supposed extremist biblical Jew, itching to zealously heed the word of God, is feeling quite rebuffed.

We need to take a closer look at the practical implications of this commandment. Something important is going on here.

### **Judicial Assessment**

Jack and Joe are shooting baskets in a quiet court on outskirts of the city. Suddenly, their mutual friend Arthur darts past them, with his sworn enemy, Oliver, hot in pursuit. Dagger drawn, Oliver's intentions are as clear as the sun flashing across the blade. As required by Torah law, Jack and Joe warn him of the capital charges he will face. (We'll learn all about the warning protocol shortly.) But Oliver coldly laughs them away, and the chase continues. Panting and desperate, Arthur ducks into an abandoned ruin, hoping to throw off his predator – who follows him right inside. Seconds later, the faithful witnesses barge in, and confront a gruesome scene. Oliver kneels over Arthur who now lies, dying, on the floor. Blood covers Oliver's bared dagger, still clutched in his hand.

This is antiquity's version of the proverbial smoking gun. Yet the verdict

in Torah court is not guilty, as the act of murder was directly observed by no one.

Such an episode actually occurred, the single witness being Shimon, noted Mishnaic scholar and son of Shetach. This was Shimon's immediate reaction: "You evil one, who murdered this person? It was either me or you, as we are the only people present. But what may I do? It's impossible for me to testify against you in court, as the Torah requires two eyewitnesses. The One who knows all hidden thoughts should bring retribution to the man who has slayed his fellow!" Before they left the building, ends the Talmudic account, a poisonous snake appeared and slayed the depraved murderer.<sup>2</sup>

This high standard of certainty has another application, unrelated to the quality of evidence. Regarding most matters, Torah jurisprudence requires *two* valid witnesses in order to establish any alleged occurrence as accepted fact. But what if they concur only on the final status of their subject? Take a serial killer, for example. On Monday, one witness saw him stab one person in the heart; the following day, a second witness watched him blast another guy's brains out.

From the regulation banning all judicial evaluation, Maimonides concluded that their individual accounts cannot be combined. Only in the minds of the jurists can the disconnected duo form a single testifying unit; without their appraisal we see two unrelated alleged incidents, each backed by a single witness. Therefore, the court is commanded to view the accused as "innocent and righteous."<sup>3</sup>

I understand the importance of a high burden of proof for capital cases. Yet the scope is troubling. True, trial judges, human like the rest of us, are liable to occasionally convict the innocent. But must they therefore disregard practically all evidence, no matter how damning? I agree with Shimon that the callous cutthroat deserved to die; why can't the Torah too mandate judicial action?

Maimonides addressed our reservations with a profound insight into human nature. The realm of the possible is vast, stretching from the almost certain to the extremely unlikely – and everything in between. If the Torah would permit courts to convict based on superb circumstantial evidence,

such as in Shimon's story, sooner or later they would introduce evidence slightly further down the spectrum. And so the ball rolls down the slippery slope, until most decisions of life and death will be made through murky intuitions. However valiant their attempts to cast aside all predispositions, human fallibility ensures that one day impressions and moods will trump hard facts. To prevent such a scenario, God prohibited all judicial appraisal, instructing His courts to regard only the testimony of direct witnesses. They alone can tell their tale with complete certainty.

What will be the result of such an onerous burden of proof? Many criminals will go unpunished. Such an eventuality, concludes Maimonides, is preferred over the inevitable, if hopefully rare, execution of a guiltless man. "It is better – even desirable – that a thousand sinners go free than to execute one innocent person."<sup>4</sup>

As clear from the language of the verse – "do not kill" – this explicit biblical edict applies to capital trials alone. Regarding financial litigations, however, some superior forms of circumstantial evidence are accepted in court.<sup>5</sup> Let's discern here our first principle in the Torah's death penalty jurisprudence. When a human life is on the line, trial proceedings are not just another day's work. A wrongly executed man is gone forever; his sentence can never be overturned. With the stakes so infinitely high, nothing less than the most incontrovertible evidence is adequate. Act with utmost discretion.

Perhaps you are beginning to wonder what purpose can be served by a capital judicial system that cheerfully acquits the vast majority of offenders. Fair question. Moreover, as we move forward the pile of restrictions on the death penalty will only get higher, further frustrating my pyre-building colleagues. But for now, we must continue to focus on the facts. We'll get back to motives at a later stage, when the time is ripe.

### **"With Such Knowledge I Act"**

We're not quite finished with the statutes concerning quality of evidence. Another precept, parallel to the banning of all judicial assessment, demands that the witnesses verify the suspect's full awareness of the consequences of his actions. This telling statute was derived by the Talmud from four biblical sources.

First, the witnesses must admonish: “Stop your illegal action!” Then they must threaten: “Such severe wrongdoing is punishable by death!” If the future felon remains quiet or nods, even if he throws back a terse “I know”, he will be acquitted. The court may convict only if he openly accepted the outcome of his deed, by declaring explicitly: “With such knowledge I act.” As the Talmud puts it, the defendant must condemn himself to death. This requirement was derived from an ultra-literal reading of the biblical text (Deuteronomy 17:6), “By the testimony of witnesses the dead one will die.” As the court cannot kill a lifeless cadaver, the Torah must mean to say that in some aspect he is already dead – by his own surrender to the death penalty.<sup>6</sup>

After accepting his fate, the offender must immediately carry out his crime. Even the shortest delay will disqualify the warning, thus exempting him from the death penalty.

No exceptions are given. Even the greatest scholar of the generation, most certainly well-acquainted with all of the Torah’s prohibitions – will not be punished without the entire warning process.<sup>7</sup>

Why is the obligation to warn so extensive and inclusive? No matter how far-fetched the notion may be, explained Maimonides, we must still suspect that the accused man somehow forgot, or was unaware, of the severity of his crime.<sup>8</sup> In other words, added one later commentator, until the sinner has openly expressed his acceptance of the death penalty, some slight element of the proscribed judicial evaluation remains. Not regarding whether he committed the action, but about his nefarious intent.<sup>9</sup>

Consequently, whenever witnesses barge into the courtroom, suspect in tow, they will be asked three questions. “Did you warn him? Was his response a definite acceptance of his fate? And did he commit his crime immediately after being threatened?”<sup>10</sup>

### **Due Process of Law**

Moving from the crime scene into the courtroom, the prudence principle extends far beyond double-checking that the witnesses followed warning protocol. This standard permeates the entire judicial process, beginning with the necessity to take every case to trial, and following through to the capital court’s makeup, deportment, and administration.

You are ambling along on a busy downtown thoroughfare, minding your own business. Suddenly, out of the corner of your eye you capture a seedy pickpocket making off with an elderly woman's wallet. As he doesn't seem especially brawny, righting the wrong won't require too much effort. What would any upstanding citizen do next? Seize the stolen object from the thief and return it to its grateful owner – perhaps even before she notices it's missing. Good job.

But what if you find yourself in Shimon son of Shetach's shoes – only you have directly observed an awful murder? Should you commandeer the depraved murderer's machete and execute him then and there, as he so rightly deserves? Forget any possible accusations that may be made against you. Imagine it's you and the felon alone on an empty island; the three survivors of a plane crash, now reduced to two. No trial for the heinous crime is in the offing. Is the correct response to simply take the law into your own hands, or must the terrible deed go unpunished?

The Torah fixed the status of a non-convicted offender in an unambiguous edict, "And the murderer shall not be killed until he stands before the congregation [i.e. court] for judgment" (Numbers 35:12). No matter how unforgivable the crime may be, nothing can be done without due process of law. In fact, if witnesses were to unilaterally execute an infamous serial killer, they will be duly prosecuted as murderers themselves (although probably acquitted, for their good faith will be considered a lack of intent). Until an authorized court has tried and convicted, no suspect can be legally executed. Extrajudicial punishment has no place in Torah law.<sup>11</sup>

The Torah's language here produced an interesting corollary to this law. For the criminal to literally "stand before the congregation in judgment," he must be present at the time of sentencing. Therefore, says the Talmud, if a single yet to be convicted felon would accidentally become intermingled with a group of convicts, no matter how numerous they may be, all are to be exonerated. The inability to positively identify the last defendant constitutes a lack of presence at the time his verdict would be handed down, so to executing the entire lot would include the killing of a still innocent man.<sup>12</sup>

### **On the Bench**

General Torah law allows a simple court of three ordained judges to

preside over practically all trials and lawsuits\*. However, capital cases can be heard only by a higher Sanhedrin court, composed of twenty-three noteworthy scholars.<sup>13</sup> Qualified candidates for the Sanhedrin are exceptionally astute, perceptive, and have mastered all areas of Torah law. They also must possess the balanced character so critical for the delicate task of applying conceptual statutes to practical situations. And in order for them to fully grasp the intricacies of any case that may be presented, all jurists must be acquainted with other extra-Torah fields of wisdom: medicine, astronomy, astrology, even methods of witchcraft and rites of idol-worshippers. If possible, at least some members will be fluent in most common languages, so that no testimony will need to be heard through the filter of an interpreter.<sup>14</sup>

Only licensed Sanhedrin courts, who meet all of these formidable benchmarks, are trusted by the Torah to hear capital trials.

Exceptional personal conduct is required on the bench. On the day of a capital trial, all justices must limit food consumption to a bare minimum and completely abstain from alcoholic beverages.<sup>15</sup> And on the day of an execution, they are to fast the entire day. This is one of several laws that originate from the verse (Leviticus 19:27) “You shall not eat on blood”, which in our context is read concerning those whose ruling causes blood to be shed.<sup>16</sup>

Another biblical injunction, also exclusive to capital cases: “You shall not argue in a case through leaning” (Exodus 23:2). The Sages explain: a judge is forbidden to offer an opinion which is not founded on his own independent interpretation of the law, but instead relies – that is, leans – on the understanding of his colleagues, no matter how many or wise they may be. Do not rationalize that it’s enough for your ruling to agree with one particularly astute associate or follow the majority – speak your own truth only.<sup>17</sup> Only in this way will the Sanhedrin’s final decision truly

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\* A slew of specifications, many pertaining to moral character and values, must be met to be eligible for appointment to *any* Torah court, even if “only” to hear monetary disputes. But although all of those qualifications are obviously prerequisites for a Sanhedrin nomination too, I haven’t included them here, because we’re focusing only on regulations that are unique to cases involving the death penalty.

reflect the consensus of all twenty-three minds, not merely one man's opinion docilely parroted by the rest of the bench. God will not allow His child's fate to be determined by anything less than the verdict reached from twenty-three independent conclusions.<sup>18</sup>

### **The Witness Stand**

Biblical law requires all witnesses appearing before court to undergo a detailed interrogation on all aspects of their testimony, including exact details of the crime and its precise time and place (see Deuteronomy 13:15, 17:4). But when guilty findings will result in a death sentence, special scrutiny is called for.

Initially, court clerks attempt to induce a subtle sense of disorientation. The witnesses are first instructed to report to a certain room. However, upon arrival, they learn that the location has been changed and their testimony will be received elsewhere. They dash over to the second venue, only to learn that now a third one has been chosen. By the time their tale is finally told, the shell of any potential liar will have been softened, replaced by a certain forced honesty. Hopefully, if they are attempting to frame an innocent man – they will promptly turn around, a bit befuddled, and bounce straight out of the courthouse.<sup>19</sup>

Next comes the multi-layered intimidation. The judges proceed to lecture, and their heartfelt words – transcribed verbatim in the Mishnah – convey the solemn, almost somber, demeanor appropriate for the occasion.

Perhaps you are testifying based only on assumption or hearsay? Maybe you merely heard about the event from the eyewitness, or from someone whom you trust? Are you aware that we will thoroughly cross-examine your testimony?<sup>\*20</sup>

Understand well how cases of capital punishment are inherently different from monetary claims. If false witnesses were to cause the defendant to lose money, they can return it and will be

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\* The Talmud clarifies: second hand testimonies are invalid also for monetary lawsuits, but only for the death penalty is this included in the judicial warning. Similarly, as mentioned earlier, the cross-examination is applicable to all sorts of cases equally, but only here is it openly threatened.



forgiven. But if he is killed wrongly by your word, his blood and that of all his future offspring, for all time to come, will have been shed by you – forever, with no possibility of recovery. In this way, God rebuked Cain after he murdered his brother Abel (Genesis 4:10), “The *bloods* of your brother cry out from the ground” – his blood and that of all his lost descendants.

Why was the first man, Adam, created alone [as related in Genesis (Chapter 2)]? So that all of humankind would descend from one single person, demonstrating how anyone who destroys one life is considered to have wiped out the entire world population. And conversely, one who sustains a life is regarded as having saved all of humanity.

Perhaps you will wonder, why bother to engage in such a severe matter, even if only to speak the truth? In response, the Torah states categorically (Leviticus 5:1), “The witness who sees or knows, if he doesn’t testify, he will carry his sin”. Do not worry, you need not be concerned about causing the death of the guilty, for King Solomon has taught that “with the downfall of wicked ones there is joy” (Proverbs 11:10). If he is really guilty, you will have done no wrong.<sup>21</sup>

After enduring this browbeating, complete with its final bit of encouragement, the witnesses are finally invited to submit their account, and are then thoroughly interrogated. Upon conclusion, they are firmly instructed to remain silent for the remainder of the trial; the judges alone will determine all the ramifications of their testimony. Any attempt to offer a legal opinion – whether to incriminate or exonerate – will be rebuffed with a stern rebuke for silence. The source for this policy is the Rabbinic interpretation of a biblical verse (Numbers 35:30), “A witness who testifies to bring about the death of a person – shall not argue for any ruling.”<sup>22</sup>

Quite mystifying. These indomitable fellows have stood strong through the entire barrage of room-changing, intimidation, and cross-examination, and their testimony was accepted in court as a faithful rendering of the facts. I would think they at least deserve to have their perspective respectfully heard, particularly because the vantage point of direct

observers can be quite valuable. Why instead must their opinions be rejected ignominiously?

The Talmud offers a cryptic rationale for this law. If the witnesses were allowed to speak, it would appear that their words are corrupted by personal bias.<sup>23</sup> But how? As we will see in a later section, all the students present in the courtroom are entitled to argue for acquittal, so why must the witnesses remain completely mute? Another problem: Maimonides maintains that only for capital cases is this restriction mandated, as implied by the context of the verse.<sup>24</sup> If unseemly impressions are created by the witnesses' inclusion in the proceedings, why should monetary matters be any different? I believe that a careful reading of Maimonides's description of the ruling lends to the following understanding.

Imagine a well-respected journalist, renowned for strictly sticking to facts – so much so that her personal politics are the subject of much spirited debate. One day, after the daily news roundup, she suddenly swerves into an impassioned defense of some worthy cause. Although the role switching was openly admitted, is there not something slightly distasteful, maybe even disorienting, about our beloved hard-news reporter morphing into an opinionated analyst?

So too, if our witnesses were to be allowed to speak, they will no longer be viewed as unprejudiced reporters of hard facts. Through publicly expressing interest in a certain outcome, they have recast themselves into *de facto* lawyers. Although the final sentence does not affect them personally, such a distortion of roles can upset the delicate balance of courtroom ethics, if only ever so slightly. However, since hearing the witnesses' perspective isn't fully fraudulent, only in death penalty cases must such strict moral hygiene be upheld – for a life is at stake.

We've already learned about Torah law's principled objection to all judicial evaluation, restricting the definition of valid evidence to the direct observation of events. So too, we discover now, the introduction of testimony in court must be completely free of even the smallest appearance of bias. Both policies are derived from verses in the Torah, categorized as full commandments, and applicable to cases of capital punishment only. Their underlying messages too are identical: confront the death penalty with uttermost discretion and sensitivity.

In light of what we've learned so far, I think back to my reservations with the Torah's execution program, particularly to the extreme violence that seemed to express a cavalier attitude towards human life. This impression is beginning to disintegrate, revealing in its stead a wholly different perspective. We still need to work out why God found it necessary to order the stoning, burning, beheading, and strangling of His beloved children. Yet one thing is glaringly clear: it wasn't from apathy or contempt. The self-absorbed, callous deity wouldn't bother to ban the subtlest whiff of judicial assessment – for capital trials only. He wouldn't feel any pressing need to categorically forbid all extrajudicial execution, pack capital courts with only the most superbly qualified justices, and prescribe their behavior in trial down to the finest details. He wouldn't command the court to disorient prosecuting witnesses, subject them to extensive intimidation and interrogation, and severely curtail their role in court. And all this with extraordinary attention to nuance, displaying astonishing insight into human vulnerabilities and social structures.

In the early 1980's, the governor of New York, Hugh Carey,<sup>25</sup> wanted to gauge his Jewish constituents' opinion on the death penalty. Following hundreds of learned Torah scholars the world over, he turned for guidance to the brilliantly erudite Rabbi Moshe Feinstein, arguably the leading authority of his day on the entire corpus of Jewish law. In a sweeping yet concise responsa, dated March 20, 1981, Rabbi Feinstein demonstrated the Torah's emphasis on the value of every human being, pointing to most of the regulation and procedures we've been exploring. (As we progress in our study, we'll refer to more specific aspects of this landmark responsa.)<sup>26</sup> Indeed, the real God of the Pentateuch, as accurately portrayed in His own Oral Torah, boldly scrambles to preserve and respect every life, imbuing capital trials with a palpable atmosphere of gravity, integrity, and discretion.

*To be continued...*

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<sup>1</sup> Maimonides *Sefer HaMitzvos La'avin* 290, *Mishneh Torah* 20:1

<sup>2</sup> Talmud 37b

<sup>3</sup> Maimonides *ibid*, *Achiezer* 1:25:4-5

<sup>4</sup> Maimonides *SH" M* *ibid*

- <sup>5</sup> See Maimonides in *Mishneh Torah* and *Achiezer* ibid.  
<sup>6</sup> Talmud 40b-41a  
<sup>7</sup> Maimonides *M" T* 12:2  
<sup>8</sup> Maimonides ibid, *Ketzos HaChoshen* 28:8  
<sup>9</sup> *Avi Ezri* to Maimonides ibid  
<sup>10</sup> Talmud ibid.  
<sup>11</sup> Maimonides *Hilchos Rotzeach* 1:5  
<sup>12</sup> Mishnah and Talmud 79b. See also Maimonides 14:7  
<sup>13</sup> Mishnah 2a, 32a  
<sup>14</sup> Talmud 17a. See also Maimonides 2:1,6  
<sup>15</sup> Mishnah 40a  
<sup>16</sup> Talmud 63a  
<sup>17</sup> Maimonides *SH" M La'avin* 283, *M" T* 10:1  
<sup>18</sup> *Chinuch* 77  
<sup>19</sup> Talmud 32b  
<sup>20</sup> footnote source: Talmud 37b  
<sup>21</sup> Mishnah 37a-b  
<sup>22</sup> Mishnah 40a, Talmud 33b-34a, Maimonides *Hilchos Edus* 5:8  
<sup>23</sup> Talmud and Maimonides ibid  
<sup>24</sup> Maimonides ibid.  
<sup>25</sup> <https://jewishandamericanlaw.wordpress.com/2011/03/20/death-penalty-in-illinois-and-in-jewish-law/>  
<https://judaism.stackexchange.com/questions/7098/who-asked-rav-moshe-about-capital-punishment>  
<sup>26</sup> *Igros Moshe Choshen Mishpat* Vol. 2 Responsa 68

## Shavuos: An Encounter with Hashem <sup>1</sup>

### R' Yaakov Grossman

#### Introduction

*Parshas Yisro* is the climax of the Torah. As the famous Midrash says (*Shir HaShirim Rabbah* 1:50), the whole universe stood shaking and silent, its continued existence dependent on *Klal Yisrael's* acceptance of the Torah. The crescendo of the *parshiyos* is palpable; the pain of exile and death transforming into revelation and life. Plague after plague, miracle after miracle, the iron partition falls and we reunite with our Creator. The lowly servants prophesy and see the *Shechinah* and all imbibe the food of angels. There is only one step left. *Kabbalas HaTorah* and the fruition of creation.

Stop. We are getting ahead of ourselves. Apparently, there is a crucial *parshah* that must be discussed immediately. So critical, we must wait to receive the Torah to hear it. Which essential *parshah* is it? The judicial system. More precisely, the number of judges and their qualities. The appointment of judges over the thousands, hundreds, fifties and tens. All Torah is infinitely precious; however, this certainly disrupts the flow of redemption. Perplexingly enough, this isn't even the chronological place for this *parshah*. While there is a *machlokes* if Yisro joined *Klal Yisrael* before *Matan Torah* or not, all agree this *parshah* of judges occurred after *Yom HaKippurim*. The *Ribono Shel Olam* therefore interrupts *Kabbalas HaTorah* to mysteriously transpose the laws of judges out of place.

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<sup>1</sup> Editor's note: Yes, this *dvar* Torah is larger than our regulation size, but we thought it was worth presenting it in our *kuntress* rather than pass up its brilliance. As Rabbi Katznelson taught us in high school when confronted with a large *Tosafos*, "Treat it like a group of small pieces of *Tosafos*." This *dvar* Torah too is naturally divided into three parts.

Certainly, there must be a profound, foundational lesson to learn from this. However, furthering the enigma, we don't even *pasken* like the *parshah*. Even more, there isn't one *Tanna* in all *Shas* that holds we appoint a judge over thousands, hundreds, fifties and tens. The Mishnah (*Sanhedrin* 2a) delineates the orders of courts. There is the Great Sanhedrin of 71 judges, *sanhedrei ketanah* with 23 judges, and a regular *beis din* of (normally) three judges. If the Torah itself dictates these numbers, who was Moshe Rabbeinu *paskening* like?!

It is a mystery on top of a mystery. Why is *Parshas Yisro* moved before *Kabbalas HaTorah* and why did Moshe follow a judicial system different from everywhere else in the Torah?

The *Malbim* (*Devarim* 1:16), in his usual divinely inspired way, opens a path for our understanding. The Mishnah learns the requirement of 23 judges for a *sanhedrei ketanah* from the *pasuk* (*Bamidbar* 35:24-25) "And the congregation shall judge between the attacker and the blood redeemer concerning these laws. And the congregation shall save the murderer from the hands of the blood redeemer, and the congregation shall return him to the city of his refuge that he fled to there, and he shall dwell there until the death of the Kohen Gadol that was anointed with the holy oil." (Translated according to *Rashi*). The Mishnah gleans the number 23 as follows: The word congregation implies ten, since the (bad) spies were called a congregation. The *pasuk* mentions a "congregation shall judge" and a "congregation shall save." Two congregations add to 20 judges. (See the Mishnah for how the requirement for the other three are learned).

However, the *Sifri* (*Bamidbar Masei* 1:18) brings an opinion of the "*Darshei Reshumos*," not found in the Gemara. They say a *sanhedrei ketanah* has thirty judges. This is gleaned from the third "congregation" in the *pasuk*, "the congregation shall return."<sup>2</sup>

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<sup>2</sup> Unlike the *Tanna Kama* they don't require an additional three judges. The reason for the first extra two is to ensure that there can be a minimum of a two-vote majority for guilt, while maintaining a congregation of 10 who say not guilty. If

The *Malbim* beautifully connects this opinion to the Torah's judges over thousands, hundreds, fifties and tens. Firstly, he explains that the judges over tens weren't actually judges, but rather the *shotrim*, sheriffs, who carry out the decisions of *beis din*. Therefore, for every thousand people there were: 20 judges over 50, 10 judges over 100 and one judge over 1000. A total of 31! This is precisely the opinion of the *Darshei Reshumos*!

Connecting this back to *Parshas Yisro*, the *Tanna D'Bei Eliyahu* (29:23) brings this same *Baraisa* of thirty (one) judges, however it doesn't quote it in the name of the *Darshei Reshumos*, rather, "originally *dinei nefashos* were (adjudicated) by thirty" and brings the three "congregations" of the *pasuk*. Therefore, it is precisely this *drashah* that was followed originally by Moshe Rabbeinu in setting up Yisro's system of judges over thousands, hundreds, fifties and tens!

B"H this answers how the judges of the Wilderness fit into the Torah's requirements. However, this begs another question. Why did the *halachah* change? Why only at that point in history were there thirty judges? Why does the Gemara not even bring this option considering it was the original *halachah*?

Most importantly, what is so essential to learn that the *Ribono Shel Olam* moved this *halachah* out of order to place it before *Kabbalas HaTorah*?!

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there are 30 judges, a vote of 16 to 14 would maintain that requirement, and therefore remove the need to add additional judges. The final extra judge comes from the rule "*ain bais din shakul* – there can't be an even numbered court." Either the *Darshei Reshumos* don't hold of this rule like R' Yoshiyah in *Sanhedrin*, or more likely, the extra one is automatically implied, since this is the general rule.

## **Part I: Kayin's Shavuos**

Adam HaRishon knew that he failed miserably in choosing the *eitz hadaas* over the *eitz hachaim*. Rectification now rested in the hands of his sons Kayin and Hevel. Of the two, which son was the *ikar*? At first glance, Hevel was the “*tzaddik yesod olam*,” holy and righteous, while Kayin was the evil, selfish brother who couldn't even give a nice thank you gift to his Creator.

However, when Kayin was born, Chavah exclaims “I have acquired a man with Hashem” (*Bereishis* 4:1). A very powerful statement from the “Mother of all life” who had previously defiled herself with the Serpent. Using the word “es,” the *pasuk* can even be read “I have acquired a man – Hashem!” The birth of Kayin was clearly Chavah's path back to Hashem. The *Malbim* (ibid.) strengthens this by teaching that Kayin was the main son in Chavah's eyes. Quite a difference from how quiet it was at Hevel's birth, with no expression of exclamation or fanfare. Not even an explanation for his name is given. Even more, the name Hevel means futility! As if Hevel is just a futile afterthought, having no real purpose in reuniting the world with its Creator.

When was each brother born? According to *Tosafos* (*Sanhedrin* 38b), Kayin was born from the original union of Adam and Chavah in the Garden of Eden, and Hevel was born only afterwards. Kayin was a child of the Garden of Eden, and Hevel was seemingly only a child of the ruined world. Then it was *korban* time. The first explicit *korbanos* in the Torah. On the surface, when *Chazal* say Kayin brought “*min hagarua* – from the lowest,” they are chastising him for a pathetic display of gratitude to Hashem. Bringing only flax seed certainly couldn't compare to Hevel's choicest of the flock. Clearly the *Ribono Shel Olam* agreed with this, as he only accepted Hevel's *korban*.

But is it as simple as that? Kayin, born in the Garden of Eden, was just a stupid, selfish *rasha*?



A first clue can be found when the *pasuk* itself attests that “It was at the end of days and Kayin brought from the fruit of the ground a *minchah* to Hashem. And Hevel also brought from the first of his flock and from their fattest, and Hashem turned to Hevel and to his *minchah*” (*Bereishis* 4:3-4). We see that Kayin was the one who initiated the act and brought a *korban*, with Hevel only “also” bringing a *korban* after Kayin. Regardless of quality, the *kavanah* and initiation certainly belongs to Kayin.

What were these *korbanos*? The *Rabbeinu Bachaye* (*Bereishis* 4:3) brings the *Midrash* teaching that this was day 50 of their creation, the first Shavuos. He teaches that *Klal Yisrael* brings a *minchah* to Hashem on Shavuos corresponding to the *menachos* Kayin and Hevel brought on the first Shavuos. Taking this a step further, we bring a *korban* of two breads from the ground and *shelamim* from animals, just as Kayin and Hevel did. Following that the *ikar* is the two loaves of bread from the ground, as the *shelamim* are only brought for the bread (not the day), Kayin’s *korban* of the ground was the *ikar* and Hevel’s *korban* was just an “also,” like the *pasuk* says.

Furthermore, what type of bread do we bring on Shavuos? *Chametz*! The very essence that represents the *yetzer hara*, forbidden to be brought any other time as a *korban*, is the *ikar* of Shavuos! Meaning the true “*garua* – lowest,” the *yetzer hara* itself, is the intended *korban* of the day, just as Kayin brought!<sup>3</sup>

If so, then what did Kayin do wrong?! Furthermore, why is *chametz*, the *yetzer hara*, brought on Shavuos? And why, if Kayin was born in the Garden of Eden before the sin of the *eitz hadaas*, was he so filled with the *yetzer hara* that was his *korban*?

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<sup>3</sup> Shavuos itself is also called the *Chag HaBikkurim* since *bikkurim* may be brought after the bread *minchah*. *Bikkurim* are fruits, including *devash*, which is the other item never allowed as a *korban*. Yet this too becomes something brought on and associated with Shavuos.

The *Malbim*<sup>4</sup> explains how Adam HaRishon was originally a purely spiritual being, completely detached from the physical. To him, the body was just a garment, separate from his self, that he could remove as he pleased. What about Chavah? According to the *Malbim*, before she was separated from Adam, Chavah was his physical body! After the removal, Chavah continued to represent the physical. [We see this concept as the Torah says women are for revealed, physical beauty. When we refer to the “revealed” presence of Hashem as the *Shechinah*, it is in the feminine form. The female is the revealed physical, but ideally, the revealed physical manifestation of the spiritual].<sup>5</sup>

Once they became detached, Adam’s job became to take this physical Chavah and elevate her through *kiddushin* and bring her into the domain of the spiritual, through *nisuin* and *chuppah*. Then the physical would be united and nullified to the spiritual. Even greater, with the spiritual shining through it, the physical would become a vehicle of revelation for the spiritual. “On that day Hashem will be one and his name will be one” (*Zechariah* 14:9).

However, we know something went wrong in the Garden of Eden, since this goal has yet to take place. But what was the original sin that ruined this? Was it really the eating of the Tree of Knowledge of Good and Evil? Was that when, as *Chazal* teach (*Shabbos* 146a), the Serpent injected his filth into Chavah)?

The *pasuk* says, “The both of them were naked (*arumim*), the man and his wife, and they were not embarrassed (*lo yisboshashu*). And the Serpent was cleverer than all the beasts of the field that Hashem God made...” (*Bereishis* 2:25-3:1). *Rashi* brings from *Chazal* that when the Serpent saw

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<sup>4</sup> See *Malbim* on Adam and Chavah.

<sup>5</sup> This is not to *chas v’shalom* imply that women are only physical not spiritual. Rather, women have an immense spiritual essence that is hidden behind the physical. “*kol kvudah bas melech penimah* - All the glory of the princess dwells within” (*Tehillim* 45:13).

them together in that state, he desired Chavah, and therefore coerced her to sin to unite with her.

Perhaps the *pasuk* can be translated an additional way. It is no surprise that by the Golden Calf we find this similar, and rare, word “*boshesh*” (*Shemos* 32:1). There, according to the *Targum*, it means “delayed,” as Moshe had not yet returned from the mountain. If we apply that translation here, it’s not that Adam and Chavah weren’t embarrassed, rather they were naked and didn’t delay in their unification. But why should they have waited? Precisely because they were in full view of the Serpent, as we shall see.

It is no coincidence that the Torah refers to Adam, Chavah and the Serpent as all being “*arum*.” The *Mechilta* we read in the Hagadah quotes *Yechezkel* (16:7) that Hashem saw in Egypt that we “were naked and bare.” *Chazal* explain this means that we had no *mitzvos*. Therefore, we were given the blood mitzvos of *bris* and *korban Pesach*. “In your blood you shall live...” (ibid 16:6). Similarly, after the sin of eating from the Tree of Knowledge of Good and Evil, the Torah says, “And the eyes of both of them were opened and they knew that they were naked...” (*Bereishis* 3:7). *Rashi* quotes *Chazal* that naked refers to them lacking the one mitzvah they were given.

*Chazal* clearly understand the word naked to spiritually refer to a lack of *kedushah*. Therefore, it beautifully follows that the Serpent, the personification of unholiness, is deemed “more naked than all the beasts.” Its juxtaposition to Adam and Chavah’s nakedness implies they too were lacking at that time. Perhaps we can now translate the *pasuk* as “And they were both naked [lacking spiritually], the man and his wife, and they did not delay [their unification].” But what were they lacking? Precisely for what the following *pasuk*, juxtaposed with the letter *vav*, explains. They were in front of the Serpent and saw “the Serpent [who] is more lacking than all.”

But why would their seeing the Serpent preclude a proper unification? Throughout the *sefer Daas Tevunos*, the Ramchal describes “*ra* - bad” as the concealment and apparent lack of the *Ribono Shel Olam*. The ultimate “*tov* - good” is the revelation of “*Ein Od Milvado*,” that there is nothing besides the *Ribono Shel Olam*, and any perception of something other than Him is “*ra*.” The *Malbim* (*Bereishis* 1:1) explains how the *Ribono Shel Olam* created the world with the name *Elokim* to limit and hide the *Ein Od Milvado*. Our lowly physical world was created as the darkest screen hiding the truth of His essence. Adam HaRishon was tasked with returning the universe to the revelation of the *Ein Od Milvado*.

Paralleling the universe, Adam and Chavah, the *neshamah* and *guf*, were originally unified as one. Together in concert, the physical was a pure vessel beaming the light of the soul. Then Chavah was removed and the *gashmius* became separate from the *ruchnius*. There was now a physical existence in Chavah hiding her true, tremendous spiritual reality. In those very first hours, Adam HaRishon was working to bring the universe back to the unity of Hashem by nullifying the *ra* and recognizing the *Ein Od Milvado*. His spiritual *kavanah* in this would be mirrored and accomplished with his re-unification with Chavah.

What went wrong? When Adam attempted this, he had yet to eat the *eitz hachaim*, the Torah, the antidote to *ra*, and therefore still *saw* the Serpent. Instead of seeing the *Ein Od Milvado*, he still saw the *ra*, the lacking, the concealment of Hashem. The seeing of the Serpent itself was Adam’s imperfection, his incomplete recognition of *Ein Od Milvado*. Perhaps that is exactly the time which *Chazal* refer to as when the Serpent came to Chavah and injected his filth in her. It was the filth of *ra*, the concealment of Hashem, that was infused into Chavah. The grand unification was marred by an incomplete *Kabbalas HaTorah*, acceptance of the *emes*, the *Ein Od Milvado*. All because “*Lo Yisboshashu*.”

Perhaps this answers the question of why Kayin, who was conceived and born in the Garden of Eden before the eating of the *eitz hadaas*, had so

much *ra* inside him. His conception was born of this failed unification, and the filth of the Serpent mixed into his creation. At Kayin's birth, Chavah sees both her and creation's potential rectification in her son, who was filled with that mixture of good and evil. He would be the second chance of nullifying the *ra*, and reaching the *Ein Od Milvado*. Kayin was Chavah's true son, who could bring her back to Hashem, "I have acquired a man – Hashem."

Hevel was an unfathomable *tzaddik*. But he was more of an angel, filled with *tov*. More *Olam HaBa* than *Olam Haze*. His name is "futility," as belonging to the spiritual, he has no place in the *Avodah* of this world. Kayin carried within him the purpose of *Olam HaZeh* and why we were created in this physical world: to use our free will and choose good over evil in an imperfect world, seemingly detached from its Creator. For forty-nine days Kayin worked and toiled with the *adamah*, the physical, being called a "man of the ground."

After forty-nine days of growing through *sefirah*, day fifty arrived. It was finally Shavuos and time to eat the *eitz hachaim*, the Torah, and reach the recognition of *Ein Od Milvado*. We see the strong, inextricable link between Shavuos and *Ein Od Milvado* in Moshe Rabbeinu's recalling of Shavuos in *Parshas Vaeschanan*. He begins with the passionate exhortation of how we saw nothing else besides Hashem on Shavuos (*Devarim* 4:12-19). It is in the climax of the retelling of Shavuos that contains the very two *pesukim* in the Torah of *Ein Od Milvado*, "*Atah Hareisah*" and "*V'yadata Hayom*" (*Devarim* 4:35, 4:39). The recognition of *Ein Od Milvado* clearly represents the culmination of *Kabbalas HaTorah*.

Ready to fulfill his purpose, Kayin takes his flax, the *garua*, the *taavos* of the yetzer hara, the chametz loaves, and prepares to bring them as a *minchah* to Hashem. A *minchah* that would represent the giving over of all to Hashem. A *minchah* in which the darkest dregs of the *ra* which conceal Hashem are purified and the light of *Ein Od Milvado* is revealed.

At the same time Hevel *also* brings the accompanying *shelamim* animals. Yet something goes terribly wrong. The *Shechinah*, the very revelation *k'viyachol* of Hashem in the physical, turns to Hevel and his *korban*, ignoring Kayin. To Kayin this is completely incomprehensible. His *Avodah* is the purpose of creation and the *Shechinah* is meant for him.<sup>6</sup> Yet he is ignored. Kayin was left devastated and dejected. What went wrong?

Hashem in his lovingkindness turns to Kayin and explains what he did wrong. “Behold if you improve you will be forgiven, and if you do not improve, sin crouches at the opening, and its desire is to you and you can rule over it” (*Bereishis* 4:7). The *Or HaChaim HaKadosh* explains the *pasuk* beautifully. He reads the words differently as an exclamation/question. “And its desire is upon you and you will rule over it?!” Meaning Kayin wanted to perfect the *ra* while still secretly desiring it. How can one possibly nullify something they still want? As the *Ramchal* explains about Adam HaRishon (*Daas Tevunos* §40); How can there be a true recognition of *Ein Od Milvado* when Adam can still think there can be something desirable outside of Hashem? If Kayin still desired the *taavos*, he didn’t truly see that there is nothing else to desire, as there is nothing else besides Hashem! His *chametz* was therefore just regular *chametz* and forbidden as a *korban*. It was just the *garua*.

It was a failed Shavuot, a failed *Kabbalas HaTorah*. Even worse, Kayin didn’t understand the message. All he could see is that the *Avodah* of man was rejected. From that falsehood, one sin lead to another sin and Kayin murdered his brother Hevel.

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<sup>6</sup> Hevel even becomes liable for death for gazing at the *Shechinah* (*Rabbeinu Bachaya, Shemos* 3:6).

## Part II: Yisro's Shavuos

The *Ribono Shel Olam* places Yisro at center stage. His *parshah* is placed out of order, presenting Yisro as the pre-requisite to a true *Kabbalas HaTorah*. Based on the above, the reason becomes clear. Yisro, who had served every *avodah zarah* in the world, who was an honored and important person to the nations, rejected all that *ra* and *kavod*, fleeing to the Wilderness to cling to Hashem. He declared, greater than anyone else in the world could possibly declare, “Now I know that Hashem is greater than all the gods” (*Shemos* 18:11). The *Malbim* explains that Yisro was in essence declaring *Ein Od Milvado*, as all the apparent other things in the Universe are completely controlled and subsumed by Him alone.

The *Mechilta* (*Shemos* 18:10) makes a puzzling statement, “Rav Papayus says they were 600,000 men and not one of them stood up *l'varech HaMakom* until Yisro came *u'varech HaMakom* (when Yisro said ‘*Baruch Hashem*’).” What does this mean? Not one Jew ever said *Baruch Hashem* before? No one before Yisro ever even made a *berachah*? Moshe wrote the first *berachah* of benching on the *man*. Even if that mitzvah was given later, they certainly at least said a *berachah rishonah* even before *Matan Torah* since eating without a *berachah* is considered stealing (*Berachos* 35b).

Perhaps the answer lies in the wording of Rav Papayus. No one was ever *l'varech HaMakom* until Yisro. The word “*berachah*” implies multiplicity. In order to receive a *berachah* from the giver, there by definition must be a separate receiver. Even the letters of *berachah* are the first letters of multiplicity – 2, 20 and 200. The *Nefesh HaChaim* (§3) explains that the name “*HaMakom*” refers to Hashem as the *Ein Od Milvado*, with everything “else” only existing “within” Him. When Yisro was *l'varech HaMakom*, he was really exclaiming how all the apparent multiplicity in the world is in reality only part of one unified *Ein Od Milvado*. He was the first person to truly say this, as only one who truly

experienced all the multiplicity of all the *avodah zarah*, could turn around and declare that it is truly all Hashem.

“Yisro rejoiced over all the good that Hashem did for Yisrael...” (ibid. 18:9). On this *pasuk* the *Rabbeinu Bachaye* says the word for rejoice, *vayichad*, can also be read as “and he unified.” Yisro unified the universe in *Ein Od Milvado* as he exclaimed *Baruch Hashem*. He then proceeds to bring *korbanos* to *Elokim*. How could Yisro do this? The *pasuk* specifically states “One who sacrifices to [the name] Elokim shall be destroyed, only to [the name] Hashem alone” (*Shemos* 22:19 according to *Chazal*<sup>7</sup>). The *Or Gedaliyhu* (*Likutei Devarim*, *Parshas Yisro* §1) explains that the name *Elokim* refers to Hashem as the God of all powers and nature. A nature that seemingly functions independent of Hashem. Therefore, only Yisro, who reached *Ein Od Milvado* and saw the complete unity of the names *Elokim* (concealed Godliness) and Hashem (revealed Godliness), could bring a *korban* to Elokim.

The *Igra D’Kallah* (*Bereishis parshah* 4:1) teaches that Yisro came into this world to rectify Kayin. Even the Torah itself, during Bilam’s final prophecy, refers to Yisro as Kayin (*Bamidbar* 24:21-22). We can already see the clear connection. Where Kayin failed, Yisro succeeded. Unlike Kayin who couldn’t see the *Ein Od Milvado* since he still desired other things besides *HaMakom*, Yisro gave up everything and fled to the Wilderness. All the fame and fortune were truly nothing in Yisro’s eyes, and he had a true *Kabbalas HaTorah* accepting *Ein Od Milvado*. Adam and Kayin delved into the physical and it was too dark for them. Yisro pierced the darkness and saw only light, as David HaMelech says, “Were I to say ‘Surely darkness will shadow me, then the night would be illuminated around me. Even darkness obscures not from You, and night like the day shines; the darkness is the same as the light’” (*Tehillim* 139:11-12).

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<sup>7</sup> See Ramban, *Vayikra* 1:9



Now perhaps we can have a deeper understanding why the Torah speaks about Yisro before *Matan Torah*. Yisro teaches us a critical lesson in *Kabbalas HaTorah*. Unlike Kayin, we can't merely agree to follow the Torah, while still desiring other things in our heart. Accepting the *Ein Od Milvado*, and accepting how there is nothing else good or desirable besides Hashem, brings one to a true, complete *Kabbalas HaTorah*. Only after we open our hearts fully to Hashem can we fully receive Him and His Torah. As the *Gemara* (*Sanhedrin* 106b) says, "The Holy One Blessed is He desires the heart." Shavuos is the day we give our hearts to the *Ein Od Milvado*.

We can certainly appreciate the importance of the concepts Yisro teaches. But why also record the *Parshah* of Yisro's judges out of order here? How do they relate to this message? Furthermore, why did only that generation with Yisro *pasken* there are 31 judges in *dinei nefashos* and not 23?

The *Sifri* above that follows Yisro's 31 judges quotes it in the name of the "*Darshei Reshumos*." Who are they? They appear from time to time throughout *Chazal*, yet remain nameless.

The Mishnah in the beginning of *Chelek* in *Sanhedrin* opens with the beautiful promise "All of Yisrael have a share in the World to Come." If only it ended there. But the Mishnah then proceeds to list categories and specific people who have lost their share in the World to Come. The *Gemara* explains each category and person and why they lost their precious portion. However, at the very end of the discussion come the "*Darshei Reshumos*" who proclaim "They all are coming to the World to Come!" They *darshan* a *pasuk* in *Tehillim* as a proof for it (ibid. 104b).

Rav Tzadok HaKohen (*Machashavos Charutz* 45:1) explains why they are called *Darshei Reshumos*. The words in their name imply they seek after even a remanence of something. A remanence deep inside of something pure and good. They see that every Jew is a piece of *Elokim* from above. No matter how much dirt or darkness covers the *neshamah*, deep inside it

remains as pure and holy as ever. Nothing can keep the *neshamah* away from its Creator, as the *Ishah Tekoa* proclaims, “God never removes a soul, and he thinks thoughts to ensure no one is ever banished from Him” (*Shmuel* II 14:14). The *Rabbeinu Bachaye* explains that she is teaching that every soul will ultimately reach its rectification and be united with Hashem in the end.

The *Tanna D’Bei Eliyahu* quoted above links Yisro to the *Darshei Reshumos*. But what does this concept have to do with Yisro? Adam had three children and Noach had three corresponding children. Just as Kayin contained most of the *ra*, so did Cham inherit most of the *ra*. The *ra* of Cham spread into the raven and the dog, as they had relations in the ark just as he did (*Sanhedrin* 108b). *Chazal* teach when Noach tried to expel the raven, now defiled with *ra*, Hashem told him to take the raven back as in the future Eliyahu *HaNavi* will rectify this evil of the raven stemming from Kayin (*Bereishis Rabbah* 33:5).<sup>8</sup>

The culmination of Eliyahu *HaNavi*’s life was clearly at *Har HaCarmel* where he dramatically brought *Klal Yisrael* to the realization of *Ein Od Milvado* as they exclaimed “Hashem is God, Hashem is God!” (*Melochim* 1 18:39). Before this monumental moment, the *Gemara* (*Berachos* 31b) records the conversation Eliyahu had with Hashem. “Answer me Hashem, answer me, and let this nation know that you Hashem are the God and you will turn their hearts back” (ibid 18:37). The *Gemara* explains Eliyahu’s statement as not only that Hashem turns our hearts back to him, but that since He placed within us the *yetzer hara*, He is the one who turned our

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<sup>8</sup> Kalev ben Yefunah repaired the dog, as his name implies, both through being a good spy and though his descendant King David, which will be spoken about below IY”H. The Midrash also connects Kalev to Kayin as it brings the opinion of Rebbe that the sign Hashem gave Kayin was a dog (*Bereishis Rabbah* 22:12). Furthering the connection, *Pirkei D’Rebbi Eliezer* (*perek* 21) teaches a dog was given to guard Hevel’s corpse and a raven was given to teach Adam and Chavah how to bury Hevel!

hears away from him in the first place! *Klal Yisrael* are pure and good in our essence, and it's just the filth of the Serpent that is the problem. The *Gemara* then exclaims Hashem agreed with Eliyahu and proclaimed "On that day, says Hashem, I will assemble the exiled and I will gather the banished and the ones whom I did evil to" (*Michah* 4:6).

But how can we *chas v'shalom* blame our sins on Him and not on us!? Perhaps the answer is in the context. Only Eliyahu *HaNavi*, who was able to see the *Ein Od Milvado*, could pierce the darkness straight to the inner essence of the universe. An inner essence where only Hashem truly exists, and our soul is *k'viyachol* a piece of Him. A soul that remains just as pure and good as the day it was created. Just as evil is a façade, without real existence, so too sins and a sinner are a façade without any real existence. Every Jew has a portion in the World to Come.

However, only after one reaches the true understanding of *Ein Od Milvado*, can one view their own sins this way. If we can't completely recognize the truth of Hashem, we can't claim to recognize the truth about us. At that moment on Mount Carmel, Eliyahu brought that level to us all, and we all proclaimed, "Hashem is God, Hashem is God," and Hashem exclaimed "I caused them to do evil!"

Now perhaps we can understand Yisro even better. His *avodah* to repair the mistakes of Kayin and prepare us for *Kabbalas HaTorah* was unmatched. He is the paradigm of one who reached the understanding of *Ein Od Milvado*. Upon reaching that level he turned to Moshe Rabbeinu and unlocked a deep *drashah*. The *pasuk* that we learn the number of judges is written in the context of a murderer. The "congregation shall save" and the "congregation shall judge" are determining the fate of the murderer. But Yisro says, "No!" A Jew can't intentionally murder! It is the *yetzer hara* that did it! He is just a *shogeg*, it is unintentional! There is a third congregation, "the congregation shall return him to his city of refuge," for he is only a *shogeg*!

Who is this murderer Yisro is expounding about, saying he is only a *shogeg*? Kayin! *Chas v'shalom* that Kayin murdered Hevel! It was the only the *yetzer hara* acting. Kayin was just a *shogeg*. At his core, Kayin is as pure and good as Hevel and they both have a share in the World to Come!

“And Yisro heard...” (*Shemos* 18:1). The *Mechilta* asks what was it that Yisro heard prompting him to flee to Hashem in the Wilderness? It was the splitting of the *Yam Suf* and the war with *Amalek*. However, why was it these events, and not the Exodus itself or the miraculous plagues that caused his reaction?

*Amalek* is the *gematria* of *safek*, doubt. After the war against Amalek, doubt was removed and the *Ein Od Milvado* could shine through. A clear connection to Yisro. What about the splitting of the sea? The *sefer Emunas Itecha* (*Moadim* p. 46) quotes that it wasn't the original splitting of the sea Yisro heard that moved him. The sea actually split twice.

There were two missing Jews at the *Yam Suf*. Dasan and Aviram. In their wickedness, they had returned to Pharaoh to inform him the Jews were not planning on returning to Egypt after three days. As a result, they missed out on the greatest revelation of Hashem in history, outside of the giving of the Torah. When they heard what happened, they realized their mistake, and ran to rejoin *Klal Yisrael*. But by the time they reached the Sea it was too late; the revelation had ended.

Now at the banks of the *Yam Suf* stood possibly the two most wicked Jews in history. The *Tanna D'Bei Eliyahu* (18:37) disparages them to such an extent, it says “anything (bad) you can blame on these *reshaim*, blame on them.” All the sins *Klal Yisrael* in the Wilderness were incited by them. The extent of their destruction is almost unfathomable. Yet “...no one is ever banished from Him” (*Shmuel* II 14:14). Not even Dasan and Aviram. Hashem in his infinite lovingkindness performed a second miraculous splitting of the sea just for them! It was this second splitting that the

*Emunas Itecha* says David HaMelech is referring to in *Tehillim* (136:13), “To Him who divided the Sea of Reeds into parts, for his kindness endures forever.” This is the 13<sup>th</sup> “*ki l’olam chasdo*” of the chapter, as Hashem with his 13 Attributes of Mercy, split the sea even for Dasan and Aviram.<sup>9</sup>

When Yisro heard this exhortation of the purity and redemption of every Jew coupled with the victory over Amalek’s doubt, he knew the time for the revelation of *Ein Od Milvado* had arrived. He rushed to meet Hashem and *Klal Yisrael* in the Wilderness. Through Yisro, *Klal Yisrael* and Kayin were now ready for a true *Kabbalas HaTorah*, recognizing the *Ein Od Milvado*, and who we really are in our source. The Tree of Life would finally be eaten.

If only it had ended there. For forty days it lasted with our crowns on our heads. What went wrong? And why do we not continue to *pasken* like Yisro’s number of judges? Why was his *derashah* relegated to one mention in the *Sifrei* and not even found in the *Gemara*?

At Mount Sinai, *Klal Yisrael* accepted the Torah out of fear, with the mountain hanging over us threatening our very lives (*Shabbos* 88a). As the *Or HaChaim* teaches regarding Kayin, if we don’t truly and fully want the *Ein Od Milvado*, we can’t reach Him and have a true *Kabbalas HaTorah*. Consequently, their imperfect acceptance out of fear lasted only forty days before it shattered. The Generation of the Wilderness was still able to maintain a relatively supernal existence within the Clouds of Glory, and with Yisro, could at least still *pasken* his number of judges. After that generation failed and Yisro was gone, we were no longer on his level of *Ein Od Milvado* and consequently couldn’t *pasken* like him. The *Sifri* (*Haazinu* 32:2) teaches, “Rabbi Simai says, there isn’t a *parshah* that doesn’t contain the resurrection of the dead in it, but we don’t have the strength to expound it.” Expounding a *pasuk*, making a *drashah*, takes a powerful energy that not just anyone can accomplish. Without Yisro, the *drashah* of 31 judges was lost, left as a mere vestige for the future, it’s hope held by the *Darshei Reshumos*.

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<sup>9</sup> The *Margolios haYam* (*Sanhedrin* 104b) records exactly 12 places in *Chazal* where *Darshei Reshumos* are mentioned. With our understanding of the *Tanna D’Bei Eliyahu*, there are precisely 13 places where they are mentioned.

### **Part III: Mordechai's Shavuos**

Purim has some mysterious *halachos* that seem to be contradictory to *halachos* followed the rest of the year. The obvious first enigma is the *halachah* to drink until one can no longer distinguish between “cursed is Haman and blessed is Mordechai” (*Orach Chaim* 695:2). Many *poskim* even reject the simple meaning of getting drunk, as that is against our *avodas Hashem*. Either way the *halachah* is, it is still seemingly strange, and furthermore, it is written in an unusual way. We are required to “*l'vsume*.” What does that word even really mean?

But even if getting drunk isn't really forbidden the rest of the year, the next two *halachos* certainly are. The *Rama* (ibid 696:8) speaks about the custom for men to wear the garments of women, and even to wear *kilayim* (*d'rabanan*), a mixture of wool and linen! How could there be such customs to violate the Torah!? Especially on a day where we reaccepted the Torah, why would we go against it? And why these two mitzvos specifically?<sup>10</sup>

*Tosafos* (*Sanhedrin* 61b) question the actions of Mordechai *haTzaddik* and Esther *haMalkah*. Why did Mordechai refuse to bow down to Haman? According to Rava, it is permissible to bow down even to an idol if it's out of fear, as long as in one's heart the person is not intending to worship the idol. The *Aruch LaNer* strengthens the question, adding that we can't say it was the mitzvah of *Kiddush Hashem* Mordechai was performing, since this took place in the King's Gate, where there certainly weren't ten Jews present. *Tosafos's* second answer is that Mordechai could really have bowed down to Haman, but it was permissible for him to risk his life not to bow down.

According to this, Mordechai placed the entire Jewish people at risk for something that was just *permissible*! It was this lack of bowing that drove

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<sup>10</sup> Of course, the *Mishnah Berurah* cites the *Poskim* who write that these customs should be abolished, but how could there have been such a custom in the first place?

Haman to his final solution of genocide. Yet time and time again, Mordechai refused to bow, disregarding the consequence. What could be more important than preventing the death of the entire Jewish people? Why did Mordechai risk literally everything to not bow down to Haman?!

Mordechai *haTzaddik* certainly knew that we were at crucial turning point in our history. The devastation of the *churban* had only gotten worse, as we continued to sink in our exile, with many even participating in Achashverosh's feast on *Shabbos Yom HaKippurim*! (*Me'am Lo'ez* 1:5). Our only salvation would be through Torah. Only a true, renewed *Kabbalas HaTorah* would save us. Mordechai was willing to put everything at risk to prepare *Klal Yisrael* for this Shavuos. Following the Torah's guidance through Yisro, Mordechai knew reaching *Ein Od Milvado* was the prerequisite. He therefore looked all the way back to the source of the problem. The place where *Ein Od Milvado* was first found lacking.

It was in *Gan Eden* when "*lo yisboshahu*," Adam tried to reach *Ein Od Milvado* with Chavah, but still saw the Serpent as an independent entity. In that same garden, *Chazal* see Haman. Finding him in the words "...From (*hamin*) the tree I told you not to eat from..." (*Chullin* 139b). Haman is the evil in the Tree of Knowledge of Good and Evil. Haman is the Serpent. The same Serpent that needs to be nullified to rectify the original sin and eat the Tree of Life.

Mordechai accomplishes precisely this. He reaches the pinnacles of *Ein Od Milvado* and when confronted with Haman...doesn't even see him. How could he bow to nothingness? And what concern was there? At *Ein Od Milvado*, all is Hashem, and *Klal Yisrael* are all His, even the ones who seemingly sinned at the feast. There was no danger whatsoever.

When Haman arrived to prepare Mordechai for his honorable horse ride, he asked Mordechai what he was studying. The reply was the *korban omer*. Upon hearing this, Haman exclaims that the *omer* of mere barley flour had outweighed the ten thousand talents of silver he paid to exterminate the Jews (*Vayikra Rabbah* 28:6). Why did the *korban omer*

have this power? It is precisely the *korban omer* that starts the forty-nine-day rectification period preparing *Klal Yisrael* for the acceptance of *Ein Od Milvado*, allowing the *chametz* loaves to be brought on Shavuos. Mordechai was busy teaching us those lessons, knowing the Shavuos that was under way. It is very fitting then that Haman, the Serpent, proceeds to serve Mordechai, just as the *Gemara* (*Sanhedrin* 59b) teaches that originally the Serpent was going to be our great servant. Mordechai had accomplished the rectification.

Esther *HaMalkah* also embodied this perfection of the realization of *Ein Od Milvado*. *Tosafos* (*Sanhedrin* 74b) ask how could Esther willingly live with Achashverosh according to the opinion she was married to Mordechai? One is required to give up their life before committing adultery. *Tosafos* explain that when the *Gemara* explains Esther was “*karka olam*,” motionless, when she lived with Achashverosh, it permitted even adultery. However, the *Midrash* teaches that the *Shechinah* send a *sheid* to live with Achashverosh in the guise of Esther and she didn’t live with him.<sup>11</sup> Which one really happened? Did Esther live with Achashverosh or not?

When Mordechai tells Esther to go willingly to Achashverosh, she understands what’s happening. It is time to perfect the previous shortcomings of *Ein Od Milvado*. She responds to Mordechai by adding that with this goal in mind all of *Klal Yisrael* must assemble as one. Just like at Mount Sinai, all Jews need to be together, recognizing the essence of our existence as one unified soul with Hashem. Then they must fast for three days to remove the identity of the body and become the pure spiritual beings we truly are, just as Adam was attempting to accomplish with Chavah that first day. Only then would Esther be able to go willingly, and undo the mistake. This time, when she would be confronted with the evil Serpent, Achashverosh, she won’t see him or let him inject his filth. Instead, she would be *karka olam*, not experiencing the filth at all.

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<sup>11</sup> *Midrash d’R’ Shimon Devarim* 276b



Perhaps this is how to reconcile the Gemara and the *Midrash*. Esther reached the true heights of *Ein Od Milvado*, her essence clinging to the *Shechinah* as she became *karka olam*. She didn't experience any evil as whatever dregs of a body was left physically living with Achashverosh was merely a *sheid*, not truly Esther.<sup>12</sup>

The Gemara (*Megillah* 15a) teaches that Esther was concerned of no longer being permitted to Mordechai, her husband, if she willingly went to Achashverosh. She says "if I am lost, I am lost." The Gemara understands the double expression to imply, just as I am lost from my father's house, I will become lost from you. However, having succeeded as *karka olam*, Esther did remain permissible to live with Mordechai her true husband, rectifying Chavah's becoming defiled and losing her husband Adam for 130 years. Chavah might have become lost from her house, but Esther unified in her house. Esther listened to Mordechai, unlike Chavah who didn't listen to Adam, or Kayin who didn't listen to Hevel.<sup>13</sup>

Mordechai and Esther reached heights unlike ever before. Generations after Mount Sinai, Mordechai and Esther brought us to the level of finally wanting the Torah and accepting it out of love (*Shabbos* 88a). "The Jews established and accepted upon themselves..." (*Esther* 9:27). Finally, a true Shavuos, completely accepting Hashem, His Torah and the Jewish people as one. The true *Ein Od Milvado*. Purim certainly is the ultimate holiday of supernal happiness, as *Klal Yisrael* and our Creator finally reunite as one.

With this understanding we can now have a greater appreciation for the mitzvos of Purim. All four mitzvos of the day involve and represent Jewish

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<sup>12</sup> Even if Esther did this every time she lived with Achashverosh, her previous encounters were forced. This time she was required to go willingly, which would require a tremendously greater level of perfection to cling to the *Shechinah* as a willing participant in an unholy act.

<sup>13</sup> Fitting that the first appearance of the word Esther in the Torah is when Kayin exclaims to Hashem "...and from your face I will be hidden from..." (*Bereishis* 4:14).

unity. We give gifts to each other and the poor, feast together and read the *Megillah* specifically in public. But what about the unity of us with Hashem?

Perhaps the key to understand this is attempting to translate the mitzvah to become drunk in a different way. We are required to “*l’vsume*,” but what does that word really mean? The *Targum* (*Shemos* 15:25) brings this word as a translation for the Hebrew “*masak*,” sweeten, when Moshe sweetens the bitter water. Therefore, we are expected to sweeten on Purim. What does it mean to sweeten in the Torah?

R’ Moshe Shapiro *zt”l*, (*Afikei Mayim, Yomim Noraim* §6), reveals the secret of this word. It refers to taking the apparent hiddenness of Hashem in the world and revealing the *Ein Od Milvado* within it. Even though there is a seeming detached existence from Hashem, we sweeten it, reconnecting it to Him. How far are we required to sweeten on Purim? *Ad d’lo yada*, until the unknown. What is the unknown? The *Malbim* explains this is the place where the created world touches the *Ein Od Milvado*. This was the limit of the level which Moshe Rabbeinu was granted to see in the cleft of the rock when Hashem revealed his 13 Attributes of Mercy. The ultimate level of *Ein Od Milvado* a created being can reach. This is how high we must reach on Purim.

The *gematria* of *אורר בין ברוך* is 697, the same *gematria* of *עתיק יומין* with the *kollel*. “I watched as thrones were set up, and *עתיק יומין* (Ancient Days) sat, His garment was white as snow and the hair on His head was like clean, white wool” (Daniel 7:9). *Chazal* (*Sanhedrin* 38b) explains that this *pasuk* teaches us what it means when we refer to Hashem as *עתיק יומין*. The *pasuk* mentions thrones in the plural, as *עתיק יומין* has two thrones, one for *din* (judgement and limitation) and one for *tzedakah* (undeserved and unbounded charity). One God, with two seemingly opposite thrones. *עתיק יומין* is the place where the limited existence (*din*), is united and revealed to be one and the same as the unbounded revelation of *tzedakah*. These two chairs in the Gemara are also called one throne and one footstool, or one for Him and one for David. The *Malbim* (*Devarim* 33:3) explains that when Hashem runs the world through His throne, he is emanating His

goodness and revealing Himself. When the world is run through the footstool, it is a hidden guidance, seemingly following nature. The goal is to realize that while there are two opposite thrones, they are really used by one God, and in truth the reality is there is no difference between the two.

The Gemara brings this very *pasuk* as one that heretics use to claim there are multiple powers, since there are multiple thrones. *Chazal* retort that this *pasuk* teaches the opposite. It is teaching us that this world of seeming multiplicity is in reality only *Ein Od Milvado*.

It is also fitting that the throne of judgement is called David. Who in Jewish History suffered so much, yet remained a complete *tzaddik*, as David *HaMelech*? David *HaMelech* saw only the *Ein Od Milvado*, and none of the tragedies or darkness could blind this from him. As he says, “Were I to say ‘Surely darkness will shadow me, then the night would be illuminated around me. Even darkness obscures not from You, and night like the day shines; the darkness is the same as the light’” (*Tehillim* 139:11-12). David *HaMelech* reached the place where the two thrones were in reality only one. There are three partners in the creation of a person: the father, the mother, and Hashem (*Bereishis Rabbah* 22:2). Beautifully then, the *gematria* of Yehudah, Tamar and Hashem, is the same as עתיק יומין. Together they produced a David *HaMelech* who reached the level of עתיק יומין, the level Adam lost when he failed. It is also fitting that the *gematria* of ברוך ארור is בין ברוך ארור, since *baruch* and *arur*, *Mordechai* and *Haman*, are the two thrones of עתיק יומין, which are really one.

How does Daniel describe עתיק יומין? “I watched as thrones were set up, and עתיק יומין (Ancient Days) sat, His garment was white as snow and the hair on His head was like clean, white wool” (*Daniel* 7:9). We easily recognize the “white as snow and white wool” from *Yeshayah* (1:18), “...if your sins are like scarlet, they will become white as snow; if they become red as crimson, they shall become like white wool.” How fitting that at this very lofty level of עתיק יומין, with the unity of Hashem, comes the

revelation of the inner, pure soul of a Jew; that no matter how outwardly stained it becomes, is truly still white as snow and wool.<sup>14</sup>

With this we can understand part of our responsibility on Purim. The holiday which truly revealed that the most intense darkness *Klal Yisrael* ever faced in reality had no existence. The *Megillah* doesn't even mention Hashem's name, since it is unnecessary, as all is Hashem! The day which "...was flipped for them from sadness to happiness, from mourning (darkness) to a holiday (goodness)..." (*Esther* 9:22), revealing the unity of the thrones. "In order that those from the east and the west shall know that there is nothing besides Me; I am Hashem, and there is no other. I form light and create darkness, make peace and create evil; I am Hashem, the Maker of all of these." (*Yeshayah* 45:6-7). At the end of Purim day, lifting higher and higher, we are exhorted to "sweeten the *din* until the level of the unknowable head, עתיק יומין. We are exhorted to know *Ein Od Milvado*. A true *Kabbalas HaTorah*.

But what is the connection between this and wearing *shaatnez* and women's clothing? And still, why are Yisro's lessons taught through judges?

"And Kayin said to Hevel his brother, and it was when they were in the field, and Kayin rose to Hevel his brother and killed him" (*Bereishis* 4:8). Something is clearly missing in that *pasuk*. What was the conversation that led to murder?!

The *Targum Yonasan* fills in the words... "And Kayin said to Hevel his brother, 'come and let's both go outside.' When they both went outside Kayin answered and said to Hevel 'I see that the world was created with *rachamim*, but it is not guided with reward for good deeds and favoritism is shown in judgement, for why was your *korban* accepted and my *korban*

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<sup>14</sup> This is a clear connection between Purim and Yom HaKippurim. We further see this in how the word Purim mean lots and the *mitzvah* on Yom Kippur which cleanses us of our sins is the *seir l'azazel*, chosen by lots. A lottery, which outwardly appears to be chance, is in fact all controlled by the will of Hashem.

from me was not accepted with *ratzon*?' Hevel answered and said to Kayin 'The world was created with *rachamim* and it is guided with reward for good deeds, and there is no favoritism in judgement, and since my *avodah* was better than yours it was accepted with *ratzon*.' Kayin answered and said to Hevel 'There is no judgement, and no judge, and no World to Come, and no good reward for the *tzadikim*, and no collecting from the *reshaim*.' Hevel answered and said to Kayin 'There is judgement, and there is a Judge, and there is a World to Come, and there is good reward for the *tzadikim*, and there is a collection from the *reshaim*.' And on these matters they fought on the face of the outside. And Kayin rose on Hevel his brother and sunk a stone in his forehead and killed him."

In the beginning of his life, Kayin understood *avodas ha'adam*. We are not *malachim*, rather we have free will and are required to "choose life" over evil. Kayin worked on his *avodah* for forty-nine days and thought he had fulfilled his purpose. However, when his *avodah* was rejected, instead of seeing the flaw in himself, he saw it as negating the importance of *avodas ha'adam*. He became a heretic, not of Hashem's existence, but of our purpose in the world. Judgement, reward and punishment only make sense in a world of free will where an *avodah* is required of us. If there is no *avodah* and free will, it is just a world of an outpouring of Hashem's infinite goodness to all, regardless of deserving. It is a world of favoritism is judgment, where people get good things even though they don't deserve it.

According to him, it follows that this physical world has no purpose for holiness since its *avodah* is irrelevant. Fittingly, the *Midrash (Bereishis Rabbah 22:7)* records that Kayin told Hevel he has no place on the Earth and he should fly in the air. To Kayin, holiness has no need to be here in a physical world with a physical body, so he did the only logical act – return the holy one, Hevel, to his source in Heaven.

When confronted by Hashem for his murder, Kayin responds, "I did not know I was my brother's keeper" (*Bereishis 4:9*). According to the *Malbim*, he meant it. He didn't know he had any free will or responsibility. Kayin had fallen to heresy, rejecting free will, and the *avodah* of man.

Hashem responds to him "...the voice of your brother's bloods cries out to Me from the ground" (ibid. 4:10). Kayin was wrong, Hevel's blood was connected to the ground, the physical world, as the *avodah* of man is real. Hevel belonged on Earth and killing him was murder. Kayin had failed.

What is a Torah judge? An ultimate expression of the *avodas ha'adam*. A judge must take the Torah and use his personal abilities to determine the *emes*. They become a synthesis of Torah and man. But this task is fraught with peril. Rav (*Sanhedrin* 7b) states that when he would go to his job as a judge, he viewed it as if he were going to his death. A judge needs to acknowledge their own independence and abilities and then nullify them to Hashem, rendering a decision without any personal desires influencing the decision. They can't just pretend their abilities don't exist, as they have to use them. But use them in complete submission to the Torah.

The ground did two things on the third day of creation of its own accord; one was praiseworthy and one was incorrect. Hashem commanded the trees to reproduce "according to their species," but not the grasses. Yet the grasses made a *kal vachomer*; if trees, which naturally sprout in an organized manner were commanded to stick to their species, how much more so should we, who sprout in a jumbled mixture, need to stick to our species (*Chullin* 60a). *Chazal* say this was so praiseworthy that the *Sar Ha'Olam* responded "May the glory of Hashem endure forever and may Hashem rejoice in His works" (*Tehillim* 104:31).

Yet on that same day, the trees also made another judgement of their own. When Hashem commanded that the trees should be completely edible fruit, the trees reasoned that this would cause them to be eaten and destroyed. Therefore, it would be best to have wooden, inedible trunks and to produce edible fruits. This was considered a sin and the ground was cursed with Adam after his sin as a punishment (*Bereishis Rabbah* 5:9). What's the difference?! Both of these decisions were logical judgements, yet one was correct and the other was wrong. Furthermore, do plants really have free will that they made these choices?

Perhaps Hashem was trying to teach Adam a lesson before his test. Adam would ultimately be faced with a choice to eat of the Tree of Knowledge of Good and Evil. He would have to use his free will, his independence, his *avodah*, to determine the proper conclusion as to which decision Hashem would want. Adam reasoned that Hashem really wanted him to eat from that Tree (see *Daas Tevunos* §40). Why was his decision wrong?

When the grasses made their decision there was a crucial difference. They made a *kal vachomer*. They used their independence only in the framework of the Torah. Therefore, it was *emes*. The trees however didn't use the guidance of the Torah and simply relied on their judgement. This was incorrect. Perhaps Hashem, who wanted to teach Adam this valuable lesson, caused this to happen to show Adam that only when a person's *avodah* is completely subjected to Torah is it good. Adam failed, and made his decision based on his own self, not nullified to the Torah, the Tree of Life, which had said not to eat.

Kayin continued the same chain of mistakes. Hevel was like Moshe, fleeting, not really part of this world. His real place was in Heaven, but he comes down to bring the Torah with him. Kayin should have been like Aharon, charged with the *Avodah*. Aharon followed everything Moshe instructed him, never veering from *Toras Moshe*. Unlike Kayin who killed Hevel, Aharon unified with Moshe, nullifying himself to Moshe and the Torah. "The Torah of truth was in [Aharon's] mouth" (*Malachi* 2:6). This is how the *Malbim* understands the roles of Moshe and Aharon (*reish Parshas Tetzaveh*). Moshe brings the Torah, the spiritual, down; and Aharon works the world, the physical, elevating it to Hashem. Had Kayin done the same with Hevel, he would have certainly succeeded.

Yisro comes to rectify this through teaching us about judges. We are about to receive the Torah, with our crucial roles in using our personal abilities to both understand the Torah (learning Torah *Shebaal Peh*) and applying the Torah to *halachah*. The *Sanhedrin* fulfill both these roles in one. But we must first understand that this great role can only be accomplished properly with the acceptance of *Ein Od Milvado* and correspondingly all of our *avodah* must be subsumed to Hashem's will.

This can now explain the two mysterious customs of wearing *shaatnez* and women's clothing on Purim. Reaching the level of *Ein Od Milvado* allows for Adam and Chavah, the body and the soul, the physical and the spiritual, to finally unite as originally intended. The male, Adam, can now be clothed in the woman, Chavah, but still be a male. The physical becomes a pure vessel for the spiritual to shine through. Just as they were both called Adam before they were separated, when the physical is completely nullified to the spiritual, it is called the spiritual also. The women's clothes are now transformed into man's clothes. They are one and the same. In the rectified state of Purim, it fits to wear them.

The next paradigm of body and soul were Kayin and Hevel. Kayin brought the physical desires, flax, to Hashem and Hevel brought the spiritual choicest part, represented by the sheep. This mixture of wool and linen sadly failed and *shaatnez* became forbidden (*Pirkei D'Rebbi Eliezer* §21). On Purim however, with the unification of *Ein Od Milvado*, the wool and linen can finally be worn together in perfect unity. Just as Aharon and his sons, only when preforming the *Avodah* in complete accordance with the Torah, wear that same mixture of wool and linen in their garments.

The *Rama* (*Orach Chaim* 694:1) also teaches the *halachah* that someone who hurts his friend on Purim is exempt from paying damages. At the supernal level of *Ein Od Milvado*, when we all recognize the true, inner beauty of every Jew, *Klal Yisrael* lovingly pass over the outer faults of one another and only see the true, pure Jew inside.

*Parshas Yisro* comes to teach us foundations for a true *Kabbalas HaTorah*. The acceptance of *Ein Od Milvado*. A true, complete acceptance out of love, where we see that there is nothing real or good besides Hashem, and therefore, we desire nothing else. An acceptance where we see the true beauty of being a Jew, a piece of God, and how every Jew is this pure, radiant being. An acceptance that we must take this gift of life, free will and *avodah* from Hashem and return it to him by submitting ourselves completely to his will.



## **Avraham Avinu and a Bar Mitzvah *Bachur***

**Eli Dixler**

With the command of *lech lecha*, Hashem gave Avraham his first test and first mitzvah. In telling him to journey to a strange land, Hashem promised him many blessings. Avraham passed not only this test, he passed nine more tests and lived a life full of mitzvos. Avraham's mitzvos must have been incredible! Chazal say that the simple talk of Eliezer, Avraham's servant, is better than the Torah given on Har Sinai. If the servant's talk is so valuable, then Avraham's talk, and certainly whatever he did, is much better. Chazal also tell us that Avraham kept the whole Torah (*Yoma* 25) before it was given 500 years later. We can't even imagine how great his mitzvos were!

With this introduction, let's ask, whose mitzvos are better: those of Avraham or those of a bar mitzvah *bachur*? This sounds like a silly question, but the Gemara (*Kiddushin* 31a) states that mitzvos done when required are better than mitzvos performed when not required. According to the *Ramban* (*Bereishis* 26:5), although Avraham kept all the mitzvos, they were not required; he did them as an *אינו מצווה ועושה*. In contrast, a "bar mitzvah" is defined as someone who now possesses and is required to do mitzvos. Consequently, more reward is given for mitzvos performed after bar mitzvah than before bar mitzvah, when the reward is for a voluntary mitzvah. Based on the Gemara in *Kiddushin*, we should conclude that the mitzvos of the new bar mitzvah *bachur* are better than those of Avraham!

Somehow this doesn't sound right. How can the mitzvos of a young man be greater than those of Avraham?

In that same Gemara, Rav Yosef, who was blind, at first thought *אינו מצווה ועושה* was better and said he would make a party if the halachah determined a blind person was not required to do mitzvos. After hearing *מצווה ועושה* is

better, he then said he would make a party if a blind person is required to do mitzvos. Why did he initially think אינו מצווה ועושה is better?

The Gemara (*Makos* 23b) states that Moshe received 613 mitzvos, otherwise known as “*taryag*,” from Har Sinai. This is the source that the Torah contains 613 mitzvos: 365 corresponding to the days of the year and 248 correspond to the limbs of the body. The problem with the count is you will find significantly more than 613 commandments in the Torah. Beginning with R’ Saadya Gaon in the 9<sup>th</sup> century, there have been many *sefarim* written to define which mitzvos are included in the count and which are excluded. Some of the more well known *sefarim* include: *Halachos Gedolos*, *Rambam’s Sefer HaMitzvos*, *Sefer Mitzvos Gedolah*, *Sefer Mitzvos Ketanah*, and of course the *Chinuch*. Interestingly, there is an entire *sefer* that catalogues the other *sefarim* written on this topic! Why is there so much focus on determining which mitzvos are included in *taryag*?

*Mishnah Berurah* (introduction to Shabbos) explains that each limb of a person’s body in *olam habah* receives its life force from one of the *taryag* mitzvos a person performed during his lifetime. Some mitzvos correspond to minor limbs, like a pinky, and others to major organs. Missing an important mitzvah such as Shabbos will prevent life in *Olam HaBa* from being given to a major body organ such as the heart. To have a full body, a person needs to perform all the mitzvos. In addition, *Ramchal* (*Daas Tevunos*) says the concept of תיקון עולם, spiritual repair of the world, is accomplished only when mitzvos are being done by those who are required to do them. According to R’ Yeruchem Perla (introduction §10 to R’ Saadya Gaon), mitzvos not included in *taryag* are still mitzvos, but are not required mitzvos. For these reasons, so many *sefarim* were written to identify which mitzvos are included in this count.

R’ Gedalyah Shor (*Or Gedalyahu, parshas Chayei Sarah*) explains why even the simple words of Eliezer, and certainly the *avos*, were so important. The *avos* had a complete, unselfish focus on Hashem’s mission:

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to cause the world to recognize and serve Him as the Creator. Their *avodah* was completely *lishmah* and focused on the deep spiritual consequence of every action. As a result, Avraham ascended to the highest levels of spirituality possible for a human, becoming part of the מרכבה לשכינה - helping to bring Hashem's presence into the world. But how was this תיקון עולם possible when Avraham was אינו מצווה ועושה?

It's amazing what Avraham was able to accomplish. Without mitzvos, writes *Sefer Ha'Ikarim* (*perek* 31), it would be nearly impossible for anyone to achieve the high levels of *avodas* Hashem - to serve Him with love, fear and all of one's heart and soul. Recognizing this, Hashem gave us mitzvos we must use to achieve these heights. With this he explains the oft-quoted *pasuk* (*Devarim* 10:12-13): "מה ה' אלקך שואל מעמך, *What does Hashem your G-d ask from you? Only to fear Him...walk in all his ways...love Him...serve Him with all your soul.*" Instead of asking us to follow a very difficult path without mitzvos, which very few could achieve, Hashem asks us instead "to keep the mitzvos of Hashem" to reach great spiritual heights.

With this we can explain how Avraham was different. Before מתן תורה it was possible for an exceptional person to achieve high levels of רוחניות, but only with almost super-human effort. Avraham was doing mitzvos with such great *kavanah* that he was able to achieve what no one else in his generation could achieve.

Now after מתן תורה, due to the great importance of these mitzvos to our own רוחניות and תיקון עולם, the שטן fights to keep us from doing them (*Tosafos, Avodah Zara* 3a). Although, of course, even mitzvos that are not required will be rewarded, the one required to do them receives additional reward due to the extra effort to fight off the שטן. It's possible that R' Yosef thought being אינו מצווה ועושה due to blindness was greater since we see that Avraham was able to achieve the largest rewards and levels of רוחניות as an אינו מצווה ועושה. However, upon learning that now that we have *taryag* mitzvos מצווה ועושה is actually greater, he realized he was mistaken.

Now that we are מצווה ועושה and we know what is included in *taryag* mitzvos, what can we learn from Avraham? In *Shemoneh Esrei* we praise Hashem as the “זוכר חסדי אבות” – He remembers the chesed of the *avos*.” Only Avraham was famous for this חסד, so why does it mention all the *avos*? חסדי אבות here doesn’t refer to kindness; rather, it refers to the חסידות of the *avos* – how all the *avos* went beyond what was required. We can learn this from Avraham. We can go beyond the minimum requirements to now perform mitzvos *lishmah* and with full *kavanah*. Then we will deserve the greatest reward.

The power of Torah is in the spiritual light – the אור. The *Baal HaTurim* calculates the *gematria* of the words “את האור” in מעשה בראשית to be 613, the same value of “בתורה” – in the Torah.” This means through the *taryag* mitzvos contained in the Torah we will merit the great light of עולם הבא, each mitzvah providing spiritual light to one part of the body. As we conclude *Shemoneh Esrei* every day we ask Hashem to rebuild the בית המקדש and say “ותן חלקינו בתורתך” – provide us our Torah portion”. When the *Beis HaMikdash* is rebuilt, our access to the light in Torah and mitzvos will be much greater than today. May Hashem give us this light with the rebuilding of the *Beis HaMikdash* במהרה בימינו.

## The Kohanim's Mitzvos

### Meshulem Goldfeder

I would like to talk a little about mitzvos that only a small percentage of people are able to do. They are the mitzvos of the Kohanim. This status is important to me because my father and his father are Kohanim, and it seemed that it would be nice to carry on the family tradition. Although there are many jokes regarding this – it has not always been a family business. The “Kohen status” was originally given to firstborn male children. They lost it. It was then given to the Kohanim/Shevet Levi. This was given to them because they did what needed to be done – even though it went against the tide. Eleven other *shevatim* worshiped the *eigel hazahav*. Shevet Levi DID NOT. Interestingly, in *Parshas Noach*, we find someone else who went against the tide to do what was right – Noach.

Here is another interesting thought along the same lines. The *pasuk* says, אֵלֶּה הַיּוֹלֵדֹת נֹחַ נֹחַ אִישׁ צַדִּיק תָּמִים הָיָה בְּדֹרֹתָיו אֶת־הָאֱלֹהִים הִתְהַלָּךְ־בָּם. *These are the offspring of Noach – Noach was a righteous man, perfect in his generations; Noach walked with Hashem.*

There are two *peshatim* in *Rashi* – one as a *shevach* (praise) and one as a *genai* (a negative connotation). A question that can be asked: why would *Rashi* and other *Meforshim* say a *pshat* that *hurts* Noach's reputation, when they can just as easily say a *pshat* that praises him?

I would like to say that although on the surface it is not so good, this is a valuable lesson for future generations – US. The so called *genai* was that he was only a *tzaddik* in his generation, but had he lived in Avraham's generation, he would have been no better than average. However, when you think about it, even though this may be disparaging in a certain sense, it is very complementary and commendable in another, and it sends an important message to all of us. We don't need to be the next *Gadol HaDor* to have a lasting impact. Noach, according to this *pshat* was just a regular

guy but he KNEW BETTER than to participate in the wrongdoings of the people of his generation. HE was the one to keep civilization going – because he knew what was right.

## **Elisha Baal Kanafayim**

### **Binyamin Meyer**

The Gemara in Shabbos (130a) says that any mitzvah that the *Bnei Yisrael* were willing to *moser nefesh* for rather than follow an evil decree of the government they still strong keep strongly. Two examples of this are *bris milah* and not worshiping idols. Any mitzvah that the *Bnei Yisrael* did not give up their life for is weak in their hands. The example for this is the mitzvah of tefillin.

The Gemara then brings the statement of R' Yannai, who said that wearing tefillin requires a clean *guf* like Elisha *Baal Kanafayim*.

The Gemara asks why Elisha is called *Baal Kanafayim*, which means “the owner of wings.” The Gemara explains that one time the *malchus* decreed that anyone caught wearing tefillin would get their scalp ripped off. One day Elisha was wearing his tefillin in the street when an officer of the ruling *malchus* saw him. Elisha ran away, but the officer caught up to him. Elisha quickly took his *shel rosh* off and put it in his hands. The officers asked what he had there, and he said dove wings. He opened his hands and lo and behold he had a set of dove wings. This explains the name *Baal Kanafayim*.

We need to understand – what did Rav Yannai bring Elisha *Baal Kanafayim* to prove? We have a three-way *machlokes* to answer this.

1. *Rashi* explains that since only Elisha was careful to keep his *guf* clean, it seems that the rest of *Klal Yisrael* was not careful in this way.

2. *Tosafos* bring *Rabbeinu Shmuel* who argues and says that the proof that *Klal Yisrael* was weak in the mitzvah of tefillin is from Elisha *Baal Kanafayim* himself. For this story shows someone who was not *moser nefesh* for his tefillin, because he took them off. We see that *Klal Yisrael* did not take tefillin seriously.

What is *Tosafos*'s proof to his *mehalech* that this one case about someone taking their tefillin off is a proof that tefillin is a mitzvah that is weak for *Klal Yisrael*? *Tosafos* are basing this on the Gemara's proving that *Klal Yisrael* is strong in their not doing *avodah zarah* from an individual case of Chananya, Mishael and Azaryah were *moser nefesh* to prove that is a mitzvah that is still strong. *Tosafos* clearly see that all the Gemara needs to make this rule is one case. Now, since tefillin was put in the weak category, this one-time story of Elisha *Baal Kanafayim* is proving that it is a mitzvah that is weak.

Similarly, the *Rif* in a combination answer learns that we are to learn two things: (a) he was able to wear his tefillin the whole day since only he had *guf naki*, but (b) also that it's weak since he took them off.

3. *Tosafos* in *Baba Basra* quoting our story say that the Gemara is bringing a proof that you can only wear tefillin with a *guf naki* like Elisha. But the story is not talking about *Klal Yisrael* taking the mitzvah of tefillin seriously or not.

Let's get back to the story. You may be wondering how Elisha *Baal Kanafayim* was *allowed* to wear tefillin at all if there was a decree that could get you killed. Tefillin is not *yaharog ve'al yaavor*?

The *Ramban* explains based on the Gemara in *Sanhedrin* that the question we should be asking is how Elisha *Baal Kanafayim* was allowed to *take off* his tefillin? The Gemara says that *all* mitzvos are *yaharog ve'al avor* when it is a *shaas hashmad*, meaning when the other nations want to stop us from doing mitzvos. All mitzvos are *yaharog ve'al avor* in that case since you are making a statement that you do not want to be a *yid*. So now we need to know how he was able to take them off.

The *Ramban* offers two answers. First, the Gemara in *Sanhedrin* is only in a case where you are going to be forced to do an *aveirah*, but here he only was not actively fulfilling a mitzvah. The second answer is since they can



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could force you to be without tefillin you are not *mechuyav* to give up your life for it. Also, as is clear from the Gemara, not everyone wore tefillin the whole day since they could not maintain a *guf naki*. Elisha *Baal Kanafayim* could have taken his tefillin off and no one would know why.

We have another two questions we need to deal with. How could Elisha lie? And how could he rely on a *nes*?

The *Ritva* says that the Gemara's continuation explains his answer. When Elisha *Baal Kanafayim* responded that he was carrying dove wings, he was not lying. He was referring to the tefillin. This is because tefillin can be compared to as *kanfei yonah*, wings of a dove. When a *yonah* gets attacked, one wing is used to fight and the other wing is used to protect its children. Tefillin too protect *Klal Yisrael*.

By the way, this is the *mekor* to the *halachah* in *Orach Chaim* (§28) that we should wrap the *retzuos* of the tefillin *shel rosh* on both sides like a dove. Some wrap all the *retzuos shel rosh* on one side and the *retzuos shel yad* on the other side to look like a dove.

The *Raah* gives another answer. Elisha actually did not lie, nor did he rely on a *nes*! The *Raah* holds that when Elisha took off his tefillin he saw that they had changed to *kanfei yonah* before he said that he was holding *kanfei yonah*! Therefore, he neither lied nor relied on a *nes*.

## A True *Talmid*

### Mendy Siff

The last משנה in מציאות deals with the following הלכות.

- 1) If one sees his own lost object and his father's lost object, retrieving his own lost object takes precedence over retrieving his father's lost object.
- 2) If he sees his own lost object and his rebbi's lost object, his own lost object still takes precedence.
- 3) But if he sees his father's lost object and his rebbi's lost object, returning his rebbi's lost object takes precedence over returning his father's lost object.

The משנה says that the reason is because his father only brings him into עולם הזה, while his rebbi, who teaches him Torah, brings him to עולם הבא. The משנה then lists other circumstances where there is a conflict between a son's obligation to his father and his obligation to his rebbi and how those conflicts are resolved.

The גמרא on this משנה explains that of course, when the משנה talks about a rebbi, it refers to a rebbi מובהק, a person's primary rebbi who is so closely tied to the person's success in learning that it can be said of him, that he brings him to עולם הבא.

The גמרא then records the following incident: Rav Chisda asked his rebbi, Rav Huna: We know what the *din* is with a rebbi מובהק, but what about a תלמיד, *a talmid whose rebbi is dependent on him*, the תלמיד? Does this type of rebbi also have precedence over his father?

Rav Huna took this question to mean that Rav Chisda considered himself not a תלמיד, but a תלמיד וצריך לו רבו, suggesting that Rav Huna needed him. Rav Huna therefore responded with a strong rebuke. He said, חסדא חסדא, לא צריכנא לך את צריכת לי, *Chisda, Chisda, I do not need you! You need me!*

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The גמרא then states that Rav Huna and Rav Chisda had a falling out over this incident and they were so upset at each other that they refused to visit each other.

The גמרא recounts that Rav Chisda fasted forty תעניתים because he insulted his rebbi, Rav Huna. Likewise, Rav Huna fasted forty תעניתים, because he wrongfully accused Rav Chisda of chutzpa.

My great-great-great grandfather, Rav Gershon Mendel Ziv, after whom I am named, was a great צדיק and למדן. Both of these qualities are displayed in how he reconciles this exchange that is seemingly uncharacteristic of two great אמוראים. He asks:

Why did Rav Huna bear a grudge against Rav Chisda? If Rav Huna was Rav Chisda's rebbi, there can be nothing wrong with asking what the halachah demands of their relationship! It must be then, that Rav Chisda in fact knew that his relationship with his rebbi Rav Huna was not a relationship of תלמיד וצריך לו רבו, and that in fact Rav Huna did not need Rav Chisda. In which case, my Zaydeh asks, the קושיא is then on Rav Chisda. Why would Rav Chisda bring up a relationship of תלמיד וצריך לו רבו if he didn't have that relationship with Rav Huna?

That is my Zaydeh's קושיא and he answers it from a גמרא in מנחות.

The גמרא on דף ז' says that רבי אבימי learned מסכת מנחות by Rav Chisda. The גמרא then asks, how it could be that רבי אבימי learned מנחות by Rav Chisda? It was the opposite! Rav Chisda considered himself a תלמיד of רבי אבימי! Rav Chisda even said that רבי אבימי hit him many times for not remembering the דינים of how many times a בית דין must announce the sale of property of יתומים. Clearly Rav Chisda was a תלמיד of רבי אבימי and not vice versa.

The גמרא resolves this conflict by explaining that indeed Rav Chisda WAS a תלמיד of רבי אבימי, but רבי אבימי forgot מסכת מנחות so he traveled to Rav Chisda to be re-taught the מסכת from his own תלמיד.

My Zaydeh uses this גמרא to answer his question on the troublesome story of Rav Chisda and Rav Huna.

When Rav Chisda asked the question to Rav Huna about what the דין is for a תלמיד וצריך לו רבו he actually was referring to himself, because he was indeed a תלמיד וצריך לו רבו. However, he clearly was a תלמיד וצריך לו רבו in his relationship with **Rav Avimi**, and not in his relationship with Rav Huna. By asking his question to his rebbi, Rav Huna, he didn't mean to suggest that **Rav Huna** needed him. He was asking about his relationship as a תלמיד וצריך לו רבו to Rav Avimi.

As soon as this came to light, both Rav Huna and Rav Chisda regretted their mistake. Rav Huna felt bad for thinking that Rav Chisda was disrespectful to him by suggesting that he was a תלמיד וצריך לו רבו and Rav Chisda felt bad for asking a question, that although legitimate in context, suggested that he was demeaning Rav Huna.

## ***Baruch Shepatrani***

### **Doni Weichbrod**

We all know that the father of every Bar Mitzvah boy, when the boy has his first Aliyah after becoming Bar Mitzvah, makes the following *berachah* – *Baruch Shepatrani Mei'onsho Shel Zeh*. This *berachah* relates to the culpability that exists between the father and son, which ceases once the child reaches thirteen years of age.

Interestingly, this *berachah* is not found anywhere in Shas. The source for the *berachah* is found in a Midrash in *Parshas Toldos* (25:27). The *pasuk* states:

וַיִּגְדְּלוּ הַנְּעָרִים וַיְהִי עָשׂו אִישׁ יָדָע צִיד אִישׁ שֹׂדָה וַיִּנְקֹב אִישׁ תֶּם יֹשֵׁב אֱהָלִים:

*And the youths grew up, upon which Chazal expound in the Midrash Rabbah:*

אָמַר רַבִּי אֱלֶעָזָר צָרִיךְ אָדָם לְהִטָּפֵל בְּכֵנוּ עַד י"ג שָׁנָה, מִיָּכֹן וְאֵילָף צָרִיךְ שְׂיֹאמַר בְּרוּךְ שֶׁפָּטְרָנִי מִעֲנָשׁוֹ שֶׁל זֶה.

Rebbi Elazar says: one is obligated to take care of his son until he reaches the age of thirteen, after which he should say *baruch shepatrani mei'onsho shel zeh* – Blessed is the One Who has freed me from the punishment of this one.

This *halachah* is brought by the *Rama* quoting this *Midrash* (*Orach Chaim* 225:2): There is an opinion that when one's son becomes *Bar Mitzvah*, he should say "*Baruch atah Hashem Elokeinu Melech haolam shepatrani mei'onsho shel zeh*." The *Rama* concludes that it is better to say the *berachah* without *shem u'malchus*.

The *Mishnah Berurah* writes that the *berachah* should be stated the first time the boy is called up to the Torah following his Bar Mitzvah.

This *halachah* creates a host of questions, including:

1. The *berachah* is very unclear on who the pronoun of "zeh" is addressing. Is it the father who is *patur* from the obligation on the

- son, or is the son *patur* from being punished for the father's misdeeds?
2. Why does the *Rama* have the hesitation to use Hashem's name when making the *berachah*?
  3. Lastly, what is the significance of making the *berachah* at the child's first *Aliyah LeTorah* after becoming Bar Mitzvah, even if it is not the day that he becomes Bar Mitzvah?

When it comes to who is *petur* from whom – there is a dispute brought by the *Be'er Heitev*. He first states that the *petur* is on the father for being punished for the sons *aveiros* (this is the opinion of the *Magen Avraham*). However, he also cites the opinion of the *Levush* that the punishment removed is on the son for the father's *aveiros*. Both approaches are problematic, as why should the son be punished for the father's transgressions according to the *Levush*, but even a bigger question is on the approach of the *Be'er Heitev*, which the *Chafetz Chaim*, in the *Mishnah Berurah*, also brings as the *only* reason. What kind of *aveirah* can a child (under 13) do that he would be liable for, or would cause others – his father – to be liable for? The simplest approach, is that the father is responsible for the *chinuch* of his son, so if the father did not perform his *chinuch* obligation correctly, any mitzvah the child missed out on, when he should have been doing it – it is because of the father's lack of *chinuch*.

However, the *Levush's* explanation, has an additional problem – if the reason for the *berachah* is the son getting punished for the father's sins, then the child should be the one making the *berachah*?!

The *Elyah Rabbah* explains that this could be based on the Gemara in Shabbos that states that anyone that causes others to be punished because of them, they cannot come into the inner area of the *Shechinah*. So, the *pshat* in the *Levush* is that the father is making the *berachah* because the father would have caused the child to be punished due to a lack of *chinuch*. The father would then be punished *bidei Shamayim*. This is the *kavanah*

## Section VIII: Bar Mitzvah *Divrei Torah*

of the father when making the *berachah* – being relieved of this possibility of being punished because he caused his son to be punished.

Additionally, the *Chafetz Chaim* himself, continues in the *Mishnah Berurah*, that even though the father's obligation in *chinuch* is complete, his son, like any other *Yid*, now has a *chiyuv* to keep all the mitzvot of the Torah, and the father, like any other *Yid*, is responsible to give *tochachah* if he sees his son doing something wrong and needs to correct him. So, while the father would not be punished for the son's actions, he would be punished for not correcting the son, even if after his bar mitzvah.

Rav Moshe *zatzal*, in *Dibros Moshe* on *Kiddushin*, explains this dichotomy somewhat differently. The Gemara in *Kiddushin* states (30a):

חנ(ו)ך לנער על פי דרכו" ר' יהודה ורבי נחמיה חד אמר משיתסר ועד עשרים ותרתיין וחד אמר מתמני סרי ועד עשרים וארבעה.

*Teach your son according to his ways, Rabbi Yehudah and Rabbi Nechemiah disagree, one says from sixteen until twenty-two, and one says from eighteen until twenty-four.*

This seems to indicate that the mitzvah of *chinuch* continues well past the age of Bar Mitzvah. So, how do we reconcile this with the completion of *chinuch* at 13? And if the mitzvah of *chinuch* is not complete at 13, what is the purpose of the *berachah* of *Baruch Shepatrani*?

Rav Moshe answers that there are really two mitzvot of *chinuch*. There is a mitzvah of *chinuch* of *hisraglus*, teaching a child to do mitzvot as part of a routine, and the *chinuch* of *hadrachah*, teaching the child the proper *derech* in life and how to lead a life of Torah and mitzvot. The *chinuch* of *hisraglus* begins when a child is at the “age of *chinuch*” – when he is old enough to understand how to do the mitzvah correctly, and continues until his bar mitzvah. Teaching a child a routine will get him in the habit of doing the mitzvot.

The chinuch of *hadrachah*, as the Gemara explains begins at the age of sixteen or eighteen and continues until the son is 22 or 24. At this age, the child can begin to understand the deeper meaning and begin to develop a fear of Heaven. After this point, the child is no longer under his father's control.

This, then is the difference alluded to by the *Mishnah Berurah*. The *berachah* of *Baruch Shepatrani* is going on the conclusion of the *chinuch* of *hisraglus*. This mitzvah of *chinuch* is complete at the point of the child's bar Mitzvah. When the Gemara mentions the mitzvah of *chinuch* continues until the child is in his twenties, this is the mitzvah of chinuch of *hadrachah*.

It is possible that even the *Mishnah Berurah*'s reference to the requirement of *tochachah* could be alluding to the *chinuch* of *hadrachah*, but that only a child that is still under his father's household would have that stronger level of *tochachah* that Rav Moshe describes as *chinuch* of *hadrachah*, while once he is older than that he is at the same level of any Jew – where *tochachah* would be the most that could be expected.

The second question I would like to address is whether or not to say the *berachah* with *Shem Umalchus*. The *Rama*, when he brings the *halachah*, states that Hashem's name should not be said. This is based on a *Rosh* that states that we do not make additional *berachos* that are not in the *Mishnah*, *Tosefta* or *Gemara*. Since this *berachah* is only found in a *Midrash*, we would therefore not be allowed to use *Shem Umalchus* when reciting this *berachah*. However, the *Vilna Gaon*, the *Chayei Adam* and the *Kitzur Shulchan Aruch*, among others state that you do say the *berachah* with *Shem Umalchus*.

The problem with the *Rama*'s *psak* is that there are many *berachos* that we do make, even though they are not in the *Gemara*. For example, we make the *berachah* of *Hanosein Layoef Koach* even though it is not mentioned in the *Gemara*. And in fact, *Sefardim* do not say this *berachah*.



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One answer given is that there is a difference between *birchas hashevach* and *birchas hamitzvah*. The Gemara in *Berachos* says that if someone attempts to add to the *shevachos* of Hashem he is silenced. Because our generation does not have a right to add on to what the Chachamim designated – since we have no concept of *shevach* of Hashem. However, when it comes to the *berachah* on a mitzvah, it could be that we have a right to add *berachos*. An example would be *Modim Derabanan* – we don't say *Sheim Umalchus* because it is a *shevach*. However, *Baruch Shepatrani*, which is a *birchas hamitzvah*, we would be allowed to say with Hashem's name.

Finally, we get to the last question, quoted by the *Shaarei Efraim*, as to why this *berachah* should specifically be said when the Bar Mitzvah boy gets his first *Aliya LeTorah*. Why do we *davka* make the *berachah* when the Bar Mitzvah boys get an aliya and not immediately when the boy turns 13? If the child's Bar Mitzvah is on a Tuesday, then it would be 2 days before he can be called up to the Torah! Should we wait two full days rather than make the *berachah* on the day of the Bar Mitzvah itself?

The *Divrei Malkiel* address this question by comparing the *berachah* of *Baruch Shepatrani* to *Birchas HaGomel* – which is made over extreme events that would have required a *Korban Todah* in the times of the *Bais HaMikdash*. Therefore, just like *HaGomel* is typically done after an *aliyah*, so too *Baruch Shepatrani* – somehow equating raising children with crossing oceans or getting out of prison.

## **Reb Naftali Raczkowski, a”h: The Kohen from Siberia Baruch Raczkowski**

My father was born in Vonsovor, Poland and spent several years in Dlugosiodlo, Poland. When WWII broke out, my father was seven years old. My grandfather escaped with his family to Bialystok, which was where the line between the Russian army and the Germany army was. The Russians required that everyone on the Russian side of the boarder take a Russian passport or they would be considered an enemy of the state.

My aunts and uncle explained that there were two miracles that happened at the beginning of the war. First, if you did not have a Russian passport you were considered an enemy of the state and were taken deep into Russia, where you worked in a labor camp cutting down trees for the war effort. Because these people were taken deep into Russia they were not captured by the Nazis. The second miracle was the one after the war. Since my Zadie did not take a passport, he could leave Russia immediately. In 1941, when Poland army signed an agreement with the Polish Free Army in exile, which freed all the Polish citizens from the work camps, my Zadie was settled in Siberia and lived there for the remainder of the war.

While in Siberia my Zadie was able to hire a *melamed* to teach my father and his brother the *alef-beis* and Chumash. My father had to go to public school on Shabbos each week, so he had to come up with a different excuse each week why he could not write. My Zadie went out of his way not to be *mechalel* Shabbos.

My father used to tell me how his father baked matzos on Pesach in Siberia. My father would walk to the vodka factory were my Zadie worked in multiple sets of clothing. My father would play in the mounds of wheat in the vodka factory and allow wheat to fill his pants. They would then walk back to their apartment full of wheat in their clothes where my Bubby would lay out sheets and have my father shake out the wheat into the sheet. They would then take the wheat to a grindery to have the wheat made into

## Section IX: In Memoriam

flour. This took a whole day walking in sub-zero temperatures. They would bake the matzos in their oven that was used to warm the house. My Zadie found two *Yidden* who knew how to make the matzah to help him.

After the war my Zadie brought his family back to Poland. It took six months to travel from Siberia to the Polish border. This was one of the *nissim* that happened to my father's family. Those Jews who did not take a Russian passport at the beginning of the war were sent to the Russian work camps in the Ural Mountains. If they were hardy enough to survive the work camp, they would be able to leave to settle anywhere in Russia. Most picked to go to Siberia where there was a larger Jewish population. After the war Polish Jews who did not take a Russian passport and were able to survive the harsh environment of Siberia were allowed to leave Russia immediately. Others would have to wait until the borders opened again.

Reality hit my Zadie right before my father's family was about to reenter Poland. My Zadie contacted an Agudah representative at the border to figure out if he could return to Dlugosiodlo. The answer was no. The Polish citizens who took over the Jewish houses were systematically finding Jews trying to return home and killing them before they could get off the train in Poland. The Agudah set up a zone on the Czechoslovakian border so that the Jewish people could return and wait until they could get papers to leave Poland for the American DP camps in Western Germany. The reality was that even on the border area it was dangerous; killings and kidnappings were a constant occurrence. The Agudah and the Hagganah were smuggling children younger than Bar Mitzvah age across the Czechoslovakian border to the Pressburg Yeshiva in Bratislava, Slovakia until they could get the papers needed to transfer them to the American DP camps in western Germany. It was a difficult decision for my grandfather to send his older children across the border, because he would lose contact with the children, and in a post-war environment that was in chaos, there was no guarantee that he would be able to find them again. However, my

Zadie decided to send his three oldest children to Bratislava and hoped that they would be taken care of.

It was there that my father had his Bar Mitzvah. The Rabbeim at the Yeshiva ran into a problem when a boy became a Bar Mitzvah. Since they were not sure of the boy's status (Kohen, Levi, Yisroel), they would give the boy *acharon* and hope to figure out the status at a later date. Well my father got *acharon*, and the very next Yom tov, Pesach, my father saw the Kohanim going up to *duchen*. He told the Rabbeim that his father used to do that. They now knew that my father was a Kohen.

Food was scarce, and my aunt who traveled with my father was shorter than her older brothers and undernourished. However, every so often the military that guarded the Yeshiva would throw Hershey bars to the children as a gesture of good will. The taller children would often be able to snatch the candy bars before the smaller children. My father made sure that both he and my uncle broke the candy bar in half, and gave the two halves to my aunt. She spoke about the loving kindness my father showed during those difficult days. Later on, when my father got to the DP camps he learned how to make raisin wine and used to sell it to the German people and use the profits to buy food for my aunt.

It took two years for my Zadie to finally be released from Poland. He then began the task of finding his children who had already been moved to an American DP camp and were about to be shipped to Eretz Yisrael by the Jewish Agency. The children left bread crumbs (names on bulletin boards on bridges), and my Zadie was able to call the different DP camps trying to find the children. When my Zadie found the DP camp where my father and his siblings were, he traveled to the DP camp because he did not have the proper papers to retrieve the children. But he knew that the Zionists who were in charge of the immigration in Eretz Yisrael would immediately change the children's names and send them to a secular intake center. They would probably lose their connection to Yiddishkeit. My Zadie did not leave the camp without the children. He was able to have the boys attend

the Novardok yeshivah, which was set up in Hanover by Rabbi Gershon Lieberman.

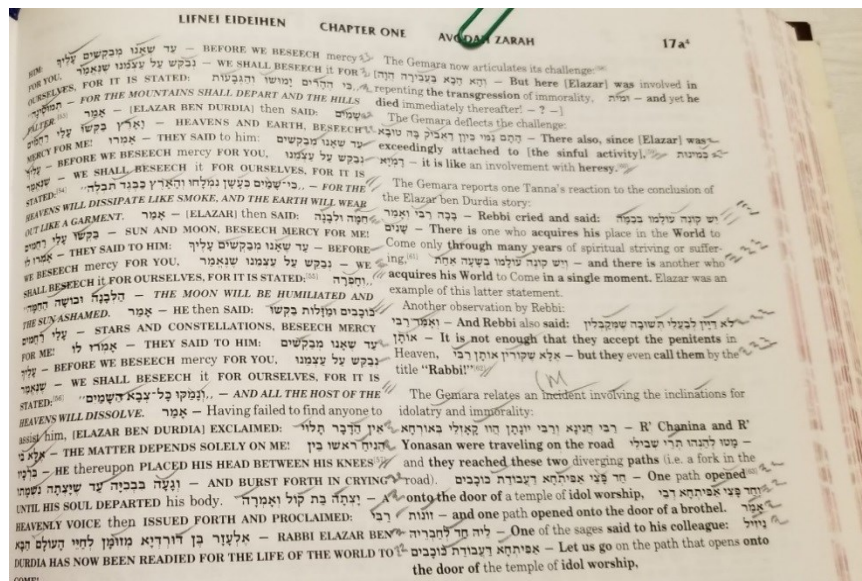
My Zadie was the DP camp representative for the Agudath Israel, which brought him into direct conflict with the leader of the DP camp who tended to be anti-religious. They were appointed basically because they spoke German and were very astute politicians. They tried to use their position to force others in the DP camp to do their bidding. My Zadie had to deal with the head of the DP camp, Yossel, when he decided he wanted the camps *shochet* to *shecht* more animals than the American army would allow. The *shochet* refused to violate the American's wishes. So the leader, Yossel, threw the *shochet* in jail. My Zadie was furious since the *shochet* had a family and could not afford to be in jail. My Zadie gathered a number of men, and they went to the jail and broke the *shochet* out. Yossel was not happy with my Zadie for getting the *shochet* out of jail, and when he caught up with my Zadie, he told him that he did not like Jews with beards. It was incidents like this that caused my Zadie to try to get to America instead of Eretz Yisrael. He would say that if there are Yossels running the government in Eretz Yisrael he would prefer to go to the US. In fact, my Zadie was packed and ready to go to Eretz Yisrael, but he decided to try one more time to see if he could get visas for America. With Hashem's help, he was successful. The family got permission to move to America, and they were sponsored by the community of San Francisco.

My Zadie ran a kosher supermarket in San Francisco where people wanting kosher food knew they could trust my Zadie's *kashrus*. Many *meshulachim* would come to my Zadie to get a meal while they were collecting in San Francisco. One day Rabbi Kowalski z"l of Ner Yisrael showed up at the store. He noticed my father and his brother helping out in the store and spoke to my Zadie about having the boys go to yeshiva in Baltimore. Rabbi Kowalski did not feel that San Francisco was a place for a teenager to grow up. He called Rabbi Neuberger z"l, and my Zadie sent the boys to the other side of the country to learn in a yeshivah. The boys would come home once every two years. My Zadie felt that it was

important for the boys to be in yeshiva even if it meant not seeing them for two years. Ultimately, my Zadie moved to Baltimore too after living in San Francisco for six years.

In Baltimore my father's family would daven at both Rabbi Sternhill's *shtieble* and the Adas on Rogers Ave. He would learn *bechavrusah* with Mr. Moshe Margareten, who lived on the Ner Yisrael campus at the time. My father would never miss a session. They would learn at 5:30 in the morning, so many times if there was an ice storm the streets were not cleared yet. He still went and was on time.

When Mr. Margareten moved away from Baltimore, my father learned the *daf* at Sternhills. R' Yankel Hershkowitz told me that my father attended for 28 years and that he was always the first one there. He made sure that the chairs were set up and that coffee was ready for R. Hershkowitz. But going to the shiur was not enough for him. He also listened to the Dial-a-Daf once before he went to the shiur and twice after the shiur. I inherited his *Shas* and to my surprise I saw these tick marks on each line of the Gemara. I was wondering what they were. I asked my uncle Pesach about them, and he explained that the ticks were used so that he could track how many times he reviewed the Gemara.



He always told us you need to review the Gemara four times to be *koneh* it. The boys use to hate to hear the word *nachamul* because my father had a policy of if you make a mistake you need to *chazer* the Gemara four times. It is one of the things the boys mentioned at the *levayah* that they appreciated. He also used the Dial-a-Daf system to learn *Tanach*. He would always share with us different things he learned that stood out to him. He would record them on index cards, so as not to forget them.

Once my mother *a"h* passed on, he stayed with us every Yom Tov, and then moved in with us for about two years. His grandchildren gained an appreciation for him, and he showed them the love he felt for them. Some of the most interesting things my father did with our girls was that every morning he would say *berachos* and they would answer *amen*. They would then say *birchos hashachar* for him, and he would answer *amen*. He wanted to show the importance of their davening and answering amen. My kids have found memories of my father that they will keep, and the lessons he taught them they still talk about. He even taught them Yiddish songs that they can still sing.

There is a continuous theme throughout this article that my father passed on to me and my brother: Torah, *gemillas chesed*, and *tzedakah* are the three keys of life. He also passed on to us a love of our families and how to raise children and grandchildren. *Yehi zichro baruch*.<sup>1</sup>

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<sup>1</sup> My son Yehudah mentioned this *dvar Torah* at my father's *levayah*. We find two people who raised their children in a terrible generation, Noah and Lot; but we find a very big difference between the two. Noah's children made it into the *teivah* and were saved even though one was not perfect. Lot on the other hand lost all of his children in the destruction of Sodom except for two daughters under his control. Why did Noah merit the saving of all his children and not Lot? The answer lies in the fact that Noah spent his time as an example of doing Hashem's will and being proud of it even though he was ridiculed. His example was so powerful that all his children merited to be saved because they absorbed this lesson. Lot though went with the culture of the time; he became a judge in the corrupt Sodom. When it came time for the destruction, his children were unresponsive to his pleas. Zadie was our example to follow.

## **Rabbi Meir Zlotowitz, a”h: His Extended Family Rabbi Abba Zvi Naiman <sup>1</sup>**

He called us his “ArtScroll family,” and he treated us like family.

He said it very clearly to me about twenty years ago when I had to explain how the way I was counting my full-time writing/editing hours was impacting upon my family and other obligations. He thanked me for letting him know and said I should always tell him if I need something – with the explanation: “I tell my children that it’s hard for me to keep track of everything they need, and they should let me know if they need something.”

I certainly did not misuse his invitation to be treated like one of his children, but the few times I did need something I knew where to go. One of my relatives needed a job in New York for a few months, and I emailed R’ Meir. I received an almost immediate answer saying that he was out of the country then but I should be sure to get back to him in a few days, when he would be back in the office.

When we had an unexpected steep increase in our tuition needs, he offered me a raise that would cover the extra expense – even though I knew things were tight in the company at the time.

When I would send him an invitation to one of our *simchos*, he would respond with a warm note along with a couple of packages of the latest publications.

Finally, when I was raising money to buy the new building for our shul, he graciously gave me his time and a list of patrons of Gemaras in which

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<sup>1</sup> This is an appreciation I wrote about the founder and president of the company where I have worked for close to thirty years.



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I had written who might be worth approaching for the project. I did not need to use the list at the end, but my appreciation was immense.

When he invited us to the various Mesorah Heritage Foundation events, he would greet my me and my wife with such warmth, with what my wife called the “twinkle in his eyes.” And with all the important *gevirim* there that he needed to impress, he gave me a *kibud*??? I was totally surprised when his son, R’ Gedaliah, came over to call me for *hagbahah* that Shabbos morning.

He would give *chizuk* in other ways as well. More than once he told me that I was “a partner” in the Gemara project, not just an employee. We had worked together to get the antiquated DOS word processing program, Nota Bene, to fulfill our needs. I had been one of the few at that time working day and night with Rav Hershel Goldwurm, *z”l*, to get our *Eruvin* out in time for the Daf Yomi, which led to the now famous “Schottenstein” label. And he knew he could call on me whenever he needed something from the Baltimore Rosh HaYeshivah, HaRav Yaakov Weinberg, *z”l*.

Once, after sending a donation on line, I had an automatic reply set up on my email stating that I was taking an email break each week from Monday through Wednesday. He “happened” to be monitoring the company emails at the time and when he saw my auto-response, he wrote: “I am in awe. I hope you're successful in this quest...” [Sadly, I don’t do that anymore.]

How has his legacy affected me personally? Well, there is the post card I received many years ago from Japan, sporting the picture of the sender together with the only Jewish sumo wrestler in their *succah*, thanking me for translating the Gemara they were learning. And not much time goes by without someone telling me that he is learning my *perek* of Gemara, from that first volume of *Makkos* down to the current *Yerushalmi* volume. I think I have written and edited more *dapim* of the *Bavli* than anyone else on the team. Of course, I must add that this has been my major source of

*parnasah* for most of my married years, allowing me the ability to create the wonderful *makom* Torah that we have had for over twenty years.

And then there was the final time I met R' Meir in person, the summer before his passing. I had asked HaRav Moshe Shapira z"l for a letter to give him, granting me permission to translate more of the *Ramchal's* sefarim into English, which he gladly provided. [R' Meir said how bad he felt that he couldn't publish my *Elucidated Derech Hashem* because he did not want to compete with Feldheim's edition.] He gave me the time to present my idea, calling in Rav Nosson Scherman as well, and although he explained how the market had changed over the years, he gave me advice and his *berachah* to pursue my own project in elucidating *Sifrei Machshavah*, including those of the *Ramchal*. When I got home and I wrote him my summary along with questions for further clarification, he answered right away, concluding: "I thoroughly enjoy it when a *chashuveh* member of the ArtScroll family visits."

Do you think this had something to do with the unbelievable success he had in directing the "ArtScroll Revolution"? I surely believe so.

יהי זכרו ברוך

## **Rabbi Chaim Yoel Feldman, z"l: Productive to the End Mrs. Aviva Orlian <sup>1</sup>**

During these past 2½ years since my father's tragic fall and resultant brain injury I did a lot of gazing at the tall, strong and handsome man who gave me life. I gazed at the tall and strong father who enveloped me with love, guidance and Torah values for as long as I can recall... *eich naflu giborim?!*

I tried to see beyond the tubes, beneath the lack of cognitive skills, beyond the blank stares and instead focus on the man whose entire essence embodied *kol haborei'ach min hakavod, hakavod rodeif acharav*. Despite his tall physical stature, his stately and regal demeanor...despite his *chochmah*, despite his Torah knowledge, despite his pedigree, despite his being sought after for advice and counsel, my father shunned the spotlight. He dismissed compliments with a wave of the hand. He did not look for thank you's or fanfare when engaging in countless *chasadim* in the community; when being in leadership positions; when caring for his elderly parents; taking charge and assuming equal responsibility with my

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<sup>1</sup> This is adapted from a transcript of a *hesped* written by Rabbi Feldman's daughter, Mrs. Aviva Orlian, and read by her son, Shalom Orlian, at the *levayah* on 4 Teves, 5779.

Editor's note: Several years back I was honored to substitute for Rabbi Feldman as a Scholar in Residence at a Shabbaton. I introduced my remarks there with a mnemonic I had learned on how to spell the word that describes the leader of a school. Is it "principle" or "principal"? The way to remember the correct spelling is to realize that the principal is your "pal."

Rabbi Feldman was certainly that to me and my classmates at T.A during the tumultuous years of the late 60's and early 70's. He was able to guide us along the proper path with his steady leadership and his friendship. He made me feel quite comfortable in coming to his office at any time to discuss my latest stamp purchases or the general state of the world or the school. When I saw this *hesped*, we asked Mrs. Orlian if we could reprint it as a *zikaron* to this mentor who taught important lessons until the very end, and she readily gave us permission.

mother, *a"h*, in caring for his mother-in-law and for my mother's elderly Aunt Ida. My father embodied *v'hatzneia leches im Elokecha*.

The last 2½ years of my father's life, to the superficial observer, did not appear to be productive years.

- He could not walk
- He could not care for himself
- He could not move his arms or his legs or his body
- He could not communicate.

These last 2½ years *appeared* unproductive...

- He could not be engaged in offering a lending a hand as he once did
- He could not listen to people's difficulties as he once did
- He could not intercede on people's behalf as he once did
- He could not be engaged in learning and show his *hana'ah* from that learning as he once did
- He could not be engaged in countless act of *chasadim b'seser* as he once did
- He could not make emotionally needy people feel *chashuv* as he once did
- He could not be seen sitting and humming over a piece of Gemara as he once did
- He could not ease the tension of those going through difficulty by exuding confidence as he once did

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- My father could not be the voice of calm and reason at times of panic as he once did
- He could not schmooze or tell a good (and oft repeated) joke to others (particularly his grandchildren) as he once did
- My father could not express his encouragement to **others** who watched **him** go through his own difficult periods in his life – with his life's conviction of *gam zu l'tovah* as he once did
- He could not get excited about sharing a good *vort* as he once did
- My father could not demonstrate that he was an *ish tzadik v'yashar* – honest to the core – as he once did.
- He could not tell over with longing about his younger days in Ponevitzh, Chaim Berlin and Ner Yisroel – and the interactions he had with great Torah personalities as he once did
- My father could not demonstrate his *emunah* by engaging in *mitzvos* and learning of Torah as he once did
- He could not advocate for the underdog as he once did
- My father could not demonstrate his conviction to preserving other's welfare even at the expense of his own *kavod* as he once did
- He could not demonstrate his devotion to his children and grandchildren as he once did
- He could not demonstrate that he was a *baal tzedakah* as he once did [That he was a giver of *matan b'seser* he never demonstrated to others anyway, but proof of this was found amongst his things.]

## *Lemaan Tesapeir*

- My father could not show his appreciation of *chochmas hagoyim* of classical music, literature and history – and use that to gain a deeper appreciation of *chochmas haTorah* as he once did
- He could not demonstrate his expression of *mah rabu ma'asecha Hashem* and his love of beautiful landforms as he once did
- He could not exhibit his *chochmah* and sensitivity when helping so many with their personal problems as he once did
- My father could not reminisce about how when I was in high school he would spend hours studying for Navi tests with me as he once did
- He could not regale us with his beautiful voice and sing on *my* demand his soulful *nigunim* that he would use as a *baal tefilla* for *Yamim Noraim* as he once did.
- My father could not talk with longing about the brilliance, *ahavas haTorah*, *chesed* and wit of his late wife, *Imi Morasi* Bluma Shoshana bas haRav Avraham Aryeh, *a"h*, as he once did

For the last 2½ years not much exited my father's mouth. There were some rare moments when he was able to visually connect with others, some rare instances when he smiled, murmured a few coherent words, or made facial expressions that made us think that he was going to give us some sage advice at any moment. But mostly, he just "existed". Yet, that existence was not unproductive at all. It was saintly, it was holy – for he was able to demonstrate not in words or action, but by mere "existence", what the *ratzon Hashem* was – that he was meant to live, even though it was painful, even though seeing him in distress was more painful to his family than death itself.

To the casual onlooker, to the observer who did not have the benefit of a Torah perspective, these years may have indeed seemed unproductive. To the myopic individual, words such as "What a waste!" may have exited

his lips. Indeed, I too was guilty of such sentiments. “How unproductive!” “What’s the point?!” However, my parents’ (A’H) *chinuch* would invariably override these emotions so that instead of seeing a lack of purpose and productivity, I saw a *neshamah* – a life – a *tzelem Elokim* who was given 2½ years of precious life to live after his accident. Precious indeed, simply because HKB”H granted him those years.

Unproductive? A waste? What for? – Not at all! As a man who was nursed on a steadfast diet of *avodas Hashem* by his parents Rav Yosef and Rebbetzin Shaina Golda Feldman, z”l, as a man who together with his life’s partner, my mother, *Imi Morasi* Bluma Shoshana bas HaRav Avraham Aryeh, a”h, my father lived and breathed steadfast *emunah*, steadfast acceptance of any *gzar din* that came their way and any *nisayon* they faced; a man who together with my mother maintained a *simchas hachaim* despite personal hardships and disappointments; this man, this *ish gibor chayil* in every sense of the words, would be the first to correct those that felt that these last 2½ years were unproductive or not worth anything at all. *UVACHARTA BA’CHAIM!* He would be the first to chastise such thoughts and say that *chas v’shalom* we should use a secular lens to determine productivity. We use only a Torah perspective. He lived his life doing the *ratzon Hashem* – and yes – even during these last years – in sickness and lack of faculties, my father demonstrated *ratzon Hashem* by just “existing.”

It is difficult to watch anyone suffer, particularly someone of such stature and grace – particularly someone who is so dear to us. But in the words of David HaMelech – *od’cha ki anisani vatehi li lishua* – I thank Hashem despite of (or **because** of) that affliction, because in all probability that very affliction provided a salvation – we hope it provided my father with a direct entrance into *Gan Eden*.

It is difficult to lose yet another piece of oneself; but – *ki avi v’imi azavuni va’Hashem ya’asfeini*. May *Avi Mori* HaRav Chaim Yoel ben HaRav Yosef continue doing his *chasadim in shamayim* and be a *meilitz yosher* for all of Klal Yisrael.

# English Sections





מדור  
לשון הקודש



- "מציאות" – היציאה מהעלם לגלוי (כ:ג כח:ד)  
"נפש" – רצון, מנוחה, כבוד (מב:ב-ה)  
"סדר" – הוצאת הפרטים מתוהו (כד:א-ג)  
"פורענות" – גילוי המציאות (יח:א-ב, ד-ו)  
"צור" – מקור, פעולה מתוך רצון [תשובה פ"ג ה"ז] (ו:א, ה ז:א-ב י:ד)  
"רע" – שבירה וקטיעה (מ:ז-ח)  
"רצון" – כל הנמצאים קיימים בתוך רצונו ית' (ו:ג-ו)  
"רצון" – אהבה (ח:ו-ח)  
"רצון" – ריצה למשהו מבחוץ (מב:ב-ד)  
אות י' – המחשבה על העתיד (כד:ה-ו)  
המספר עשר (כח:ג)

## חלק י: מדור לשון הקדש

תוכחה – להראות לאדם סתירות בהנהגותיו (יד:ד)  
רשות הרופא לרפאות (מא:ה)  
מדת העצלות (מא:ז)

### העולם

מדת המלכות (לו:ב-ה לו:א)  
סמכויותיו של המלך (ט:ו)  
עשיו ועמלק (כא:ג-ד)  
שנאת האומות לכלל ישראל (כג:ז-ט)  
שית אלפי שנין (כד:ב)  
חטא העגל (יד:ה)  
אנשי כנסת הגדולה (ל:ג)  
מלכות יון – הכפירה ברצון, סיבת ביטול הנבואה (ח:יא יא:ט)  
חורבן בית שני משנאת חנם (ל:ד)

### השנה

שבת מעין עוה"ב (מב:ו)  
חג השבועות נגזז בתוך יום כיפור (כה:ב)  
אבילות ימי הספירה ול"ג בעומר (כה:ג-ז)  
ראש השנה – הבטה על כלל העולם ודין על כל פרט (כו:ו)  
עבודת חודש אלול (לז:ז)

### מילים ומושגים

[רשימה זה מלוקט מכל הערכים הקודמים, עם תוספת הרבה שלא הובא לעיל]  
"אמונה" – הבית של האמת (ב:א-ד)  
"אשרי" – אישור והסרת ספק (לה:ג)  
"ברית" – מסירת נפש על חיבור (כז:א-ג)  
"דת" – ציווי המחייב (כא:ח)  
"חובה" – חבוי ונסתר (יח:א-ב)  
"חיים" – הפעולה ברצון (ז:ד ל:ב)  
"ישועה" – פנייה (כא:ז)  
"מנוחה" – סוף העבודה (לח:ג מב:ב-ד)  
"מצוה" – צוותא (כב:א-ד)

הטוב האמיתי הוא לזכות בדין (לא:ב)  
העולם נברא בדין ומתקיים ברחמים עם עונשי התורה (יח:ד-ו לא:ב-ג)  
חובת יראת העונש במצוות ל"ת (כט:ו-ז)

**עיקר שנים עשר – ביאת המשיח (ומלכות שמים)**  
ציבור, מקום, ומלכות – ביטולם בגלות ותיקונם בתשובה (לד:ב,ד-ז)  
החובה לצפות ולחכות לגאולה (לד:ח לה:א-ד)  
פחיתות מצבינו היום בגלות (לה:ה)  
ביטול חברה האנושית בגלות (לה:ו-ז)  
תכלית הבריאה הוא לגלות כבוד מלכותו ית' <sup>7</sup> (לו:א-ה)  
מלכות שמים לעומת מלכות רומי (לו:ד-ח)  
מלכות היצה"ט והיצה"ר (לז:ב-ז)  
המלכות השולטת בימינו (לז:ח)  
מלכות דוד ושלמה – דרך ותכלית, עבודה ומנוחה (לח:ב-ו,ח)  
בית המקדש – מקום התכלית (לח:ד)

**עיקר שלשה עשר – תחיית המתים**  
תחיית המתים – שיטות הרמב"ם והרמב"ן [אגרת תחיית המתים] (מא:ד-ז,ז)  
חיים – חידוש ממקור החיים (מא:ד-ח מב:א)  
תחיית המתים – יסוד הנסים (מא:ג-ז,ז מד:יא)

## נושאים שונים

**האדם**  
צורת האדם – מוח, לב, כבד (א,ד)  
האדם בורא לעצמו את עולמו (א,ח)  
שכל ודמיון (ג:ב-ו)  
הדעת מכיר את מוגבלותה (ג:י השלמה בסוף השיעור)  
"חיים" – הפעולה ברצון (ז:ד ל:ב)  
"נפש" – רצון, מנוחה, כבוד (מב:ב-ה)  
הנאה ויצר הרע (יא:ג-ד)

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<sup>7</sup> ע"ע עיקרים שני ושלישי.

## חלק י: מדור לשון הקדש

"מאי אהני לך רבנן". ביטול השאיפה לתורה בימינו (לג:ב,ו-ז)  
יגיעת התורה. "מי שממית עצמו עליה" (כב:ו כז:ט-י מא:ז)  
"הט אונך ושמע דברי חכמים" (יא:י)  
תורה – חלות הקדושה בעולם (כא:ג-ה)  
מצוות שבין אדם לחבירו [פיה"מ פאה א,א] (לב:ו)  
חוקים ומשפטים (לב:ה לג:א)  
מסכתות הש"ס (כא:ד)

### עיקר תשיעי – נצחיות התורה

נצחיות התורה מכח העברת מעמד הר סיני (כג:ב-ו)  
הבדלת כלל ישראל מהאומות במעמד ה"ס (כג:ז-ט)  
איסור בל תוסיף – לא לשנות סדר העולם (כד:א-ג)  
אי אפשר לעקור אות אחד מהתורה (כד:ז)

### עיקר עשירי – ידיעת ה'

אי אפשר לשנות כלום מהתוכנית של הקב"ה (כו:ב-ה,ז כז:ה-ח)  
"עולם כמנהגו נוהג, והשמים שקללו..." "לצורך עצמכם עשיתם" (כו:ג-ה  
כז:ז)

השגחה כללית ופרטית (כו:ו)  
הקב"ה מסר תכלית העולם לישראל (כז:ג-ו,ח)  
"ידיעת ה'" – ידיעה מלשון חיבור (כז:ח כח:א)

### עיקר אחד עשר – שכר ועונש (ועולם הבא)

האדם בונה בדעתו ובמעשיו את עולמו, שכרו ועונשו (כה:ה-ז א:ח-ט)  
שכר ועונש – קיום ו"לא קיום" (כח:ה-ז ל:ב מ:ב)  
גיהנום – הרגשת העדר המציאות (כח:ו א:ט)  
"פורענות" – גילוי המציאות (יח:א-ב,ד-ו)  
"רשעים בחייהם קרויים מתים" (ז:ה-ו כט:ז)  
"והארכת ימים" – הרמז לעוה"ב (ל:א)  
למה שכר עוה"ב אינו נזכר בתורה. יעודי התורה. "שכר מצוה בהאי עלמא ליכא"  
[הל' תשובה פ"ח-ט] (כט:א-ג לב:א-ב)  
עבודה לשמה – מתוך עצם קיומו [פיה"מ פ' חלק ואבות א,ג] (כט:ד-ה)  
כפירת הצדוקים בשכר ועונש ובתושב"פ (כט:ה ל:ד-ו)

הנבואה היא המשך מעמד ה"ס (יג:א, ה-ז)  
תלמוד תורה – חיבור למעמד ה"ס (יג:ד-ז)  
החובה לזכור למעמד ה"ס (יג:ה כג, ג, סוף השיעור לג:ה)<sup>4</sup>  
מעמד ה"ס נותן כח למצוות לפעול (לג:ד-ה)  
תפקיד הנביאים לצוות על דברי תורה ולהוכיח [יסוה"ת פ"ט, תשובה פ"ד ה"ב]  
(יד:ב-ו, ח)

"השיבנו אבינו לתורתך" – התשובה למעמד ה"ס (יד:ה)  
אמונתנו בנביאים לעומת משה ומעמד ה"ס [יסוה"ת פ"ז-ח] (טו:ב-ד)  
נבואת משה מדברת מתוך המציאות שלנו. האמונה ב"מופתים" (טו:ה-ז)  
מסורת התורה לנביאים מתחילה משמואל (טו:השלמה)  
משה רבינו – בריאה חדשה, והנסים שעשה במדבר [יסודי התורה פ"ח]  
(פתיחה:ד)

**עיקר שמיני – תורה מן השמים (ובחירה)**  
הבחירה הפשוטה – בין לפעול בדעת או להגרר אחרי הרצון (טז:ה-ז)  
הבחירה העמוקה – בין דעת אנושית לדעת עליון של התורה (טז:ח-י יז,א,ג-ה)  
(לז:ו)

גדר הבחירה – להיות מקור לדבר חדש (יז:ג-ד מא:ז)<sup>5</sup>  
מהות הבחירה – בין חיים למות (טז:ט יז:ה)  
"אסתכל באורייתא וברא עלמא" (יב:ב)  
תורה מחייבת מעשה, לעומת שאר החכמות. הוראת חכם. "נעשה ונשמע" (יג:ב-ה, ח, כא, ח, כב, ג)

התורה היא סדר המציאות האמיתית (יד:ז טו:ה-ז טז:ב-ג יח:ה-ו יט:ד)<sup>6</sup>  
טעמי המצוות – לאפוקי מ"כי יגעת בי ישראל" (טז:ג כב:ד לב:ה)  
תושב"כ – הסיפור של עצם המציאות (יט:ד-ה כ:ב-ד)  
תושב"פ – משמעות התורה הנמצאת בלב שומעיה. "המכחיש מגידיה" [תשובה  
פ"ג ה"ח] (כ:ד-ח כא:א-ב ל:ו)  
"והמצוה זו פירושה" [הקדמות הרמב"ם]. ללמוד ע"מ לעשות. "מצוה" – צוותא  
(כב:א-ד)

"גדול תלמוד שמביא לידי מעשה" (לג:ב-ה)

<sup>4</sup> בענין מעמד ה"ס, ע"ע עיקר תשיעי.

<sup>5</sup> ע"ע בעניני רצון בעיקרים ד-ה.

<sup>6</sup> ע"ע עיקר יא בענין למה אין עוה"ב בתורה, ובענין עבודה לשמה.

## חלק י: מדור לשון הקדש

### עיקרים שני ושלישי – יחוד ה' והרחקת הגשמות

יחוד ה' מתגלה במלכות שמים (ה:א-ה,ח)  
כל המציאות קיימת מרצונו ית' להיטיב ולמלוך. "טוב יצר כבוד לשמו" (ה:ג-ד  
ו:ט ט:ה)<sup>2</sup>  
עשיו ועמלק – התנגדות ליחוד ה' (ה:ו)  
בקריאת שמע מקבלים בפה את מצוות היחוד (פתיחה ח)

### עיקר רביעי – קדמות ה'

שליטת הקדמות (ו:ב-ג)  
"רצון" – כל הנמצאים קיימים בתוך רצונו ית' (ו:ג-ו)<sup>3</sup>  
"צור" – מקור, פעולה מתוך רצון [תשובה פ"ג ה"ז] (ו:א,ה ז:א-ב י:ד)  
"חי העולמים" (ז:ד-ה,ז)  
שמות הקודש. שם הוי"ה (ז:ו)

### עיקר חמישי – עבודת ה' (ועבודה זרה)

עבודה זרה וזנות (ג:ג,ז-ט)  
עבודה זרה מופקע מרצון (ח:ג-ט)  
תפילה – רצון האדם פונה לרצונו ית' (ח:ד-ח)  
רצון לעומת טבע (ח:א,ט)  
"רצון" – אהבה (ח:ו-ח)  
ארבע אופנים של עבודת ה' שנאסרו בע"ז (ט:א-ו)  
עבודת ה' – כי כך מציאותנו, לא להשלים חסרון (י:ג-ד,ו)  
עבודי ע"ז עובדים את עצמם. "נצבים על אלהיהם" (י:ד,ו)  
ע"ז של פעור (י:ב)  
היצר של ע"ז בימי קדם ובזמנינו (ח:י-יא יא:ב,ה-ז)  
הפסק הנבואה בימי אנכה"ג לאחר ביטול היצר דע"ז (יא:א,ה-ט)

### עיקרים ששי ושביעי – נבואה, נבואת משה (ומעמד הר סיני)

שכל הנפעל לעומת שכל הפועל (יב:א-ג)  
שאלת "אין בירה בלא מנהיג" מחייב נבואה (יב:ד-ה,ז)  
שכל הפועל מחייב מעשה (יב:ו, יג:ח)

<sup>2</sup> לענין מדת מלכות, ע"ע עיקר יב, ונושאים שונים – "העולם".

<sup>3</sup> בענין רצון, ע"ע בעיקר ה.

# מפתח לספר רעה אמונה

## על שלשה עשר עיקרי האמונה

### משיעורי מו"ר הג"ר משה שפירא זצ"ל<sup>1</sup>

מפתח זה אינו שלם, ואפילו אינו מנסה להקיף את כל הנושאים שנידונו בספר. אלא הוא מעין תוכן ענינים בשביל היסודות בתורה שרציתי לקחת לעצמי למשמרת. סדרתי אותם על סדר י"ג עיקרי האמונה, אבל לאו דוקא כפי הסדר שנאמרו השיעורים, ואף העברתי הרבה ענינים מעיקר אחד לחבירו. ובסוף הבאתי ענינים נוספים שחילקתי תחת ארבע כותרות: האדם, העולם, השנה, ומילים ומושגים. וכשהרחיב הספר בדברי הרמב"ם ז"ל (חוץ ממקומם בעיקרים, כמובן), ציינתי את המר"מ בסוגריים.

ויה"ר שקנין זה בתורתנו הקדושה יהא עילוי לנשמת מו"ר הגאון המחבר זצ"ל.

## אמונה

יסודות האמונה נתגלו ביציאת מצרים (פתיחה א-ג)

"אמונה" – הבית של האמת (ב:א-ד)

הדרך להתבונן באמונה (ג)

האמונה חייבת להיות מיושב על הלב, לא מתנגדת לשכל (טז:ב,ד)

אפיקורס – בלי מלכות וכבוד (א:ג בהערה)

## י"ג עיקרי האמונה

עיקר ראשון – מציאות השי"ת

עיקר העיקרים – הקב"ה הוא המציאות עצמה [יסודה"ת פ"א ה"א] (ד:א ה:ד-ה)

(ד:ו)

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<sup>1</sup> נערך ע"י הרב שמואל חיים ניימאן, שבט תשע"ט.



ובכלל לא הבנתי ראייתו ממש"כ רבינו "ויזכה לו בעוה"ז וכו'", דהלשון סובל היטב שהכוונה דבמעט עסק בפרנסה יצליח ולא יצטרך לטרוח כל ימיו, וכמו שביארנו שזה בא להוציא את שבט לוי והנלוים להם מהמצב של הרבה אנשים שרוב זמנם עוסקים בפרנסה ולא עולה בידם, כי להם יש הבטחה שהקב"ה יתן להם כל צרכיהם אפי' עם מעט עסק.

אולם כנראה מצינו עדות גדולה להבנת המער"ק בדברי הביאור הלכה הנ"ל (אות ה) שהעמיד דברי רבינו בסוף הל' שמיטה ויובל כבאים לאפוקי ממש"כ בהל' ת"ת על הצורך לעסוק בפרנסה [שהם השורש לפסק השו"ע באוה"ח], וחילק בזה בין הרבים ליחידים [וכנראה כך יתרץ הביאור"ל להסתירה ברבינו]. וזהו חידוש גדול מאד, שהרי כתב רבינו בכמ"ק שגם החכמים הגדולים היו עוסקים בפרנסתם, וצריכים לדחוק שכולם לא היו במעלה הזו [ואולי אה"נ כך נכלל בכוונת הביאור"ל כשהפנה לסוגיא של רשב"י וחרב"י, ואכמ"ל]. וצע"ג.

מלאכה עם הלימוד. באופן שקל מאד להבין שמש"כ "לפרוק עול החשבונות הרבים" אינו אומר לא להשתדל בפרנסה כלל, אלא שאין מטרת חייו הרדיפה אחרי הבלי עוה"ז. אדם כזה מובטח לו שהקב"ה יעזור לו למצוא פרנסתו בקלות, ויוכל לפנות רוב שעותיו לתורה ולעבודה.<sup>11</sup>

אולם כנראה המעשה רוקח (שם) לא הבין ככה, אלא ראה כאן סתירה שצריך לטרוח כדי ליישב, שהביא לשון רבינו בהל' ת"ת והעיר עליה: "וממ"ש כאן נראה להדיא דבלא שום מלאכה קאמר דומיא דשבט לוי ועוד שהרי כתב ויזכה לו בעולם הזה דבר המספיק לו וכו' משמע דממילא יזמין לו הטוב וי"ל בחדא מתרתי או דהכא איירי ביש לו דבר מועט ויתברך בה או דהכא איירי במסגף עצמו כדי לעסוק בתורה דומיא למ"ש שם בפסוק אדם כי ימות באהל וכו' וסוף הכבוד לבוא והמוחש לא יוכחש".

ומעניין מאד שלא הציע סברות האחרים של האחרונים הנ"ל שלכאור' רובם יועילו גם כאן. וכנראה שהבין בדעת הרמב"ם שאין שום היתר לקחת מהציבור, ולכן הוצרך לדחוק דמיירי כאן כשכבר יש לו או שילך בלא כלום.

אולם אני מבין כלל שתי ראיותיו של המער"ק מדברי רבינו. במה שהקשה מהדמיון לשבט לוי, אני יודע למה כ"כ פשוט לו שבשבט לוי לא עסקו כלל בפרנסה, הרי היה להם שדה ומגרש מחוץ לכל עיר, ומסתמא היו להם חנויות ועסקים בתוך עריהם. וכפי הנראה רבינו לא דיבר כלל בענין העסק בפרנסה בפרק ההוא גם לגבי שבט לוי, אלא האריך מצד מעלתם שהם מובדלים "לעבוד את ה' ולשרתו ולהורות דרכיו הישרים..." (שם הל' יב). וכתב להדיא את הנפק"מ להלכה מהבדלתם זה, שהואיל והם "חיל ה'" אינם יוצאים למלחמה ואינם נוחלים, ואדרבה משמע מזה שלא נבדלו אלא בדברים אלו שהזכיר – ולא שנמנעו מלעסוק בפרנסה כלל.

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<sup>11</sup> וכדברים האלו כתב הרב שילת בביאורו לפיה"מ אבות (עמ' עב). וז"ל הדרך אמונה (שם): "אין כונת רבנו שיקח מהבריות שהרי בפ"ג מת"ת ה"י התרעם ע"ז הרבה אלא כונתו שיעשה השתדלות מועטת והקב"ה ישלח ברכה במעשה ידיו ויוכל להתפרנס בכל מה שצריך לו. (רדב"ז, מעשה רוקח). ואמרו אצל כהנים נער הייתי גם זקנתי ולא ראיתי צדיק נעזב וזרעו מבקש לחם זה זרעו של אהרן מכאן אמרו רוב הכהנים עשירים הם שנא' ברך ה' חילו (ספרי ברכה שני). וגבי ת"ח אמרו נקטינן צורבא מרבנן לא מעני ואף על גב שאנו רואים שיש ת"ח וכהנים שהם עניים ואביונים זהו כשהקב"ה יודע שזה טובתם (שבת קנא:)."

ו. ביאור הלכה בשם שו"ת דבר שמואל – מותר כשאי אפשר בלאו הכי לקיים תלמודו בידו [וצ"ב כנ"ל].

## ז. "ולא שבט לוי בלבד..."

להשלמת הענין, יש לעיין ולהתבונן בדברי הרמב"ם הידועים בסוף הל' שמיטה ויובל (פ"ג הי"ג): "ולא שבט לוי בלבד, אלא כל איש ואיש מכל באי העולם אשר נדבה רוחו אותו והבינו מדעו, להבדל לעמוד לפני ה' לשרתו ולעובדו לדעה את ה' והלך ישר כמו שעשהו האלהים, ופרק מעל צוארו עול החשבונות הרבים אשר בקשו בני האדם, הרי זה נתקדש קדש קדשים ויהיה ה' חלקו ונחלתו לעולם ולעולמי עולמים, ויזכה לו בעה"ז דבר המספיק לו כמו שזכה לכהנים ללוים, הרי דוד ע"ה אומר 'ה' מנת חלקי וכוסי אתה תומיך גורלי'".

ומקריאה שטחית יש לשאול סתירה לדבריו בהל' ת"ת שאסור להנות מדברי תורה בעוה"ז. אך הרדב"ז (בפירושו שם) כבר התייחס לזה ותיירץ בפשיטות: "ודקדקתי בדבריו ז"ל שכתב ויזכה לו בעוה"ז דבר המספיק לו שהקב"ה יזכה לו להרויח בעולם דבר המספיק לו ולא שישליך עצמו על הציבור. ועיין במה שכתב בפירוש משנת ולא קרדום לחתוך בו."

הרי שאין שום סתירה בין השמועות. מדין הל' ת"ת חייבים לעסוק מעט בפרנסה, "להרויח". אבל ידוע לכולנו הרבה אנשים עניים שמשתדלים הרבה מאד בשביל פרנסתם ואינו מועיל להם למצוא סיפוקם – וכלפי זה הגיע ההבטחה מדין שבט לוי שהשתדלות מועטה יספיק להביא לו כדי צרכו: מן השמים, לא מן הבריות. ואכן לכאו' דברי הרדב"ז האלו פשוטים וברורים, שאחרי רבינו האריך בהל' ת"ת (פ"א ה"ט, פ"ג הי"א) ובהל' מתנו"ע (פ"י הי"ח) בדברים ברורים על המעלה לכתחילה לעסוק בפרנסה, ושכך היה דרכם של כל גדולי החכמים, היתכן שבדבר אגדה בסוף הל' שמיטה ויובל יחדש גדר אחרת של ת"ת שאין עמו דרך ארץ? אלא ברור שגם כאן מיירי באדם שמשתדל לפרנסתו, וכמו כל איש מישראל, חכם ועם הארץ בשוה, אלא שאחרי שהוא החליט למסור את חייו לעבודת השם מובטח לו שעסקו המועט יספיק לו. ויותר מזה יש לדקדק, הרי רבינו לא דיבר כאן להדיא על העסק בתורה לעומת העסק בפרנסה, אלא על עבודת השם בכלל<sup>10</sup>, ואף שאה"נ חלק גדול מזה הוא לימוד התורה, אבל הנושא כאן אינו שייך כלל להחלפת

<sup>10</sup> ואכן כבר דקדקו מלשוננו "כל באי עולם" שמייירי גם בבני נח שאינם מצווין בתלמוד תורה [אא"כ נדחוק שהכוונה להעסק במצוות שלהם].

מאחרים אפילו אם הוא יכול להוציא ההוצאות מעצמו, שע"ז בני ביתו בדואי יתרכו שישאר יותר זמן כשהם רואים שנסיעתו אינו עולה להם כלל.

ולכא' רואים מכאן שסובר שההיתר לקחת כסף ללימוד תורה הוא היתר גמור שאין שום צורך להחמיר עליו, שהרי התיר אפילו כדי להבטיח לעצמו יותר זמן בנסיעתו ללמוד תורה, ולהלכה אין להתייחס לשיטת הרמב"ם אלא כ"מדה טובה בעלמא".

ודברי החזו"א על הסכם יששכר וזבולון כבר הבאתי לעיל (סוף אות ג).

ולהלכה למעשה, עי' היטב בדברים החריפים מאד באגרות משה (יו"ד ח"ב סי' קטז), שצירף החולקים על הרמב"ם עם אלו שהתירו משום עת לעשות לה' כדי להסיק שזה "דין ברור ופשוט שנתקבל בכל הדורות... ואין להמנע מזה אפילו ממדת חסידות". ואף הוסיף שאלו המחמירים בזה "הוא בעצם היצה"ר כדי שיפסיקו מללמוד ויעסוק במלאכה ובמסחר וכדומה עד שלבסוף שוכחים אפילו המקצת שלמדו, ואינו מניחם לקבוע אף זמן קצת לת"ת... ודאי אי אפשר לשום אדם להתגאות ולומר שהוא יכול לעשות מלאכה ולהחכים בתורה". והזהיר לא להעלות במחשבה שיש איזה חסרון בלקיחת פרס מהכוללים ומרבנות, ואדרבה, הלאוי שיתרבו הנדיבים לפרנס הרבה ת"ת בלימודם ויתרבה תורה בישראל.

## ו. סיכום השיטות

נסכם השיטות בנידון. לפום ריהטא הרמב"ם אוסר את האיש הבריא לקחת שום כסף מהציבור כדי ללמוד תורה, ואין להתיר אלא בזקן וחולה. אך מובא בראשונים ואחרונים ז"ל ששה צדדים להתיר, ורובם (חוץ מהראשון) נאמרו גם לדעת הרמב"ם.

- א. התשב"ץ [נפסק להלכה ברמ"א, והובא בכס"מ (סברא ב)] – מותר לקחת כסף כדי ללמוד תורה, ודלא כהרמב"ם.
- ב. של"ה – מותר לקחת כסף המאפשר לימוד תורה, ורק אסור כשהכסף מגיע לו בגלל שלומד תורה.
- ג. כס"מ (סברא א) – הלומד לשם שמים מותר לקחת כשגם עוסק לפרנסתו.
- ד. כס"מ (סברא ג) – "עת לעשות לה' הפרו תורתך".
- ה. ערוך השולחן – התיר כשהציבור קבלו עליהם מעצמם לשלם לו.

כשעוסק בפרנסתו, וככל דבריו בפ"א ופ"ג כאן, אבל השואל כאן הוא איש שמצבו הגשמי או רוחני אינו מאפשר לו לאחוז את החבל בשני הראשים [וכמש"כ הב"י הנ"ל], ואם הוא יצא מהביהמ"ד לעבודתו לא יצליח לעשות תורתו קבע, ועליו קיי"ל שאין דנין אפשר מאי אפשר. וצע"ג.

ובמק"א רואים עוד איך הח"ח ז"ל רצה לחזק את המנהג ללמוד ולא לעסוק בפרנסה כלל, שאף העיר כזה על דברי השו"ע הנ"ל באו"ח (סוף אות ד) על הצורך לכתחילה לעסוק במלאכה (בביאור הלכה שם): "כתבו הספרים שזהו נאמר לכלל העולם שאין כולם יכולים לזכות לעלות למדרגה רמה זו להיות עסקם רק בתורה לבדה, אבל אנשים יחידים יוכל להמצא בכל עת באופן זה [וזהו שאמרו בברכות ל"ו ע"ב הרבה עשו כרשב"י ולא עלתה בידן ר"ל דוקא הרבה] והקב"ה בודאי ימציא להם פרנסתם. וכעין זה כתב הרמב"ם פ"ג מהלכות שמיטין ויובלות ולא שבט לוי בלבד וכו', עיי"ש, ובפרט אם כבר נמצאו אנשים שרוצים להספיק לו צרכיו כדי שיעסוק בתורה בודאי לא שייך זה ויששכר וזבולון יוכיח". [ועי' להלן (אות ז) מה שיש להעיר בחידושו הגדול שיש אנשים שלהם אין שום מעלה להשתדל לפרנסה].

ויש לצרף עוד דברי הח"ח ז"ל בספרו שם עולם (חלק א פרק יא בהגה"ה) בשם "גדול הדור אחד" שמי שאינו יכול ללמוד תורה ולחשוב עם נפשו בביתו, שיסע לעיר אחרת לאיזה תקופה כדי ללמוד ולעבוד את ה'. והוסיף שאם אין בכחו להוציא הוצאות בעצמו על מזונותיו והוצאותיו, יתרצה שאחרים יחזיקו אותו בזה. והתייחס לנידו"ד: "ויש אנשים שממאנים בזה וחושבים שלא לעשות כן מפני שגדול הנהגה מיגיע כפיו, ובעבור זה ממילא מתרחקים מן התורה דאין כח בידם לישב על הוצאותיהם, ושוגגים בזה שגגה גדולה, דכי מפני מדה טובה בעלמא יאבד הונה של תורה. ואפילו אם היה זה מצוה גמורה, אינו מחוייב לאבד כל אושר הנצחי בשביל זה, כיון שהוא רואה שהטרדא בביתו רבה מאד ואינו יכול ללמוד, דהרחוק מן התורה ממילא בהמשך הזמן מתרחק מכל וכל, וכאשר תקנו חז"ל בתפלה השיבנו אבינו לתורתך ואחר כך וקרבנו מלכנו לעבודתך, וכל שכן דבאמת אינו רק מדה טובה בעלמא"<sup>9</sup>. והוסיף עוד בשם "הגאון הנ"ל" שמותר לקחת

<sup>9</sup> והמשיך עם יסוד גדול שלכאור' מכריע שאלת רבים על הסכם יששכר וזבולון האם ה"יששכר" מקבל פחות שכר: "ואם מניעתו הוא מפני שאינו רוצה שאחרים יהיה להם חלק בתורתו, הוא קצת סימנא שלומד שלא לשמה ורוצה שכל העולם הבא יהיה שייך לו, דאי לאו הכי מאי איכפת לו אם אחר גם כן יקבל טובה מזה".

שהם בעצמם קבעו להם חוקים על יחידים ועל קהילות, והם בעצמם בקשו ממון, ע"ש, אבל אם הציבור קבלו עליהם חכם פלוני שישלמו לו כך וכך שכירות וכך וכך הכנסה וודאי דגם לדעתו היתר גמור הוא."

והביאור הלכה (סי' רלא) העתיק משו"ת בתשובת דבר שמואל (סימן קלח) ששאל אם עדיף לעסוק בתורה כל ימי השבוע וליהנות מאחרים או לעבוד במלאכתו ולעסוק במלאכתו בשבת בלבד. ואחרי שציין לדברי הפוסקים הקדמונים, הב"י וכס"מ וב"ח וט"ז וש"ך ויש"ש, הוסיף סברא מדיליה להתיר גם לדעת הרמב"ם: "אך הנראה לע"ד שאפילו הרמב"ם ז"ל יסכים בנידון דידן להתיר דאין דנין אפשר משאי אפשר וכיון שכפי צורך השעה והמקום א"א לזה האיש החפץ בחיים להתקיים תלמודו בידו לזכות בו את הרבים כ"א בסיפוק צרכיו ע"י אחרים הרי הוא ככל המון הדיינים והחכמים שהיו מקבלים שכר מתרומת הלשכה כדגרסינן בכתובות פרק שני דייני גזירות והרמב"ם ז"ל פסק כן בהלכות שקלים פ"ד וז"ל מגיהי ספרים שבירושלים ודיינים שדנים את הגזלנים נוטלין שכרן וכו' ואם לא הספיקו להם אע"פ שלא רצו מוסיפין להם כדי צרכן להם ונשיהם ובניהם ובני ביתם. ואיך יעלה על הדעת שיורה בכגון זה הרב ז"ל שיותר טוב לאדם לאחוז בסכלות וחסרון החכמה כל ימיו אשר הוא גרמא לכמה נזקין ומכשלות תלמוד המביא לידי מעשה ולמנוע טוב מבעליו מפני היותו נהנה מאת אחיו וע"ש עוד מה שהאריך בענין זה."

וכעת איני מבין סברתו. לכאור' אין כוונתו לסברת הכס"מ מדין "עת לעשות ה'", וכע"ז בב"י, שהרי רק אחרי שציין לדבריהם הוסיף היתר זה כסברא חדשה שלא נאמרו ע"י הפוסקים הקדמונים. וכנראה שזהו משום שהם הציעו טעם שאפשר לנהוג דלא כהלכה, "להפר" את עיקר הדין, לעומת הדבר שמואל שמוכיח שגם הרמב"ם, ר"ל ההלכה העיקרונית, יודה כאן משום ש"אין דנין אפשר מאי אפשר". אבל אף שכך נראה ממבנה דבריו, איני מבין איך זה כ"כ שונה מהכס"מ שגם הוא טוען שהרמב"ם יודה שאין לנהוג למעשה כשיטתו משום ש"עת לעשות לה"? ומשמע שרוצה לחדש שיש היתר יותר חזק כשאין צורך להפר את ההלכה כדי להתיר, אבל זה לא מובן לי כלל, דאם זה אסור לקחת שכר איך זה יועיל מה ש"אי אפשר", הרי הלכות התורה מחייבים אותנו בכל מקום. וגם איני מבין הלשונות החמורים שכתב בסוף על התוצאה מכך שלא יקח שכר, האם כל אדם העוסק במלאכתו ונהנה מיגיע כפיו "אוחז בסכלות וחסרון חכמה כל ימיו..." – א"כ על איזה אדם דיבר הרמב"ם כשאסור לקחת שכר ללימוד תורה? אך על השאלה האחרונה הזה י"ל שהרמב"ם מיירי במישהו שיכול להתייגע ולגדול בתורה גם

ובשו"ע לא הביא כלום מזה, כנראה משום שמסקנתו לסמוך על המתירים.

אך כנראה כל זה אי"ז אלא לגבי האיסור מדינא לקבל שכר ללימוד תורה, אבל המעלה לעסוק בפרנסה הביא בשו"ע אורח חיים (סימן קנו ס"א): "אח"כ ילך לעסקיו, דכל תורה שאין עמה מלאכה סופה בטלה וגוררת עון, כי העוני יעבירונו ע"ד קונו; ומ"מ לא יעשה מלאכתו עיקר, אלא עראי, ותורתו קבע, וזה וזה יתקיים בידו". ועי' בסוף אות הבאה לדברי הביאו"ל על השו"ע שם.

## ה. דברי האחרונים והפוסקים ז"ל

אמנם הרמ"א (יו"ד רמז, כא) הביא את הנושא בהרחבה. התחיל עם לשון הרמב"ם המובא בטור, והביא מראשונים שהתירו בזקן וחולה [ואכן כ"כ הרמב"ם עצמו בפיה"מ בא"ד עמ' סח-סט], ושיטת התשב"ץ שגם בבריא מותר, ולכן כך הוא המנהג בכל מקום שחכם הצריך לזה מותר לקחת הכנסה וסיפוק מאנשי העיר "כדי שלא יצטרך לעסוק במלאכה בפני הבריות ויתבזה התורה בפני ההמון"<sup>8</sup>. אבל הסיק שמדת חסידות היא להתפרנס ממעשה ידיו ולעסוק בתורה [וכמסקנת הב"י]. והביא דיון נוסף שאסור לת"ח לקחת דורונות גדולים מן הבריות [כמדומה נושא זה אינו מובא במקורות בראשונים הנ"ל].

והש"ך (סק"כ) העתיק מסקנת הכס"מ בהרחבה, והביא כעיי"ז להתיר מהמהרש"ל. וע"ע היטב בט"ז (סק"ז) שהרחיב להוסיף על ההיתר, והעמיד דבריו על דברי הרמ"א לגבי האיסור לקבל דורונות שגם בזה יש להתיר, עיי"ש היטב. וגם הש"ך חולק על הרמ"א והתיר בדורונות אפילו גדולים. ודבריהם ע"פ הב"ח שגם הוא האריך להתיר ע"פ הסוגיות [אחרי שהקדים שאין שו"ת התשב"ץ לפניו, וכנראה גם לא ראה את הכס"מ]. [ולעיון נוסף יל"ע במקורות שהביא הגר"א בביאורו].

והערוך השלחן (שם אות לט), אחרי שהביא ההיתר של הרמ"א בזקן וחולה, כתב סברא נוספת שלדעתו הדברים נכונים גם לדעת הרמב"ם: "וכן אם הציבור אין רצונם ואין כבודם שהחכם יעסוק במלאכה או במסחר וודאי שמותר לו לקבל מהציבור בכדי שיהיה לו במה להחיות נפשו וכמו גוזרי גזירות בירושלים שהיו נוטלין שכרן מתרומת הלשכה ואין לך שכר בטילה יותר מזה. ובוודאי גם בימים היו רבנים המתפרנסים מן הציבור כמ"ש בעצמו שם בפ"ד, אלא שהוא גינה אותם

<sup>8</sup> יל"ע מה יענה הרמב"ם לסברא הזה – האם הוא חולק עליו ביסוד כי לדעתו אי"ז בזיון לעסוק בפרנסה אלא שבח, או שיתכן שיודה שהדבר תלוי בתקופה ותרבות.

לפרוק עול מלאכה מעליו כדי להתפרנס מן הבריות כדי ללמוד אבל שילמוד מלאכה המפרנסת אותו, ואם תספיקנו מוטב, ואם לא תספיקנו, יטול הספקתו מהצבור ואין בכך כלום. וזהו שכתב כל המשים על לבו וכו'. והביא כמה משניות מורות על שראוי ללמוד מלאכה".

לפי הצד הזה, שנראה לי מאד מדויק בדברי רבינו כאן<sup>6</sup>, נמצא שאין חובה לעסוק במלאכה בצורה שהמלאכה תיהפך לעיקר והתורה תעמוד עראי, אלא כל מי שנכנס ללמוד לשם שמים אפשר לצאת ידי חובתו של פרנסה ב"לעסוק מעט" [כלשון רבינו בפירקין], ואם אי"ז מספיק לו לחיות אז מותר לקחת מהציבור, שהרי הוא כבר אינו בטל ומטיל עצמו על הציבור. יש הרבה אנשים שמצליחים לפרנס עצמם עם מעט השתדלות גם כשאינם לומדי תורה, והוא אינו מחוייב לעסוק יותר מהם.

אך הכס"מ המשיך לצדד שבכלל לא קיי"ל כהרמב"ם: "ואפילו נאמר שאין כן דעת רבינו, אלא כנראה מדבריו בפירוש המשנה [שבדבריו שם משמע שבכל אופן אסור], הא קיי"ל (ירוש' מע"ש פ"ה ה"ב) כל מקום שהלכה רופפת בידך הלך אחר המנהג. וראינו כל חכמי ישראל קודם זמן רבינו ואחריו נוהגים ליטול שכרם מן הצבור." [כנראה שכוונתו כאן לשיטת התשב"ץ (ח"א סי' קמב-קמח) שציין בב"י בסמוך.]

והכס"מ סיים באפשרות נוספת להקל גם אם עיקר הדין הוא כהרמב"ם: "וגם כי" נודה שהלכה כדברי רבינו בפירוש המשנה אפשר שהסכימו כן כל חכמי הדורות משום עת לעשות לה' הפרו תורתך, שאילו לא היתה פרנסת הלומדים והמלמדים מצויה לא היו יכולים לטרוח בתורה כראוי והיתה התורה משתכחת ח"ו, ובהיותה מצויה יוכלו לעסוק ויגדיל תורה ויאדיר".

ובבית יוסף על הטור (יו"ד סי' רמו) שהעתיק לשון הרמב"ם בחיבורו, הביא קודם את שני הצדדים האחרונים שלו בכס"מ, ובסוף כתב כנראה התייחס אל סברתו הראשונה: "ומכל מקום מי שאפשר לו להתפרנס ממעשה ידיו ולעסוק בתורה ודאי מדת חסידות היא ומתת אלהים היא אבל אין זו מדת כל אדם שאי אפשר לכל אדם לעסוק בתורה ולהחכים בה ולהתפרנס ממעשה ידיו."

<sup>6</sup> ואף שהכס"מ עצמו יש לו הסתייגות מה כלפיו, עי' בסמוך, כנראה היינו משום שאינו משמע כן בפיה"מ.

<sup>7</sup> לכאן ר"ל "אם" ושזה סברא חדשה.



ויש לשים לב שאין השל"ה נותן לנו היתר שוטף המבטל את כל הצורך להתייחס לאזהרת רבינו. כל דבריו אינם שייכים אלא כשאכן נכנסים ללמוד לא כדי להתפרנס בקלות מכספי הציבור, אלא כל רצונו ושאיפתו הוא ללמוד תורה, ואינו לוקח מילגה אלא לאפשר את הלימוד. אבל אם באים ללמוד כדי לקבל את המילגה, והכולל נהפך לסוג של עבודה, או דרך להשתמט מלצאת להרויח כסף בעצמו, הרי זה חוזר להיות חילול השם ובזיון התורה וכו'.

ולכא' יש לשמוע מעין הרעיון של השל"ה מדברי החזו"א באגרותיו לגבי הסכם ששכר וזבולון (אגרות חזו"א ח"א סי' מו): "זה שהשתמשנו בלשון 'מקנים' אין כונתנו מעין הקנאה של חפצים הגשמיים, שאין התורה ומצוות בכלל נכסי שיצאו מרשות לרשות, אלא כוונתנו שמשרשי התורה הקדושה שזה שמחזיק את לומדי התורה ושעל ידי הונו ורכושו יכולים התלמידים להשאר ולהתקיים בבית מדרשם ולהגות בתורה, יש לו להמחזיק הזה זכות התורה ונעשה שותף עמהם והתורה שהם לומדים נקראת על שמו כמו שבא בדברי חז"ל שמעון אחי עזריה וישכר וזבולון." [ועי' כע"ז בקצרה שם סי' מז]

## ד. שלשת ההיתרים של הכס"מ וב"י

והנה הכסף משנה האריך במו"מ לדחות הראיות שהביא הרמב"ם מסוגיות הגמרא, ואז פירש את המשניות באבות לפי דעתו (דלא כהרמב"ם בפירושו) שבאו רק לאפוקי ממי שנכנס לתחילה ללמוד כשכוונתו להנות ממנו בהשגת כבוד או להרויח כסף. ולכן המשיך: "וה"מ המכוין בתחלת למודו לכוונות האלה או שאפשר לו להתפרנס בלא שיטול שכר תלמודו אבל אם למד לשם שמים ואח"כ אי אפשר לו להתפרנס אם לא יטול שכר מותר". והביא שיש שלשה סוגים של זה, ותמצית דבריו לעניננו הוא שיש ללמוד ממ"ש בגמרא [ונפסק להלכה גם ברמב"ם] שהלומדין שחיטה ודיינין וכו' נוטלים שכרם מתרומת השלכה דכמו"כ הלומדים תורה ומלמדים אותה לתלמידים גם הם מותר ליקח שכרם מהציבור, ד"אם אין גדיים אין תיישים". ובסוף סיכם: "הכלל העולה שכל שאין לו ממה להתפרנס מותר ליטול שכרו ללמד בין מהתלמידים עצמן בין מן הצבור. וכן מותר לו ליטול שכר מהצבור לדון או מהבעלי דינין אחר שמירת התנאים הנזכרים בהלכות סנהדרין (פכ"ג ה"ה)".

ובסוף דבריו, לאור כל המו"מ שלו בסוגיות, הציע הכס"מ שלש צדדים אין להתייחס לשיטת רבינו שאסר לקחת כסף ללימוד תורה. הסברא הראשונה: "ואחרי הודיע ה' אותנו את כל זאת אפשר לומר שכוונת רבינו כאן היא שאין לאדם

שום תחבולה והידור אחר זה, רק מאליהן באו נדיבים<sup>4</sup>, וכוונתם לשם שמים לא בשביל איזה דבר ואיזה טעם, אז רשאי לקבל."

הרי השל"ה סובר שצריכים לקבוע מה סיבה ומה מסובב: אם התורה הוא סיבה לכסף – אסור, ואם הכסף הוא סיבה לתורה – מותר.

ונ"ל שדרכו מאד מסתבר מאד בדברי רבינו בחיבורו, ובפרט מסוף ההלכה "לפי שאסור להנות מד"ת בעוה"ז", כלומר דשורש האיסור וכל החסרונות הנוראים הוא משום שמשתמש בתורה כמו שאר אומנות להרויח ממנו כסף. וגם בתחילת ההלכה כתב "המשים על לבו שיעסוק בתורה ולא יעשה מלאכה ויתפרנס מן הצדקה..."<sup>5</sup>, ומשמע שכך היתה התוכנית שלו מתחילה – ללמוד תורה במקום לעבוד לפרנסתו ובגלל זה לחיות מן הצדקה<sup>5</sup>. והראיה, שהרי זה ברור שאם היה יושב בטל לגמרי ומקבל צדקה ודאי אי"ז חילול השם וכו', אלא פשוט שהאיסור כאן הוא בזה שרוצה להתפרנס בגלל שהוא לומד תורה. אבל בכוללים בימינו הסדר הוא להיפך, שלא לומדים כדי לקבל כסף מהצדקה, אלא מקבלים כסף מהצדקה כדי לאפשר ללמוד. אי"ז המשכורת או צדקה שדיבר עליהם רבינו כאן, אלא מילגה המחזיק לימוד וכרגיל בימינו בהרבה תחומים, בקודש ובחול. כסף המאפשר את האדם ללמוד בישב הדעת בא לפני הלימוד, ולא אחרי הלימוד בגללה.

אך אה"נ לפי השל"ה הק' חסר לאברכים היום את המעלה הגדולה של הנהגה מיגיע כפו שהזכיר רבינו (בסוף ה"י והי"א), אבל על זה לא נאמר שום איסור, אלא "מעלה גדולה היא". [אך קצ"ע מש"כ בסוף ה"י דכל תורה שאין עמה מלאכה סופה בטלה וסופו שמלסטים את הבריות, דמשמע שאם אינו עוסק בפרנסה התורה לא יתקיים בידו כלל, ולא רק שחסר לא איזה מעלה.] אבל לכא' אם הוא עוסק קצת לפרנסתו, אפי' אם אי"ז מספיק לו ולכן וצריך לקבל כסף מצדקה כדי שיוכל ללמוד שאר היום ולא יצטרך לעזוב תלמודו לגמרי, אז גם מקיים את הדין הזה, ואין שום צד לא לקבל כסף מהציבור.

<sup>4</sup> במילים אלו הבליע השל"ה חומרא שלכא' קשה לעמוד בו היום, שאסור לעשות שום השתדלות של אסיפת כספים כדי לאפשר את הלימוד. אמנם צ"ע הסברא בזה, שאם כוונתו לש"ש ולא להפוך התורה למלאכה למה אסור לחזור אחרי זה, ובפרט כשרצונו להחזיק ישיבה כמו שמדבר כאן. ואולי אי"ז מעיקר הדינא אלא חלק מהעצה שהעביר לקבוצה מסויימת. או אולי רצונו להחמיר כשהשתדלות נעשית ע"י המלמדים והלומדים עצמם, שזה נראה כאילו הם מחפשים ליהנות מתורתם, אבל מישהו אחר שמתנדב לגייס כספים כדי להחזיק את לימודם שפיר דמי.

<sup>5</sup> וכך יש לשמוע היטב מלשון המשנה באבות שהוא מקורו של רבינו, וכנראה מהשל"ה.

להתחלה) "לחכמים ולתלמידים ולאנשים העוסקים בתורה ותורתן אמנותן".  
עיי"ש באריכות.<sup>2</sup>

וצ"ע במצבינו היום שאלפי אברכים שתורתם אומנתם לומדים בכוללים ומתפרנסים מכספי הציבור, מה נענה להלכה הפסוקה שקבע כאן הרמב"ם ז"ל.<sup>3</sup>

## ג. השל"ה – מותר לקחת כדי לאפשר ללמוד

כבר לפני שנראה שיטות הפוסקים בזה, ראוי להקדים דברי השל"ה הק' המיישבים את המנהג אפילו לדעת רבינו גם לפי דבריו בפירושו, וכ"ש בחיבורו, וכמו שיתבאר. ובפרט שיוצא מדרכו שורש גדול לגבי איך עלינו להתייחס ללימוד בכולל.

ואלו דברי השל"ה (מסכת שבועות נר מצוה לח-מ): "הרמב"ם במסכת אבות במשנה דרבי צדוק הנ"ל, הפריז מאוד על המדה לדבר בגנות הנהנים מכח תורתם. מכל מקום יש בחינות חילוקים בזה. בודאי מי שלומד תורה על מנת שיהיה לו שם גדול ויהיה מכובד ויהנו אותו בני אדם, או מחזיק ישיבה כדי שיהיה לו הכנסה, אז עונשו גדול. אבל הלוקח והנהנה כדי שיוכל ללמוד ולא יתבטל להטריח אחר מזונותיו, זה בודאי מותר. ופסוק מלא (דה"ב לא, ד), לתת מנת הכהנים והלויים למען יחזקו בתורת ה'..." והאריך עם ראיות לכך, וסיכם בסוף דבריו: "זה הכלל אני מוסר לכם אתם בני יצ"ו, אם תזכו אתם וזרעכם וזרע זרעכם להחזיק ישיבה, והנהוג ליקח שכר רבנות, תקחו שכר רבנות כדי להחזיק ישיבה ולהעמיד תלמידים, ולא תחזיקו ישיבה בשביל לקח שכר רבנות, כי אז הוא קורדום ח"ו. ותכלית הדבר הוא שיהיה לומד תורה לשם שמים, ולא בשביל טעם כבוד ולא טעם ממון. ואם לבסוף הכבוד בא שמהנים אותו, יכול לקבל לכדי צרכו וצורך ביתו. ואף אם הוא ביותר מכדי צרכו רשאי לקבל. ובתנאי כפול ומכופל, אם בעסק תורתו לא נתכוון רק לשם שמים לא זולתם, ואחר כך בא הכבוד מאליו לו, ולא יעשה

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<sup>2</sup> ועי' היטב בביאור הרב שילת שם למקורות נוספים בדברי רבינו בענין זה. ויש לציין עוד לפיה"מ סנהדרין (הקדמה לפרק חלק, במהדור' הרב שילת אות ב' סוף עמ' קלא) דמשמע שהאזהרה "אל תעשם קרדום וכו'" אינו איסור גמור אלא שכך הוא הדבר היותר נכון וראוי, ויכול לעסוק שלא לשמה ולבא ממנו ללשמה, וצ"ע [ואולי יש ליישב ע"פ שו"ת הרמב"ם מכון י-ם ח"א סי' ו, ואכמ"ל].

<sup>3</sup> להבין ההשקפה מאחורי המוסד של הכוללים, עי' באגרות החזו"א (ח"א סי' פו), ואי"ז מענייני כאן.

וכך רואים עוד מזה שהביא רבינו את מאמר החכמים "הוי מעט עסק ועסוק בתורה" כבר בהל' דעות (סופ"ב) כדוגמא של המידות הבינוניות הממוצעות [והביאה גם כאן בהל' ח], שמבואר שהעסק במלאכה הוא חלק מהדרך הישר שהתחייבנו ללכת בה, עיי"ש. ואכמ"ל בזה עוד.

## ב. ללמד בשכר לעומת ללמוד מצדקה

והנה יש לשים לב שבחיבורו חילק רבינו את הסוגיא של לקחת שכר בשביל תורה לשני מקומות הל' ת"ת. בפרק א' (הל' ז) הביא האיסור ללמד תושב"פ בשכר, ואין שום משמעות שם שזהו נושא עיקרוני בתורה, אלא נראה שהוא הלכה של איסור והיתר שנלמד מדרשות הכתובים.<sup>1</sup> ועל הנושא ההוא כבר הביא ההגה"מ (אות ו) ההיתר של שכר בטלה, ומהרא"ש שגם בלא בטלה מותר אם אין לו במה להתפרנס. ורק אח"כ בפרק ג', הפרק על "כתרה של תורה", האריך טובא באיסור ליטול עצמו על הציבור בשביל לימוד התורה, וכתב בזה דברים חריפים מאד.

ונראה מזה שהסוגיא העיקרוני הזו שייך בלימוד תורה דוקא, כי הנאתו בעוה"ז מתלמוד תורה מוריד את ערכו של הכתר תורה ע"י שהוא משתמש בו לצרכיו האישיים. הלומד תורה כדי לקבל צדקה אינו מביא שום שירות לציבור שאפשר לקחת שכר בשבילו, אלא הוא הופך את עצם לימוד תורתו כסיבה לקבל תמיכה כספית מהציבור. משא"כ מי שמלמד תורה לתלמידים, אף שלדעת רבינו אסור לקחת שכר לזה כנ"ל בפרק א, אבל סו"ס הוא נותן להם מוצר שהם צריכים, והיה יתכן (ולדעת שאר הראשונים אכן מותר) לקבל שכר בתמורת מוצר ההוא. ומסתבר מאד שגם מי שנוהג כדעת הראשונים לגבי הסוגיא של "ללמד", עדיין שייך לו כל המעלות של הנהגה מיגיע כפיו שהזכיר בפרק ג', דאף שלדעת רבינו אסור לעבוד בתחום הזה, אבל אחרי שקיי"ל כשיטות האחרים, גם רבינו יודה שהאיש הזה עובד בשביל פרנסתו.

אמנם מפיה"מ (אבות פ"ד מ"ו) נראה שלא חילק בין שני הנושאים, וקרא תגר נגד כל מקבל שכר בשביל שירותים תורניים, בין ללמוד בין ללמד, וכלשונו שם (קרוך

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<sup>1</sup> ואף שבודאי גם בזה השקפה ברורה, שהתורה אינו חפץ גשמי שאפשר למכור בתמורת כסף, וככל דבריו בפיה"מ (עי' בסמוך), אבל אי"ז עיקר גדול בדרכי התורה, ולכן לא הביאה רבינו בפרק של כתר תורה.

## פרנסה מתלמוד תורה הרב שמאול חיים ניימאן

(רמב"ם הל' תלמוד תורה פ"ג ה"י-יא) כל המשים על לבו שיעסוק בתורה ולא יעשה מלאכה ויתפרנס מן הצדקה הרי זה חלל את השם ובזה את התורה וכבה מאור הדת וגרם רעה לעצמו ונטל חייו מן העולם הבא, לפי שאסור ליהנות מדברי תורה בעולם הזה. אמרו חכמים, כל הנהנה מדברי תורה נטל חייו מן העולם. ועוד צונו ואמרו, אל תעשה עטרה להתגדל בהן ולא קרדום לחפור בהן. ועוד צונו ואמרו, אחוב את המלאכה ושנא את הרבנות, וכל תורה שאין עמה מלאכה סופה בטילה וגוררת עון, וסוף אדם זה שיהא מלסטם את הבריות. מעלה גדולה היא למי שהוא מתפרנס ממעשה ידיו, ומדת חסידים הראשונים היא, ובזה זוכה לכל כבוד וטובה שבעולם הזה ולעולם הבא, שנאמר יגיע כפיך כי תאכל אשריך וטוב לך, אשריך בעולם הזה וטוב לך לעולם הבא שכולו טוב.

### א. שיעור המלאכה וגדרה

יש להקדים שדברי רבינו אלו נאמרו באמצע הפרק על "כתרה של תורה", והם המשך לאריכות נפלא ונורא על דרכה של תורה לחיות חיי צער ולעמוד בתורה, לעשות תורתו קבע ומלאכתו עראי, ולהסיר התאוות ותענוגי הזמן מלב. ואלו דבריו מיד לפני הלכות אלו (ה"ט): "ועושה מלאכה בכל יום מעט כדי חייו אם לא היה לו מה יאכל, ושאר יומו ולילו עוסק בתורה". ואכן כבר בתחילת הל' ת"ת (פ"א ה"ב) כשהביא דוגמא איך לשלש לימודו, דיבר על "בעל אומנות עוסק במלאכה שלש שעות ביום ובתורה תשע". הרי שה"בעל הבית" של הרמב"ם הוא זה שלומד תורה פי שלש ממה שמשתדל לפרנסתו.

ולאידך גיסא, מכל המשך לאורך הלכות אלו (הל' ו-יא) נראה ברור שהעסק במלאכה אינו רק היכי תמצא כדי שלא ימות ברעב [וכמו שהיה אפשר להבין מלשונו הנ"ל בהל' ט]. אלא שכל השייך לסדר יומו של האדם הוא מהלכות תלמוד תורה, שמצוות ת"ת מחייב לחלק את היום בין תורה ומלאכה – ולעשות התורה עיקר והמלאכה עראי. המלאכה נותן לו חיי עוה"ז שעליהם אפשר לבנות חיי עוה"ב. ובלי העסק בעולם הגשמי אין ממה להעלות ולהתרומם.

ברד"ק לס' יהושע [ה, יד] שכ' "כי אין שעת המלחמה שעת תלמוד תורה", והיינו כהנ"ל. ומהשתא נוכל ליישב קוש' מהגמ' בב"ק, דמכיון ששם דבר בדוד בשעת מלחמה לא היה לו הפנאי והיכולת לעסוק בתורה כראוי, וממילא היה צריך לשאול לאחרים כדי לקבל פסק ברורה בהלכה.

ונר' להוסיף עוד ביאור, דעל הפסוק ריש פר' בחקותי "אם בחקותי תלכו" איתא בויק"ר [לה, א] "הה"ד חשבתי דרכי ואשיבה אל עדותך" [תהלים קיט, נט], ע"כ. הרי מבואר דעל מה דכתיב "אם בחקותי תלכו" היה צורך לדוד לעשות תשובה וצריך להבין פשר הדברים. ונל"פ ע"פ מה דאי' במס' סוטה [לה]. "דרש רבא מפני מה נענש דוד, מפני שקרא לדברי תורה זמירות שנא' זמירות היו לי חוקיך בבית מגורי וכו'". ועייש במהרש"א שפ' זמירות מורה על דבר שהוא בפיו של אדם לפי שעה אבל ד"ת הם צריכין תמידות ויגיעה ואינה בנכון לקרות ד"ת בתואר זמירות. והנה ידוע דברי התו"כ [הובא שם ברש"י ד"ה אם בחקותי] דילפינן מהאי קרא "שתהיו עמלים בתורה". והשתא מובן שפיר ע"פ הגמ' בסוטה הקשר בין מקרא זו לאיך שמחייב דוד לעשות תשובה ובפרט לפי דברינו הנ"ל שלדוד היה הצטיינות במדת עמילות בתורה, ולכן הקב"ה היה מדקדק עמו ביותר בענין זה.

ונר' דיש ליישב הקוש' בפשיטות דאע"פ שכן דוד היה פוסק וכדמוכח מדברי חז"ל הנ"ל זהו מה שנוגע לזולת, אבל כאן הספיקות היו נוגעות בממונו של דוד עצמו וממילא היה א"א לו להורות מטעם נוגע בדבר. [עי' שו"ע חו"מ סי' ז סעי' יב.] ולכן היו צריכין לשאול להסנהדרין.

אמנם לכאורה אין בזה מספיק דהא תינח לומר דיש חסרון של נגיעות אי נקטנין כמאן דס"ל דהספק היה בענין להציל עצמו בממון חבירו וגם כמאן דס"ל דספיקו היה לענין החלפת שעורין בעדשים, אבל למאן דמפרש הספק לענין טמון באש, מכיון דזה היה שייך רק לממון אחרים שפיר היה יכול דוד בעצמו לדון [ובפרט לפי מש"כ תוס' שם סא. ד"ה מאי, דלמ"ד טמון באש לא היה שום ספק נוגע למעשה רק דהיה שאילה באופן כללי].

ונר' דג"כ אין לפרש שדוד שהוא אדם א' לא היה ביכולתו לדון בפ"ע וכפי מה דקיי"ל ריש מס' סנהדרין שדיני ממונות בג', זה אינו, דהרי אי' שם [ה.] דמומחה לרבים כן יכול לדון אפי' יחידי, ובוודאי לא גרע דוד המלך מרב נחמן ור' חייא שהיו מומחין לרבים והיו דנין ביחידות כדאיתא שם. וע"כ עלינו לפרש הענין בדרך אחרת.

ונל"פ בהקדם זה דיש להוכיח דלדוד המלך היה כח מיוחד של עמילות וגיעה בתלמוד תורה. דהנה מסיקה הגמ' במס' מגילה [ג:] דת"ת דיחיד קל מעבודת הקרבנות ואעפ"כ מצינו במס' שבת [ל.] שא"ל הקב"ה לדוד "טוב לי יום אחד שאתה יושב ועוסק בתורה מאלף עולות שעתיד שלמה בנך להקרום לפני על גבי המזבח". הרי שהת"ת דיחיד של דוד המלך היה שונה ויותר חשוב מעבודה, מה שאינו כן בשאר אינשי דעלמא. ועע"ש בשבת [ל:] דע"י שדוד היה יתיב וגריס כולי יומא [דשבת] ולא היה פסק פומיה מגירסא אפי' לרגע א' לא יכיל המלאך המות לקרב אליו. ויתכן לומר דגופא ע"י שקדנות זו זכה היה דוד לאסוקי שמעתתא אליבא דהילכתא, והכי משמע מרש"י במס' עירובין [נג.] בד"ה דוד דגלי מסכתא שכתב "שהיה יגע בתורה ומורה הוראות".

והנה נ' פשוט לומר דכדי לעסוק ולעמול בת"ת כראוי צריך אדם להיות במצב של ישוב הדעת. ובאמת כזה מצינו אצל דוד, דאיתא במס' מו"ק [טז.] "כשהיה יושב ועוסק בתורה היה מעדן עצמו כתולעת, ובשעה שיוצא למלחמה היה מקשה עצמו כעץ". ופירשו שם הר"ח והערוך [הובא במהרש"א] שכשהיה עוסק בתורה היה מעדן עצמו עד שיתרכך בשרו כתולעת שתהא דעתו מיושבת עליו. עוד חזינו משם דהנהגה זו של לימוד מתוך ישוב הדעת היה א"א להשיג בשעת מלחמה. וע"ע

## בענין ת"ת של דוד המלך הרב רפאל שעפטיל הלוי נויברגר

איתא במס' ב"ק [ס:] סוגיא ארוכה סביב הפסוקים בספר שמואל-ב [פרק כג - טו, טז] דכ' "ויתאוה דוד ויאמר מי ישקני מים מבאר בית לחם אשר בשער. ויבקעו שלשת הגברים במחנה פלשתים וישאבו מים מבאור בית לחם אשר בשער וישאו ויבאו אל דוד ולא אבה לשתותם ויסך אותם לה'".

ומפרשת הגמ' שבזמן שדוד המלך היה לוחם נגד הפלשתים היה לו איזו שאילה בהלכה. וג' מן חייליו מסרו נפשם ללכת לשאול ולקבל פסק מהסנהדרין בבית לחם. ולא ניחא ליה לדוד שהם עשו שלא כדין להכניס עצמם לסכנה על ד"ת.

- יש שם בגמ' ג' דיעות שונות על מה היה דוד מסופק:
- א. טמון באש [היינו מי שהדליק גדיש חבירו והיו כלים טמונים בתוכו, אם על המבעיר לשלם או לא].
  - ב. מהו להציל עצמו בממון חבירו.
  - ג. מהו ליטול גדישין של שעורין דישראל ליתן לפני בהמתו ע"מ לשלם גדישין של עדשים דפלשתים.

ולכאורה נ' להק' דאמאי היה שום צורך לדוד לשאול השאילה להסנהדרין, הרי מבואר בחז"ל שדוד המלך בעצמו היה מורה הוראה ועליו לפסוק. דאי' במס' ברכות [ד.] "אמר דוד לפני הקב"ה, רבונו של עולם, לא חסיד אני שכל מלכי מזרח ומערב יושבים אגודות אגודות בכבודם ואני ידי מלוכלכות בדם ובשפיר ובשליא כדי לטהר אשה לבעלה, ולא עוד אלא כל מה שאני עושה אני נמלך במפיבשת רבי ואומר לו מפיבשת רבי יפה דנתי יפה חייבתי יפה זכיתי יפה טהרתי יפה טמאתי וכו." וע"ש ברש"י שפי' דנכלל בפסקיו היו ג' דיני ממונות כמו הנידונים הנ"ל.

ואין לומר דלא היה רוצה דוד להכריע בלי לשאול מקודם לרבו, שהרי מבואר דהיה רגיל לשאול לו רק אחרי שיצא ההלכה מפיו [ע"ש רש"י ד"ה מפיבשת]. ועוד מצינו במס' סנהדרין [צג:] דכ' אצל דוד המלך "וה' עמו, שהלכה כמותו בכל מקום". וע"ע במהרש"א ח"א ליומא [כו.] שכ' דאע"פ דקיי"ל דלא משכחת צורבא מרבנן דמורי אלא דאתי משבט לוי או יששכר, דוד המלך היה היוצא מן הכלל בזה.



הראשונות הם לקבוע המציאות ולא בתורת ציווים. ומובן מזה דברי המכילתא שמביא רש"י [שמות כ, א] "לאמר" מלמד שהיו עונין על הן הן ועל לאו לאו, עיין שם במכילתא שכתוב דברי ר' ישמעאל. ר' עקיבא אומר על הן הן ועל לאו הן, וענינו כי כשמצווה למי שהוא על עשה אומרים הן על קבלת הדברים ועל לאו אומרים לאו, אבל אם אין זה ציווי אלא קביעת עובדא אז גם על לאו אומר הן על קבלת הדברים שהם בתורת קביעות עובדא.

וכן מדויק שב' דברות ראשונות נאמר בלשון שמדבר ה' ושאר דברות נאמר בלשון נסתר כמו "שבת לד' אלהיך" ולא שבת לי, וכן "כי ששת ימים עשה ד'" "על כן ברך ד'", כי ה' ראשונות הוא עצם "דיבור" וקביעות עובדא של הקב"ה בעצמו.

וכן מבואר בחז"ל [שהש"ר א, טו]: בשעה ששמעו ישראל "אנכי" נתקע תלמוד תורה בלבם ובשעה ששמעו ישראל "לא יהיה" נעקר יצר הרע מלבם, ע"ש. וענינו שהם עצם המציאות והוא יותר מציווי. וכן רס"ג תולה המון מצוות בשני אלו כי הכל תלוי, בעיקרים האלו שהם קביעות המציאות.

ומובן מאד קושית הגמ' בסנהדרין (צט.). תניא ... "דבר ד' בזה" ר' ישמעאל אמר זה העובד עבודת כוכבים, מאי משמע, דתנא דבי ר' ישמעאל "כי דבר ד' בזה" זה המבזה דבור שנאמר להם לישראל, "אנכי" ו"לא יהיה". עיין רש"י. היינו דבר ד', דיבור שדבר הקב"ה בעצמו לישראל, ד"אנכי" ו"לא יהיה לך" מפי הגבורה שמענום. ובסוגיא מבאר דברים שמפסידים חלקם בעולם הבאה מפני "כי דבר ד' בזה". ולא כל עבירה מפסידים חלק בעולם הבא, אלא דבר שמבזה את עצם הדיבור, עובדא שהקב"ה מדבר. כי לעבור על ציווי היא עבירה אבל הוא מקבל הדיבור אלא שעבר על רצונו, אבל ע"ז ושאר דוגמאות שנזכר שם בסוגיא זו היא בזיון על עצם הדיבור. והוא כמו שהסברנו ש"אנכי" ו"לא יהיה" הוה כמו "בראשית", בריאת עצם המציאות, וכן קביעת עובדא של תורה במציאות ולא כמו מצוה פרטי.

## ענין ההבדל בין אנכי ולא יהיה ולבין שאר המצוות

### הרב אליהו קפלן<sup>1</sup>

ידוע דברי חז"ל מכות כד. תור"ה בגימטריה תרי"א צוה לנו משה, ד"אנכי" ו"לא יהיה" מפי הגבורה שמענום. ומעניין שתמיד ורגיל בדברי חז"ל הביטוי "אמר רחמנא", מלשון רחמים ופה נקרא "מפי הגבורה", לשון מדת הדין. וענינו כי תורה שניתן לנו הוא בדרגת, שיתוף עימו מדת הרחמים כדי שתתקיים העולם אבל אנכי ולא יהיה לך עדיין בדרגת העולם שנברא במדת הדין.

כשהרגו רע"ק אמר לפניו רבש"ע זו תורה וזו שכרה, אמר ליה שתוק כך עלה לפני. ומסבירים הגאון והשל"ה שרע"ק היגיע לדרגא שחי במדת הדין בלי שיתוף מדת הרחמים כי הוא חי במציאות אמיתי, אבל מי שחי במדת הרחמים מציאותו לא כ"כ אמיתי כי תלוי ברחמים.

וענינו ששתי דברות הראשונות הם לא בתורת ציווי אלא בתורת קביעות עובדא ודומיא דמאמר "בראשית" שהוא לברוא עצם המציאות ואין שם מקום לאמר "ויהי" ו"אמר ד'", "וכן בדברות כתוב [דברים ד, יב] "קול דברים אתם שומעים ותמונה אינכם ראים זולתי קול", ואותו קול מכיל כל הדברות ולא מפורט דיבר ודיבור כי "אחת דיבר אלקים שנים זו שמעתי" מה שאין אוזן יכול לשמוע. ואף שנתן הקב"ה כח לכלל ישראל לשמוע מזה את דיבור אנכי אבל מיד יצאת נשמתן מזה עד שירד עליהם טל של תחייה וכן ב"לא יהיה".

ולבאר הענין נציע את דברי האור החיים הקדוש [שמות כ, א]: ושאר הדברות נחצבו להבות אש מקולו יתברך ועמדו סדורים על הר סיני עד שחזרו נשמות ישראל בטל חיים, באו הדברות שהם קולות האדיר ברוך הוא והיו מדברות לכל אחד מישראל. ומשם ואילך ידבר קולו יתברך בעד מלאכו... פי' הקול בעצמו פירוש את עצמו ולא חזר הקב"ה ודיבר אלא הקול בעצמו פירט את עצמו לדברות מיוחדות, ואף שכתוב שמושה אמרם לישראל אפשר שמושה היה בו כח ושמע כולם באותו קול, וכשבא הקולות לדבר לישראל היה קולו של משה גם כן מדבר, ע"ש. ומקורו מדברי האריז"ל ולא נזכר בראשונים, ומ"מ יש להבין מזה שדברות

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<sup>1</sup> כמו שהבנתי משיעור ששמעתי מהגאון ר' משה שפירא זצ"ל.

## חלק י: מדור לשון הקדש

גאולתינו דהשתא. (ושוב הראו לי בס' ברכת אברהם מס' פסחים שהביא כעין זה בשם מרן הגרי"ז זצלה"ה.)

ומיושב נמי המשך הדברים, הואיל ועשה לַנּוּ הקב"ה כל הניסים האלו, חייבים אנו להודות ולהלל, ולכן "ונאמר לפניו שירה חדשה", וכנ"ל.

ויש להוסיף לזה מה שכתב בעמק ברכה (ענין הלל על הנס) דלחיוב שירה בעינן ב' דברים, (א) גבורות ה' (ב) הטבה לכלל ישראל, וביאר בזה מש"כ בתחילת אז ישיר, "אשירה לה" למה? "כי גאה גאה, סוס ורוכבו רמה בים", היינו גבורות ה', "עזי וזמרת קה, ויהי לי לישועה", היינו הטבה לכלל ישראל. וי"ל דהכא נמי מזכירים זה, "לפיכך אנחנו חייבים להודות ולהלל", כי יש כאן ב' הדברים המחייבים שירה, "הוציאנו מעבדות לחירות", בניסים של גבורות ה', "מיגון לשמחה ומאבל ליום טוב" והיטיב לנו, לכן, נאמר לפניו שירה חדשה.

והנה בר"מ הל' חנוכה (סוף פרק ג') מבואר דנשים פטורות מהלל בחנוכה, והקשה החשק שלמה (מובא בשדי חמד, אסיפת דינים מערכת חנוכה) הא נשים חייבות בהדלקת הנר משום שאף הן היו באותו הנס, כמבואר בשבת כג., ובתוס' סוכה לח. איתא דנשים חייבות בהלל שביליל הסדר, שאף הן היו באותו הנס, וא"כ צ"ע אמאי לא מספיק טעם זה לחייבם גם בהלל בימי חנוכה.

אמנם, לפי דברי העמק ברכה א"ש היטב, דהא לא דמי קריאת ההלל בחנוכה להלל דפסח. דחיוב הלל בחנוכה אינו אלא מתקנת חז"ל לומר הלל בימים אלו, דאע"פ שבנס חנוכה היה חיוב שירה, כבר אמרו שירה אז, בשעת הנס, וכל החיוב שלנו רק לזכרון הנס ההיא, נמצא שהוא מצות עשה שהזמן גרמא ונשים פטורות. אבל הלל דליל הסדר אינו זכרון דברים, אלא חיוב חדש דהשתא, מדין שירה על הנס שלנו, ובזה אין הזמן גורם, אלא הנס, ופשיטא דאף נשים חייבות, כמפורש בתורה שאף הנשים אמרו שירה על הים.

ורק בהדלקת הנר חייבו הנשים מטעם שאף הן היו באותו הנס, משום שנתקן על עצם הנס, משא"כ הלל שהוא ממצות קריאה בזמן שמחה, ולאו משום הלל על הנס (כדמשמע הרמב"ם הל' חנוכה (פ"ג הל"ו), שמנאו ביחד עם שאר ימים שגומרים בהם את ההלל, ולא הזכיר שם הלל בליל הסדר, אלא בהל' חמץ ומצה, (ראיה זו מס' עמק ברכה).

## הלל של ליל פסח

### הרב יהושע שמואל יעקב הלוי סילברברג

הנה בר"ן פ' ערבי פסחים דן בארוכה אם מברכין ברכה ראשונה על הלל שבתוך ההגדה, ומייתי בשם רב האי גאון שלא לברך, שאין אנו קורין אותה בתורת קורין אלא בתורת אומר שירה. וידועים בזה מש"כ בחי' מרן רי"ז הלוי (הל' חנוכה פ"ג הל"ו), דגם הרמב"ם ס"ל הכי, וחיוב הלל זה ילפינן מקרא דישעיה, "השיר יהיה לכם כליל התקדש חג", משא"כ שאר י"ח ימים שגומרים בהם את ההלל, דליכא אלא חיוב מדברי סופרים ואין להם סמך מן המקרא. והראיה דהזכיר הר"מ בהל' חנוכה י"ח ימים שגומרים את ההלל, ולא מנה הלל דליל פסח עמהם, ולא הזכיר הלל זה אלא בהל' חמץ ומצה פ"ח.

אומרים בהגדה, "לפיכך אנחנו חייבים להודות וכו' למי שעשה לאבותינו ולנו את כל הניסים האלו וכו' ונאמר לפנינו שירה חדשה, הללויה". ובברכת אשר גאלנו מסיימים "ונודה לך שיר חדש". בתוס' פסחים קטז: מביאים בשם המכילתא כל השירות נאמרו בלשון נקבה, כמו שנקבה יש לה צער לידה, אף כל הניסים יש אחריהם צער, אבל ניסים דגאולה העתידה אין אחריהם צער, לכן בלפיכך אומרים "שירה חדשה" דקאי אגאולת מצרים דיש אחריה צער, אבל בברכת אשר גאלנו אומרים בלשון זכר, "ונודה לך שיר חדש", דקאי אגאולה דלעתיד.

ובשל"ה הק' (מס' פסחים, נר מצוה אות לד) ביאר דהוה קשיא להו לתוס' דבכל הקטע בהגדה קאי אלשעבר, "הוציאנו מעבדות לחירות כו'" ואמאי מסיימים בלשון עתיד ונאמר לפנינו הללויה, לכן פירשו דגם זה לשעבר משמע, שאמרו שירה בשעת יצי"מ. ולפ"ז לא גרסינן "ונאמר" בחול"ם, שהוא לשון עתיד, אלא בסגו"ל לשון עבר.

ובס' עמק ברכה (ענין הגדה) כתב ליישב גירסא דכל ההגדות דגרסי בחול"ם. דהנה אמירת ההלל בליל פסח אינו משום הנס של אבותינו, אלא משום הנס שלנו כדאיתא בהגדה, בכל דור ודור חייב אדם לראות את עצמו כאילו הוא יצא ממצרים, שלא את אבותינו בלבד גאל הקב"ה אלא אף אותנו גאל עמהם (וכל' הר"מ (הל' חו"מ פ"ז הל"ו) כאילו הוא בעצמו יצא עתה משיעבוד מצרים). ולפ"ז אנו אומרים ונאמר לפנינו שירה חדשה (בחול"ם), שעכשיו נאמר שירה זו, על

כשסועד אדם בלילה הזה בעינין שהסעודה תתנהל באופן של "דרך חירות" ובזה מתקיים ההלכה של "בכל דור ודור חייב אדם להראות עצמו" ומסיים הרמב"ם לפי"ז [בהלכה ח'] אפילו עני שבישראל לא יאכל עד שיסב. אשה אינה צריכה הסיבה. ואם אשה חשובה היא צריכה הסיבה. ובן אצל אביו והשמש בפני רבו צריכין הסיבה. אבל תלמיד בפני רבו אינו מיסב אלא אם כן נתן לו רבו רשות. והסיבת ימין אינה הסיבה. וכן המיסב על ערפו או על פניו אין זו הסיבה. ואימתי צריכין הסיבה בשעת אכילת כזית מצה ובשתיית ארבעה כוסות האלו. ושאר אכילתו ושתייתו אם היסב הרי זה משובח ואם לאו אינו צריך עכ"ל ק.

והנה לכאור' שלהי דברי הרמב"ם כאן ממש מרפסן איגרא, חדא למה התכוין הרמב"ם במה שכ' "אם היסב" היה יכול לומר כל המיסב בשאר סעודתו הרי זה משובח מהו לשון "אם" וצ"ב. ועוד איכא למידק טובא, בסיום דברי הרמב"ם שכ' "ואם לאו אינו צריך" צ"ע, מהו ה"אינו צריך"? האם כוונתו שאינו צריך להסב! הלא זה כבר ידענו, וצע"ג.

אשר ע"כ נראה לבאר בזה, שלשיטת הרמב"ם מצוות ההסיבה היא חלק ממצוות סיפור יציאת מצרים, וכמו שכ' הרמב"ם בריש דבריו, "מצות עשה של תורה לספר בנסים ונפלאות שנעשו לאבותינו במצרים בליל חמשה עשר בניסן". וביאר הרמב"ם שהחיוב "לספר" הוא מתקיים במה שאמר ר"ג "כל מי שלא אמר שלשה דברים אלו בליל חמשה עשר לא יצא ידי חובתו ואלו הן, פסח מצה ומרור, פסח על שם שפסח המקום ב"ה על בתי אבותינו במצרים שנאמר [שמות י"ב] "ואמרתם זבח פסח הוא לה'" וגו', מרורים על שם שמררו המצרים את חיי אבותינו במצרים, מצה על שם שנגאלו, ודברים האלו כולן הן הנקראין הגדה" עכ"ל הרמב"ם. אולם תדע, שמלשון הרמב"ם והר"ן נראה דלא ס"ל הכי, אלא האי מימרא דר"ג כל שלא אמר וכו' אי"ז מדברי הגדה אלא זהו חלק ממצוות הפסח מצה ומרור. ומיד לאחר שכ' הרמב"ם דבריו הנ"ל, הביא בהלכה הבאה בכל דור ודור חייב אדם להראות את עצמו כאילו הוא בעצמו יצא עתה משעבוד מצרים שנאמר "ואותנו הוציא משם" וגו'. ועל דבר זה צוה הקב"ה בתורה "וזכרת כי עבד היית" כלומר כאילו אתה בעצמך היית עבד ויצאת לחירות ונפדית. לפיכך כשסועד אדם בלילה הזה צריך לאכול ולשתות והוא מיסב דרך חירות, וכל אחד ואחד בין אנשים בין נשים חייב לשתות בלילה הזה ארבעה כוסות של יין, וכו'. א"כ משמע שמצוות ההסבה היא חלק מהמצווה לספר ביציאת מצרים, ויש מצווה מיוחדת להראות במעשים שהוא בן חורין, ודו"ק. (אולם בשיטת הרא"ש ודעמיה היה נראה דהם סברו שאכן מצוות ההסיבה היא חלק ממצוות ליל הסדר וכשיטת הרמב"ם והר"ן שהוא חלק

## חלק י : מדור לשון הקדש

באכילת מצה כורך אפיקומן וד' כוסות וממילא בזה לא מתחשבינן אי הוי השתא דרך חירות דכיון דזכר לחירות הוא בעינן לקיימו כשאר תקנת חז"ל. וא"כ אה"נ מי שאכל מצה וד' כוסות וכו' בלא הסיבה תקנתו היא לאכול שוב פעם כזית מצה לצאת יד"ח מצוות הסיבה שנאמרה באכילת מצה וכו', ורק בכוס שלישי ורביעי דאיכא סברא אחרת דמוסיף על הכוסות הם אמרו והם אמרו וממילא שב ואל תעשה עדיף, ודו"ק.

מצרים כמו שכ' הרמב"ם "להראות" עצמו שהוא בן חורין. אולם, מי שאינו מרגיש בן חורין בישיבה זו ודאי שאי"ז דרך חירות כלל וכלל, ואדרבה נציע לו שלא ישב כן בשאר הסעודה ובאמירת ההגדה. וא"כ ליכא ראייה כלל וכלל מלשון הרמב"ם "הרי זה משובח" להבנת הגרי"ז, ודו"ק.

וממילא, שפיר תבין דיוק לשון הרמב"ם [הנ"ל] "ואימתי צריכין הסיבה בשעת אכילת כזית מצה ובשתיית ארבעה כוסות האלו. ושאר אכילתו ושתייתו אם היסב הרי זה משובח ואם לאו אינו צריך" היינו, שכ' הרמב"ם שאימתי צריכין הסיבה (מדינא ד"זכר לחירות") בשעת אכילת כזית מצה ובשתיית ארבעה כוסות האלו. ושאר אכילתו ושתייתו "אם היסב" היינו, אם מרגיש בעצמו שהוא בן חורין בישיבה זו ממילא הרי זה משובח שהלא כל המרבה לספר ביציאת מצרים הרי"ז משובח. "ואם לאו אינו צריך" היינו, אם אינו מרגיש בן חורין ואי"ז "דרך חירות" אינו צריך היינו, שאין לו לדאוג על סיבה זו כיון שכלפיו אי"ז דרך חירות, ודו"ק.

וממילא נראה לפי"ז להגדיר פסקו של הראב"ה שהובא בשו"ע הנ"ל בזה"ל, הגה, ויש אומרים בדומן הזה, דאין דרך להסב, כדאי הוא ראב"ה לסמוך עליו שבדיעבד יצא בלא הסיבה עיי"ש. ולכא' יש מקום להקשות, דממנ"פ צ"ב, דאי נימא שאין זה דרך חירות היום ליישב בהסיבה משום מה תיקנו חכמים להסב הא אין כאן קיום של דרך בני חורין כלל וכלל, ויותר הלא אם קשה על האדם להטות על שמאלו היות ואין הוא רגיל בכך למה לו להסב? ואת"ל, שאכן כן הוא דרך חירות ואדרבה יש כבוד וחירות בהסיבה א"כ מהיכי תיתי לפסקו של הראב"ה וביותר מזה שלכא' זה יהיה תלוי בדעת בני אדם, וצ"ע.

ואי לאו דמסתפינא הייתי אומר חידוש גדול לדינא, שאכן כל הסברא שכ' הראב"ה שהיום אין דרך בני אדם להסב וממילא ליכא בהו דרך חירות, וכמש"כ השו"ע [או"ח סימן קס"ז סעיף י"א] והאידנא שאין אנו רגילים בהסיבה וכו' עיי"ש. ומש"ה פסק הרמ"א בשם י"א שהיכא שכבר אכל כזית מצה בלא הסיבה שיצא יד"ח בדיעבד ולכן כששכח להסב בכוס שלישי או רביעי אין לו לחזור ולשתות אותם כוסות שוב בהסיבה משום שנראה כמוסיף על הכוסות. אולם, הרמ"א גופא כתב שבמצה יחזור ויאכל כזית מצה. ובסו"ד כ', שלכתחילה יסב כל הסעודה עיי"ש. ונראה לי, שכל האי פסקא עולה יפה מדינא "דרך חירות" ומשום דדרך חירות הוא הלכתא בשאר הסעודה ובאמירת ההגדה ובזה אה"נ היום שאין זה דרך חירות להסב בסעודה ממילא ה"ה בלילה הזה לא יסב בשאר סעודתו. אולם, מצד ההלכתא של "זכר לחירות" הוא ההלכה בעיקר תקנת חכמים להסב

שהסיבה כבני מלכים, ומכאן להסבת פסח מן התורה מדרש אגדה שמות שם. ובמדבר רבה פ"א נאמר "שהרביצם כדרכי המלכים רבוצין על מטותיהם" עיי"ש.

אומנם, יעויין בלשון רש"י וברשב"ם במס' פסחים [צט: ש"כ], ואפילו עני שבישראל לא יאכל בלילי פסחים עד שיסב כדרך בני חורין "זכר לחירות" במטה ועל השלחן, עיי"ש. ולשון הרשב"ם [שם] ואפילו עני שבישראל לא יאכל בערבי פסחים עד שיסב כדרך בני חורין במטה ועל השלחן "זכר לחירות" עכ"ל. וכ"כ התוס' בפסחים [ק"ח.]. והר"ן על הרי"ף פסחים [י"ט:]. וכהנה וכהנה ראשונים ואחרונים.

עוד יעויין בפיוט לשבת הגדול שאנו אומרים בו, "ולמה מסובין במטה כבודה וכלולה, זכר לחרות ורבוץ ענני כבוד בחתלה, שכן דרך בני מלכים לנהג כבוד ולסלסלה" עיי"ש.

ונראה שאכן ב' דינים נאמרו כאן, איכא דין הסיבה משום "זכר לחירות" והוא חיוב גמור לקיים הנהגה זו בתורת "זכר" ואף אם האדם אינו מרגיש נוח בהסיבה זו ואין זו דרכו כל השנה להיות מיסב מ"מ בלילה הזה נאמר הלכה של קיום "זכר". ואילו "דרך חירות" הוא מציאות ודין לנהוג ביום הזה כדרך בני חורין בהוצאת כלים נאים ומשופרים כדרך מלכים ומכלל האי דרך מלכים הוא לאכול כשהוא מיסב ומטעם שלאכול באופן שהוא מיסב יש בו נוחות יתר וחשיבות כדרך מלכים וכמו ש"כ' הירושלמי שדרך העבדים להיות אוכלים מעומד ודרכם של בני חורין לאכול מיושב, וממילא כל שהוא מרגיש נוח וכדרך מלכים צריך הוא לקיים הנהגה זו בלילה הזה, ובאמת אה"נ אם אינו מרגיש בן חורין בישיבה זו ואין לו תחושת מלך בכה"ג בוודאי שלא ישב כן בלילה הזה היות ואין זה "דרך חירות".

ומדאיתנן להכא נראה לומר, שאכן הרמב"ם והרא"ש [לעיל] סברי דהלכתא דמצוות הסיבה היא דין בפנ"ע ואין לו חלק כלל בגדר קיום מצוות מצה. ושפיר למד הגרי"ז בהבנת הגמ' דלריב"ל מה שאמר "לא יצא" היינו, מצוות הסיבה לא יצא. אולם לא נתחוויר דבריו של מרן רי"ז הלוי זיע"א על הוכחתו בשיטת הרמב"ם מהא דכ' הרמב"ם "הרי זה משובח". דהלה העלנו, דב' דינים איכא במצוות הסיבה "דרך חירות" ו"זכר לחירות" והיינו, שהחיוב לאכול מצה וכורך ואפיקומן ושתיית ד' כוסות כל אלו הלכות שנתחייבנו בהם משום "זכר לחירות" וממילא זהו עיקר תקנת חכמים במצוות ההסיבה. ואילו מש"כ הרמב"ם והשו"ע שכל המיסב בשאר סעודתו ובכללה אמירת ההגדה "הרי זה משובח", אי"ז אלא "דרך חירות" וממילא כל שמרגיש בן חורין בישיבה זו כשהוא מיסב כך הוא מקיים מצוות סיפור יציאת



לאורתא. ואף דיוצאין בכזית אחד. חשיב מצוה מה שאוכל אחר כך. הכי נמי חשיב מצוה אם תוקע כל היום. ועל כן הותר התקיעה לשם זה כמו נטילת לולב לאנשי ירושלים. וזה ברור עיי"ש. ומכל הנ"ל נראה פשוט להביא מזה סייעתא להעמיד דברינו בשיטת הרמב"ם, וממילא כיון שאיכא קיום מצווה בריבוי שיעורים בפסח מ"מ כ' הרמב"ם "משאכל כזית יצא ידי חובתו" היות ומחויבו כבר יצא אולם מ"מ איכא מצווה כשאוכל יותר כזיתים.

ומעתה נראה לומר מהלך חדש בשיטת הרא"ש ודלא כהבנת מרן הרי"ז הלוי זיע"א, דלעולם אימא לך שהרא"ש ס"ל כהרמב"ם שמצוות הסיבה הוי מצווה בפנ"ע ואין היא חלק מממצות המצה והד' כוסות, ומכל מקום מי שאכל המצה או שתה הד' כוסות בלא הסיבה צריך שוב לאכול ולשתות פעם נוספת בהסיבה, וכיון שנקטינן דאיכא מצוות אכילת מצה בכל כזית וכזית, הלה בכזית השני שאוכל שמקיים בו ג"כ מצווה בעינן לאוכלו בהסיבה כדי לקיים מצוות הסיבה, ודו"ק.

והעולה מכל הנ"ל, שהוא גופא דאיכא קיום מצווה בריבוי כזיתים וכמשמעות הגמ' הנ"ל, הלה נלמד שהגורם למצווה זו הוא הקיום של "כל המרבה לספר ביציאת מצרים הרי"ז משובח" וממילא כיון דחזינן דבעינן "להראות" וזה מתקיים ע"י עשייה והוא ג"כ הקיום של מצוות סיפור, הרי כמה שמרבה בכזיתים מרבה הוא בקיום תורת סיפור של יציאת מצרים.

והנה עדיין איכא למידק, דמהיכי תיתי שברבוי אכילת כזית מצה וברבוי מצוות ההסיבה לשיטת הרמב"ם שמלבד החיוב להסב בד' כוסות ובאכילת כזית מצה ובכורך ובמצוות האפיקומן, איכא עוד קיום מצווה בהסיבת כל הסעודה ובאמירת ההגדה, ומנ"ל לחדש שכל הני מצוות נלמדו ונכללו בכלל מצוות סיפור, וצ"ע.

והנראה לענ"ד לבאר בזה, דב' דינים איכא במצוות הסיבה, חדא "זכר לחירות" ואידך "דרך חירות", ויבואר בעזה"י.

הנה בתלמודין במס' פסחים [ק"ט:] איתא "דרך חירות" וכך אמרו [שם, קי"ז:] "דרך חירות" ובלשון הירושלמי במס' פסחים [פ"י ה"א] שזו היא דרך בני חורין, שדרך עבדים להיות אוכלים מעומד וכאן אוכלים מסובים עיי"ש. וכן ברמב"ם בהל' חמץ ומצה [פ"ז ה"ז] וכך הלשון בטור ובשו"ע [סי' תע"ב ס"ק ב'] "דרך חירות". וביאור הדבר כמו שכ' הרמב"ם בפירוש המשניות [שם] וי"א, שכך היא דרך אכילה של המלכים והגדולים. ומקור דבריו מהמדרש שמות רבה פ"כ מכאן אמרו רבותינו אפילו עני שבירא לא יאכל עד שיסב, שכך עשה להם הקב"ה,

מקיום מצוות הלילה.) וזה שדייק הרמב"ם בדבריו "כל המרבה בה הרי זה משובח" דהוא כעין מה שאמרו כל המרבה לספר ביציאת מצרים הרי זה משובח. ותדע, דאף הלכות הפסח הם בכלל "כל המרבה לספר" ולא רק סיפור נסי יציאת מצרים בלבד דכל שיש בו זכר ליציאת מצרים וכל שיש בו להוסיף בהודיה בכלל כל המספר אי"ז רק בעניין סיפור דברים גרידא, אלא אף הלכות הפסח הוי בכלל כל המרבה וכו' הרי זה משובח. (וכהא דכתב הראב"ד בפירושו לתורת כהנים [ר"פ בחוקותין] דבהלכות המגילה מקיימים מצות זכירת מעשה עמלק, והלא וודאי שאין כוונתו כפשוטו דהלא אין מזכירין כלל במגילת אסתר לא את מעשי עמלק ולא את שמו שירקב, וא"כ וודאי שאין בהלכות המגילה כדי לקיים מצוה זו? אלא חידש בזה הראב"ד זיע"א, דאף מה שנלווה לענין עמלק וקשור אליו בעקיפין הוי נמי בכלל הרי זה משובח. וממילא על זה הדרך נימא, דכל המרבה בהסיבה הרי זה משובח, וזהו שנקט הרמב"ם בלשונו הזהב.)

איברא, שנראה לי להוסיף ביה נופך, דקושטא הוא שהרמב"ם למד שכל מצוות הלילה הם בכלל מצוות סיפור יציאת מצרים, ומש"ה אנו מראים בעצמנו את נסי ההצלה ואף על זה איכא תורת סיפור, שהוא סיפור בתורת עשיה, וכמו שכ' הרמב"ם חייב אדם "להראות". ואשר לפי"ז נבין לשון הרמב"ם [שם, פרק ו' הלכה א'] וז"ל, מצות עשה מן התורה לאכול מצה בליל חמשה עשר שנאמר "בערב תאכלו מצות". בכל מקום ובכל זמן. ולא תלה אכילה זו בקרבן הפסח אלא זו מצוה בפני עצמה ומצוה כל הלילה. אבל בשאר הרגל אכילת מצה רשות רצה אוכל מצה רצה אוכל אורז או דוחן או קליות או פירות. "אבל בליל חמשה עשר בלבד חובה ומשאכל כזית יצא ידי חובתו" עכ"ל. וצריך עיון במש"כ "ומשאכל כזית יצא ידי חובתו" והלא כל אכילה אינה אלא בכזית ובשיעור כזית קיים הלה מצוותו ומה ההו"א שישנו מצווה באכילה יתירה שבעינן למימר שכבר יצא בכזית, וצע"ג.

אשר ע"כ נראה לבאר בשיטת הרמב"ם, דאכן ס"ל דאף שקיום חיובא דמצה הוא בכזית, אולם איכא מצווה טובא בריבוי שיעורים וכל שיעור כזית שהוא מוסיף לאכול איכא קיום מצווה טפי. וכמו שכ' המהר"ל בגבורות ה' [פרק מ"ח] והיה נראה להביא ראיה לדבר ממה שאמרו בגמ' פסחים [קז:] רבא הוה שתי חמרא כולי מעלי יומא דפיסחא, כי היכי דניגרריה לליביה, דניכול מצה טפי לאורתא עיי"ש. ובגמ' במס' ברכות [ל"ה:] הגירסא היא, והא רבא הוה שתי חמרי כל מעלי יומא דפסחא כי היכי דנגרריה לליביה וניכול מצה טפי עיי"ש. ועוד כ' בשו"ת אבני נזר חלק [אור"ח סימן תמ"ח סק"ז] וז"ל, אך יש ראי' מהא דפרק ערבי פסחים [ק"ז:] רבא הוה שתי חמרא כולי מעלי יומי דפסחא כי היכי דניכול מצה טפי

אכל כל אכילתו בהסיבה, והן הן דברי הרמב"ם שכתב דשאר אכילתו ושתייתו אם היסב הרי"ז משובח ואם לאו אינו צריך עכ"ל. ומקורן הוא מדברי ריב"ל דמדנקט לישנא דיצא ש"מ דשייכא הסיבה גם בשאר אכילתו מלבד כזית מצה, אלא דאינו מחוייב בזה, אבל אה"נ דלא מיירי כלל מדין המצווה של אכילת מצה, דזה יצא גם בלא הסיבה, וכמו שהוכחנו מדברי הרמב"ם, וצ"ע בזה, עכ"ל.

אולם אי נימא כדבריו יש לעיין במה שפסק הרמ"א בשו"ע או"ח [סימן תע"ב סק"ז] וז"ל, כל מי שצריך הסיבה, אם אכל או שתה בלא הסיבה לא יצא, וצריך לחזור לאכול ולשתות בהסיבה. הגה, ויש אומרים בדבזמן הזה, דאין דרך להסב, כדאי הוא ראבי"ה לסמוך עליו שבדיעבד יצא בלא הסיבה (אגודה פרק ע"פ). ונראה לי דאם לא שתה כוס שלישי או רביעי בהסיבה, אין לחזור ולשתות בהסיבה דיש בו חשש שנראה כמוסיף על הכוסות. אבל בשני כוסות ראשונות, יחזור וישתה בלא ברכה (מנהגים) וכן באכילת מצה, ולכתחלה יסב כל הסעודה (מהרי"ב) עכ"ל.

ונראה בעליל, שהרמ"א הביא פסקו על מש"כ המחבר להלכה כשיטת הרא"ש שאם אכל ושתה בלא הסיבה לא יצא יד"ח, ובשלהי דבריו הביא פסקו של הרמב"ם שלכתחילה יסב כל הסעודה. ולכאור' לשיטת הגרי"ז הלא אין ב' שיטות אלו עולים בקנה אחד, וצ"ע.

והנראה לענ"ד לבאר בזה מהלך חדש ונפלא בגדר מצוות ההסיבה כליל הפסח, ובהקדם, נצא לדון ולהעמיק יתר בלשונו הקדוש של מורינו הנשר הגדול הרמב"ם זיע"א בהלכות שהבאנו לעיל, וזה החלי בעזהי"ת. [בהלכה ו'] בכל דור ודור חייב אדם להראות את עצמו כאילו הוא בעצמו יצא עתה משעבוד מצרים שנאמר "ואותנו הוציא משם" וגו'. ועל דבר זה צוה הקב"ה בתורה "וזכרת כי עבד היית" כלומר כאילו אתה בעצמך היית עבד ויצאת לחירות ונפדית, עכ"ל. היינו, שהחיוב המוטל עלינו בכל דור ודור הוא לא רק לראות או לידע אלא בעינן מעשה של להראות בעשיה לבד מדיבור ומחשבה. והביא הרמב"ם אסמכתא להאי דינא ממה שאמרו "וזכרת כי עבד היית", וז"א שדין להראות הוא לפעול באופן חיובי איזה עשיה שמעורר את ההרגשה של עבדות וממילא יקויים בך ציווי התורה "וזכרת" ומכאן ממשיך הרמב"ם [להלכה ז'] לפיכך, כשסועד אדם בלילה הזה צריך לאכול ולשתות והוא מיסב דרך חירות. וכל אחד ואחד בין אנשים בין נשים חייב לשתות בלילה הזה ארבעה כוסות של יין, אין פוחתין לו מהם, ואפילו עני המתפרנס מן הצדקה לא יפחתו לו מארבעה כוסות, שיעור כל כוס מהן רביעית. ומתו"ד, משמע

צריכה הסיבה. ובן אצל אביו והשמש בפני רבו צריכין הסיבה. אבל תלמיד בפני רבו אינו מיסב אלא אם כן נתן לו רבו רשות. והסיבת ימין אינה הסיבה. וכן המיסב על ערפו או על פניו אין זו הסיבה. ואימתי צריכין הסיבה בשעת אכילת כזית מצה ובשתיית ארבעה כוסות האלו. ושאר אכילתו ושתייתו אם היסב הרי זה משובח ואם לאו אינו צריך עכ"ל.

והנה כבר נודע בבי מדרשא מש"כ הגרי"ז הלוי זיע"א בהלכות חו"מ [שם] וז"ל, לפיכך כשסועד אדם בלילה הזה צריך לאכול ולשתות והוא מיסב דרך חירות וכו', ואימתי צריכין הסיבה בשעת אכילת כזית מצה ובשתיית ארבעה כוסות האלו. ושאר אכילתו ושתייתו אם היסב הרי זה משובח ואם לאו אינו צריך וכו'. מדברי הרמב"ם האלו מבואר דמצוות הסיבה היא מצווה בפני עצמה שיאכל וישתה בלילה הזה והוא מיסב דרך חירות, אלא דחכמים קבעו למצווה זו בשעת אכילת מצה ושתיית ארבעה כוסות, אבל עכ"פ מצווה בפנ"ע היא ולא מדיני המצווה של מצה וארבע כוסות, וכדחזינן דגם בשאר אכילתו ושתייתו אם היסב הרי"ז משובח דהיינו דמיקרא קיום מצווה של הסיבה [וכ"כ השו"ע או"ח סימן תע"ב סק"ז דלכתחילה יסב בכל הסעודה] הרי דמעשה ההסיבה היא מצווה בפנ"ע ושייכא גם בשאר אכילתו ושתייתו אלא דאינו מחוייב בה רק בשעת אכילת מצה ושתיית ארבעה כוסות, אבל בעיקר דינא אין לה עניין עם מצוות אכילת מצה ושתיית ארבע כוסות כלל, ולפי"ז אם אכל מצה או שתה ארבע כוסות בלא הסיבה אין כאן שום גריעותא במצווה של אכילת מצה או ארבעה כוסות, רק דלא קיים מצוות הסיבה שהיא מצווה נפרדת לגמרי.

והנה התוס' במס' פסחים [קח.] נסתפקו אם שתה ולא היסב אם יחזור וישתה, וברא"ש [שם] מבואר דאם אכל הכזית מצה בלא הסיבה לא יצא, ולכאורה מבואר מזה להיפוך, דס"ל דדין הסיבה הוא דין בקיום המצווה של מצה וד' כוסות, דאלא"ה אמאי לא יצא. ועוד, דלפמ"ש"כ הרי לכאורה לא שייך כלל שיחזור ויאכל בהסיבה כיון דכבר קיים מצוות אכילת מצה בשלימות, ואין בה שום גריעותא במה שאכלה בלא הסיבה, וא"כ המצה שאוכל אח"כ היא כשאר אכילה ושתיה כיון דכבר יצא יד"ח מצה, ובע"כ דס"ל דבעיקר דין אכילת מצה נאמר דין שצריך לאכלה בהסיבה ודלא כמו שהוכחנו מדברי הרמב"ם. והנה מקור דינו של הרא"ש דאם אכל כזית מצה בלא סיבה לא יצא הוא מהא דאמר ריב"ל, השמש שאכל כזית מצה כשהוא מיסב יצא משמע מיסב אין לא מיסב לא עיי"ש בדבריו, ולכאורה היה אפשר לומר דריב"ל לא מייירי כלל מדין מצוות אכילת מצה רק מדין מצוות הסיבה, וקאמר דאם אכל כזית מצה כשהוא מיסב כבר יצא יד"ח מצוות הסיבה אף שלא

ואם אכל בלא הסיבה יחזור ויאכל בהסיבה, וכן בכוס ראשון ושני אם לא שתה בהסיבה יחזור וישתה בהסיבה, אבל בכוס שלישי או רביעי אם ישתה יותר נראה כמוסיף על הכוסות. ומיהו, איכא למימר כיון ששתה שלא כתיקונו הוברר הדבר שלא ממנין הכוסות היה, ומה ששותה עתה הוא כוס של חובה. ואם שתה כוס רביעי בלא הסיבה, צריך לברך בורא פרי הגפן על כוס שישתה אחר כך שיהיה בהסיבה, שהרי כששתה כוס רביעי בלא הסיבה ולא נזכר להסב, הסיח דעתו מלשתות יותר.

הלא חזינן לפי"ז, שגבי מצה איכא הוכחה מפורשת משיטת ריב"ל שלא יצא באכל בלא הסיבה ובעי למיכל שוב, וזה אכן מילתא דפשיטא לשיטת התוס' שאם לא היסב לא יצא יד"ח ולכן בעינן למהידר שוב ולאכול כזית מצה בהסיבה. משא"כ בשתיית יין לא היה פשיטא להו לתוס' שיטת הרא"ש דחיישינן ששתה שלא כתיקונו וממילא היה צד דלא בעינן שוב לשתות הכוסות, ודו"ק.

וקושטא הוא ללמוד דרך הבנה זו בשיטת הרא"ש והתוס' וכמו שכ' מרדכי [מסכת פסחים תוספת מערבי פסחים רמז תרי"א] בזה"ל, ולענין מצה אם אכל בלא הסיבה פשיטא דלא יצא דהא אמרי' לקמן השמש שאכל כזית (מצה) כשהוא מיסב, יצא. מיסב אין, לא מיסב לא, אבל הא מבעיא לן אם שתה בלא הסיבה מהו, לכאורה נראה דבדיעבד יצא מדקאמר כולהו צריכי הסיבה משמע דוקא לכתחלה אבל בדיעבד [אם לא היסב] יצא דהיאך יתקן המעוות, דבשלמא כשאכל מצה בלא הסיבה היה יכול לתקן שיחזור ויאכל ויסב. אבל כששתה יין בלא הסיבה, אם יחזור וישתה ויסב יהיה נראה כמוסיף על ארבעה כוסות, או שמא כיון שלא היסב כששתה הוי כאילו לא שתה מעולם עכ"ל. וצ"ע בגדר הדברים, וזה החלי בעזה"ת.

והנה יעויין בשיטת הרמב"ם בסוגיין, [הל' חמץ ומצה פ"ז ה"ו, ה"ז, ה"ח] שכ' בזה"ל, [הלכה ו'] בכל דור ודור חייב אדם להראות את עצמו כאילו הוא בעצמו יצא עתה משעבוד מצרים שנאמר "ואותנו הוציא משם" וגו'. ועל דבר זה צוה הקב"ה בתורה "וזכרת כי עבד היית" כלומר כאילו אתה בעצמך היית עבד ויצאת לחירות ונפדית. [הלכה ז'] לפיכך כשסועד אדם בלילה הזה צריך לאכול ולשתות והוא מיסב דרך חירות. וכל אחד ואחד בין אנשים בין נשים חייב לשתות בלילה הזה ארבעה כוסות של יין, אין פוחתין לו מהם, ואפילו עני המתפרנס מן הצדקה לא יפחתו לו מארבעה כוסות, שיעור כל כוס מהן רביעית. [הלכה ח'] אפילו עני שבישראל לא יאכל עד שיסב. אשה אינה צריכה הסיבה. ואם אשה חשובה היא

## בעניין מצוות הסיבה בפסח במצה ובר' כוסות והמסתעף<sup>1</sup> הרב אורי משה מילרד

איתא במתני' פסחים [צ"ט:] ערב פסחים סמוך למנחה לא יאכל אדם עד שתחשך, אפילו עני שבישראל לא יאכל עד שיסב, ולא יפחתו לו מארבע כוסות של יין, ואפילו מן התמחוי. ובגמ' פסחים [קח.] אמרו, ואפילו עני שבישראל לא יאכל עד שיסב. איתמר מצה, צריך הסיבה. מרור, אין צריך הסיבה. יין, איתמר משמיה דרב נחמן, צריך הסיבה. ואיתמר משמיה דרב נחמן, אין צריך הסיבה. ולא פליגי, הא בתרתי כסי קמאי, הא בתרתי כסי בתראי. אמרי לה להאי גיסא, ואמרי לה להאי גיסא. אמרי לה להאי גיסא, תרי כסי קמאי בעו הסיבה, דהשתא הוא דקא מתחלא לה חירות. תרי כסי בתראי לא בעו הסיבה, מאי דהוה הוה. ואמרי לה להאי גיסא, אדרבה תרי כסי בתראי בעו הסיבה, ההיא שעתא דקא הוה חירות, תרי כסי קמאי לא בעו הסיבה, דאכתי עבדים היינו קאמר. השתא דאיתמר הכי ואיתמר הכי, אידי ואידי בעו הסיבה, עיי"ש בסוגיין. וכ' הרשב"ם בזה"ל, עד שיסב, הסיבה של צד שמאל. מצה צריכה הסיבה, כשאוכל מצה של מצוה לילה הראשון כבני חורין שהוא זכר לגאולה. מרור אין צריך הסיבה, שהוא זכר לעבדות. דההיא שעתא משתעי בחירות, ובגאולה שהוא אומר הגדה. השתא שמעינן מינה דארבעה כוסות צריך הסיבה מרור אין צריך הסיבה, עכ"ל.

והנה יעויין בתוס' בד"ה כולוהו נמי צריכי הסיבה, וז"ל, וכל ד' כוסות צריכים הסיבה בשעת שתיה. וצ"ע, אם שכח ולא היסב אם יחזור וישתה, וכן אם בכוס שלישי לא היסב אם יכול לחזור ולשתות בהסיבה, אף על גב דבין שלישי לרביעי לא ישתה עכ"ל. ויש להעיר בלשון התוס' שהקשו קושייתם על שתיית יין ולא הקשו על אכילת מצה שהלא מסברא דינא הוא אף באכל מצה בלא הסיבה, וצ"ע.

והנה יעויין בשיטת הרא"ש במס' פסחים [פרק י' סימן כ'] שכ' בזה"ל, ומצה בעי הסיבה בכזית ראשון וכזית של אפיקומן, ואם אכל בלא הסיבה לא יצא. כדאמר ריב"ל, השמש שאכל כזית מצה כשהוא מיסב יצא, משמע מיסב אין לא מיסב לא.

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<sup>1</sup> Editor's note: This is a chapter from the ספר אור משה that Rabbi Millrod hopes to publish this year containing several hundred of his *chidushei Torah*. For more information about the sefer, contact Rabbi Millrod at [mevakshei.torah.info@gmail.com](mailto:mevakshei.torah.info@gmail.com).

## תוכן הענינים

**בענין מצוות הסיבה בפסח במצה ובד' כוסות והמסתעף**

הרב אורי משה מילרד ..... א

**הלל של ליל פסח**

הרב יהושע שמואל יעקב הלוי סילברברג ..... יא

**ענין ההבדל בין אנכי ולא יהיה ולבין שאר המצוות**

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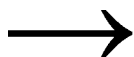
**מפתח לספר רעה אמונה** ..... לא

מדור  
לשון הקודש





# Dedications



## לעילוי נשמת

### יעקב אליהו בן דוד ע"ה ניימאן

י ליד באלטימאר מעורב עם הבריה  
ע וד בנערותו שימש גדולים בתורה  
ק יים מצות בשדה מלחמה  
ב אשת נעוריו שמח נ"א שנה

א ח נאמן עד דשבק חיים  
ל אחר שנעשה ע"ז בשנים  
י סורים סבל בסבר פנים  
ה ניח אחריו בנים ובני בנים  
ו כולם עוסקים בתורה וחסדים

נפטר בשם טוב ח' שבט תשס"ה לפ"ק

ת. נ. צ. ב. ה.

In honor of our dear mother,

**Deborah Naiman**

Thank you for all that you have done  
and continue to do for us.

Love,

**Irvin and Family**

In appreciation of the  
Rav and the Rebbetzin

by  
**the Solomons**

In honor of the  
Rav, Gabbayim,  
and Kiddush Committee  
for their tireless efforts  
at BMR

by  
**the Sugars**

Compliments of the  
**The Singmans**

In honor and appreciation of  
Rabbi and Rebbetzin Naiman  
for all they do for the Bais Medrash  
and the entire kehillah

by

**Eli and Janice Friedman**  
and Family

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In honor of  
the upcoming wedding of

**Elishava Strauss**

to

**Yoni Rom**

by

**Rabbi and Mrs. Yitzchok Strauss**

לעילוי נשמת

רחל לאה בת צבי דוד, ע"ה  
נפטרה ו' ניסן, תשע"ו

מאת

משפחת שמש

לעילוי נשמות קרובי  
שהלכו לעולמם

תנצב"ה



*In Memory of*

הרב יעקב יצחק בן שמואל יהודה ע"ה  
נפטר כ"ב מרחשון, תשע"ח



by the Reiners