

# למען תספר

**A Journal of *Divrei Torah*  
in honor of Pesach 5780**

*Compiled by the Members of the*



***Bais Medrash  
of Ranchleigh***





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*I am grateful* to Rabbi Naiman, shlita, for allowing me the zechus to sponsor this kuntress once again for the approaching Zman Cheirusainu. Yasher Koach to all those who have contributed Divrei Torah and thoughts to digest along with the matzah and maror! May Hashem grant the Rav and the entire kehillah much hatzlachah in their Torah, Avodah, and Gemilus Chasadim for many, many years to come.

Each year at our Seder, we declare that every generation is obligated to see itself as if it is now departing Mitzrayim. Our Seder is not meant to be a mere commemoration of an event that occurred over 3,000 years but, to the extent that we could experience it, an actual seminal event that is happening to us in the here and now. Not only do we verbalize this from the Haggadah text itself but we see how the Seder experience is an actual prerequisite to actualizing the message of Zman Cheirusainu. If this were not so, then the very first Seder should have been celebrated on the anniversary of our yetzias Mitzrayim, a year later. The fact that Hashem wanted us to experience the Pesach Seder while still imprisoned within Egypt and while still not free to leave, reveals that there is something most fundamental about the Seder experience that is necessary if we are to maximize the message of Pesach.

It seems that had we been freed somehow from Egypt before sitting in our homes with our families, eating the Korban Pesach, sharing the stories and the miracles around the table, then we would have left Mitzrayim not as free people and a free nation but as a nation of slaves. In order to create a truly free nation, not only physically but more importantly, spiritually and emotionally, requires us to strengthen the family unit, to infuse the mesorah of our nation with the critical ingredient of Lemaan Tesapeir b'aznai bincha u'ben bincha, for grandparents and parents to teach, inspire, and mold children and grandchildren with the message that pure and true cheirus is only serving Hashem.

The moral decay that is so clearly prevalent in the world today is, likely, largely due to the breakdown of the traditional family. When the family is fragmented, when parents are not talking to children and children unable to listen to parents, when even the concept of “family” is debatable, then you have a world lacking values, ethics, and morals. Just as we came into the galus Mitzrayim with the message of Ish u’beisu ba’u, each man came with his family, so too did we need to depart as a free nation of Lemaan Tesapeir, as a strong family unit able to experience the cheirus of mind, body, and soul, capable of accepting the Torah weeks later.

With this in mind, I would like to dedicate this sponsorship to all our wonderful grandchildren, those of whom I share with Moshe and Lisa Rock, as well as the grandchildren from our other children. May we see continued nachas from each of them, in good health and with much hatzlachah.

Wishing everyone a Chag Kasher V’samei’ach and a true Zman Cheiruseinu.

*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 tragic year for us, with the loss of our esteemed Mrs. Debra Friedman, דבורה רחל בת ר' אהרן ע"ה, walking home from shul after *Ne'ilah*. Although no words can truly express our sorrow, we are *zocheh* to include the thoughts of the one whose loss is greatest, her husband Rav Yitzchak. As a shul, we have begun a *Navi shiur* in her memory. I hope that our learning will be a *zechus* for the *neshamah*, and some comfort for the family.

Our family also suffered a tragedy with the sudden passing of our *mechutan*, Mr. Jack Weisel, *a”h*, this past summer. We have included words of remembrance from his son, Elisha.

We look back in this issue to where we come from, with *zichronos* of my father, Yaakov Eliyahu ben Dovid, *a”h*, fifteen years after his *petirah*; the Rosh HaYeshivah, *Moreinu* HaGaon HaRav Yaakov Weinberg, *z”l*, twenty years after his *petirah*; and my grandfather Yosef Moshe (Morris) Siegel, *a”h* thirty years after his *petirah*. We also have the fascinating story of the grandfather of our *chashuvah* member Chaim Greenspan, HaRav Aryeh Leib Greenspan, *z”l*, fifty years after his *petirah*. We all know the powerful influence a *Gadol* like the Rosh HaYeshivah, *z”l*, can have on *Klal Yisrael*, especially on his many *talmidim*. But this section clearly demonstrates how the sincere actions of *baalei batim* have a profound impact that can still be felt recognized generations later.

Once again, my esteemed colleague in the ArtScroll “Kollel,” Rav Yoav Elan, has 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. And I am happy that a colleague of mine in Kollel Avodas Levi, Rabbi Mickey Lebovic, agreed to contribute an important piece to this issue. Also featured is a new chapter from a work being

composed by Rabbi Shmuel Chaim Naiman on *Capital Punishment in Judaism*.

You will also find *Divrei Torah* by two of the outstanding *bachurim* of our Bais HaMidrash, Yaakov Neuberger (in the Hebrew section) and Benyamin Vurgaftman, along with our yearly section of Bar Mitzvah *Divrei Torah*.

This year's Hebrew section highlights a *shiur* from *Mori VeRebbi* HaRav Nochum Lansky, *shlita*, recorded by one of my colleagues in Kollel Avodas Levi, Rav Eli Lipsky. Rav Lipsky was also gracious enough to allow us to print his *maamar* on Pesach found in his new sefer, פתחי אמרים. Also, since the Yeshiva learned *Pesachim* last *zman*, we are *zocheh* to have a special section on this *Mesechta* by those members of the Yeshiva and Kollel who are associated with our Bais HaMidrash.

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' Arkady Pogostkin. A very special thank you to someone I respected as a *bachur* in our Yeshiva days, Rabbi Moshe Dear, who together with his wife sponsored the *kuntress* again this year; may it be a *zechus* for their entire family. Thank you to R' Avi Dear for producing another beautiful cover. And thank you to those who dedicated honorarium pages.

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* and also offered her talents to enhance this year's *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 5780

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## Turning the *Heichal* Inside-Out for Pesach<sup>1</sup>

**Rabbi Yoav Elan**

*During the times of the Second Beis HaMikdash, the gold tiles of the Heichal Building would be removed from the walls before each festival and displayed upon the steps of the Cheil on the Har Habayis so that the Jews coming to Yerushalayim could see the beauty of their craftsmanship (Pesachim 57a).*



*The twelve steps of the Cheil on the eastern side of the Ezras Nashim. In front of the steps is the Soreg, a wooden fence, and to the right of the gateway is a jug holding ashes of the parah adumah.*

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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 Beis HaMikdash themes. This article is adapted from his upcoming book, *The Original Second Temple*. More information about the Second Beis HaMikdash is available on his blog "*Beis Hamikdash Topics*" ([beishamikdashtopics.blogspot.com](http://beishamikdashtopics.blogspot.com)).

When the Second Beis HaMikdash was originally built, the Jews were very poor and certainly could not afford to spare any gold for the *Heichal* building. At some point, however, the following incident occurred that allowed for this chamber to receive the decorative plating it deserved:

*Originally, the hides of the sacrificial animals offered in the Beis HaMikdash would be distributed each evening to the Kohanim who were on duty that day. When a group of strong-armed Kohanim began taking these hides by force, the Sages instituted that the hides be distributed on Friday when the entire watch of Kohanim was present and could oppose these strong men by sheer numbers. Unfortunately, some high-ranking officers of the watch used this new arrangement as an opportunity for personal gain and took the hides for themselves. The Kohanim who were the rightful owners of these hides grew quite frustrated and unanimously decided that all hides shall henceforth be consecrated to the Beis HaMikdash treasury, thereby forbidding anyone from taking them. [The rogue Kohanim who had no qualms about stealing from their brothers apparently would not consider stealing from G-d.] This influx of hides to the Beis HaMikdash treasury was so great that it provided enough funds to plate the entire Heichal with tiles of gold, one amah square and as thick as a dinar coin (Pesachim 57a).*

### **Inside or Outside?**

At face value it appears that the entire building from doorstep to rooftop was plated with these gold tiles, for the Gemara here says that they covered “the entire *Heichal*” with gold. However, the fact that the tiles needed to be removed from their regular location and placed in the *Cheil* in order for people to appreciate their craftsmanship indicates that they were normally hidden from view of the general public, i.e., on the interior of the building.

## Section I: Preparing for Pesach

This contention is further supported by the Mishnah (*Middos* 4:1) which first states about the *Heichal* that “the entire building was covered in gold” as the Gemara above had described, and then goes on to say that the only surface not covered in gold tiles was the area within the *Kodesh* concealed by the *Heichal* doors when they were open. [These doors opened inward and came to rest against the wall, so no one could see the covered parts of the walls during regular business hours (i.e., while the doors were open). Since the doors themselves were plated in gold there would be no benefit in plating the hidden parts of the walls with gold as well, for one of the operating principles of the Beis HaMikdash is that “G-d does not needlessly waste the money of the Jewish people” (see *Menachos* 89a).] From here we see that (at the very least) it was the interior of the *Heichal* that was plated with gold.

Furthermore, the First Beis HaMikdash had gold plates covering the entirety of the *Heichal*’s interior (see *I Melachim* 6:21-22 with *Metzudas David* ad loc.). Due to the technical difficulty of attaching gold directly to stone, the builders first attached wooden panels (which were carved and decorated) to the stone walls and then applied a gold plating over these panels (*Rashi* to *I Melachim* 6:15). The wording used there in Scripture is *and the entire building [Shlomo] plated with gold*, which is interpreted to mean that the gold plating covered every part of the *interior*, i.e., even the ceiling (*Metzudas David* loc. cit.). The treasurers of the Second Beis HaMikdash would certainly have based their renovations upon the design of the First Beis HaMikdash and used the newly acquired gold to plate the interior of the building before opting to apply gold to the exterior.

### **Touched by a Cherub**

The Gemara (*Yoma* 54a) states that among the decorations on the interior walls of the Beis HaMikdash were depictions of embracing cherubs, and when the public would gather in the *Azarah* on the festivals the Kohanim would open the curtains in front of the *Kodesh HaKodashim* and allow the people to view the cherubs in the *Kodesh HaKodashim* (see *Rabbeinu*

*Elyakim* and *Siach Yitzhak* to *Yoma* loc. cit., and *Tiferes Yisrael* to *Yoma* 1:5 *Boaz* §2). Although it was generally forbidden (by Rabbinic decree) to gaze at the interior of the *Kodesh HaKodashim* even for a valid need (which is why *Middos* 4:5 states that craftsmen who were carrying out repairs in the *Kodesh HaKodashim* had to be placed inside enclosures that prevented them from looking at other parts of that chamber), the Sages determined that viewing the embracing cherubs gave the public a tangible appreciation of the love that exists between G-d and His people and thus qualified as a “great need,” which is not subject to their original decree (*Tiferes Yisrael* loc. cit.).<sup>2</sup>

Now, *Rashi* (to *Yoma* 54a) writes that what the people would see were the cherubs that were either painted onto the walls or carved into the wooden panels that covered the stone walls. This explanation fits well with the contention that the gold tiles that normally plated the interior of the *Heichal* were removed for the festivals, allowing the public to see the original decorations that graced its walls.

The evidence presented thus far suggests that the gold tiles purchased with the proceeds of the consecrated hides were applied to the interior of the *Heichal*. It does not exclude the possibility that the exterior was covered as well, and this perhaps may be what the Gemara and Mishnah mean by the expression *the entire building was covered in gold*. As *Rambam* rules (*Hil. Beis HaBechirah* 1:11), when the people have the wherewithal to do so, the entire structure can, and should, be covered in gold. However, it is instructive to note that Shlomo – who certainly had the means to do so – did not plate the exterior of the building with gold

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<sup>2</sup> It is apparently difficult to understand why they had to open the curtain to the *Kodesh HaKodashim* when these same cherubs could be seen in the *Heichal*. In fact, *Gevuras Ari* (*Yoma* loc. cit.) argues that these *Heichal* cherubs were the ones that were shown to the people. (According to this explanation, the curtains they opened were those of the *Ulam* and *Heichal*, not those of the *Kodesh HaKodashim*.) In defense of the other view, perhaps we can say that the cherubs in the *Kodesh HaKodashim* demonstrated to an even greater extent the intimacy between Hashem and Israel, since these symbols were placed in the innermost sanctum.



(as per the understanding of *Metzudas David* loc. cit.). If so, it would appear that *Rambam's* ruling, whose wording is based upon Shlomo's First Temple described in *I Melachim* 6:22, also refers to plating the entirety of the *interior* of the building.

### **Herod's Magnanimity**

When Herod renovated the Second Beis HaMikdash about 100 years before the churban, not only did he apply gold to the interior of the *Heichal* but he even added gold to part of the exterior as well. Josephus (an eye witness to the Herodian Temple) writes that the eastern face of the *Ulam* was covered with gold tiles that glittered so brightly in the morning sun that people had to avert their eyes (*Wars* V 5:6). Herod had no historical precedent for doing so but apparently desired that the splendor of his edifice exceed that of the original Beis HaMikdash. [It should be noted that Herod's innovation seems to be reflected in the version of the consecrated hides incident recorded in *Tosefta Menachos* 13:4 where it states that the gold purchased by the Beis HaMikdash treasury was used to plate the eastern face of the *Ulam*.]

From Josephus, we gain an additional detail of the *Heichal's* appearance, for he writes that any part of the building not covered in gold was of the purest white, making it appear from afar as a mountain clad in snow (*Wars* loc. cit.). This fits well with the Mishnah (*Middos* 3:4) that describes how once a year, right before Pesach, the [outside of the] *Heichal* Building would be given a new coat of white plaster. א

## At the Right Time

Jeffrey Silverberg <sup>1</sup>

As we raise our silver goblets brimming with sweet red wine and break our matzos in remembrance and celebration of our redemption from Egypt, it is appropriate to contemplate the beginnings of our first exile.

According to a prominent opinion of *Chazal*, the real beginning of the Egyptian exile occurred at the time of the *bris bein habesarim*, the “Covenant between the Parts.” At that time Hashem *Yisborach* informed *Avraham Avinu* that his descendants would be strangers in a land not theirs, enslaved and oppressed for four hundred years. The path of the exile was outlined. Hashem promised Avraham that at the expiration of this period the oppressors would be punished and the Jewish people would leave with great wealth. Ultimately, Hashem assured Avraham, his children would be given Eretz Yisrael and dispossess the nations currently living there.

An obvious question jumps from this passage. Why did Hashem describe a four-hundred-year exile when the Jewish people were actually to be in Egypt for only two hundred and ten years? *Chazal* explain that the count of years actually began with the *bris bein habesarim*, which happened exactly four hundred years before the glorious redemption from Egypt. However, this raises another question. When Hashem spoke to him at the *bris bein habesarim*, Avraham was not in exile, but was already living in Eretz Yisrael. If so, how can this moment be considered the start of the *galus*? To this *Chazal* tell us that Avraham, his children, and his

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<sup>1</sup> Author’s Note: This article is written with appreciation to my *chavrusa* in Kollel Zichron Yaakov Eliyahu, Eugene Bomar. At this writing we are on the verge of finishing *k’seder* the entire *Nesivos Shalom* on Chumash *Bereishis*. I pray that Hashem grant us the opportunity to learn together in good health for many years to come.

Special thanks to MBS who suggested some excellent edits and changes.

great-grandchildren after him, were only sojourners, temporary residents, not the *baalei habatim*, the vested landowners.

Despite this, we find that there were two acquisitions of real property by the *Avos* that occurred before Yaakov and his family travelled to Egypt to be with Yosef. Avraham acquired the Cave of Machpelah from Efron and the children of Cheis, and Yaakov later bought a parcel of land near Shechem. (It is worth noting that these two places, along with *Har Habayis*, the Temple Mount, purchased later by *David HaMelech*, are perhaps the three hottest areas of contention in our time, although they were all purchased by the founders of our people in bona fide arm's length transactions.) This article will focus on the circumstances leading to the purchase of *Me'aras HaMachpelah*, the cave in Chevron purchased for a king's ransom by Avraham Avinu to be used as a burial cave.

This transaction (the last of the *asarah nisyanos*, the ten tests, withstood by Avraham according to some *meforshim*) was precipitated by the death of *Sarah Imeinu*. In the Torah, the report of Sarah's passing directly follows the story of the *akeidah*, the binding of Yitzchak, when both Avraham and Yitzchak believed that Yitzchak was to be offered as a *korban*. *Rashi* brings a Midrash which suggests that the shock of learning that Yitzchak had been prepared for *schechitah* and only saved at the last second was the proximate cause of Sarah's death. When she heard the news, *parcha nishmasa umaisa*, her soul departed and she died. (It should be noted that there are classical *meforshim* who disagree with this timeline. The *Ramban* argues vociferously, suggesting that this explanation could not stand unless Avraham was living in Beersheva and Sarah in Chevron, an arrangement that he dismisses out of hand.)

The previous Slonimer Rebbe, Rabbi Sholom Noach Birzovsky, *zt"l*, expounds on this passage in his popular *sefer Nesivos Shalom*. From here on, this essay shall be an exposition of the Slonimer's explanation.

He begins by emphasizing the seeming repetition of the Torah's description of Sarah's life. The Torah tells us that Sarah lived a hundred years, twenty years, and seven years. *Rashi* famously explains why each period of time is marked by the word "years," and in fact there are several other places that the Torah notes the years of a *tzaddik's* life in the same way. A unique feature of this passage is that after the Torah divides Sarah's life into these three parts, the *pasuk* continues by saying "these are the years of Sarah's life." We know that, the Torah just told us that! This seeming repetition is found nowhere else in the Torah. What is the reason for its inclusion?

The Torah tells us that Avraham came to weep for Sarah and to eulogize her. The word for "weep for her" is "*livkosa*" and in the Masoretic text the letter *chaf* in that word is written smaller than the rest of the word. Why?

Finally, *Rashi* brings the Midrash cited earlier that connects Sarah's death to the delivery of news of the *akeidah*. However, he picks a curious place to place this information. The *pasuk* tells us *Vatamas Sarah* (and Sarah died) and later recites that Avraham came *lispod l'Sarah v'livkosa* (to eulogize Sarah and to weep for her). The obvious place to bring the Midrash which explains the cause of Sarah's death is *Vatamas Sarah*. She died and here's why. But *Rashi* does not connect the Midrash to those words, but instead to *lispod l'Sarah v'livkosa*. This requires explanation.

The Slonimer proposes answers to the three questions he raised. In our *tefillos*, we pray that Hashem should remove the Satan, the *yetzer hara*, the evil inclination, from before us and from after us. Before a Jew does a mitzvah or faces a test, the *yetzer hara* strengthens itself and attempts to keep him from being successful. He does not want the mitzvah to be fulfilled and he is dedicated to preventing the Jew from passing the test. *Chazal* tell us that the *akeidah* was the most difficult of all the tests that Avraham faced. He was, he thought, to bring his son, his precious

## Section II: *Galus Mitzrayim*

Yitzchak, who represented the continuation of his life's work of making Hashem known to the world, and slaughter him. What would become of his mission? How could it go on? Avraham knew Hashem is good and wants to do good for His creations. How could Hashem command him to kill his son?

The Satan made elaborate efforts to prevent Avraham from overcoming these questions. The Midrash tells us that he approached Avraham on the three-day journey to *Har HaMoriah*. “*Zakein shoteh*” he told him, you old fool, how could Hashem direct you to kill your son? Hashem promised that your descendants would come from this son, so how could He tell you to put him on an altar? You have lost your mind! Your imagination is playing tricks on you!

This direct approach did not work. Avraham knew that Hashem had given him this command and he was steadfast in his determination to fulfill it. Undeterred, the Satan turned himself into a raging river in front of Avraham, who walked onward up to his neck in water before the Satan was forced to relent.

Avraham and Yitzchak arrived at the chosen place on the third day, combined their *middos* of *ahavah* and *yirah*, ascended the mountain and accomplished the will of Hashem despite the continuing, tireless efforts of the Satan. Their accomplishment instilled in the Jewish people a capacity for *mesiras nefesh* and *avodas Hashem* that has sustained us throughout history.

However, the *yetzer hara* was not finished, not by a long shot. The *Nesivos Shalom*, citing ideas from Reb Shmelke MiNikelsberg and others, reminds us how hard it is to hold on to a mitzvah. His example is a person who wakes himself at midnight, recites *tikun chatzos* with all the proper *tikunim* and *kavanos*, learns lessons in Torah and outlines both the revealed and kabbalistic concepts of the lessons, then prepares himself for *davening* and ascends during his *davening* from realm to

spiritual realm. It sounds as if this Jew has had a magnificent morning, does it not? Truly, he has. Nevertheless, the Slonimer cautions, that if he subsequently feels that he has accomplished even the smallest portion of his service to Heaven, he can lose all that he accomplished. Feelings of self-satisfaction are not proper after the performance of mitzvos. A person must realize that serving Hashem by doing His will is simply the fulfillment of his purpose and not an unexpected achievement. A person who allows any conceit or immodesty to become a part of him can expect all of his good deeds to be combined into the shape of a ball that quickly rolls away.

*Avraham Avinu* was aware of this danger, particularly because he understood how hard the *yetzer hara* had fought to keep him from doing this mitzvah. The efforts of the Satan were much more intense than the struggles he had faced in his previous nine tests. Avraham knew that passing this test laid the foundation for the eternal existence of the Jewish people. Therefore, the Satan would surely want to inflate Avraham's ego in an effort to pull away this mitzvah and shake the foundation of the eternity of the Jewish nation.

Avraham prevailed again. Yitzchak had not been his only companion on the three-day journey to *Har HaBayis*. Eliezer and Yishmael travelled with them and were made to wait "with the donkey" while Avraham and Sarah's son climbed to the height of spiritual achievement. After the *akeidah*, these two bystanders were heartbroken that their position in life did not allow them to play a role. They had been waiting with the donkey instead. But the Torah tells us that Avraham "returned to the lads and they rose and went together." Even after the *akeidah*, Avraham did not consider himself to be on a higher level than these disappointed gentlemen. He had passed this final part of the test. *Hashem, remove the yetzer hara from before us and after us.* He had foiled the *yetzer hara's* effort to prevent him from performing the mitzvah *before*, and now, *after*, from becoming too proud of his success.

A less nefarious foe than the *yetzer hara* might have given up after this. But his job is to try as hard as he can to make us stumble and he had one trick left up his sleeve. A very clever, if exceedingly evil trick. The Satan knew that the time of Sarah's death was approaching. So just at that precise moment, while Avraham was still on the road, he suddenly gave her the news, in a harsh and abrupt manner. *Parcha nishmasah*. Her soul departed.

Avraham returned to Chevron, only to find that his life's partner, his beloved, the righteous Sarah who shared his goals and was instrumental in his success, had passed away after hearing of the events of the *akeidah*. A less spiritually connected person than Avraham may have wondered how that could be. How could he be hurt so profoundly right after this magnificent event in which he was ready to literally sacrifice everything in fulfillment of Hashem's will? A less sensitive person could even have come to regret performing the mitzvah, resulting in the loss of the mitzvah and its eternal benefit.

But Avraham knew better. He was not fooled. He cried for Sarah, but with a small *chaf*, as one would cry for a person who left this world after a long and beautiful life, not with the raw and intense mourning triggered by a sudden premature death. He understood that the proximity of Sarah's learning of the *akeidah* and her passing was not a demonstration of cause and effect, but a trick of the Satan. Sarah's life was one hundred years, twenty years, and seven years. *These are the years of Sarah's life!* She did not die early – she was allotted a certain number of years and she lived every moment, every split second of those years. Avraham felt no regret.

And that, explained the *Nesivos Shalom*, is why *Rashi* placed the Midrash explaining the circumstances of Sarah's passing where he did. It does not belong with the fact that Sarah died, as it was not the cause of her death. She would have died at that moment anyway. It was her time. She lived her full life, a long, wonderful and accomplished life. The

proper place to describe her death is with the small *chaf* as Avraham understood.

The accomplishment and legacy of the *akeidah* was finally secure. In the earliest years of the long four hundred years of exile, the Jewish people now had the tools to withstand their coming suffering and affliction. The promises of redemption and revelation awaited. אֱלֹהִים



## **The *Bris Bein HaBesarim***

### **Roman Kimelfeld**

In the *Bris Bein HaBesarim* (*Bereishis* 15:7), Hashem says to Avraham that He, Hashem, Who took him out of Ur Kasdim, will give him Eretz Yisrael as inheritance. The *Ramban* explains (*ibid*, 11:28 and 15:7) that by mentioning Ur Kasdim, Hashem refers to *kivshan haesh* (the furnace into which Nimrod threw Avraham, where Avraham survived miraculously).<sup>1</sup> Thus, Hashem says, that as a reward for Avraham's *mesiras nefesh* (self-sacrifice) in Ur Kasdim, Avraham and his descendants will now be given Eretz Yisrael. In the very next *pasuk* (15:8), Avraham asks Hashem for an assurance that his descendants will indeed be privileged to possess Eretz Yisrael. (He says “*B'ma eda ki iroshena*” – how do I know that I will inherit it.) As the author of the *Aruch HaShulchan* explains in his commentary on Haggadah (called “*Leil Shimurim*”), Avraham's question can be understood as follows. If the entire basis for giving Eretz Yisrael to Avraham is a reward for his self-sacrifice, it could mean that if Avraham descendants will at some point stop being righteous like him – then they will have no rights to Eretz Yisrael. (Because they will have no connection to the *mesiras nefesh* of Avraham Avinu.)

According to the *Aruch HaShulchan*, Hashem responds that in every single generation, even during times when *Klal Yisrael* may be lacking in their observance, they will always have a great merit that will ensure that they have rights to Eretz Yisrael. This merit is: maintaining Jewish identity, i.e. remaining distinct from non-Jews. To illustrate this everlasting merit that *Klal Yisrael* will have forever, Hashem instructs Avraham to take three different types of animals (heifer, goat, and ram) and to cut them in halves. So now there are six halves of the animals (here the *Aruch HaShulchan* follows *Ibn Ezra's* understanding, which is also shared by many other commentators, that there was only one animal of each kind). Next, Avraham is instructed to put each half next to a half

of the animal from a different kind. The *Aruch HaShulchan* explains that this is the very meaning of “*likras re’eihu*” (literally – “next to a friend”), which means putting one entity next to a different entity. Thus, one half of the heifer was put next to half of the goat; the other half of the heifer was put next to half of the ram, etc. As *Rashi* says at the end of 15:10, these three animals represent various nations of the world. *Rashi* quotes *Daniel* (8:20-21), where the ram represents Persia and Media; whereas the goat represents Greece. The *Aruch HaShulchan* adds that in *Yirmiyah* (46:20), Mitzrayim is represented by a calf. The symbolism of combining the parts of different animals is to show that when one nation is conquered by another it eventually loses its unique identity and acquires the identity of the governing nation, so all nations will eventually lose their identities. Now, Hashem also instructed Avraham to take two types of doves. One is called “*tor*” which means a turtledove. The other one is called “*gozel*,” which *Rashi* explains to mean “*ben yonah*” – a young dove. Hashem instructed Avraham to leave them whole (i.e. not to cut them). *Rashi* explains that *tor* and *yonah* represent *Klal Yisrael*, based on *Shir HaShirim* 2:14 and *Tehillim* 74:19. The *Aruch HaShulchan* explains that the symbolism of the *yonah* remaining whole is that unlike other nations of the world, *Klal Yisrael* always remains a separate nation. This ability to remain separate from other nations is the great merit that will guarantee that Jews will always have a right to Eretz Yisrael. Even if they temporarily forget the mitzvos of the Torah, as long as they retain their separate identity this will still guarantee their right to Eretz Yisrael.

This ability of Jews to remain distinct, even when they no longer remember Torah and mitzvos, became very evident in the Soviet Union. In the early days of the Soviet regime, the communists led an aggressive campaign of eradicating Yiddishkeit.<sup>2</sup> The communists thought that once the Jews forgot Torah and mitzvos they would completely lose their Jewish identity, and they would become indistinguishable from other Soviet citizens. The communists closed all *chadarim*, forbade teaching children Torah, and jailed or executed many teachers of Torah. All this happened in 1920s and '30s. Indeed, following this campaign of

eradication of Yiddishkeit, many Soviet Jews began to resemble all other Soviet citizens outwardly. However, the communists did not realize that based on Hashem's promise during *Bris Bein HaBesarim*, the Jews would still be capable of retaining their identity, even when separated forcefully from Torah and mitzvos.

The Soviet government eventually came to the realization that Soviet Jews remained a distinct nation when the State of Israel was established in 1948. The Jews of the Soviet Union expressed overwhelming support for the State of Israel. This became very evident in the fall of 1948, when Golda Meir arrived in the Soviet Union as the first ambassador of Israel. Hearing that Golda Meir planned to visit the Moscow Synagogue on Rosh Hashanah, a great multitude of Moscow Jews (possibly tens of thousands) came out to greet her.<sup>3</sup> Even the Jewish wife of Stalin's foreign minister, who was also second-in-command, Molotov (her name was Polina Zhemchuzhina), felt a very strong connection to the State of Israel, and is believed to have been lobbying the Soviet Government on behalf of Israel.<sup>4</sup> In November 1948, during a reception for foreign diplomats, Polina Zhemchuzhina spent a large part of the reception conversing in Yiddish with Golda Meir.<sup>5</sup> Two months later, Polina Zhemchuzhina was arrested and exiled.<sup>6</sup> Around that time, Stalin began an unprecedented antisemitic campaign<sup>3</sup> (which reached its peak in the early 1953 but ended abruptly when Stalin died that year<sup>7</sup>). Based on the timing of this antisemitic campaign, it appears that it was prompted by the government's realization that Jews felt closely connected to the State of Israel,<sup>8</sup> and thus remained separate from the rest of the Soviet society.

To summarize, we see from the *Aruch HaShulchan* that even when Jews become forcefully disconnected from their heritage (like it happened in the Soviet Union), they nevertheless still have the ability to retain their identity and to remain distinct from the non-Jews. Furthermore, when they succeed in remaining distinct, they bring a great merit to the entire *Klal Yisrael*, thus guaranteeing to *Klal Yisrael* their possession of Eretz Yisrael. Thus, not only *Talmidei Chachamim* and *Tzaddikim* can bring a

great merit to *Klal Yisrael*, but even simple Jews, who might not even know *Alef Beis*, but who try their hardest to remain Jews under the most challenging circumstances, they too play an important role in upholding *Bris Bein HaBesarim*.

Notes:

1. According to the *Ramban*, the words “*hotzeisicha*” used by our *pasuk* (*Bereishis* 15:7), means “extracted you from” – which is something that is only applicable when the person was previously in confinement. Thus, according to the simple meaning of the *pasuk*, Avraham was confined in Ur Kasdim, and Hashem freed him.
2. Rabbi Yitzchak Zilber, “To Remain a Jew,” Feldheim, pages 37-46. Rabbi Zilber was an eyewitness to the Soviet campaign for eradication of Judaism, and he experienced it personally.
3. Zhores Medvedev, “Stalin and the Jewish Problem”, published in 2003, in Russian. Chapter “The Fate of Jewish Anti-Fascist Committee.” Zhores Medvedev was a Russian scientist, historian and dissident. He was not Jewish; I quote extensively from his book, which is based on his research of NKVD (aka KGB) archives, which were opened to researchers following the fall of Communism. The link to this chapter is: [http://scepsis.net/library/id\\_1648.html](http://scepsis.net/library/id_1648.html)
4. Ibid. Chapter “Jewish Problems in Stalin’s family.” [http://scepsis.net/library/id\\_1570.html](http://scepsis.net/library/id_1570.html)
5. Article by Golda Meir in <https://www.nytimes.com/1970/12/30/archives/mrs-meirs-moscow-memory-at-a-time-of-new-jewish-trials-she-recalls.html>
6. Zhores Medvedev, “Stalin and the Jewish Problem”, published in 2003, in Russian. Chapter “Arrest of Polina Zhemchuzhina.” [http://scepsis.net/library/id\\_1712.html](http://scepsis.net/library/id_1712.html)
7. Ibid. Chapter “The End of Doctors’ plot”. Polina Zhemchuzhina was freed the very next day after Stalin’s death. The Jewish

doctors who were sentenced to death were freed and fully exonerated several weeks later. The antisemitic incitement in Soviet press ended immediately after Stalin died. [http://scepsis.net/library/id\\_1893.html](http://scepsis.net/library/id_1893.html)

8. In the book “Reb Yaakov” (Artscroll, page 209), Rav Yaakov Kamenetsky is quoted as saying that one must have a “recognition of Israel’s role in preventing millions of Jews from losing any connection to the Jewish people.” Reb Yaakov also “attributed the renaissance of Soviet Jewry to the miraculous Israeli military victory in 1967.” At the same time, Reb Yaakov said that people should not be blinded to the shortcomings of the State of Israel. <sup>A</sup><sub>15</sub>

## Their Cries Rose Up to Hashem <sup>1</sup>

Moshe Kravetz

The *pasuk* says (*Shemos* 2:23):

Now it came to pass in those many days וַיָּהִי בַיָּמִים הָרַבִּים הָהֵם וַיָּמָת מֶלֶךְ  
that the king of Egypt died, and the מִצְרַיִם וַיֵּאָנְחוּ בְנֵי־יִשְׂרָאֵל מִן־  
children of Israel sighed from the work, וַתַּעַל שׁוֹעַתָּם אֶל־  
and they cried out, and their cry ascended  
הָאֱלֹהִים מִן־הָעֲבֹדָה  
to God from the work.

Many *Meforshim* are bothered by the redundancy in the words of the *pasuk*, מִן הָעֲבֹדָה, *from the work*. Since the beginning of the *pasuk* tells us they cried out “*from the work*,” why does the end of the *pasuk* repeat this phrase and tells us their *cries rose up to Hashem* “*from the work*”?

Moreover, why did they cry out at this point when they had already been oppressed and forced to perform backbreaking labor for close to 210 years. Shouldn’t they have cried out sooner?

True, the Midrash reveals that there was a specific reason at that time, as they had just been subjected to a new wave of harsh decrees (the decree of Pharaoh killing 300 babies a day to bathe in their blood to cure his *tzaraas*). Nevertheless, they had already suffered the many previous years of affliction and should have cried out sooner

Before we answer, we have turn to the *pasuk* (*Devarim* 26:6) וַיִּרְעוּ אֹתָנוּ  
הַמִּצְרִיִּם וַיַּעֲנוּנוּ, which is generally translated “The Egyptians were bad to us and afflicted us.” The *Chida*, however, understands the word וַיִּרְעוּ as “friendship”, as the Hebrew word *rei’us*, and explains that the Egyptians formed a connection with the *Bnei Yisrael*, which would result in the

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<sup>1</sup> Based on *Dorash Dovid* on *Mo’adam* by Rabbi Dovid Hofstedter.

*Bnei Yisrael* gradually becoming willing to work for Egyptians, and then slowly they would intensify the burden.

Even though once the labor became intense they did not feel the same kinship, the “bond” that they had already formed was enough to prevent them from crying out to Hashem. They were already connected to the spiritual impurity of Egypt, which brought them down to the forty-ninth level of impurity. This impurity held their hearts in such a powerful grip with a desire to integrate with the Egyptian culture that they did not even wish to free themselves from bondage. On some level they were content with being slaves; the only thing bothering them was the difficult work, and they did daven to Hashem; but only to ease the suffering, not to be liberated from the spiritual depths to which they had fallen. As a result, their prayers were not genuine and worthy of being accepted.

This was the situation until the death of the king of Egypt, the first Pharaoh. But after the king died, *Bnei Yisrael* began to genuinely seek a close connection with Hashem. (It could be that the feelings were weakened when he died, since he was the very king that had formed the plot against them and gave the idea to befriend them and trick them.) At that point the Torah tells us that they moaned “*from the work.*” Their cries to Hashem were no longer solely about the difficulty of their labor. Rather, they began to cry about the fact that they were entrenched in the Egyptian corruption and prevented from serving Hashem.

We can now understand the reason why “*from the work*” is repeated in the *pasuk*. The *pasuk* teaches that after Pharaoh’s death *Bnei Yisrael* had finally reached the point where they wished to also sever their bond with the Egyptians and their spiritual depravity. Since they cried out to Hashem not only about the difficulty of their servitude but also about the very work itself, their cries “rose up to Hashem.”

The Torah then reveals the result (*Shemos* 2:25): *Hashem* saw *Bnei Yisrael* and *Hashem* “knew.” *Sforno* explains that now Hashem knew

that their prayers were wholehearted. Hashem knew they were finally calling out to Him sincerely to remove themselves from the immorality of Egypt and to sever their connections so they could become true servants of Hashem.

This offers us a valuable insight into how we should approach *tefillah*. When we cry out to Hashem about the suffering in *galus*, we must daven not only about our troubles and suffering in *galus*, but also primarily that Hashem restore His own honor, which has been desecrated due to *galus*. Similarly, when we daven to Hashem for our personal difficulties, the primary intent should not merely be that He remove the problems we are experiencing, but rather remove the obstacles, as they are preventing us from serving Him properly. If we focus our prayers on the right objectives, then our cries will certainly reach Hashem and our *tefillos* will be more likely to be heard. א



## The *Geulah*, Then and Now

### Benjamin Nosson Vurgaftman

On the Seder night, we reflect on the history of our nation and see the great and awesome Hand of Hashem and marvel at the great miracles Hashem did for our forefathers in Mitzrayim. We reinforce our *emunah* and *bitachon* on this night as we give over our beautiful *mesorah* to our children, the next link in our chain stretching back all the way to Moshe Rabbeinu at Har Sinai. Tonight, we sail through time as Avraham Avinu leaves *Ur Kasdim* and Yaakov Avinu's family goes down to Mitzrayim, the *makkos* and momentous splitting of the *Yam Suf*, all the way to the 40-year journey in the *Midbar* to Eretz Yisrael.

However, unfortunately we are not in Eretz Yisrael, we don't have the Beis HaMikdash, and we are still in *galus*. Nevertheless, we strengthen ourselves with *emunah* that next year, we will be privileged to bring the *korban pesach* in the Third Beis HaMikdash and conduct the Seder in *Yerushalyim ir hakodesh*. As we say in the Haggadah, השתא עבדי, לשנה הבאה בני חורין, *this year we are slaves, next year we will be free*.

In this article, we will retell *Galus Mitzrayim* in a new way and find similarities to other *galuyos* and the future *geulah*.

In the year 2238 from Creation Yaakov and his family went down to Mitzrayim. Yaakov sent Yehudah ahead to make sure that there would be *batei midrashim* for learning in Mitzrayim (*Bereishis* 46:28, *Tanchuma* 11, *B"R* 95:3).

The first thing to note is that Yaakov prepared for *galus* by establishing places for learning Torah. We also find this by *galus Bavel*. Hashem first exiled the *talmidei chachamim* in order to set up *batei midrashim* in Bavel in order to prepare us for *galus*. Wherever we travel, we always take the Torah with us just as the *Aron HaKodesh*, which symbolizes Torah, always had poles to carry it.

After giving each of his sons one final *berachah*, Yaakov expires and is brought in to his people (*Bereishis* 49:33). Years pass and eventually, the sons of Yaakov are becoming *niftar* until the last son *Levi* dies at the age of 137.

There are many opinions of when the *galus* in Mitzrayim started.<sup>1</sup> Some hold that the slavery started with the death of Yaakov, and others say that the idea came to Pharaoh's mind at that time. We still see that the *galus* began in stages and the full force of the work did not begin at once. First the Egyptians gently persuaded the *Yisraelim* to do the work and then the work became increasingly difficult.

Other *galuyos* have also started in stages, like Bavel and the exile of the Ten *Shevatim* (which is a separate discussion). Hashem purposely does it in such a way in order to prepare us for the *galus* or to get us to do *teshuvah*.

The Egyptians enslaved the *Yisraelim* in harsh labor, building cities that would crumble or sink into the ground. They would assign men easy jobs and things done by women, like kneading dough and caring for the Egyptians' children; and women would do men's jobs, like chopping wood and carrying water (*Sotah* 11a-b). The Egyptians did this not for any possible gain, but only to break our morale. The men would do their jobs easily but would become disheartened by doing something easy repeatedly. How the women managed is beyond me. The Gemara in *Sotah* (*ibid*) says that the women were *tzidkaniyos* and in their *zechus*, we were freed from Mitzrayim.

As the years passed, the work demand increased. In the year 2368, Moshe Rabbeinu was born and eventually grew up in the palace of Pharaoh. After killing an Egyptian, he fled to Midyan. There Moshe married Tzipporah, the daughter of Yisro, and tended Yisro's flocks. It was at this time that Moshe went to Chorev and saw the burning bush.

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<sup>1</sup> See the Appendix to the ArtScroll *Midrash Rabbah Shemos-Beshalach*.

## Section II: *Galus Mitzrayim*

Hashem told Moshe to return to Mitzrayim. Moshe and Aharon came to Pharaoh's palace and warned him of the *makkos*. Hashem struck Mitzrayim with *makkos* until in middle of the night Pharaoh urged Moshe to leave.

*Bnei Yisrael* left Mitzrayim the next morning in great wealth and honor. After the *makkos*, the Egyptians were all too happy to see *Bnei Yisrael* leave. They rushed them out so quickly that their dough didn't have a chance to rise. Egypt was left a beaten and destroyed land.

In the last chapter of Rav Yitzchak Zilber's book *To Remain A Jew*, he quotes from the *Chafetz Chaim* that the final *geulah* will happen quickly, like it did in Mitzrayim. He brings a proof from Yosef. When Yosef was brought to Pharaoh to interpret his dreams, it doesn't say that he was brought, but rather that he was "rushed out" from his prison (*Bereishis* 41:14). The same will be with our *geulah*, says the *Chafetz Chaim*; we will be hurried out of *galus*. It will be a complete *geulah* that will never be undone, and all *Yisraelim* will leave. The *Navi Yeshaya* had this in mind when he said, מִי־אֵלֶּה כְּעָב תַּעֲוִפִּינָה וְכַיּוֹנִים אֶל־אֲרָבִתֵּיהֶם, *who are these who fly like a cloud, like doves to their nests?* (*Yeshayah* 60:8)

May the *geulah* come soon *bi'mheirah beyameinu*, *Amein!* אָמֵן

## The Path to *Geulah*

### Rabbi Moshe Grossman

In *Shemos*, the Torah begins the narrative of the enslavement of the Jews in Mitzrayim and *Geulas Mitzrayim* with Pharaoh's plot to destroy the Jewish people and the ensuing persecution. The Torah states (*Shemos* 2:23-25) that when Pharaoh died, the Jews cried out because of their oppression. As a result, Hashem took note of their suffering and pain and responded by beginning the *geulah*.

The *Midrash Rabbah* (*Devarim* 2:23, also found in *Talmud Yerushalmi Taanis* 1:1) explains that these *pesukim* specify five factors that brought about *Geulas Mitzrayim* and will bring about the future *geulah*. They are suffering, repentance, the merit of our forefathers, Hashem's mercy, and the arrival of the time for the *geulah*.

Why was the suffering necessary? Why did they have to experience suffering in order to be redeemed? Wouldn't the other factors alone be sufficient to bring the *geulah*?

The second part of this Midrash which states that these factors will bring the final *geulah* is also found in the *Pesikta Rabbasi* (44:9 in my edition, 45:9 in other editions). However, the Midrash in the *Pesikta* adds that repentance brings about two of the other factors. It will arouse Hashem's mercy and He will consider the merit of our forefathers. *Yad Elyokim*, a commentary on the *Pesikta Rabbasi*, points out that suffering is not a result of any of the other factors, nor is it a cause of the *geulah*. But because of the suffering itself the *geulah* will come, just as the *geulah* will come since the end of the *galus* has arrived. That is, since suffering is present, the *geulah* comes. It is a circumstance that is a necessary prerequisite for the *geulah*. The suffering was not a requirement for *geulah* in and of itself. It was a requirement in that the Jews could not reach the level of *tefillah* and *teshuvah* needed for *geulah* without it.

### Section III: *Geulas Mitzrayim*

Although they suffered greatly under Pharaoh, the Jewish people thought that his death would bring an end to their travail. When the relief they sought did not come, they cried out in pain and *davened* to Hashem to save them. *Rabbeinu Bachya* explains that their *tefillos* were readily accepted since they came from the depths of their hearts as a result of their suffering. He remarks that no *tefillah* is as pure and perfect as one that is a response to suffering and oppression. When one is truly in need and he looks to Hashem as the only One who can help him, he engages his emotions to express a request originating from the depths of his being to a much greater degree than one who asking for help in more serene circumstances. Hashem always responds to the *tefillos* of those who are suffering and in pain.

Hashem could have relieved their suffering and persecution in other ways. However, since they also repented, as the Midrash tells us, Hashem's mercy was aroused and He remembered the merit of our forefathers. Since the time for the *geulah* had come, Hashem began the chain of events that led to the *geulah*.

As mentioned above, the Midrash regarding *Geulas Mitzrayim* also states that these five factors will bring the final *geulah*. Thus, in the period before the final *geulah*, the Jewish people will experience terrible persecutions and tragedies. Although one might conclude from the Midrash that we will have to endure a lengthy period of almost unbearable suffering before the final *geulah*, as was the case in Mitzrayim, it could very well be that we have the ability to reduce our suffering and hasten the *geulah*.

In *Galus Mitzrayim*, Hashem brought the *geulah* after the Jews cried out and *davened* to Him. Although the Jewish people have experienced terrible persecutions and tragedies since *Churban Bayis Sheni*, the suffering and persecutions have intensified in the last 200 years. Despite our fervent prayers and supplications, the *geulah* has not come.

Perhaps we can help to bring an end to the *galus* by more deeply understanding and constantly reinforcing within ourselves the tragedy of our plight. I am sure that we all sincerely want nothing more than the final *geulah* and sincerely *daven* for it every day. But perhaps we can all do more. Even though we are confident in the sincerity of our hopes and prayers, we might not feel the emptiness of *galus* as we should. A human being tends to be complacent with his current situation and can tolerate a great deal of discomfort and even pain. He resists change and does not seek relief unless he is suffering greatly. Our challenge is that in a period in which we enjoy a great deal of freedom and have built beautiful *yeshivos*, schools, and *kehillos*, we must engage ourselves emotionally to feel the vast spiritual gap between *galus* and *geulah*. We must fight any feelings of complacency and satisfaction with the status quo. We must try to capture, emotionally and intellectually, a deep appreciation of what we lack without the Bais HaMikdash, the Sanhedrin, and *Malchus Beis Dovid*. If we truly understand and feel this loss, it will cause us great pain. Our *tefillos* will be offered on a much higher level.

I think the first step in this process is to make spiritual attainment our highest priority and our single goal. All material advantage with which Hashem has blessed us should be viewed as only an aid to reach our maximum spiritual potential, which can only be achieved through the *geulah*.

We are now living in relative comfort. However, we see the tragedies in the Jewish community and the growing anti-Semitism. We must feel the pain and sorrow very deeply and internalize it to make us more profoundly aware of what we are lacking in *galus* and to spur us to truly want and *daven* for the *geulah* with all our strength and ability. א

## **Tzitzis and Yetzias Mitzrayim: The Pintele Yid**

**Moshe Arie Michelsohn**

During our daily davening, in our recitation of *Kerias Shema*, we closely associate the momentous event we celebrate on Pesach – *Yetzias Mitzrayim* – with the mitzvah of tzitzis. Why is this so? What is so special about the mitzvah of tzitzis that merits its integral link to our redemption from Egypt and our very emergence as Hashem's *Am HaNivchar*? And what might our daily recitation and performance of the mitzvah of tzitzis teach us about what we truly celebrate on Pesach?

I found a fascinating discussion of these issues by the Slonimer Rav in his sefer, *Nesivos Shalom*, particularly his commentary on the Torah's exposition of the mitzvah of tzitzis at the end of *Parshas Shlach*. The Slonimer Rav notes at the outset of his discussion that the mitzvah of tzitzis is unique in its power of *segulah* – in preventing people from sinning. In support of this point, he recounts the story told in Gemara *Menachos* (44a) about the simple *Yid* who was *zahir* in the mitzvah of tzitzis, but apparently little else:

שמע שיש זונה בכרכי הים שנוטלת ד' מאות זהובים בשכרה. שיגר לה ארבע מאות זהובים וקבע לה זמן כשהגיע זמנו בא וישב על הפתח.

*[This Yid] heard that there was a harlot in one of the cities overseas who took four hundred gold coins as her payment. He sent her four hundred gold coins and fixed a time to meet with her. When his time came, he came and sat at the entrance to her house.*

But just as the *Yid* was about to meet her, his tzitzis *slapped* him in the face and he refrained from doing so. The Gemara then recounts that the harlot refused to let the *Yid* depart until he explained why he rejected her, whereupon he answered her thus:

אמר לה העבודה שלא ראיתי אשה יפה כמותך, אלא מצוה אחת ציונו ה' אלהינו וציצית שמה וכתוב בה (במדבר טו, מא) אני ה' אלהיכם שתי פעמים. אני הוא שעתידי ליפרע ואני הוא שעתידי לשלם שכר עכשיו נדמו עלי כד' עדים.

*He said to her: I take an oath by the Temple service that I never saw a woman as beautiful as you. But there is one mitzvah that the Lord, our G-d, commanded us, and its name is ritual fringes, and in the passage where it is commanded, it is written twice: "I am the Lord your G-d" (Numbers 15:41). The doubling of this phrase indicates: I am the One who will punish those who transgress My mitzvos, and I am the One who will reward those who fulfill them. Now, said the man, the four sets of ritual fringes appeared to me as if they were four witnesses who will testify against me.*

So impressed was the harlot with the *Yid's* answer that she insisted he tell her where he lives and in what Yeshivah he studies. He left her a note with the information requested. She then sought him out in the *Beis Medrash* of Rabbi Chiya, converted to Judaism, married the *Yid*, and made him very wealthy.

So powerful is the *segulah* of tzitzis to remind us to do Hashem's will in the presence of temptation, that Chazal compared the strands of tzitzis to an actual lifeline that we grasp to save us from the clutches of death. As the *Midrash Rabbah* explains on the words of the *pasuk* *L'maan tizkeru vaasisem es kol mitzvosai* – "So that you will remember and do all my mitzvos" (*Bamidbar* 15:40).

מִשָּׁל לְאַחַד מִשְׁלָה לְתוֹף הַמַּיִם, הוֹשִׁיט הַקַּבְרָנִיט אֶת הַחֶבֶל וְאָמַר לוֹ תִפְסֵ חֶבֶל זֶה בְּיָדְךָ וְאַל תַּנִּיחֶהוּ, שָׂאֵם תַּנִּיחֶהוּ אֵין לָךְ חַיִּים. אַף כֵּן אָמַר לָהֶם הַקְדוּשׁ בְּרוּךְ הוּא לְיִשְׂרָאֵל, כָּל זְמַן שְׂאֵתָם מְדַבְּקִין בַּמַּצּוֹת (דְּבָרִים ד, ד): וְאַתֶּם הַדְּבָקִים בָּהּ אֲלֵהֵיכֶם חַיִּים כָּלְכֶם הַיּוֹם. וְכֵן הוּא אוֹמֵר (מִשְׁלֵי ד, יג): הַחֶזֶק בַּמוֹסֵר אֶל תִּרְף נִצְרָה כִּי הִיא חַיִּיד.

*This is comparable to one who was thrown into the sea. The captain extended a rope to him and said: 'Catch this rope in your hand and don't*



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*let it go, for if you let it go, you will have no life.' So, too, the Holy One (blessed be He) said to Israel, whenever you are cleaved to mitzvos – [you are like those who resisted the temptation of Ba'al-peor, about whom the Torah states] (Devarim 4:4) "And you who cleave to Hashem your God, you are all living today." And similarly, it says (Mishlei 4:13): "Hold tight to tradition/musar, don't let it alone, keep it safe, for it is your life."*

When we grasp the fringes of our tzitzis, we grasp a lifeline to a level of spiritual awareness powerful enough to resist our deepest temptations to sin. The *Mishnah Berurah* brings down in the name of the *Ari z"l* the teaching that the word "tzitzis" is an acronym, which stands for צדיק יפריד – ציציתיו תמיד – a tzaddik separates his tzitzis regularly. The discipline of wearing tzitzis daily is armor against the *yetzer hara* and elevates our *neshamah* to a level of being able to achieve *dveikus* with HaKadosh Baruch Hu. Our spiritual life is protected only so long as we hold tight to our tradition – the strings of our tzitzis – and thus keep it safe.

Moreover, our ability to grasp the strings of our tzitzis is really a very easy mitzvah to perform. One might even say it is easier to wear tzitzis every day and everywhere than a kippah – a strong wind can blow away a kippah, but the *kanfos* of our tzitzis remain close to our bodies, even if the fringes themselves may blow around. We don't worry about our tzitzis-bearing garment falling off. Once we are wearing tzitzis, our armor is in place and we don't really even need to think about it very much; it is like a reliable operating system working in the background. Indeed, wearing tzitzis stands as a significant barrier to having to take them off, in the first place, in order to sin; it is much easier to take off a kippah and put it in one's pocket. Further, whenever we do happen to look upon or touch our tzitzis, we are immediately reminded and encouraged to think about Torah and doing mitzvos as much as possible.

Indeed, it is interesting that the story in the Gemara about the *Yid* and the harlot is specifically brought down as support for Rabbi Nassan's teaching in a Baraisa:

תניא א"ר נתן אין לך כל מצוה קלה שכתובה בתורה שאין מתן שכרה בעה"ז, ולעה"ב איני יודע כמה. צא ולמד ממצות ציצית.

*There is no mitzvah, however minor, that is written in the Torah, for which there is no reward given in this world; and in the World-to-Come I do not know how much reward is given. Come learn this out from the mitzvah of tzitzis.*

The Baraisa then goes on to recount the story above. Tzitzis is thus represented as the quintessential *mitzvah kallah* – easy mitzvah – to which Rabbi Nassan's teaching applies.

The Slonimer Rav further points out, in the name of his grandfather, that the mitzvah of tzitzis is not only uniquely powerful, and uniquely easy to do, but also uniquely accessible, no matter what one's initial level of spirituality. Indeed, it is this accessibility aspect of the mitzvah of tzitzis that connects the mitzvah most deeply to the holiday of Pesach.

To be sure, the Slonimer Rav notes, one aspect of the power of tzitzis to deter sin comes from its invocation of *yiras Shomayim* by virtue of the *psil techeles*. As the *Ari z"l* explains, when one gazes upon the *psil techeles*, one is reminded, by the color of *techeles*, of the color of the sky, which reminds one of the color of the *even sapir* that marks the *Kisei HaKavod*. This represents a lofty level of spiritual awareness. And, like *techeles* itself, it may not always be accessible to everyone. It represents but a minority from among us – it makes up, at most, but 25% of the fringes, if any are even present.

But there is a more foundational level of spirituality, which can be easily accessed anywhere by each and every *Yid* at any time, through the white fringes of our tzitzis. White is the all-inclusive color, which encompasses all the others. The white fringes invoke our *emunah peshutah*, our simple faith, which is the *tachlis* and *yesod* – the very essence – of the *Pintele Yid*. Our *emunah peshutah* is ultimately what merits our salvation,


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regardless of circumstances. All we need to do is choose to wear them – and thus hold our tradition close and make it dear to us. Such a simple act of faith represents the essence of *Yiddishkeit*.

Indeed, it is for this reason, says the Slonimer Rav, that the Torah connects the redemption from Egypt specifically to the mitzvah of tzitzis. It was only because of the *emunah peshutah* of *Bnei Yisrael* in Mitzrayim that we merited Hashem taking us under His wing, as it were, and declaring *Ani Hashem Elokeichem*. *Bnei Yisrael* were at a very low level; everything had been stripped from them. The only thing they had left was their *emunah peshutah*. Because of this merit alone did Hashem provide us with His lifeline of our redemption from Egypt and our emergence as His *Am HaNivchar*.

It is thus particularly fitting that the mitzvah of tzitzis is associated so closely with *Yetzias Mitzrayim*. The fringes of our tzitzis are with us each and every day. Through our act of simple faith in wearing tzitzis we are able in our days to harness the power of *emunah peshutah* that merited our very redemption from Egypt. That is a powerful force, indeed.

Insofar as we are instructed at the Seder to see ourselves as if we, too, experience *Yetzias Mitzrayim* in our own day, we need only to look at our own tzitzis to see the sign of Hashem's presence, in each of its *arba kanfos*. Indeed, the *arba kanfos* themselves are a *remez* to *Yetzias Mitzrayim*. As the *Midrash Rabbah* points out (on *Bamidbar* 15:38), why does the halacha of tzitzis apply only to a four-cornered garment? אלא כנגד ארבעה גאולות שנאמרו במצרים, והוצאתי והוצלתי וגאולתי ולקחתי *because the arba kanfos that we wear every day represent the four ge'ulos of Mitzrayim*.

May we merit the ultimate *geulah shleimah*, *b'meheirah beyameinu*. 

## Dogs and Frogs

### Aryeh Stein

#### S'char V'Onesh

One of the fundamental beliefs of *Yahadus* is the concept of *s'char v'onesh* – the idea that Hashem rewards a person for doing a mitzvah (or refraining from doing an *aveirah*), and, inversely, Hashem punishes a person when he does an *aveirah*. (Of course, Hashem gave *Klal Yisrael* the gift of *teshuvah* which offers the opportunity to avoid punishment for an *aveirah*, but that is a topic for another time.) We are taught these concepts as young children, together with other equally fundamental beliefs, and all too often, our understanding and appreciation of these ideas remain rooted in our juvenile selves, rather than growing together with us. If we seek to broaden our understanding of these concepts, it behooves us to seek opportunities to do so.

The story of *Yetzias Mitzrayim* is replete with obvious examples of *s'char v'onesh*, such as the ten *makkos* inflicted by Hashem on the Egyptians. However, there is one example that is often overlooked, and when examined a bit closer, provides an amazing insight as to the value of a mitzvah, and perhaps can even provide an extra motivation during our daily struggles with our *yetzer hara*.

#### The Silence of the Dogs

The night of the 15<sup>th</sup> day of Nissan was one of the busiest nights in Jewish history, as it began with the preparation of the *korban pesach*, followed by *makkas bechoros*, and culminating with *Yetzias Mitzrayim*. When Moshe Rabbeinu is relating to *Klal Yisrael* what will happen that night, he declares *U'lechol Bnei Yisroel lo yecheratz kelev leshono*, on this night, no dogs will bark at any Jewish person (*Shemos* 11:7). The *Daas Zekeinim* explains that the dogs' silence was, in fact, one of the many miracles to occur that night. Dogs are very sensitive to the presence of the *malach ha'maves* (as the Gemara in *Bava Kama* 60b

states “If dogs are barking, [it is a sign that] the *malach ha’maves* has come to the city”). On this night of *makkas bechoros*, the *malach ha’maves* was in full force,<sup>1</sup> and the dogs normally would have been barking ferociously, which would have caused anguish and anxiety to the Jews. The fact that the dogs remained docile and refrained from barking at the Jewish People was indeed miraculous.

It is worth noting that this miracle was not “necessary,” and we know that Hashem does not perform unnecessary miracles. *Klal Yisrael* was finally leaving Mitzrayim after two hundred and ten years of slavery – would it have been so terrible if a dog had barked at them when they were leaving? The fact that Hashem deemed the dogs’ silence to be a “necessary” miracle is just one more proof of Hashem’s love for his chosen people, and His desire to redeem us from Mitzrayim in the finest possible manner.

### **The Dogs’ Reward**

Dogs are mentioned later in *Sefer Shemos* in *Parshas Mishpatim* (22:30) regarding the prohibition of eating *treif* meat: *l’kelev tashlichun oso*, the *treif* meat should be given to the dogs. *Rashi* cites the *Mechilta* which explains that, since the dogs refrained from barking at the Jews on the night of *makkas bechoros*, they are rewarded with the eternal reward of receiving *treif* meat. This reward is also mentioned by the *Yalkut Shimoni* (247:187), and I believe that this reward is fairly well-known.

However, the *Yalkut Shimoni* brings a second reward that the dogs merited for their actions on the night of *makkas bechoros*: their excrement would be used in the production of leather, which would ultimately be used to write *sifrei Torah*, *tefillin* and *mezuzos* (ST”aM). In

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<sup>1</sup> While it wasn’t actually the *malach ha’maves* who carried out *makkas bechoros*, but the Ribono Shel Olam Himself (see *Shemos* 12:12 and the Haggadah which explains this *pasuk* to mean that it was Hashem Himself and not a *malach*, *saraf* or *shaliach*), I presume that dogs are sensitive to “death” in general, and not the *malach ha’maves* specifically.

Editor’s note: See also next article.

addition to receiving *treif* meat forever after, a reward that could be categorized as a material reward, the dogs also received what could be categorized as a spiritual reward – they would play a part in the production of ST”aM for *Klal Yisrael* forever after.

The fact that the Ribono Shel Olam saw fit to reward the dogs in such a magnificent manner for the relatively simple and painless act of refraining from barking for a relatively brief moment in time is a powerful lesson in *s’char v’onesh*. As the *Yalkut Shimoni* states (ibid), we learn the concept of *ein Hakadosh Baruch Hu mekapaich s’char shel kol berya* from these dogs. Hashem gives *s’char* for every good deed performed by every creature, however minor the deed may be and however insignificant the actor is. Moreover, this *s’char* is not just given to the creatures who performed the good deed, but this *s’char* is also given to their descendants.

Keeping this idea in mind can only help improve our *avodas Hashem*. Imagine all the times that we are struggling with our *yetzer hara* to do the “right thing.” If we could only pause for a moment and appreciate the full consequences of our actions! If we make the right decision, not only will we merit to receive the reward for our actions, but we will also be helping our children, grandchildren, and all of our descendants with receiving some measure of reward for our actions.<sup>2</sup>

### **Dogs Versus Frogs**

A perhaps even greater lesson can be learned from the contrast between the actions of the dogs on the night of *Yetzias Mitzrayim* and the actions of the frogs during the *makkah* of *tzefardea*. Hashem tells Moshe Rabbeinu to warn Pharaoh that the “frogs will enter the houses of your servants and your people and go into your ovens and kneading bowls” (*Shemos* 7:28). The *Midrash Tanchuma* explains that the *pasuk* mentions the kneading bowls to teach us that the frogs did not merely jump into

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<sup>2</sup> Editor’s note: See our very first *Kuntress*, 5772, page 33, for another approach to the reward for the dogs.

the Egyptian ovens when they were not in use, but that the frogs jumped into the hot ovens in order to do the will of Hashem. As explained by the *Beur Ha'Amarim* (page 59), the frogs sacrificed their lives *al Kiddush Hashem*.

In comparing the actions of the dogs and the frogs, the contrast is remarkable. In the grand scheme of things, the dogs didn't really do all that much – all they did was refrain from barking for a period of time. After that, their lives continued and they reverted back to just being regular dogs. The frogs, on the other hand, gave up their lives to sanctify the name of Hashem. And yet, while the dogs and their descendants were rewarded with the *treif* meat and participation in the production of ST"AM, there is no mention whatsoever of the reward that the frogs (both the actual frogs that died in the ovens, or these frogs' descendants) received. It doesn't seem fair at all.

In trying to comprehend this seeming unfair situation, we must first keep in mind that human beings will never be privy to actually understand the ways of Hashem and know precisely what *s'char* is granted for each mitzvah that we perform. Secondly, while we might think that the frogs, who gave up their lives, performed a more difficult action and therefore deserve a greater reward, perhaps that assumption is false. In comparing the frogs to the dogs, perhaps the lesson is that it is easier to give up one's life than it is to keep one's mouth shut.

Thankfully, in our times, we are not asked to die *al kiddush Hashem* as so many of our ancestors were in previous generations. But how many times, each and every day, are we faced with the temptation to say something that we know we shouldn't? Whether we are tempted in the area of *lashon hara*, *motzei shem ra*, *rechilus*, or *onaas devarim*, it would be helpful to remember the dogs and the frogs of Mitzrayim, and understand that keeping our mouths closed is no small feat.

May the Ribono Shel Olam reward us in proportion to the effort exerted to refrain from speaking, both in the material and spiritual realms.

## Plague of the Firstborn: Who Did It and Why?

### Yehoshua Dixler

ויוצאנו ה' ממצרים. לא עלי-ידי מלאך, ולא עלי-ידי שרף, ולא עלי-ידי שליח, אלא הקדוש ברוך הוא בכבודו ובעצמו. שנאמר: ועברתי בארץ מצרים בלילה הזה, והפיתי כל-בכור בארץ מצרים מאדם ועד בהמה, ובכל אלהי מצרים אעשה שפטים. אני ה'.

This well-known quote from the Hagadah emphatically claims that Hashem alone carried out the plague of the firstborn: not an angel, not a *seraph*, and not a messenger. The *Mechilta* (*Shemos* 12:12) supports this as does the *Yerushalmi* (*Sanhedrin* 2:1). *Rashi* (ibid) on the words “I am Hashem” writes, “I Myself, and not through a messenger.”

However, a later *pasuk* (*Shemos* 12:23) implies that Hashem was not the only one involved: וְעָבַר ה', לָנֶגֶף אֶת-מִצְרַיִם, וְרָאָה אֶת-הַדָּם עַל-הַמִּשְׁקוֹף, וְעַל שְׁתֵּי הַמְּזוּזוֹת; וּפָסַח ה' עַל-הַפֶּתַח, וְלֹא יָתַן הַמִּשְׁחִית, לָבֹא אֶל-בְּתִיכֶם לָנֶגֶף.

Although the *pasuk* starts, “And Hashem passed to strike Mitzrayim,” the end of the *pasuk* mentions that a “destroyer” was also present and that “He will not permit the destroyer... to enter your houses to strike.” It appears that Hashem protected the Jews who stayed indoors while the destroyer was executing the firstborn outdoors.

To complicate this further, *Targum Yonason* (12:12) writes “And I will be revealed in the land of Mitzrayim with the presence of My honor on that night and with Me will be 900,000 angels of destruction.” If Hashem is killing the firstborn Himself, why intentionally bring along so many “angels of destruction?”

### Who killed the firstborn?

Commentators on Chumash and the Hagadah answer this question in a variety of ways. According to many (*Ramban*, *Rabeinu Bachya*, *He'emek D'var* all on *Shemos* 12:12), while Hashem was killing the firstborn, many other angels came along, including angles of destruction, due to



Hashem's honor. These angels would have killed any Jews who went outside, but they did nothing otherwise. Others (*Chizkuni*, *Daas Zekeinim*) say, however, that the destroyer actually killed the firstborn, but Hashem was present with it, perhaps telling it what to do. *Mizrachi* (explaining *Rashi*) says that a destroyer is always present outside at night, but the firstborns were killed only by Hashem. *Shelah* (quoted by *Shaarei Aharon*) says that Hashem shared the task. Hashem first weakened the angel of Mitzrayim above, and only then the destroyer below was capable of killing the firstborn. *Chasam Sofer* (*Yoreh Deah*, 346:12) writes that Hashem would not kill people Himself; rather, at night Hashem weakened the power of the protective angel of Mitzrayim so that the *mashchis* could kill the firstborn in the morning.

For something very clear in the Hagadah, we have opinions from one end to the other: some saying that Hashem wouldn't kill the firstborn Himself and must have used an agent, others saying that Hashem shared the job, and yet others explaining that Hashem alone was the destroyer. How can there be such disagreement in the commentaries about something that is explicit in earlier, authoritative sources including the Hagadah, *Mechilta*, and *Yerushalmi*?

In truth, this disagreement is recorded in the *Midrash* (*Bo*, *perek* 5) on the *pasuk* "Hashem passed through to strike the Egyptians" (*Shemos*, 12:23). The *Midrash* states, "Some say this was Hashem and some say this was an angel." Although in the simple reading one opinion seems to say this was done entirely by the destroying angel, the Midrashic commentaries (*Yad Moshe*, *M'arzu*) explain that Hashem was there also telling the angel what to do. It is interesting to note that none of the later commentaries quote the *Midrash* when providing their resolution to the apparent contradiction in *pesukim* above.

### **How were the firstborn killed?**

Those who claim a destroying angel did the killing don't discuss how this was done. However, those who hold that Hashem did the killing

Himself, vary in their explanations of how this occurred. *Abarbenel* (*Zevach Pesach* on Hagadah) explains that even when a king chooses to kill someone himself, he doesn't use his bare hands; rather, he uses a sword. Although it is true that Hashem didn't send any messenger to kill the first born in Mitzrayim, Hashem did use something analogous to a sword. He suggests that Hashem created poisonous air to kill them.

*Rambam* doesn't have a commentary on the Torah, but in *Moreh Nevuchim* (Section 1:21) he writes:

ואחר כן הושאל לביאת האור והשכינה אשר יראום הנביאים ב'מראה הנבואה' - אמר "והנה תנור עשן ולפיד אש אשר עבר בין הגזרים האלה" - והיה זה ב'מראה הנבואה' כי תחילת הסיפור אמר "ותרדמה נפלה על אברהם" וגו'. ולפי זאת ההשאלה נאמר "ועברתי בארץ מצרים" וכל מה שידמה לו.

Translation: [The word “*avar*”] is borrowed for the coming of light and *Shechinah* that Hashem shows to prophets in a vision... according to this borrowed [meaning] it is said “I will pass in the land of Mitzrayim.” When Hashem is described as “*avar*” or “passing,” it can't mean Hashem, who doesn't have any physical elements and is not contained in a place, was physically passing through the land; rather, the word “*avar*” describes a prophetic vision. Hashem will show the passing of the *Shechinah* in a vision to prophets as the Torah describes Avraham seeing a fire in a prophetic dream during the *bris bein habesarim*.

*Abarbanel*, in his explanation to *Moreh Nevuchim* (p. 96), is puzzled by this. We know the Torah was describing the actual death of the firstborn; it was not just a prophetic vision. How does *Rambam's* understanding of “*avar*” make sense when applied to this plague? He explains that the Torah's use of the word “*avar*” is telling Moshe that Hashem will kill the firstborn through the light of *Shechinah* that will pass through Mitzrayim.<sup>1</sup>

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<sup>1</sup> Although he doesn't explain how the *Shechinah* would do this; perhaps their souls left their impure, Egyptian bodies as they were overcome by the holiness of the *Shechinah*. See *He'emek D'var* (*Shemos* 11:4) for a similar idea.

### **Why Hashem would do this Himself**

If on this occasion Hashem chose to forgo using angels or manipulating nature, which is the usual way Hashem exerts His will on the world, there must be an important reason. There are two common themes in the variety of explanations.

(1) An angel couldn't do it.

- *Zohar* (as quoted by *Shaarei Aharon*, *Shemos* 12:12): The impurity of Mitzrayim was so great that even holy angels would be unable to act.
- *Moshav Zekeinim* (as quoted by *Shaarei Aharon*, *ibid.*): If He would have allowed the destroying angel to act it would have killed innocent people, since it can't distinguish between righteous and wicked.
- *Rabeinu Bachaya* (*Shemos* 12:12): Since the Jews had no merits, the angels would have killed them along with the firstborn of Mitzrayim, as they wanted to do at the Red Sea.

(2) Hashem was teaching a lesson.

- *Abarbanel* (*Zevach Pesach* on Hagadah): Hashem didn't carry out the plague through an angel or using natural forces; rather, Hashem did it Himself to show that only He was involved in our redemption.
- *Pninei Ben Ish Chai* (p. 332) quotes *Keren Yeshua*: Due to His love for us, Hashem took upon Himself all the roles: prosecutor, judge, and executioner. For this reason, He didn't send an angel to punish the firstborn.
- *Maharal* (*Gevuras Hashem perek* 36 and 55): The purpose of the Exodus is to teach us that Hashem is singular above and below and we should serve Him alone. Hashem didn't use angels, which are timebound, to take us out from Mitzrayim in order to reinforce His singularity and how He is even beyond time.

## **Conclusion**

Despite the disagreements among the commentators, I'm confident all would agree that Hashem orchestrated this most important event, which directly lead to our exodus from Egypt, so that it would be obvious to all that He was in control. That is, after all, the Hagadah's main point in this section. Rabbi Marcus Lehman's Hagadah (p. 131) expressed this well:

The corpses of the firstborn laid low by the finger of God prevented any suggestion that human passion and inspiration had caused the miracle; the impotence of the power-proud nation, and discomfiture of their gods which was proclaimed in each despairing cry of the vanquished and in the victorious jubilation of the oppressed, each step and movement proclaimed the truth throughout the ages that "It is I, God, and no other."

As Hashem took us out of Mitzrayim so long ago, so too He will take us out of our current exile soon in our days. א

## Light Up the Night

# Moshe Kravetz

The *pasuk* says (*Shemos* 12:42): לֵיל שְׁמֵרִים הוּא לָהּ 'לְהוֹצִיאֶם מֵאֶרֶץ מִצְרַיִם הוּא' .סְלִילָה הִנֵּה לָהּ 'שְׁמֵרִים לְכָל בְּנֵי יִשְׂרָאֵל לְדֹרֹתָם

The Midrash says that the *pasuk* teaches us that the night was as bright as a summer day. Where do we see this from the *pasuk*? The Rebbe Reb Heschel in his *Chanukas HaTorah* gives an ingenious answer: that the *pasuk* itself proves that the night was lit up as day.

The *pasuk* in *Bereishis* says that Hashem called the light “day” and the darkness “night.” The Midrash asks why regarding the light does the *pasuk* say that Hashem called it “day,” as opposed to the darkness where it just says that the darkness was called “night”? The *pasuk* does not say that it was Hashem who called the darkness “night.”

The Midrash answers that the night is considered “bad” (as it is the time of *din*) and therefore Hashem did not want to put his name next to something that is considered bad.

We can now understand how the Midrash knew that that the night was lit up. The *pasuk* says it was a guarded night for Hashem, 'לַיִל שְׁמֹרִים הוּא לָהּ'. But how could the *pasuk* put Hashem's name next to the word “night”? The Midrash answers that obviously the night was as bright as day, and therefore *this* night was not considered bad.

The *Chanukas HaTorah* then gives another answer. Pharaoh owned the Jews and now he was giving them over to Hashem. This transaction requires a *kinyan* and a *kinyan* cannot be made at night.<sup>1</sup> If so, how was

<sup>1</sup> See *Sma* (5:7). But *Massas Binyamin* §78 (cited by *Shach* 5:4) holds that although people commonly think that you cannot, of course you can make a *kinyan* at night.

*Klal Yisrael* able to leave at night? The answer is that although normally you cannot make a *kinyan* at night, there is an exception to this rule. If you light candles and it is lit up like day, then you can make a *kinyan*. The Midrash held that this night was obviously lit up because if not, *Klal Yisrael* would not have been able to leave.<sup>2</sup> א

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<sup>2</sup> An interesting point to ponder is if the *Chanukas HaTorah* would agree with the *Ohr HaChaim*, who says that the *pasuk* in *Parshas Bo* mentions that Pharaoh rose *at night* to teach that even though it was light for the Jews that night, for the *Mitzrim* it was still dark.

## As If You Left Mitzrayim – I

### Avi Dear

בְּכָל דּוֹר וָדוֹר חֵיב אָדָם לִרְאוֹת אֶת עַצְמוֹ כְּאִלּוּ הוּא יֵצֵא מִמִּצְרַיִם.

*In each generation, one is obligated to see himself as if he left Egypt.*

As you read these words on Seder night, your own voice may sound small. As you sing Hallel later that night, your songs and praises may seem to be worth very little. As you open up your front door for Eliyahu HaNavi, your home may seem a bit bland and unimpressive for the great prophet.

But those feelings are misplaced. The truth, in fact, is that the entire *Yetzias Mitzrayim* led up to this moment. The entire *Yetzias Mitzrayim* was *for* this moment.

The entire *Yetzias Mitzrayim* was for you.

*“In each generation, one is obligated to see himself as if he left Egypt.”* The *Netziv* in his *peirush* on the Haggadah, *Imrei Shefer*, explains that this phrase is along the same lines as *“bishvili nivra haolam.”* Literally translated as: the world was created for me. This concept is explained as meaning that it was worth it for Hashem to create this entire world just for me and my *avodah*, my mitzvos and my Torah. The *Netziv* explains this phrase in the Haggadah as meaning: in each generation, each person must say that Hashem took *Bnei Yisrael* out of Mitzrayim for me. All of the many events, the intricate *makkos*, *kerias yam suf* – all so that I can *daven*, learn, and do mitzvos here in Baltimore, Maryland in 2020.

But what is the *Netziv* adding with this explanation? Meaning, if I already know that the entire world was created for me, how is the understanding that *Yetzias Mitzrayim* was also for me any different? What is added?

I believe that we can differentiate the two based on a well-known explanation of the *pasuk*, "אֲנִכִּי ה' אֱלֹהֶיךָ אֲשֶׁר הוֹצֵאתִיךָ מֵאֶרֶץ מִצְרַיִם", "*I am Hashem your G-d, Who took you out of Egypt.*" Hashem said "Who took you out of Egypt" as opposed to "Who created the entire world," to communicate to us that He did not just create the world, but He is constantly being *mashgiach* on the world, and maintaining the world each and every moment. *Yetzias Mitzrayim* is the prime example and therefore is the proof that Hashem did not create the world and then take a step back, but rather is *Mashgiach* on the world each and every moment – Hashem is involved and is always there.

So I think we can take this concept and apply it to our question on the *Netziv*. With this understanding, we can say that although we already know that Hashem created the world for you and only you – Hashem also took *Bnei Yisrael* out of *Mitzrayim* for you and only you – and by extension (for *Yetzias Mitzrayim* corresponds to Hashem's everyday *hashgachah*), Hashem is 100% involved and runs this world for you and only you.

Don't mess it up.

The *Netziv* actually says it a bit more tactfully, that with this in mind, it will "raise the heart of man in his service to Hashem." We have to tap into this feeling, this understanding that Hashem created this world and Hashem took us out of *Mitzrayim* and Hashem runs this world each moment just for little old me and my *avodas Hashem*. Hashem is waiting for my mitzvos. Hashem surely notices and appreciates every mitzvah, every word of Torah, and every sound of *tefillah*.

Hashem is waiting for us to do our part. Just as *Bisya* needed to simply stretch out her hand and put in the effort, as Rav Elimelech Biderman explains, so too we need to do that one action, take that step. Just as Moshe had to simply tilt his head to look at the burning bush. Hashem just wants us to do our part.



## Section IV: The Seder

We must value our small actions as much as Hashem does. For they are not small.

Perhaps on this Seder night we are taught this exact point. There are so many steps, pieces, and aspects to the Seder. It's a night full of *mitzvos*. Each word of talking about *Yetzias Mitzrayim* is another mitzvah. There is *Hallel*, and the many songs of praise to Hashem. Matzah, maror, four cups. It doesn't end.

Hashem is telling us: I not only created this world for you, but I am here each moment next to you, I have created each moment *for you*. All I am waiting for you is for you to do your part. Try your best. Take advantage of each moment by keeping in mind that this is all for you and your *avodas Hashem*. אלהים

## As If You Left Mitzrayim – II <sup>1</sup>

Michoel Cooperman

בְּכָל דּוֹר וָדוֹר חֵיב אָדָם לִרְאוֹת אֶת עַצְמוֹ כְּאִלוּ הוּא יָצָא מִמִּצְרַיִם.

In every generation, we are supposed to relive slavery in Mitzrayim and each year we are supposed to view ourselves as if we personally left Mitzrayim. However, how many of us have ever been to a Seder and felt like we were actually slaves and were set free that night? I would venture to say that very few can say that they have. Does that mean that we cannot fulfill this mitzvah properly? There are three possible ways to fulfill the mitzvah and not feel frustrated at the end of the night.

### Way #1: Intellectually

We have a mitzvah to remember *Yetzias Mitzrayim* twice a day. Also, we have a host of other mitzvos given for the sake of remembering *Yetzias Mitzrayim*. It comes out that we are remembering the Exodus from Egypt about one thousand times a year. Why are we always being asked to focus on remembering this event?

R' Yehudah Halevi in the *Kuzari* states that every religion has traditions dating all the way back to its founding. How do their followers come to believe them? Because someone told them, and someone told *them*, and so on, dating all the way back to the people who were there. So why are our traditions any better than other religions' traditions? The *Kuzari* says that there is a huge difference in that any chain is only as strong as its weakest link. And if the first link is weak, then you have a very weak chain. If you trace their traditions back to the source, there is no strong evidence for their validity. If you look at the fundamentals, the details, and the foundations of other religions, the claims are very weak. How many people can say they witnessed someone being the son of G-d? Or

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<sup>1</sup> Inspired by a shiur from Rabbi Zev Leff.

the resurrection of that person? Or that someone had a dream and G-d told that person to start a new religion? These are very difficult claims to prove.

Judaism is different in that its beginnings are based on the entire nation witnessing the ten plagues, *Yetzias Mitzrayim*, *Kerias Yam Suf*, and the giving of the Torah. It's extremely improbable that someone made it all up and convinced the whole nation of these things if they had not happened. It's also very improbable that it was made up a thousand years later. Or that the story changed over time. Why are there not lots of different versions? The whole nation saw these things. It's extremely unlikely that a whole nation foisted a false story onto their children. Something that happened in front of an entire nation could not be falsified and is fundamentally sound. Therefore, remembering *Yetzias Mitzrayim* reminds us of the strength of the foundations of our *emunah* and makes it strong. The more we delve into it and discuss it, the stronger it makes our *emunah*. So, once a year we go through the details and the rest of the year we access what we did on Pesach night. But in order for that *emunah* to be strong, there must be an unbroken chain from the people who witnessed it until today. Therefore, we must pass on this tradition to the next generation. The Pesach Seder is the current generation creating a link to the next generation so that they can pass it on to their children to continue the unbroken chain.

To see myself as if I went out means not that I was a slave and went out. Rather, the idea of *Yetzias Mitzrayim* is that it's as intellectually clear to me as if I was there and saw it personally. The evidence is so clear that I actually witnessed it because I was there. I can say that it's one hundred percent true and I saw it.

### **Way #2: Neshamah**

Suppose someone were to ask me to design a Seder whose purpose was to make you feel that you were a slave in Egypt and then set free that night. I would invite some people and divide them into two groups. One

group would have whips and clubs and the second would have building materials. The first group would beat the second group and tell them to build pyramids. Then the groups would switch midway through and play the opposite roles. Then at midnight everyone would go home. The people would really feel like they were set free. But Hashem's Seder is different. How are the Jewish People going to experience 210 years of bitterness, slavery, and oppression? Answer: Let them eat some matzah and lettuce. How does that bring out 210 years of slavery?

In the 1950s there were drive-in movies. The bulk of the owners' profits were made on concessions, and shortly after subliminal advertising was invented. Spliced into the film were frames with images of soft drinks, popcorn, etc., and people would buy these refreshments during intermission. They felt an urge to drink and eat because on a subconscious level they were being programmed. (This type of advertising is now illegal.) Similarly, something that affects your external, physical senses makes a limited impact on you. However, something that goes directly into your *neshamah* makes a deeper, longer-lasting impression.

*Michtav Me'Eliyahu* says that time is a circle. Every year we pass through the memory of the original Pesach. But how do we integrate it each year? When we pass through the fifteenth of Nissan, we want the memory of *Yetzias Mitzrayim* to pass through our soul. Hashem knows that what will connect the memory of the event to our *neshamah* is *pesach*, matzah, and maror. So by fulfilling those mitzvos properly we are creating the connection and charging our *neshamos* like we were charging a car battery. The car can run the entire year because the battery has been charged. And next year we will have to charge it again.

### **Way #3: Personal, Emotional**

The Torah says that the sojourn of the Jewish People in Mitzrayim was 430 years. However, we know this was not true. The answer is that the beginning of the *pasuk* says they were in Mitzrayim and the end of the

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pasuk says they went out from “*Eretz*” *Mitzrayim*. There is a difference between *Mitzrayim* and *Eretz Mitzrayim*. *Mitzrayim* is a state of being. The word “*Mitzrayim*” is related to *meitzar*, narrowness. You can be in *Mitzrayim* anywhere in the world. It’s a narrow place which is restricted and constrained, and where you cannot show your essence.

*Min hameitzar karasi Kah*. From my narrowness I called out to Hashem. From the time that Hashem said to Avraham that his descendants would be slaves in a strange land they were already in *Mitzrayim*. They were only in *Eretz Mitzrayim* for the last 210 years; however, they were in the state of *Mitzrayim* for 430 years. What is the state of *Mitzrayim*? When someone is narrow and cannot express what he really wants to do. Every Yid, deep down wants to do Hashem’s will. So what prevents him? The *yetzer hara* and outside influences. The place in the world where those two things were strongest was *Eretz Mitzrayim*. Every person has their own personal *shibud Mitzrayim*, the place where they are narrow. We really want to do Hashem’s will, but this place prevents us. On Pesach night, we are given the tools to break through the shackles of our own personal *Mitzrayim* for the year. In each generation each person has to picture himself as going out of *Mitzrayim*.

If *Eretz Mitzrayim* is the quintessential place for narrowness there must be a place which is the opposite. Which land in the world is called wide? *Eretz Yisrael*. *Eretz Yisrael* is not a physically wide land, rather it is a place where one can be wide spiritually. א

## Why Matzah? – I

### Rabbi Yehoshua Silverberg

שמות יב, לד: וישא העם את בצקו טרם יחמץ. פירש"י: המצריים לא הניחום לשהות כדי חימוץ, ע"כ.

From the words of *Rashi* it seems that the reason *Bnei Yisrael* did not allow the dough to become chametz was the lack of time for it to rise.

As it says in *pasuk* 39: ויאפו את הבצק אשר הוציאו ממצרים עגת מצות כי לא חמץ *And they baked the dough which they took out of Mitzrayim into matzos, for they were driven out of Mitzrayim and had no time to wait.*

However, this seems difficult, for the Gemara in *Pesachim* (28a) clearly states that there was a prohibition to eat chametz during Pesach in Mitzrayim, as is learned from the *pasuk* (13:3) ולא יאכל חמץ, *chametz shall not be eaten*. If so, why do we say that they had no time for the dough to become chametz, indicating that the only obstacle was a lack of time, for even had there been plenty of time, they were not allowed to eat chametz?

The *Ran* in *Pesachim* (כה: מדפי הרי"ף) explains that even though they were not allowed to eat chametz, there was no prohibition of בל יראה, and owning chametz was permissible. If there would have been enough time, they would have baked the dough into bread for the trip out of Mitzrayim, since the prohibition of chametz in *Pesach Mitzrayim* was only for one day. The pressure of the *Mitzrim* driving them out did not leave time to let the dough rise, so they baked it into matzah.

From the *Ran* it seems that the dough was baked while they were still in Mitzrayim, for if it was taken out of Mitzrayim, they could have baked it

into bread. This is hard to understand, for the *pasuk* says that they took **dough** out of Mitzrayim and then baked it.

The *Targum Yonasan* famously explains that the dough they carried on their bodies was baked by the sun as they traveled. Perhaps the *Ran* also learns this way, that they did not have time to wait for the dough to become chametz before they left, and as they were leaving, it was baked by the sun.

The *Ramban* in *Chumash* learns differently from the *Ran*. The *Ramban* holds that even in Mitzrayim there was a prohibition of בל יראה. According to the *Ramban* the *pasuk* is divided into two parts, as follows: ויאפו את הבצק אשר הוציאו ממצרים עגת מצות כי לא חמץ, *they baked the dough which they brought out of Mitzrayim into matzah, for there was a prohibition to own chametz*. The *pasuk* then explains why they brought out the dough, rather than bake it in Mitzrayim: כי גרשו ממצרים ולא יכלו, *for they were driven out of Mitzrayim and they did not have time to wait*.

There is an obvious difficulty which arises according to this; that is, how did the *Bnei Yisrael* prevent the dough from becoming chametz as they traveled?

The *Ohr HaChaim HaKadosh* explains that they carried the dough on their shoulders so that they should be able to continuously knead it to prevent its becoming chametz. (This is in contrast to *Rashi* who learns that the packages on their shoulders were the leftover matzah from the Seder the night before, which they carried themselves out of *chavivus hamitzvah*.)

The *Taz* in his *sefer Divrei David* questions the words of the *Ramban*, based on the Haggadah. In the Haggadah we say: מצה זו שאנו אוכלים על שום מה, על שלא הספיק בצקם של אבותינו להחמיץ עד שנגלה עליהם מלך מלכי המלכים הקדוש ברוך הוא וגאדם. The Haggadah seems to tell us that the

reason they did not make the dough chametz was only for lack of time, as the *Ran* explained, but not because of a prohibition to own chametz. Certainly the *Ramban* does not argue with the *Baal Haggadah*!

R' Chaim Shaul Kaufman ז"ל (ספר משחת שמן ח"ב סימן מח) offers an answer to this based on a *Sforno*. The *pasuk* says, ויסעו בני ישראל מרעמסס ק"ך מיל היו, ובאו שם לפי שעה, שנאמר ואשא אתכם על כנפי נשרים. *Rashi* explains: That is, the *Bnei Yisrael* traveled a great distance in a very short time. The *Sforno* thus explains the *pasuk* ויאפו את הבצק אשר הוציאו ממצרים as follows: [After they arrived in *Succos*,] they baked the dough into matzah, for it had not become chametz, (even though the journey was 120 *mil* and the amount of time until the dough becomes chametz is only one *mil*); for they were driven out of Mitzrayim.

The *Sforno* continues to say that this is the meaning of the Haggadah עד שנגלה עליהם מלך מלכי המלכים הקדוש ברוך הוא וגאלם, for the revelation of Hashem was in *Succos*, where they saw the Pillar of Fire and Cloud.

In summary, according to *Rashi* and the *Ran*, we eat matzah to commemorate the *Mitzrim* driving the *Bnei Yisrael* out of Mitzrayim so quickly that the dough did not have time to rise. According to the *Sforno*, it commemorates the *neis* that the dough did not become chametz during the journey to *Succos*, even though it was very far away.

The *Ramban* says that the dough was either baked on the way as they were traveling, or in *Succos* after their miraculous flight. The explanation of the Haggadah according to the *Ramban* will depend on these two possibilities. If it was baked in *Succos*, the *Ramban* can learn like the *Sforno*. However, if it was baked on the way, the *Ramban* will explain more like the *pshat* of the *Ran*, that we commemorate that they did not have time to bake the dough in Mitzrayim and were forced to bake it during their travels. א



## Why Matzah? – II

**Yirmiyahu Lauer**

### **Part I**

The story of *Yetzias Mitzrayim* is replete with so many spectacular events. You might think that Hashem would give us a mitzvah to do on Pesach that would help us recall all these momentous experiences in the most impactful way. Something to remember all the *chesed* Hashem did for us in the way of plagues, splitting of the sea, and all the other miracles. However, the main mitzvah we are given in order to remember all that we went through when we left Mitzrayim is the mitzvah of eating matzah. Huh? Matzah? Why would matzah be the best way to remember what we experienced? After all these mind-blowing events and a spectacular show of what Hashem could do, the matzah is the symbol we choose to remember everything? The matzah will remind us that we left Mitzrayim in a hurry, but is that really so important? Is it so important that it should be the tool that we use to show thanks for all we went through? It seems like we are missing something vital in what the matzah is supposed to be reminding us of. There must be something essential in the fact that we had to leave in a hurry. But what is it? Why is it more important to remember this than all the miracles that *Klal Yisrael* witnessed?

Another important question to focus on: Exactly what was the rush? They really couldn't stick around a little longer and at least let their dough rise? Why did Hashem have to rush them out so fast? It seems like they were in a position to be able to dictate their own schedule, and I would surmise that it would benefit them a lot more to take their time when leaving. Hashem obviously had other plans, but it begs the question; why?

Let's put that aside for a second and focus on yet another question. The Torah tells us very clearly exactly when each Yom Tov in our calendar

will occur. It tells us the exact date of each Yom Tov and when we are to celebrate them. There's only one exception to this. The Torah never tells us a date for Shavuos. All the Torah tells us in *Vayikra* (23:16) is that we should count fifty days from the day after Pesach, and that is how we know the date for Shavuos. We know the date the Torah was given on Har Sinai because we count fifty days, and that falls out on the sixth of Sivan. However, the Torah doesn't tell us this date. Why not? It seems that the Torah deliberately makes us work a little and count until we reach a total of fifty days. Why is that? Why is it so important to count as opposed to just telling us straight out when to observe the Yom Tov?

I think the mitzvah of eating matzah and the mitzvah of counting the days until Shavuos are connected and can be understood together. I believe that the Torah is teaching us a valuable lesson by giving us the opportunity to count each day until we get to Shavuos; and the mitzvah of eating matzah and remembering how we had to leave in a hurry is directly connected to it.

Chazal tell us that the *Bnei Yisrael* were at a very low point at the end of their sojourn in Mitzrayim. There are fifty levels of *tumah* a person can be in and *Bnei Yisrael* were already at the forty-ninth level. Luckily, they were able to uphold that last level of *taharah* by being steadfast in various aspects of their heritage. They did not modernize their names, they did not modernize their dress, and they did not forsake their language. However, they were pretty low, and they were not far from sinking to the fiftieth level. In fact, Chazal tell us that if they would have stayed in Mitzrayim another minute, they would have sunk to the lowest level and there would have been no chance of recovery. This is why Hashem had to rush them out like He did. They had to leave right away because staying there any longer would have meant sinking even lower and that would have been irreversible.

Fifty days after they left Mitzrayim, they came to Har Sinai and received the Torah. Why couldn't they have gotten the Torah right away? Why did

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they have to wait? It's because they were in such a low state. They couldn't receive the Torah being on such a level. They had to work themselves out of this level and raise themselves much higher so they would eventually be able to declare *Naasseh V'nishma*. After fifty days they were finally cleansed and ready to accept the Torah.

The story of Pesach and the happenings that climax in the events on Shavuot are deeply rooted in the concept of growth. The reason Hashem does not give us a date for Shavuot is because the acceptance of the Torah is dependent on us and our spiritual level. Every one of the forty-nine days of counting was another day filled with growth. There is no automatic receiving of the Torah because it all depends on us. Shavuot isn't a day to remember the cataclysmic event that happened some 3,300 years ago. Every Shavuot we renew our commitment to the Torah, and Torah can only be truly acquired through growth. Keeping the Torah is all about becoming a better person and this will only happen through work and toil. It is not something that is automatic.

When we make the *berachah* on the Torah every morning, we don't end by saying “*nasan haTorah*” – He *gave* the Torah. Instead we say “*nosein HaTorah*” – He's *giving* the Torah. Every day we make a new commitment to learning and observing the 613 mitzvot in the Torah. It is not something we commemorate; it is something we commit to. And we do this constantly, every day.

This is the lesson the Torah is teaching us by making us count and by establishing the essential mitzvah of eating matzah. The reason the matzah is such an integral part of the Yom Tov and such an important mitzvah is because it represents what we were able to accomplish. It represents what life is all about and it represents what observing and keeping the Torah is all about. The Torah put such emphasis on this mitzvah that transgressing it and eating chametz is punishable by *karet*. This is the same punishment for eating on Yom Kippur. You see from the fact that the punishment is so grave, how important this concept is.

The purpose of leaving Mitzrayim was to come to Har Sinai, receive the Torah and become Hashem's *Am Segulah*. After that it was just about becoming better and better and continuing to grow. This is why Pesach and Shavuot had to be connected by the mitzvot of counting and eating matzah. The letters of the word matzah and the letters of the word chametz are very similar. The only difference is the “*hei*” and the “*ches*.” The only difference between the *hei* and the *ches* is that the *hei* has one leg a little shorter. We eat the matzah on Pesach to show how close we were to becoming like the *ches* in chametz. We were so low that we were almost at the point of no return. We eat matzah to remember that we didn't sink so low, that we managed to climb out of our low level, and that we did what we were meant to do in life, grow.

## **Part II**

I'd like to add another reason I think the mitzvah of eating matzah on Pesach is so important.

As we say in the Haggadah, “not one nation alone stands up to destroy us, but in every generation...” In every generation throughout the history of *Klal Yisrael* there have been nations who have tried to eradicate us. They have tried to destroy us through persecution, pogroms, crusades, holocausts, and any means they could think of. We have been made scapegoats, been derided, and been painted as subhuman beings. There has been no other nation in the history of the world that has been through so much hatred. However, somehow, we are still here.

There are so many unbelievable facts in the story our continued existence throughout the millennia, but the very fact that we have endured and are still here is in itself a phenomenon that cannot be explained. That is, unless you realize that Hashem is constantly with us. The Haggadah continues: “and *Hakadosh Baruch Hu* saves us from their hands.” This is the key to our survival.

## Section IV: The Seder

According to Rabbi Yakov Emden, the fact that we are still here is the biggest miracle that ever happened. That's right. The fact that we are still here is a bigger miracle than the splitting of the sea, the ten plagues, and all the other spectacular miracles we have experienced throughout our history. I believe this is why the mitzvah of eating matzah is such an integral part of Pesach; and it is this mitzvah which embodies the essence of the Yom Tov.

Let me illustrate this point with an old Chassidic story. There was once a beautiful loaf of bread. The loaf of bread was fresh out of the oven and it looked and smelled great. Next to this loaf of bread was a plain piece of matzah. The bread, after seeing the matzah sitting there, went over to the matzah and started to make fun of him. "Look at you," said the bread. "Here I am, a beautiful fresh loaf of bread. I'm robust, fresh, pleasing to look at, smell great, and am just a beautiful sight. I am really just so great. You in comparison are simply pitiful. You're so plain, flat and unappealing. You don't smell fresh. You don't look attractive. And you don't taste nearly as good as me. You're just not impressive at all." After the bread finished speaking, the matzah turns to the bread and says "You're right. However, come back in a month and we'll reevaluate."

Well, a month later the bread and matzah meet up again and the matzah still looks the same. He's still not the most appealing, but he's definitely edible. He definitely accomplishes his goals and makes a huge difference in this world. The bread, on the other hand, was not quite as lucky. The bread is all moldy and green. It smells really bad and is obviously not at all edible.

This is an apt description of *Klal Yisrael* among the nations. The nations of the world have derided us and mocked us at every chance they had. They have always looked at us as a small weak nation who have been easy scapegoats and easy ones to blame. The nations of the world have always boasted about how grand their edifices are and how beautiful are their houses of worship compared to ours. We have always been like the

matzah; plain and simple. However, in the end, which nation is the one who has always been victorious? Which nation has passed the test of time and has survived them all? The Jews! The Assyrians, Greeks, Babylonians and Romans are all long gone. They were big for a time but they eventually faded just like the bread. As Mark Twain puts it, “The Jew saw them all, beat them all, and is now what he always was, exhibiting no decadence, no infirmities of age, no weakening of his parts, no slowing of his energies, no dulling of his alert and aggressive mind.”

The matzah appropriately reminds us how we will always be victorious and we will always be on top in the end. This is all because Hashem does not forsake us and He always saves us. The matzah reminds us that although it's not always an easy road and the journey is fraught with plenty of obstacles and hardships, in the end we will always be here because Hashem is on our side. Pesach is a time when we are to pass along the *mesorah* of who we are and where we came from to the next generation. The fact that we are still here after all we've been through is a fundamental part of our history and it needs to be clearly spelled out for the next generation so they know how lucky they are to be part of this nation; how lucky they are to be part of Hashem's chosen nation. א

## Bread and Matzah: Gratitude

Baruch Raczkowski

שֶׁבֶּכֶל הַלֵּילוֹת אָנוּ אוֹכְלִין חֶמֶץ וּמַצָּה, הַלֵּילָה הַזֶּה כָּלוּ מַצָּה.

The first question we ask in the *mah nishtanah* is why on all other nights we eat bread and matzah, but on this night we eat only matzah. The following problem has always bothered me: when do we eat both bread and matzah on the same night? Usually, at a single meal we will have either bread or matzah but not both. Rabbi Immanuel Bernstein had the same question in his *shiur* on Pesach 5779. He gave a unique answer, which really struck me. It also sets the stage for the Haggadah.

We have to understand that the *mah nishtanah* is said from a child's perspective. Therefore, we must ask: when did our child see us eating bread and matzah on the same night in one meal, prompting him to ask this question?

The *mah nishtanah* was written in the time of the *Tannaim* during the second Beis HaMikdash. One of the *korbanos* brought during that time was the *korban todah*, a *korban* consisting of thirty matzos and ten chametz loaves. This *korban* could be eaten for only one day and night. Like all *korbanos*, the *todah* needed to be finished before time ran out. In order to complete this task, it was common for the owner of the *korban* to invite friends and family to help finish it. Rabbi Bernstein commented: it is as if Hashem is supplying you with the food, and you bring the story of thanks. It is reasonable for a child living during that time to compare the *seudah* of the *korban todah* to the Seder night. During both *seudos* friends and family are invited to share in the *korban*, but on *Leil Pesach* there is no bread. The *korban pesach* is a lot like the *korban todah*: the animal is roasted and not baked, it requires a lot of people, and it is a very festive time.

The *korban todah* was a frequent occurrence, because the *korban* was brought during a joyous occasion. Knowing this, it is not hard to understand why a child would ask this question in *mah nishtanah*. The child is confused, he sees a *korban* that looks like a *todah* without the bread.

Another aspect of the *korban todah* is mentioned in *Tehillim* (50:23), תִּזְכֶּה יְכַבְּדֵנִי תוֹדָה, *He who offers a todah honors Me*. The word יְכַבְּדֵנִי, *honors me*, is spelled with the letter *nun* twice. The *Ksav Sofer* derives two lessons from this. First, one should be grateful for the miracle that saved him; and, second, he should come to recognize his dependence on Hashem. The night of the Seder is a time when we recognize both the miracles Hashem performed, and our constant dependence on Him.

Finally, the *Yefei Toar* says that in the times of Mashiach, there will no longer be a need for most *korbanos* because there will no longer be sin. Although there will not be a need for *korbanos*, the *korban todah* will still be brought (*Vayikra Rabbah* 9:7). This teaches us the importance of expressing gratitude. The Seder is our time for expressing gratitude to Hashem. א



## Bread of *Emunah*

### Moshe Rock

The Yom Tov of Pesach, *Chag HaEmunah*, is the Yom Tov of *emunah*, belief in Hashem; and the mitzvah of the day is the mitzvah of matzah. Many of us have a *minhag* not to eat matzah starting thirty days before Pesach, so that we may eat it with tremendous excitement on Seder night. The mitzvah of eating matzah is something we all look forward to.

The matzah, the *Zohar HaKadosh* explains, is known as מִיכְלָא דְמַהֲיִמְנוּתָא, the bread of *emunah*. I understand how Pesach is the Yom Tov of tremendous *emunah*: we relive the stories of *kerias Yam Suf*, the Ten Plagues, open miracles, the revelations of *yetzias Mitzrayim*. Whose *emunah*, belief in Hashem and connection to Hashem, would not be greatly strengthened after recounting all that Hashem did for us and does for us? But how is the matzah מִיכְלָא דְמַהֲיִמְנוּתָא? How does the matzah represent belief?

The following is an idea based on the Torah from Rav Leible Eiger ז"ל in his *sefer, Toras Emes*. He explains why we emphasize the concept of *chipazon*, speed, when it comes to matzah. We emphasize that we were taken out of *Mitzrayim* very swiftly and instantaneously by Hashem. As the *pasuk* says, we ate the matzah *be'chipazon*, very quickly. Why is that so important? Hashem could have taken us out slowly, with *menuchas hanefesh*, calmly and it would have been just as great a *geulah*. Why did it have to be *be'chipazon*?

Rav Leible Eiger suggests that the concept of *chipazon* means that there was absolutely no preparation; we didn't do anything to earn the *geulah*, we didn't do anything to deserve it, and so we didn't prepare. It was at that moment Hashem swiftly took us out of *Mitzrayim*. Since we were on the forty-ninth level of *tumah*, we were undeserving. But Hashem says "I

am going to be by your side, and I love you no matter who you are, no matter what's going on.”

That's what *chipazon* represents. And that's the principle of *emunah* we find in the matzah and in the Yom Tov of Pesach. That Hashem is by our side and Hashem loves us like a father loves a child – no matter who we are, no matter what's going on in our life, no matter if we are living up to expectations, no matter where we've fallen. Hashem took us out even undeserving. That is what is represented in *chipazon*.

And that perhaps is the *מיכלא דמהימנותא* of the matzah. Every time we eat matzah throughout Pesach and certainly during Seder night, we should have in mind that it's the bread of *emunah*, it was *be'chipazon*, and Hashem is telling us and giving us a big kiss and saying "I love you, I'm here by your side no matter who you are."

And still today it's the same love that Hashem has for each and every member of *Klal Yisrael*. אלהים


## Opening the Door

### Chaim Sugar

The Seder night, the night of leaving Mitzrayim, is referred to as a “protected night.” The end of a *pasuk* in *Shemos* reads (42:12), “...a protection for all the Children of Israel for their generations” (ArtScroll translation). *Rashi* on this phrase explains that it refers to a continuous protection from *mazikin*; those which cause damage and destruction.

The *Beis HaLevi*, in his *peirush* on Chumash, points out that the *Shulchan Aruch* attributes to this *pasuk* our *minhag* of opening the door during the Seder. He asks, however, why we wait until the end of the Seder, right before we finish Hallel and are getting ready to drink the fourth *kos*, to open the door. Would it not be more appropriate to do this at the start of the Seder? Since the night is safe and secure, it would be more appropriate to open the door when we start the Seder and invite all who need to share the Seder with us. Why wait until the meal is over and we have already *benched*?

He answers that what we are doing is teaching the children, in the form of a hint, that which is taught by a Gemara in *Pesachim* (109a). The Gemara there questions why the *Chachamim* did not institute drinking less than four cups of wine at the Seder. How could they require drinking an even number of cups of wine, since an even number, known as “*zugos*,” can result in a dangerous situation? One of the answers the Gemara gives is that since this night is “protected,” there is no danger of engaging in an act that involves *zugos*.

The *Beis HaLevi* uses this to answer the question he started with. At this point in the Seder night we are getting ready to drink the fourth cup of wine; the cup that will make it *zugos* and a possible cause of danger. So, what do we do? We open the door to show that this night is a “protected” night and there is no need to fear, on this night, any potential harm brought about by *zugos*. 

## Hallel at the Pesach Seder

### Dani Zuckerbrod

The Mishnah in *Sotah* (זכ) says that the *Bnei Yisrael* sang the *shirah* after *Kerias Yam Suf* by repeating after Moshe Rabbeinu, *al kol davar v'davar*, on each and every thing, like the way you recite Hallel.

The Gemara there (זכ) brings a *machloess* between R' Akiva, R' Eliezer the son of R' Yose Haglili, and R' Nechemyah as to how exactly the *shirah* was sung.

- R' Akiva said it was like an adult<sup>1</sup> who is leading Hallel and the *kahal* responding to him. Moshe said *ashirah LaShem* and the *Bnei Yisrael* said *ashirah LaShem*; Moshe said *ki ga'ah ga'ah* and the *Bnei Yisrael* said *ashirah LaShem*.
- R' Eliezer said it was like a child who is leading Hallel and the *kahal* repeating what he says. Moshe said *ashirah LaShem* and the *Bnei Yisrael* said *Ashirah LaShem*; Moshe said *ki ga'ah ga'ah* and the *Bnei Yisrael* said *ki ga'ah ga'ah*.
- R' Nechemyah said it was like a teacher who is *poreis al shema* in the *shul*; Moshe and the *Bnei Yisrael* sang the *shirah* together in unison.

*Rashi* explains that when an adult is leading Hallel for the *kahal*, he is being *motzei* them in their obligation of Hallel. The only portions that the *kahal* must say are the beginnings of each chapter of Hallel. The source for this *halachah* is the Gemara in *Sukkah* (לח-לח). The Mishnah there says that if one has a servant, child, or woman recite Hallel for them, he must repeat every word after him or her. However, there is a curse placed upon a person who must rely on a servant, child, or woman in order to

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<sup>1</sup> For simplicity's sake, we are calling someone over bar mitzvah an "adult," and someone not yet a bar mitzvah a "child."

## Section IV: The Seder

recite Hallel. If an adult is reciting Hallel for him, then all the person has to say is *Hallelukah* after each phrase. *Rashi* explains that the servant, child, or woman cannot be *motzei* the man in his Hallel, since they themselves are not obligated to say it. The best they can do is to guide him in what to say. The reason the man gets a curse is because either he never learned enough to be able to recite Hallel or because he does know how, but is trying to rely on agents who are not obligated, which degrades Hashem.

The Gemara brings a Baraisa from *Berachos* that a son can be *mivareich birkas hamazon* for his father, a servant for his master, and a woman for her husband, but they receive a curse for doing this. *Rashi* says that the case of the Baraisa is that the man only ate a *kezayis o kebaya* and was only obligated in *birkas hamazon midrabanan*. Since the servants, children, and women also have an obligation of *birkas hamazon midrabanan*, they can be *motzei* the man in this case.

Rava says we learn three halachos of Hallel from the Mishnah/Baraisa:

1. There is a mitzvah to respond with *Hallelukah*
2. There is a mitzvah to respond the first parts of the chapters
3. If a child is leading him, he repeats everything he says

*Rashi* explains that originally not everyone was educated enough to say Hallel. The *Chachamim* instituted that the *kahal* would just recite *Hallelukah* after each phrase of Hallel recited by the *chazan*.

The *Meiri* (סוכה לח.) says that the *kahal* was mainly *motzei* through *shomei'a ke'oneh* (hearing is like answering), but they needed to recite something due to the fact that the *Talmud Yerushalmi* (ברכות פ"ג ה"ג) says that a person cannot *daven* on behalf of a *baki*, a person who is able to *daven* himself, which the *poskim* understand to mean that you need to say your own *davening*. Since Hallel is not an outright *tefillah*, the *Chachamim* allowed us to be *motzei* in this half *shomei'a ke'oneh* way. Another reason we recite *hodu* this way is that it is a way of singing with extra joy, like how the *Bnei Yisrael* recited Hallel at the *Yam Suf*.

Rava is saying that we still have a memory to this *takanah* in the way we recite Hallel. We answer *Hallelukah* after the first two phrases of Hallel (responding *Hallelukah*), respond *hodu* after the four verses in the middle of Hallel (responding the beginnings of the chapters), and repeat the phrase the *chazan* says by *ana Hashem* (just like a child leading).

*Tosafos* (ד"ה הלכתא) understand the three *halachos* a little differently. The *takanah* was for both *baki* and non-*baki* to be *yotzei* Hallel with the *chazan*. The *baki* recited the beginning of that chapter after each phrase said by the *chazan*. The non-*baki* said *Hallelukah* after each phrase throughout the entire Hallel.

The *Rambam* (פ"ג הל' חנוכה הי"ב-י"ד) says that the original *minhag* for reciting Hallel was that after the *berachah* was made, the *kahal* would respond *Hallelukah* to every phrase of Hallel that the adult said. The *kahal* would end up saying *Hallelukah* one hundred and twenty-three times which is a *siman* for the years of Aharon HaKohen's life. The *kahal* responded *Hallelukah* for every phrase except for the first phrase in each paragraph (the *actual* beginning of the chapter). At the beginning of the chapter, the *kahal* would repeat that beginning and not *Hallelukah*. However, to the remaining phrases in each chapter the *kahal* would respond *Hallelukah*. The exception to this is *ana Hashem* where the *kahal* repeated after the adult even though it was not the beginning of the chapter. The *Rambam* concludes that nowadays everyone has a different *minhag* in how to read and respond during Hallel, and one is not like another.

The *Tur* (או"ח ס' תכ"ב) rules that the whole *tzibur* recites Hallel aloud, together with the *chazan* except for the four *pesukim* by *hodu* and the four *pesukim* by *ana*. By *hodu* the *tzibur* responds *hodu* after each of the four *pesukim* read by the *chazan*, and by *ana* the *tzibur* responds what the *chazan* just read. Like the *Rambam*, he says that every place is different, and everyone should follow the *minhag* of wherever they are.

## Section IV: The Seder

The *Beis Yosef* (שם) explains how the *minhag* cited by the *Tur* maps back to the original *takanos* brought in the Gemara *Sukkah*, similar to how we explained before. He brings the *Ran* who asks why we chose to be *yotzei* with *shomei'a ke'oneh* specifically by the *pesukim* of *hodu*. He says the reason is because these are special *pesukim* of praise and thanks, and it is most appropriate there.

The *Magen Avraham* (או"ח ט' תכב ט' ג) says that it is crucial to hear the three *pesukim* after *hodu* from the *chazan* since the *tzibur* is *yotzei* saying these *pesukim* through *shomei'a ke'oneh*. If a person does not hear the *pasuk*, he is not *yotzei* that part of Hallel. Therefore, it is best that each person says all four *pesukim* himself. In order to also fulfill the *minhag* of responding *hodu* to each *pasuk* the *chazan* says, a person should respond *hodu* to what the *chazan* said and then say the next *pasuk*.

The *Mishnah Berurah* (תכב, ג) brings the *Magen Avraham l'halachah* and this is how we are accustomed today. Every person should respond *hodu* out loud to the *chazan* followed by saying the next *pasuk* quietly.

My father-in-law told me of his experience at the Seder of Rabbi Hershel Schachter. When it came time to say *hodu* at the Seder, Rabbi Schachter told everyone at the table to only respond with the *pasuk* of *hodu* and not the next *pasuk* (*yomar na*, etc.) like the *Magen Avraham* and *Mishnah Berurah* say to do regularly. I confirmed the reason for this with his son Rabbi Yosef Aryeh Schachter. The *ikur din* is to only respond to the *chazan* with *hodu*, but in shul we add in the next *pasuk* in fear of not hearing the *chazan*. At the Seder it is a smaller environment and we have no fear of missing the *chazan* so the concern of the *Magen Avraham* and *Mishnah Berurah* does not apply.

*Tosafos in Sukkah* (ל"ה ד"ה מי) say that in general Hallel is a *mitzvas aseih she'hazman grama*, a time-bound mitzvah, and women are not obligated to say it. The only exception is Seder night, where women are obligated to drink the four cups because אף הן היו באותו הנס, they too were saved

from Mitzrayim through the *nissim*. The four cups were instituted only so that we should say Hallel and the Hagadah over them. Therefore, women have an obligation to say Hallel on the Seder night.

The *Rosh* (פסחים פ' י ט' לב) brings the *Midrash Shocher Tov* (מזמור קיג א' ג) which has a *drashah* on the words ה' הללו עבדי ה' הללו את שם ה' that you need three people together before it is called “saying Hallel.” One person needs to say *hodu* to two other people, which totals three people. The *Rosh* comments that the three people do not have to only be adult males, even a woman or a child who has reached the age of *chinuch* counts towards the three people required.

The *Maharil* (ספר מנהגים ט' מה סדר ההגדה) brings the *Mahari Segal* who quotes his Rebbe the *Maharash* that he would not let boys under Bar Mitzvah lead *hodu* at the Seder but would let them lead *ana Hashem* (see *Shu"t Mahari Weill* קצנ' ט'). The reason why a child can't lead *hodu* is because he would have to be *motzei* everyone and he can't because he is a child. However, by *ana Hashem*, since everyone is repeating the words and no one is being *motzei* with the child “*chazan*,” there is no issue with him leading it.

He even goes as far as to say that you should have the *katan* lead everyone in *ana Hashem* as this is a good opportunity to train him in how to lead Hallel as well as a method to help him be excited for the Seder and not fall asleep.

He also brings that women are obligated to say Hallel on the Seder night because of אף הן היו באותו הנס. Since a woman's obligation is the same as a man's, she can even lead *hodu* and have the men respond to her. The same would be true for her to read the Megillah for men (since she is obligated because of אף הן היו באותו הנס), except for the fact that we try to read it in a public setting for added *parsumei nisah*. In a public forum it is more appropriate (*kavod hatzibur*) to have a man read it.



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The *Chak Yaakov* (או"ה ס' תעט ס"ק ו) asks how the *Maharil* can allow a woman to lead *hodu* or a *katan* to lead *ana Hashem*; doesn't the Mishnah give a curse to anyone who does this? It comes out from *Tosafos* that on the Seder night a woman can be *motzei* a man and the *katan* is not being *motzei* you in *ana Hashem* since you repeat it after him, so it is not an issue. The only issue that remains is that we say *hodu* with a nice tune, which we know from *Sotah* (מח.) is a problem of זמרי נשי ועניא גברא כאש, men responding in a choir to a woman leading is like burning kindling. *Rashi* explains (ד"ה כאש בנעורת) that the reason this is compared to burning kindling is that in a choir setting, those repeating the chorus have to focus on the one leading. This would mean that there would be men focusing on a lady singing. It is bad to listen to a woman singing (קול באשה ערוה), but it is even worse when you are very focused on it.<sup>2</sup>

The *Tur* (או"ה ס' תעט) says that it is a mitzvah to find three people to join together at the Seder to be able to say *hodu* based on the *Midrash Shocher Tov*. He also brings *l'halachah* the *psak* of his father, the *Rosh*, that the three people need not be adult males; women and children which are *higea l'chinuch* count too. The *Beis Yosef* (שם) says that we are not *makpid* to find three men and it is fine to use women or children who have reached the age of *chinuch*. The *Darkei Moshe* (שם) brings the *Mahriv* who says that although you can join with a woman or *katan*, you should not let them lead Hallel other than *ana Hashem*. The *Kol Bo* says that the head of the house should lead Hallel. The *Maharil* says that if the head of the house doesn't want to lead, he can give it to someone else. The *Rama* in שו"ע ס' תעט brings the *Kol Bo* and *Maharil l'halachah*.

The *Mishnah Berurah* (ס' תעט ס"ק ט וי"ב) comes out that it is best to find three men to join together with at the Seder in order to say *hodu*. However, as long as the man can join together with a woman or a child who has reached the age of *chinuch* for a total of three people, he will be

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<sup>2</sup> I am not sure if we say this in a private home setting with only family when there would be no issue of קול באשה ערוה.

*yotzei* Hallel. The woman is allowed to lead *hodu* since she is equally obligated in it like a man. He says we should be concerned about the *Chak Yaakov's* concern of responding to women leading a choir. He also says that you can let a child lead *ana Hashem* in order that he should be trained in mitzvos, and so he shouldn't fall asleep. But this is only allowed by *ana Hashem*, where everyone repeats all the words.

The *Kaf HaChaim* (או"ה ס' תעט ס"ק ט"ז) disagrees with the *Mishnah Berurah* that letting a child or woman lead *hodu* is problematic because of the curse mentioned in the Baraisa in *Succah*.

The *Beur Halachah* (ס' תכב ד"ה הלל) brings a *Magen Avraham* (ס"ק ה) that women are typically not obligated in Hallel because it is a מצות עשה שהזמן גרמיה (except for Hallel on the Seder night) and therefore they cannot be *motzei* a man in *hodu*. The *Magen Avraham* seems to say that even on *Rosh Chodesh* a woman cannot be *motzei* a man. But the reason why a woman cannot typically be *motzei* a man in Hallel is because the man has an obligation *midrabanan* to say Hallel and the woman has no obligation at all. But on *Rosh Chodesh* the man also has no real obligation; he says Hallel only because of *minhag*. Women also say Hallel on *Rosh Chodesh* because of *minhag*. The same reason why a woman can be *motzei* a man in Hallel at the Seder should apply on *Rosh Chodesh*; they have the same level of obligation!

It is possible that the *Magen Avraham* lived in a place where the women were not accustomed to say Hallel on *Rosh Chodesh*. This would mean that if a woman did say Hallel she wouldn't even have the level of *minhag* that a man has when he says Hallel. Therefore, she would not be able to be *motzei* him. צ"ע.

R' Ovadia Yosef in *Shu"t Yichaveh Daas* (ח"ה ס' לד הערה ב') brings R' Yitzchok Kolitz in his sefer *Shu"t Minchas Eliyahu* (ח"ב ס' ט) that questions the concept of a woman being *motzei* a man in *hodu* at the Seder. The man's obligation and the woman's obligation are completely

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different and the woman could not be *motzei* the man. The woman's obligation comes from *הנך היו באותו הנס* which is a *dirabanan*. The man's obligation is *קבלה מדברי קבלה* because of the *moed* and we know (*Rosh Hashanah* 19a) that *דברי קבלה כדברי תורה*.

This question is similar to the *Turei Even's* question (מגילה ד.) that according to those *Rishonim* that hold that a woman can be *motzei* a man in reading the Megillah there should be an issue with the different level of obligations. The woman's is only *midrabanan* and the man's is *midivrei kabbalah*.

R' Ovadia Yosef brings that the *Shulchan Aruch* says *mei'ikar hadin* a woman could be *motzei* a man in reading the Megillah, but due to technicalities (*kavod hatzibur*) we don't let her do it. Based on this *psak* from the *Shulchan Aruch*, we see they do have an equal obligation and we would also let a woman be *motzei* a man in *hodu* at the Seder and won't worry about the question of the *Minchas Eliyahu*.

### Summary

Early on, there was a *takanah* made for those who were not knowledgeable in saying Hallel to recite the entire Hallel responsively with the *chazan*. Later on, when people became knowledgeable, certain *minhagim* were started as a *zeicher* to this original *takanah*. The two main *minhagim* are to respond with the *pasuk* of *הודו לה' כי טוב כי לעולם* to the four *pesukim* in the middle of Hallel and to repeat the entire phrase after the *chazan* by *ana Hashem*. When you are saying *hodu* you are being *yotzei* the *pesukim* that the *chazan* is saying through *shomei'a ke'oneh*. The *Magen Avraham* and *Mishnah Berurah* point out that many times it is hard to hear the *chazan* saying those *pesukim*, so you should say them yourself.

Women are obligated to say Hallel on the Seder night because of *הנך היו*. Women and children who have reached the age of *chinuch* count towards the three-person minimum for saying *hodu* responsively (*Midrash Shocher Tov* and *Rosh*). The *Maharil* says that a woman can be

*motzei* a man in Hallel on the Seder night because they have equivalent obligations. A child can and should lead *ana Hashem* since he is not being *motzei* anyone and it is a good *chinuch* experience. The curse mentioned in *Sukkah* given to a man when a woman is *motzei* him in Hallel would not apply at the Seder because they have equivalent obligations. The only issue would be focusing on the woman leading Hallel which would apply in situations where there is a problem of קול באשה ערוה (*Chak Yaakov*). The *Mishnah Berurah* brings the *Maharil l'halachah*. א

## Finding Chametz on Pesach

### R' Eliezer Shames

R' Yehudah in the name of Rav states<sup>1</sup>: “one who finds chametz in his house on the Holiday (excluding the intermediary days of Pesach, and, according to some, the second day of Pesach outside of Israel) should cover the chametz with a bowl.” While the more logical solution would be to remove the chametz from the house, Rashi explains, the chametz is *muktzeh*<sup>2</sup> because it has no use on Pesach and there is no Biblical demand to remove the chametz from the house, assuming the chametz was nullified prior to Pesach. Therefore, in adherence to the prohibition of chametz and the laws of *muktzeh*, one should cover the chametz with a bowl in order to prevent one from inadvertently eating the chametz.

*Tosafos* ask that there is an opinion in *Shabbos* (43a) that one cannot move an object for the purposes of protecting, sustaining, or covering an item that is prohibited to use or move on the Holiday. Applying this opinion to the case at hand, since the chametz in the person's house is prohibited to use or move on the Holiday (that is, the chametz is *muktzeh*), one should be prohibited to move a bowl to cover the chametz. Can R' Yehudah in the name of Rav be in accordance with the opinion brought in *Shabbos*?<sup>3</sup>

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<sup>1</sup> *Pesachim* 6a.

<sup>2</sup> *Muktzeh* literally means “set aside.” Generally, items that have no use for the Holiday have certain Rabbinic restrictions. In the case at hand, the chametz serves no purpose on the Holiday because it is prohibited to derive benefit from it, therefore it cannot be moved.

<sup>3</sup> The author of this article suggests that the prohibition of an object being moved for something prohibited is when the object is moved for the benefit of the prohibited item. However, in our case, the object is being moved to prevent one from eating chametz – a prohibited action, not a prohibited item.

*Tosafos* offer two answers: The scenario is where the object being moved to cover the chametz was already lifted for a permitted reason (one needed the place where the object was located), therefore one is allowed to use it for the purposes of something that is prohibited.<sup>4</sup> Alternatively, the prohibition of an object being moved for a prohibited item is waived so that one does not eat chametz.

The *Ran* in *Pesachim* asks: It was taught in *Beitzah* (12a) that according to Beis Hillel, just like we permit carrying and slaughtering on the Holiday for the purposes of eating or a mitzvah, carrying and slaughtering is permitted even if the action is not for the purposes of eating or a mitzvah, like carrying a minor, carrying a Torah or slaughtering the *olas nedavah* (voluntary burnt offering). Therefore, in our case, just like cooking is permitted for food on the Holiday, should the chametz, albeit not for the purposes of cooking, be burned<sup>5</sup> on the Holiday? The *Ran* answers that in *Beitzah*, Beis Hillel only permits carrying and slaughtering for purposes other than eating or a mitzvah when there is a “little need”<sup>6</sup> but when there is no need at all, it would be prohibited. Since prior to Pesach one has nullified all their chametz, there is no need at all to burn the chametz.

We have thus far explained R’ Yehudah in the name of Rav (one should cover the chametz with a bowl), according to the explanation of *Rashi* – where one nullified the chametz prior to Pesach. What if one did not nullify the chametz prior to Pesach? While the Holiday forbids burning for purposes other than eating or a mitzvah (burning chametz is not a mitzvah on the Holiday because the requirement for burning chametz is when there is no Holiday prohibition of burning), it can be argued that

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<sup>4</sup> This answer is assuming the prohibition is lifting the item. Once the object is picked up, there is no prohibition.

<sup>5</sup> There is a dispute if chametz, in general, needs to be burned in a fire. However, this article does not attempt to explain or discuss that dispute.

<sup>6</sup> While one chose to pledge the *olas nedavah* on the Holiday, since it was already pledged, it is considered a “little need.”

just as the Torah allows burning for the purposes of eating and a mitzvah, the Torah would also allow burning for purposes other than eating or a mitzvah, such as burning chametz.<sup>7</sup> Therefore, the imperative to burn the chametz will override the Rabbinic prohibition of *muktzeh*, and R' Yehudah in the name of Rav would not apply (it would need to be burned) or despite the fact that the chametz was not nullified prior to Pesach, there is no Biblical imperative to burn the chametz because it is the Holiday<sup>8</sup>. Therefore, there is no need to remove the chametz, and R' Yehuda in the name of Rav would apply (it would need to be covered with a bowl)?

The *Tur* states (Orach Chaim §446): “some hold that if one finds chametz on the Holiday, one should cover it with a bowl. One cannot move the chametz because it is *muktzeh*... This would be true even where one did not nullify the chametz prior to Pesach. However, my brother, R' Yechiel, holds that one may burn the chametz on the Holiday (where the chametz was not nullified prior to Pesach) because it is a little bit of a need, such that, up until now one was transgressing by accident and now one is transgressing intentionally (thus, just like burning is permitted on the Holiday for eating and a mitzvah, it would be permitted to burn the chametz).” The *Beis Yosef* understands that according to the *Tur*, R' Yehuda in the name of Rav (one should cover the chametz with a bowl) applies even where the chametz was not nullified prior to Pesach, because there is no Biblical imperative to burn the chametz on the Holiday and the chametz would be *muktzeh*. Whereas, according to the *Tur*'s brother, R' Yechiel, R' Yehudah in the name of Rav only applies where the chametz was nullified prior to Pesach, if not, it must be burned.

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<sup>7</sup> Similar to the *Ran*'s question above.

<sup>8</sup> Similar to the *Ran*'s answer above. It can be argued that the *Ran*'s answer (there is no need at all to burn the chametz on the Holiday) is assuming the chametz was nullified prior to Pesach. In our case, where the chametz was not nullified prior to Pesach, perhaps there is a “little” need to burn it.

The *Shulchan Aruch* states “one who finds chametz on the Holiday should cover it with a bowl.”<sup>9</sup> The *Mishnah Berurah* (446:6) concludes that even where the chametz was not nullified prior to Pesach, one should cover the chametz with a bowl but one should not protest against locales that throw it in the sea or burn it because they have on whom to rely.

The *Mishnah Berurah* writes, in theory, one can ask a gentile to get rid of the chametz because there are two Rabbinic restrictions / decrees for the sake of a mitzvah: *muktzeh* (Rabbinical prohibition # 1) and asking a gentile to do a prohibited act (Rabbinical prohibition # 2) so one does not inadvertently eat chametz (adherence to a mitzvah). However, the *Magen Avraham* prohibits asking a gentile lest the gentile think Jews do magic, while the *Elyah Rabbah* prohibits it because the gentile may eat the chametz, should the Jew not escort the gentile all the way to the destruction of the chametz.

The *Beur Halachah* discusses the case of a congregant who brings an item to the Rabbi on the Holiday, unsure if it is chametz, and the Rabbi rules it is chametz. Since it was in the congregant’s hand in a permitted instance, that is, to ask the Rabbi, is the congregant permitted to place it where it cannot be seen or must the congregant throw it out of their hand immediately? א

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<sup>9</sup> The *Shulchan Aruch* does not qualify whether the chametz was nullified prior to Pesach.



## Shouting Out *Barchu* at the End of Davening

Rabbi Abba Zvi Naiman <sup>1</sup>

Sometimes, a person comes too late to davening to answer *Barchu* at the beginning of *Bircos Kerias Shema*. With nine other men still standing after davening, is he allowed to shout out *Barchu* so that the others will answer him? This question pertains both to Shacharis and to Maariv.

### *Parsin al Shema – Rashi*

We will begin by discussing the halachah of *parsin al Shema*. The Mishnah in *Megillah* (23b) says that we are not *parsin al Shema* with fewer than ten people. According to *Rashi* (as explained by the *Ran*), this refers to when ten people who had already prayed individually came into the shul after the congregation had already recited the Shema. Since they had not heard *Kaddish* or *Barchu*, one of them may recite aloud *Kaddish*, *Barchu*, and *Bircas HaMe'oros*, the first of the two *berachos* said before the *Shema*.<sup>2</sup>

This is how the *Shulchan Aruch paskens* (*Orach Chaim* 69:1). In his *Beis Yosef* (§69) he explains that the reason they must recite the *Bircas HaMe'oros* is because the Chazan had told the congregation *Barchu*, Bless Hashem! If they do not respond by saying a *berachah*, it seems like they are rejecting the opportunity to bless Hashem. However, the *Rama* (69:1) writes that the custom nowadays is for the congregation to respond with just *Baruch Hashem HaMeborach Le'olam Va'ed*, without reciting *Bircas HaMe'oros*. This is because once the congregation says

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<sup>1</sup> Thank you to R' Roman Kimelfeld for once again helping me clarify a difficult *sugya*.

<sup>2</sup> *Rashi* explains that since only one of the two *berachos* is recited, it is like half the thing. The Hebrew word פִּירָם means to break or divide, like פִּרוּסָה.

that the Name of Hashem should be blessed forever, this is a sufficient response to the Chazan's directing them to bless Hashem.<sup>3</sup>

The *Mishnah Berurah* (69:1) cites the *Radvaz* (Vol. IV §1312 in our versions) who disagrees with the entire concept that men who already davened can make up for the *Kaddish* and *Barchu* that they missed. Once they have finished davening, they no longer have an obligation to recite them; and if they do, it will be a *berachah levatalah*, a blessing in vain.<sup>4</sup> However, *Radvaz* agrees that if one of the ten men had not yet davened, he may *poreis al Shema* and begin his *Shemoneh Esrei* out loud, so the other nine will answer his *kedushah*.

When it comes to *Maariv*, the *Rama* writes that the custom is not to be *poreis al Shema* because of a missed *Barchu* since no *Kaddish* is recited beforehand like in *Shacharis*. However, here too, the *Mishnah Berurah* (69:6, citing the *Pri Megadim*; see also *Aruch HaShulchan* 69:11) writes that if one of them had not yet davened *Maariv*, he may stand before the *amud* and say *Barchu* out loud, followed by the first *berachah* of *Maariv Aravim*.

At this point, we can say that if someone came late to davening, *and has not yet davened*, he may go before the *amud* both at *Shacharis* and *Maariv* and say *Barchu* out loud, followed by the appropriate first *berachah*. (Presumably, he should ask the *Rov* or the *Gabbai* permission to do this.) But if he came late, and “caught up” in the davening and now just wants to make up for the *Barchu* that he missed, he is not allowed to say *Barchu*. He is certainly no better than when all ten men davened on

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<sup>3</sup> According to this opinion, the word פִּוּרִים could be understood to mean “a beginning,” as *Rashi* says in *Sotah* (30b), related to פִּרוּם הַתּוֹב, which means *before Yom tov*.

<sup>4</sup> The *Aruch HaShulchan* (69:5) disagrees with the *Radvaz's* argument, but offers another reason why we are not accustomed to act this way. That is, because there is another explanation of *parsin al Shema*, and we therefore have no precedent for this practice.

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their own and now wanted to make up for the *Barchu* that they missed. Here, nine people heard the *Barchu*, and it is only he who missed it. If he were to say *Barchu* now, it would certainly be a *berachah levatalah* according to the *Radvaz*.

### The *Takanah* of *Barchu Basra*

However, there is another source that we have to consider.

After mentioning the concept of *parsin al Shema* along with other matters that require a *minyan*, the *Meseches Sofrim* (10:7) says:

כבר תקנו חכמים לחזנים לומר לאחר גאולה "יהי שם ה' מבורך מעתה ועד עולם" ואחריו "ברכו את המבורך" כדי לצאת אותם שלא שמעו, דאמר רבי יוחנן, הלואי שיתפלל אדם כל היום כולו. ונהגו אנשי מערב ואנשי מזרח לאמרו לאחר עושה השלום בשלש תפילות של שמנה עשרה גזרה משום הנכנסים וגזירה משום היוצאים ואפילו לאחר קריאת ספר תורה.

This source tells us about an institution of the Sages for the Chazan to repeat *Barchu* every day after the *berachah* of *Geulah* before *Shemoneh Esrei* for the people who came late and missed *Barchu*. It then says that People in the West and People in the East are accustomed to say *Barchu* after *Oseh HaShalom* at the end of the three prayers of *Shemoneh Esrei* to account for latecomers and those who will leave early.<sup>5</sup> And they do this even on days of Torah reading.

The *Rivash* (*Teshuvah* §334) cites the *Sefer HaManhig* (*Hil. Tefillah* §27), who discourages interrupting between *Geulah* and the *Shemoneh Esrei* to say this *Barchu*. But he says that after the end of *Shacharis* this *Barchu* should be said if there are people there who did not hear it during davening.

The *Rivash* concludes that during the weekday and the night of Shabbos or Yom Tov, the practice of reciting *Barchu* at the end of davening

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<sup>5</sup> That is, for people who come after the *berachah* of *Geulah*, and will leave right after *Chazaras HaShatz*. See *Nachalas Yaakov* there.

should be kept because there are always some men who did not hear it during davening. But during Shacharis of Shabbos or Yom Tov, when we can assume that everyone heard *Barchu*, it would be a mistake for the Chazan to recite it after davening.

The *Beis Yosef* (*Orach Chaim* §133) cites the *Rivash*, and in the *Shulchan Aruch* (133:1) he rules that on Shabbos and Yom Tov we do not say *Barchu* after the last *Kaddish*. The *Rama* there adds the reason: “Even in a place where they are accustomed to say it during the weekday because there might be some individuals who were not there when they said *Barchu*, on Shabbos and Yom Tom there is no need because everyone comes before *Barchu*.” The *Mishnah Berurah* explains further (133:2), “Even if someone did happen to come late, he presumably heard *Barchu* during the *laining*.”

This *takanah* differs from the prior *halachah* of *parsin al Shema* in that every day the Chazan or some other appointed individual is reciting the *Barchu* for the ones who missed it to be able to answer. The prior *halachah*, on the other hand, is not a *takanah* to do every day. It is up to the one who missed the *minyan* to choose to recite *Barchu* (or to ask someone else to do it for him). Furthermore, the prior *halachah* was directed at someone who had not yet davened. He now begins with *Barchu* and continues his prayers. This *takanah* is directed at people who are at the end of davening, but came late. In this case, only *Barchu* (following *Kaddish*) is recited, without any further prayer.

The *Mishnah Berurah* (Introduction to §69) writes that there are places where the Chazan repeats *Barchu* after the silent *Shemoneh Esrei* before *Chazaras HaShatz*, for those who came late to shul and missed the *Barchu* of *Kerias Shema*.<sup>6</sup> And he says other places do this after the last

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<sup>6</sup> This custom is the one mentioned by the *Rivash* as practiced by “People of the West and People of the East.”

It should be noted that the *Mishnah Berurah* calls this *parsin al Shema*, and talks about it in his introduction to the *siman* about this topic. Even though he *Rivash*,

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*Kaddish*. He then adds, based on the previously-cited *Beis Yosef*, that these places do this without even checking to see if someone came late. Only on Shabbos and Yom Tov when we can presume that everyone came in time to hear *Barchu* would they not do this.

The *Mishnah Berurah* does not fully endorse this custom and writes that the *Chazan* should not repeat *Barchu* unless he knows that someone came late and missed it.<sup>7</sup> He concludes that it would be proper to say *Barchu* in one of two cases: (1) If someone came late and did not hear *Barchu*, the *Chazan* may say it for him even though he already said *Yotzer HaMeoros*.<sup>8</sup> (2) The latecomer came in time to hear the *Barchu* and then began davening; when he reaches *Yotzer Ohr*, he may say *Barchu* if there are still ten men there.<sup>9</sup>

### The Practice

In practice, most Poskim disagree with the *Shulchan Aruch's* concept of *parsin al Shema* that ten people who already davened on their own may say *kaddish* and *Barchu* when they get together. These Poskim hold that if someone already davened, he has no right to say *Barchu* to make up for the *Barchu* he missed. Only if someone came late to davening, and

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followed by the *Beis Yosef*, does not relate this *takanah* to the Mishnah of *parsin al Shema*, this does end up being a way to replace the lost *Barchu* before *Shema* that the Mishnah discusses.

<sup>7</sup> This follows the *Rivash* cited in the previous section, who wrote that we can say the *Barchu* during the week because there are “always some men who did not hear it.”

<sup>8</sup> This does not contradict the *Mishnah Berurah's* acceptance of the *Radvaz* (cited in the first section) because here he is talking about a custom for the *Chazan* to recite *Barchu* for latecomers every day. This becomes part of the *tefillah*, which is why some places even did this between *Geulah* and *Shemoneh Esrei*. The *Mishnah Berurah* is not saying that the person who missed *Barchu* may stand up and say it for others to answer.

<sup>9</sup> This is the case of *parsin al Shema* that the *Radvaz* agrees with, as mentioned above.

*has not yet davened*, may he go before the *amud* and continue from there to finish his davening.

Regarding the *takanah* of *Barchu Basra*, we have seen that the *Shulchan Aruch* holds that it may be done only during the weekday when there is a possibility that some people came late and missed *Barchu*. The *Mishnah Berurah* said that it may be done only if we *know* someone came late.

Some *Ashkenazim* in Eretz Yisrael extend the *psak* of the *Shulchan Aruch* to not say the *Barchu Basra* on *laining* weekdays, because then too, like on Shabbos, we can assume that everyone heard *Barchu* – at least during the *laining*.

However, the custom of *Sefaradim* and many *Chasidim* in Eretz Yisrael is to say the *Barchu Basra* after every *tefillah* without exception. Even though the *Shulchan Aruch* rules not to say it on Shabbos and Yom Tov, they follow the *Ari z"l*, who holds that there is a reason based on *Kabbalah* to recite this *Barchu*. Since this reason is not based on the possibility of someone not having heard the *Barchu*, there is no difference between the various days of *tefillah*.<sup>10</sup> There are also *Chasidim* who say *Barchu* only on *leil Shabbos* in *chutz laAretz* based on the *Ari z"l*.

On the other hand, the custom of *nusach Ashkenaz* in *chutz laAretz* is never to say this *Barchu Basra* after a *tefillah*. The *Aruch HaShulchan* (133:5) writes clearly that this custom is not known to us, and we do not say it either during the week or on Shabbos and Yom Tov.<sup>11</sup>

In conclusion, if someone came to shul after a *minyan* had said *Barchu* and he caught up to finish davening with them, he should by no means


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<sup>10</sup> See *Chida* (*Machzik Berachah* 286:4), *Kaf HaChaim* 133:1, et al.

<sup>11</sup> The *Mishnah Berurah* too (Introduction to §69) said only what he would accept as a proper custom, but he did not report that it was ever done that way. See also all the modern *halachah* works.

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shout out a *Barchu* to try to make up for his loss. Since he is not planning on davening now (he already finished davening), he is not allowed to be *poreis al Shema*, as the *Mishnah Berurah paskened* based on the *Radvaz*. The only possibility might be to invoke the *takanah* of *Barchu Basra*, which he might have heard in a shul in Eretz Yisrael. However, there are two major reasons why he may not do it. (1) Just because they do it in Eretz Yisrael does not allow him to do it in *chutz laaretz*, where this *takanah* has not been accepted. Shouting out *Barchu* would be no more effective than shouting out some other *davar shebekedushah*, such as *Kedushah*. (2) In Eretz Yisrael, the *Barchu Basra* is part of the *tefillah* that is recited every day, with either the *Chazan* or someone who has a *chiyuv* to say *Kaddish* reciting it. This does not give someone the right to shout out his *Barchu* in a place that does not have this *minhag* when he comes late to shul.<sup>12</sup>

In short, as in every case, we have to be very careful about acting unilaterally when davening at an unfamiliar shul. We must first find out what the shul custom is and then follow it. 

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<sup>12</sup> If someone did shout out *Barchu* in a place that does not have the *minhag* of *Barchu Basra*, it is a *berachah levatalah* according to the *Radvaz*. Based on this, it would seem that for the members of the shul to answer his *Barchu* would also be a *berachah levatalah*, and they should therefore remain silent. (The resulting silence would certainly prevent him from making this mistake again.)

## Father vs. Master

### Eliyahu Eliezer Singman <sup>1</sup>

During *Kedushah* of the *shacharis musaf* of *Shabbos*, we say: “*He is our G-d, He is our Father, He is our King, He is our Savior.*” The ArtScroll siddur indicates that this series of titles is meant to convey that Hashem “controls nature,... is our merciful father, the ruler of all peoples and our only hope for salvation.”

Immediately after praying *musaf*, we sing *Ein Kelokeinu*. This song is actually a series of *berachos* added to our *davening* to ensure that we reach one hundred *berachos* for the day despite the fact that the *Shabbos Amidah* is shorter than that of the weekday (see *Menachos* 43b for more detail on saying one hundred *berachos* per day). As a reminder, the song mentions four titles of Hashem:

1. *Elokim* – G-d
2. *Adon* – Lord or Master
3. *Melech* – King
4. *Moshia* – Savior

Notably these names follow the order in which they are first mentioned in the Torah, i.e., *Bereishis* 1:1, *ibid* 15:2, *Shemos* 15:18, and *Devarim* 33:29.

I believe it is reasonable to ask why these lists, which sit so closely to each other, differ in that *musaf* employs the title Father while *Ein Kelokeinu* uses Master. These terms make us reflect upon our roles of sons and servants, respectively.

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<sup>1</sup> In honor of The BMR Kollel and memory of those members of our Kehillah who were gathered to their ancestors.



## Section VI: Tefillah on Pesach and Beyond

It is telling that in our prayers as well as in other writings, sons are compared to servants in a variety of ways. For example, in the *Yom Kippur machzor*, after the *shofar* sounds in *musaf*, we recite: “Today, all creatures of the world stand in judgement – whether as children or as servants. If as children, be merciful with us as the mercy of a father for children. If as servants, our eyes depend upon You.”

Other examples are offered below:

1. *Malachi* (1:6)

*A **son** honors his father, and a **servant** his master; **If** then I be a Father, where is My honor? And if I be a Master, Where is My fear?*

2. *Sifrei Bamidbar* (115:1)

*When he redeems him, he redeems him not as a **son**, but as a **servant**, so that **if** he does not accept his decree, he can say to him "You are my servant!"*

3. *Mishneh Torah, Robbery and Lost Property* (3:15)

***If** the owner's **son** or **servant** held in his hand an instrument, and a man took it from him and used it, he is like one who borrows an article without its owner's consent, and it is deemed to be in his care ...*

4. *Sefer HaIkkarim (Maamar §3 37:14)*

*This is why we find that G-d blames the Israelites for not giving Him honor as a son is expected to give to his father, and for not fearing Him, as a servant fears his master: “A **son** honors his father ..., and a **servant** his master: **if** then I be a Father, where is My honor?”*

5. *Or HaChaim HaKadosh (Shemos 19:3:8)*

*In other words, our relationship with G-d may either be based on the master-**servant** relationship or on the father-**son** relationship....**If** it is the former the feeling of awe before G-d will be present at all times, whereas if it is the latter there is always the danger that the "son" may take the love of the "father" for granted and abuse ...*

6. *Haftarah of Parshas HaChodesh (Yechezkel 46:16-18):*

*Thus said the Lord G-d: If the prince makes a gift to any of his sons, it shall become the latter's inheritance; it shall pass on to his sons; it is their holding by inheritance. But if he makes a gift from his inheritance to any of his subjects, it shall only belong to the latter until the year of release. Then it shall revert to the prince; his inheritance must by all means pass on to his sons.*

Clearly, there seems to be a tension between our positions as sons and/or servants. To paraphrase a wonderful *dvar Torah* by Rabbi Yitzi Hurwitz,<sup>2</sup> a son has a natural bond with his father; he and his father are one and the son need not earn this connection. Hence, inheritance is automatic since the son takes the father's place. Therefore, a gift from father to son is permanent. A servant's relationship is predicated upon his commitment to his master and his acceptance of the yoke of service. Since all land in Israel returns to its original owner in the Jubilee year, and since the servant does not take the place of the master upon the master's passing, any land gifted to him goes back to the original owner.

These ideas mirror our relationship with Hashem. We are His children, as it says: "You are children to the Lord your G-d (*Devarim* 14:1), and at the same time we are His servants, as it says "For unto Me the children of Israel are servants; they are My servants whom I brought forth out of the land of Egypt: I am the Lord your G-d (*Vayikra* 25:55). The father-son relationship is one of love expressed in the joy of Torah and mitzvot. The problem with this kind of relationship is that it is on *our* terms and can only reach to the level of *our* understanding, a level which is finite. Contrarily, as servants we negate our will in order to connect to Hashem on His terms which are infinite. This leads us to a third type of relationship in which the son has the qualities of a servant. In this case, the son serves his Father and his King with acceptance of the yoke of

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<sup>2</sup>[https://www.chabad.org/parshah/article\\_cdo/aid/3640313/jewish/On-the-Haftarah-Essence-Revealed.htm](https://www.chabad.org/parshah/article_cdo/aid/3640313/jewish/On-the-Haftarah-Essence-Revealed.htm)

## Section VI: Tefillah on Pesach and Beyond

commitment that stems from love. This is the best way to serve, as it says “serve the Lord with joy!” (*Tehillim* 100:2).

Returning to our comparison of *Kedushah* and *Ein Kelokeinu*, I suggest that the differing reasons for these prayers may explain why the lists of titles for Hashem differ. In *Kedushah*, we try to rise, literally (up on our toes) and figuratively to the holiness of angels as we ascribe holiness to G-d. But in reality, we must realize that all holiness intrinsically belongs to G-d and emanates to us.<sup>3</sup> I propose that this emanation creates a natural connection in the way a son emanates from his father and so the term “Father” is appropriate here in *Kedushah*.

In *Ein Kelokeinu*, we start with the statement “there is none like our G-d” and we then ask “who is like our G-d?” It seems as if the answer were given before the question! Worse yet, the answer really is not an answer but rather a statement forcing us to recognize that we cannot comprehend G-d. Instead we must have faith that transcends reason and accept the yoke of Heaven like a servant, and so the term “Master” is appropriate here in *Ein Kelokeinu*.

May we merit to experience the connection to Hashem as children and servants. אמן

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<sup>3</sup> See *Shemonei Esrei: The Depth and Beauty of our Daily Tefillah*, by Rabbi Zev Leff (Targum Press, 2008, p. 72).

## **Pesach and Shavuos**

### **Rabbi Michoel (Mickey) Dov Lebovic <sup>1</sup>**

#### **I. A fundamentally identical revelation**

On the first night of Pesach we were *zocheh* to the *geulah*. A revelation was given to us, though we were on a very low level. This was the revelation of Hashem *Echad* – that Hashem was the only Being and there are no other powers. This revelation is succinctly manifest in the first of the Ten Commandments “*Anochi Hashem Elohecha Asher Hotzesicha Mei’eretz Mitzrayim.*”

At the time of *geulah*, as we say in the Haggadah, Hashem took us out not by the hand of a *shaliach*, or an angel, but “*bekvodo uv’atzmo!*” He revealed Himself to us in the greatest revelation we have ever had. A revelation which parallels that of Shavuos, where we heard directly from Hashem the words “*Anochi Hashem Elohecha Asher Hotzesicha Mei’eretz Mitzrayim.*”

These two revelations, the one of Pesach night, and the one of Shavuos night, are fundamentally identical, yet the big difference is the 49 days in between.

At the *geulah* of Pesach, the revelation of God was to a nation that was on the 49th level of *tumah*. At the revelation of Shavuos, the revelation of God was to a nation that had worked for 49 days to rise from the 49 levels of *tumah*, up to *kedushah*.

So, in a simple sentence: **The revelation of *geulah* of Mitzrayim was experienced on Shavuos from our own efforts.**

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<sup>1</sup> Rabbi Lebovic is Rav of Kehillas Od Yinuvun, located in Tudor Heights, the assisted living facility. He is well known for his important insights in *machshavah* and *Toras hanefesh*.

*And that is permanent.* Indeed, it is only once the Torah is given at Har Sinai that there is a promise that Hashem will never switch or choose another nation with *Klal Yisrael*. Har Sinai is the betrothal.<sup>2</sup>

## II. What we learn from *Shir HaShirim*

This difference between the revelations of Pesach and Shavuos can be seen from the *Gra z"l* on *Shir HaShirim*<sup>3</sup>, who says that the first *pasuk* corresponds to Pesach and the second *pasuk*, “*Yishakeni mineshikos pihu – ki tovim dodecha meya'in*,” corresponds to Shavuos.

We see that Pesach is a *bechinah* of a *shir*, which comes from a *yeshuah*. We sing when we are saved – we need to say Hallel whenever a miracle happens to us – and a *shir* is all about “raising up our voices,” meaning a representation of a yearning for something higher and a connecting with something above us.

Shavuos however is a *bechinah* of equality, so to speak. Kissing is *panim el panim*, face to face. We are able to be in a situation of “face to face” without being embarrassed from the revelation from Hashem because we put in the effort for it.

This is the difference between the revelation of Pesach and that of Shavuos; the 49 days of Sefiras HaOmer, whose 49 days correspond to the 49 *middos* and 49 *kinyanim*:

1. The 49 *middos*: Each day is a *prat* of a specific *middah*, (such as *chesed*, *gevurah*, *tiferes*, etc.) which are needed to complete the person as a *baal middos tovos*. (*Middos tovos* are a prerequisite for the *gilui* of Torah from Hashem, *derech eretz kadma leTorah*.)

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<sup>2</sup> The Torah at *matan Torah* is considered the *kesubah* of the marriage of *Klal Yisrael* to Hashem, and the *Gra z"l* says on the first *pasuk* of *Shir HaShirim* that there is a *kesubah* between *Klal Yisrael* and Hashem that even if *Klal Yisrael* leaves Hashem, they can always come back if they do *teshuvah*. So, it comes out from this *Gra* that it is this moment when that condition was “written” – before this moment, it was not written!

<sup>3</sup> Note that we read *Shir HaShirim* on Pesach.

2. The 49 *kinyanim* that a person needs to acquire for himself in order to acquire Torah.

Considering everything described above, namely that the big difference between Pesach and Shavuos is the *avodas haadam* to be *zocheh* to the *gilui*, a deep secret of the human experience is exposed in all its beauty.

### III. When a child is born, it cries. Why does it stop?

When a child is born, it experiences a harsh reality. At this moment of birth, an angel hits the child on his mouth.<sup>4</sup> The angel's hit to the child's mouth makes the child forget all the Torah he learned in the womb. The cry of the child is the mourning for the loss of all his Torah and clarity.<sup>5</sup> He is consoled and his tears and crying stopped, however, by immediately nursing from his mother.<sup>6</sup> How is this a consolation? The child is NOT even hungry! He has been perfectly nourished for the past nine months and needs no sustenance at this moment from his mother. What exactly is the nursing providing that it can console him on the loss of *kol haTorah kulah*!?

The answer is that somehow, the *hanaah* of nursing is even more pleasurable than all the Torah of the womb. This is because only through sucking does the infant get the sweet milk of his mother. The milk is a reward for his efforts, his work, his *ameilus*. **And pleasure earned, no matter how small, is infinitely more pleasurable than however great a pleasure received for free.** Indeed, in *Olam HaZeh*, the mother's milk is sweeter than all the Torah learned in the womb! (Note: on Shavuos there is an emphasis on *milchigs* and sweetness.)

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<sup>4</sup> The Gemara *Niddah* (30b) says, וכיון שבא לאויר העולם בא מלאך וסטר על פיו ומשכוהו כל התורה כולה שנאמר (בראשית ד', ז) לפתח חטאת רובץ.

<sup>5</sup> Some say this is part of the *inyan* of the *shalom zachor*, which comes to console the baby on the Torah he lost.

<sup>6</sup> Even for children who do not nurse immediately after birth, the *inyan* of crying is from this first cry, and the "crying infant" is soothed through nursing.

This entire world of *Olam HaZeh* is the only place in creation where pleasure comes through work. Of course, now we understand why upon birth the child had to lose all his Torah which he got through a *matanah* – without effort – it is because this world cannot be *sovel* it. That Torah does not exist in this world.<sup>7</sup>

And so we understand why when *Klal Yisrael* left *galus Mitzrayim*, they literally had to leave it behind. And why *geulas Mitzrayim* was considered a BIRTH of *Klal Yisrael* – which resulted in them losing the *gilui* of the ten *makkos* and needing to get it back through their own efforts.<sup>8</sup>

### **Why do we have Pesach? Doesn't Shavuos have it all?**

One can ask, if the *gilui* of Pesach was not long lasting, if it was like inspiration which was here and then gone, why did *Klal Yisrael* have it at all?

Why does a child learn Torah in the womb if he will just forget it all?

The experience of *geulas Mitzrayim* was necessary, as is the learning of Torah in the womb, because it left a *roshem*, an imprint, without which we would never have been able to work towards the *gilui* from our own *avodah*. It gave us the “*b'koach*” of the “*b'poal*,” which we create in this world.

We are now *shayich* to that primordial Torah, that *gilui* that we received without the proper *zechuyos* or preparation.

As it says in *Pirkei Avos* (2:12) וְהִתְקַן עֲצָמְךָ לְלִמּוּד תּוֹרָה, שְׂאִינָהּ יְרֻשָּׁה לָךְ, *Prepare yourself to learn Torah, for it is not an inheritance*. The famous question on this *pasuk* is: of course, the Torah is an inheritance! The very

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<sup>7</sup> So too, in a certain sense, the child is “hungry” for his mother's milk because the sustenance of the womb which was given freely to him without his effort is not the *mehalech* of this world and has no *kiyum* for him.

<sup>8</sup> With the ultimate goal being the *avodas hamitzvos* / Torah of Eretz Yisrael.

first *pasuk* a father teaches his son is “*Torah tziva lanu Moshe, morasha kehillas Yaakov*,” Moshe commanded us with the Torah, it is an inheritance to the congregation of Yaakov. This means that it is an inheritance. The answer is that of course the Torah is an inheritance, but the “*hasken atzemcha*” – the “turning oneself into a *kli* to receive that inheritance” – that is the work!

So, yes, we needed the Pesach night and the Torah of the womb to make the Torah an inheritance for us, but now we need to be *missaken* ourselves to merit it.

## **Chizuk for Ameilus BeTorah**

As a concluding remark, all that is written above points to one thing: the Torah and work set out for us in *olam hazeh* is uniquely *shayyich* and set aside for us. Therefore, a person should not feel overwhelmed, as if to say that “this is too much for me, I don’t have the *keilim* for it.”

*Davka*, each person has the ability to make themselves into a *kli* for the Torah he learned in the womb! Furthermore, the *gilui* of Shavuot is the Torah, which is “*Lo rechoka hee!*” The Torah is NOT far from the person, the Torah is “*b’phicha u’bilvavcha la’asosa*” – meaning, the Torah is here for the taking just as a baby experiences the mother’s milk as “here for the taking.” Certainly, it is “work” and needs intentional action and focus, but it is also natural. After all, this is exactly what Hashem created you to do; you are perfectly shaped to perform this work!

But more than all that, a person should find sweetness in the *ameilus*,<sup>9</sup> for through *ameilus* he is truly *zocheh* to something. It is “his” – and through his own efforts he has acquired something of permanence and actualized his own potential. *Ameilus* can be like it is for the nursing babe, a pleasurable experience, where one can taste the sweetness of the Torah as a direct consequence of one’s efforts to understand it. ❧

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<sup>9</sup> *Ameilus* can be translated as “hard work” and is used here regarding the work of *limud haTorah*.



## The Key Was His *Ratzon*

Daniel Menchel <sup>1</sup>

My dear young brothers: I wish to share with you a *sod*, a secret. I am sure that every one of you sincerely desires to become an *adam gadol*, which requires amassing a great amount of Torah knowledge. I will tell you how to become a *gadol* in Torah, in feeling a sense of *achrayus* for the *Klal*, in matters of *bein adam l'Makom*, and in matters *bein adam lechaveiro*. I will tell you and you will wonder why I referred to this as a *sod*.

The answer can be summed up in one word: *ratzon*, desire. As Chazal state: *Bederech she'adam rotzeh leileich, molichin oso*, in the way that a person seeks to go, in that way does Shamayim lead him.

People tend not to believe in themselves. They have no idea of the treasure house of hidden potential that Hashem has instilled within them.

I would like to relate a story in which I was personally involved. It happened when I was a young *bachur* just past bar mitzvah, learning in the Chevron Yeshiva. One day, I was standing with a friend outside the yeshiva building when a stranger arrived. He appeared to be in his twenties, and was wearing knickers and a beret, and carried a backpack. The man asked the two of us how one gains admittance to the yeshivah. While it seemed like a strange request, we directed him to the office of the *mashgiach ruchani*, Harav Meir Chodosh, ז"ל.

Five minutes later, the young man emerged from the *Mashgiach's* office with a huge smile; he had been accepted! At that point, I asked him about

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<sup>1</sup> HaRav Baruch Mordechai Ezrachi, Rosh Yeshiva of Yeshivas Ateres Yisroel in Yerushalayim recently spoke to *bachurim* in Yeshivas Darchei Torah in Far Rockaway, NY. I have copied his words as they appeared in Winter 2020 Yeshiva newsletter.

his background. The young Shaul had attended a university in Holland where he was an honor student majoring in mathematics. Then World War II erupted and Shaul was sent to a slave labor camp, where he remained for the duration of the war. And now he wanted to learn Torah, though he had no learning background at all.

I did not understand. The level of learning in Chevron was known to be high. How did this young man expect to keep up, to grasp the *shiurim*? Gently, I broached the question.

Shaul was not daunted. "I was not accepted for what I know; I was accepted for what I will know."

Together, we entered the *beis medrash* of the Chevron Yeshiva and, probably for the first time in his life, Shaul observed the sight of hundreds of *bonei Torah* learning in pairs, their voices raised in *rischa d'Oraysa*, the passionate give-and-take of in-depth Torah study. Shaul could not hold back his tears; he cried, and I cried along with him.


From that day on, Shaul spent every available moment at his Gemara. Combining brilliance with unequalled diligence, he quickly made great strides in his learning. Before long, he was known as one of Chevron's prize *talmidim*.

At that time, I had the *zechus* to learn privately every Friday with a great *gaon*, Rav Leizer Palchinsky *zt"l* (a son-in-law of Rav Aryeh Levin *zt"l*). One Friday, he told me that he had visited the Chazon Ish, who had inquired about Shaul in connection with a possible *shidduch*. I told Rav Leizer that he was one of Chevron Yeshiva's best *bachurim*.

The following week Rav Leizer told me that the *bachur* had traveled to Bnei Brak to meet the Chazon Ish, and after the meeting, the Chazon Ish told Rav Leizer that this *bachur* was a rare *metzuyan*. The Chazon Ish was the *shadchan* who arranged this *bachur's shidduch*.

## Section VII: Shavuos

This *bachur* was Harav Shaul Barzam, *zt"l*, who married the daughter of the Steipler Gaon, *zt"l*, and was a brother-in-law of, *ybl"c*, Harav Chaim Kanievsky, *shlita*.

*Bederech she'adam rotzeh leileich, molichin oso.* Rav Shaul Barzam arrived at Chevron knowing absolutely nothing in Torah. But his *ratzon*, his desire was incredible. He was determined to become a *talmid chacham*. True, he was blessed with outstanding abilities, but this was not the key to his success. The key was his *ratzon*. 

## ***Talmud Torah: It's About Commitment***<sup>1</sup>

**Shimon Weichbrod**

The final *sugya* in *Shas*, at the end of *Meseches Niddah*, is the famous dictum of the Yeshiva of Eliyahu:<sup>2</sup>

תנא דבי אליהו כל השונה הלכות בכל יום מובטח לו שהוא בן העולם הבא שנאמר (חבקוק ג, ו) "הליכות עולם לו", אל תקרי הליכות אלא הלכות.

*The school of Elijah taught: Anyone who studies halakhos every day is guaranteed that he is destined for the World to Come, as it is stated: "His ways ['halichos'] are eternal" (Chabakuk 3:6). Do not read the verse as 'halichos'; rather, read it as 'halachos'.*

*Rashi*, clarifies: הלכות - משנה וברייתא הלכה למשה מסיני

*Tosafos* point out that the Gemara was previously talking *halachah*, and wanted to end on a "good note," and therefore changed topics and discussed this *Tanna D'vei Eliyahu*, extolling the virtues of learning Torah every day.

This leads to two obvious questions:

1. Why was this specific *Tanna D'vei Eliyahu* chosen to complete *Shas*?
2. Even more curious, if this is teaching us that learning Torah every day is so important that it guarantees *Olam HaBa*, then why did Chazal wait until the end of *Shas* to let us know this?

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<sup>1</sup> This *Dvar Torah* was written for and delivered on the occasion of a personal *Siyum HaShas* of my father-in-law, Rav Simcha Kossman (referred to as "Zaidy" in this article), who completed *Shas* with the Daf Yomi cycle, but worked on it on his own, and therefore made a personal *Siyum* for friends and family.

<sup>2</sup> *Tanna D'vei Eliyahu* that the Gemara quotes comes from either the *Eliyahu Rabbah* or *Eliyahu Zuta*. These were taught to Rav Annan by Eliyahu, as quoted in the Gemara in *Kesubos* (106a).

Wouldn't it have been more appropriate to quote this *Midrash Berachos*, at the beginning of *Shas*?

I believe that the answer lies in commitment. This time of year (this speech was given on December 31, '19), it is very common for people to be taking on resolutions; people tend to have grandiose ideas of what they want to accomplish in the new year. *Lehavdil*, we do something similar during the *Aseres Yemai Teshuva*. Unfortunately, most people do not follow through with these commitments for very long.

Rav Pinchas Scheinberg, *z"tl* used to have a saying: We know that *Chazal* say כל התחלות קשות, *all beginnings are difficult*; what does this really mean? When you start something new, there is usually a lot of excitement and enthusiasm; the hard part is keeping that energy and zeal up every single day, just like in the beginning, and maintaining it throughout. That, Rav Scheinberg believes, is the קשה, *difficulty*, mentioned by *Chazal* – maintaining that initial enthusiasm.

So, this could be the reason that *Chazal* waited until the end of *Shas* to teach us this *Tanah D'vei Eliyahu*. To let the learner, and everyone else participating in the Siyum, know what can be accomplished by committing to learning Torah every day. Only once the commitment is made and kept, is it appropriate to describe what's in store – as an encouragement to keep going (and in the case of completing *Shas*, to start again).

We say as part of the *Hadran*:

כשם שעזרתני לסיים מסכת גדה ותלמוד בבלי כן תעזורני להתחיל מסכת וספרים אחרים ולסיימם.

*Just like You helped me complete this Mesechta and Talmud Bavli, please help me start and complete other mesechtos and sefarim.*

With this knowledge (and the help of Hashem), each person can be motivated to learn and earn their share of *Olam HaBa*.



At this siyum, you are not just surrounded by friends, but also by your family. Another statement in the *Hadran* is:

ונהיה אנהנו וצאצאינו [וצאצאי צאצאינו] כולנו יודעי שמך ולומדי תורתך לשמה.  
*We ask Hashem to grant us and our offspring (and our offspring's offspring – if you have the minhag to add these words) the ability to learn Torah lishmah.*

Your approach, Zaidy, to Daf Yomi is an inspiration to your children and grandchildren. We have all witnessed your dedication to “doing the Daf,” when we see you awake first on a Shabbos morning with the Gemara in your hand before you head off to shul, or when we see you learning on every vacation you take. It really inspires us to want to do the same.

The Gemara expounds on the pasuk: לא ימוש מפיד ומפי זרעך ומפי זרע עד עולם. That, if the Torah is kept for three generations, it will remain forever. This is the source for the tefillah of *Haarev Na*, that you just recited.

There are three generations of Kossmans here at the siyum, who are all inspired to emulate you, so I am sure the Torah will remain in this family forever.

One closing thought: The *Yalkut Shimoni* in *Bamidbar* says that when Hashem gave the Torah to *Klal Yisrael*, the other nations complained, to which Hashem responded: “Bring me your *Sefer Yuchsin* (genealogical documents) to prove you deserve the Torah, as *Bnei Yisrael* did, and who were given the Torah in the merit of their forefathers.”

The Dubno Maggid asks, what does the giving of the Torah have to do with your *yichus*? It only has to do with whether or not you will commit to keeping the mitzvos contained in it. The *zechus avos* may endear us to Hashem, but how does that make us worthy of the Torah?

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The answer, he says, comes from another *Yalkut Shimoni* in *Shemos* on the *pasuk*: כל אשר דבר ה' נעשה, *Everything Hashem said, we will do.*

The *Yalkut* interprets the meaning of the *pasuk* as, “Everything Hashem says, had already been done (as the word *naaseh* can indicate past or future tense), by our forefathers, who, as *Chazal* have told us, kept the entire Torah. The *Yalkut*’s interpretation is that, when Hashem offered the Torah to *Klal Yisrael*, they were able to accept it without even knowing what was in it. As so many *mefarshim* have asked, how could *Klal Yisrael* say *naaseh v’nishmah* without having any clue as to whether they could keep the Torah? How could they even know that it is possible to keep the Torah, if they didn’t know what it contained? The Dubno Maggid says that for *Klal Yisrael* this was not a challenge. They said “We can keep the entire Torah, because our ancestors did, so we know it is something we can live up to.” This is what is meant by bringing their *Sefer Yuchsin* – it’s their proof that they can accept the Torah, and it is something that the other nations could never say.

In fact, the Dubno Maggid also uses this as an explanation for the term מעשה אבות סימן לבנים. The fact that our ancestors kept the entire Torah, is our sign that we can do it too.

Zaidy, as the forefather of the Kossman Family, your *maasim* are a *siman* to all of us. You have shown us what can be accomplished with 7½ years of hard work. *Im Yirtzah Hashem* we will follow in your footsteps.

Mazel Tov.



I would like to make one more point. There are 2,711 *daffim* in *Talmud Bavli*. Of course, not all pages are the same length or the same level of difficulty, but we can assume, based on the length of a typical *Daf Yomi*

shiur, that it takes about one hour per *Daf*. 2,711 hours equates to approximately 113 full (24-hour) days; more than 16 weeks.

I point this out, not for you to be impressed with the amount of time spent learning the *Daf* (though it definitely is impressive), but to show the dedication of my mother-in-law. These 113 days over the last 7½ years (not counting the other hours of learning my father-in-law did with his chavrusa) took a commitment by the learner's spouse too.

We sometimes forget that it is not just one person who is making this commitment, and therefore it is a celebration for her too.

Mazel Tov Bubby! 



## Capital Punishment in Judaism

### Chapter Two – Rescue \*

#### Rabbi Shmuel Chaim Naiman

*Over the past several years, I've been working on a book about Judaism's death penalty. It is an exciting, ongoing journey, full of surprises and challenges. Last year I shared in this journal an abridged draft of Chapter One, "Discretion," together with a brief outline of the Introduction. What follows is an abridged draft of Chapter Two.*

If we focus our prayers on the right objectives, then our cries will certainly reach Hashem and our *tefillos* will be more likely to be heard.

Every occupation has a purpose. Lawyers advocate, doctors heal, and the grocer sells produce. What is the job description of the judge? He applies the law of the land to specific situations that come before him. When disputes arise between parties, he adjudicates; in criminal trials he convicts or exonerates. Prejudice or bias of any sort corrupt his role to the core. His objective is to remain outside the situation, completely impartial.

For monetary matters, Torah law agrees to this description. Fearlessly search out the truth; then lay down the law. Regarding capital trials, however, the Torah begs to differ.

#### A Congregation of Rescuers

Close to the end of the book of Numbers (Chapter 35), the Torah designates six "cities of refuge" in which the accidental murderer can find asylum and atonement. Let's take a quick peek at some excerpts from that passage.

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

If from loathing he struck him with his hand and he dies, the hitter shall die for he is a murderer... However, if accidentally and without loathing he pushed him, does not hate him or wish him harm [he will not be killed. Therefore,] the congregation shall judge between the one who struck and the blood-redeemer about these statutes [1]. And the congregation shall rescue the murderer from the blood-redeemer [2], and the congregation shall return him to the city of refuge to which he had fled [3]. (*Numbers* 35:21-25)

The passage repeatedly refers to “the congregation,” that is the high court, or Sanhedrin, that is authorized to hear capital cases.<sup>1</sup> In fact, their role was repeated no less than three times: on judging the defendant, rescuing him, and then returning him to his place of refuge (as I numbered in the passage). Why such duplication? Wouldn’t pronouns do the job so much more smoothly? Apparently, interprets the Oral Torah, each reference to the court refers to three distinct actions, even missions, that the court is being instructed to perform.

1 - First of all, the Sanhedrin will try the known killer in order to determine whether he ought to be executed (for intentional murder) or merely sent into exile (for involuntary manslaughter).

2 - Moving on to the verdict phase, however, the Torah teaches that their deliberations may lead to a third result: the defendant can be “rescued” and acquitted, which is the ruling for a criminal action committed with no negligence whatsoever. For example, if a shining new car were to suddenly spin out of control while approaching a busy intersection, whereupon the laws of physics ordered it to plow straight through the nearest pedestrian, the owner is exempt from any punishment, for the unfortunate death is not ascribed to him in any way. This is the second function of the court: to save victims of circumstance from wrongful prosecution.

3 - Yet sometimes such a happy ending cannot be reached, as the verse finishes with its final mention of “the congregation” in which the defendant is to be returned to exile.<sup>2</sup>

What about the death sentence, so prominent in the verses before “the congregation” got involved? It is completely ignored in the trial’s verdict phase. Its very existence needs to be extrapolated from the previous verse, one which stated clearly that the trial was originally convened with the possibility of such an outcome.

Even more curious than leaving out the death sentence while presenting the verdict is the Torah’s abrupt about-face within the passage. Although this trial was originally convened to decide between execution and exile [verse 1], the first finding mentioned is the “rescue” of a complete acquittal [verse 2]. Only afterward does the verse discuss the possibility of a guilty sentence, and the watered-down exile one at that [verse 3].

This shift, taught the Oral Torah, sends an unmistakable message. When sitting in “judgment” between life and death, do your utmost to vindicate the accused. Your mandate is not only to uncover the truth, but to “rescue” as well.

Here is how the oft-repeated Talmudic axiom expresses this perspective: But the Merciful One said: “The congregation shall judge,” “The congregation shall rescue”!<sup>3</sup>

### **Ramifications of Rescue**

The Talmudic authors cited this maxim three times, in separate tractates. In two of them, the context is quite similar. A law was presented that would have resulted in a questionable guilty sentence. The particulars of the situations under discussion are rather complex, so let’s suffice with generalities: one opinion accepts a pair of witnesses whose testimonies *may* be contradicting each other, and the second suggests to convict a person who *probably is not* a minor. The Talmud interjects with the

above aphorism, contesting the ruling's validity by invoking this universally accepted principle.<sup>4</sup>

In the third incident, the saying was invoked to explain the parameters of a certain legal opinion attributed to Rabbi Akiva, a prominent sage of the Mishnaic era.

Imagine your local Sanhedrin, with its complete quorum of twenty-three venerated scholars, out for an evening stroll in the countryside. The sages amble along, grateful to be presiding over nothing but their own thoughts and senses – until the whole group witnesses a cold-blooded murder, brazenly committed right before their eyes. Several of the more able-bodied jurists tackle the culprit and haul him back to the courthouse. Although obviously frustrated at the sudden ending of their excursion, they console themselves with the knowledge that the unexpected hearing will be quick and simple. An open and shut case, due process a mere formality.

No, ruled Rabbi Akiva. When a Sanhedrin has observed a murder, all of its members are automatically witnesses for the prosecution – and a witness is disqualified from doubling as a judge. The Talmud found Rabbi Akiva's source in our rescue principle: Anyone present at the time of the crime will be unable to attempt to save the accused in trial, for he already knows the defendant's culpability as fact. The esteemed witnesses must testify before another qualified court.<sup>5</sup>

These three rulings are not the only applications of the rescue principle. As we will learn from numerous other Mishnaic and Talmudic teachings, they form the sample chosen by the Talmud to represent the biblical source (and perhaps the extent) of a much broader principle: a rescue doctrine that mandates judges to steer proceedings in favor of the accused.

We will learn that this quest for acquittal is methodological and focused, not merely a loose suggestion to emphasize meritorious arguments. This isn't so surprising: Torah law usually prefers specific directives over amorphous attitudes.

In fact, the Mishnah provided a concise catalog of rescuing procedures which will serve as the base of our study of the rescue doctrine.<sup>6</sup> As subsequently indicated by the Talmud, most items were derived by various methods of biblical exegesis. Moreover, ancient tradition has it that Moses was alluding to this Mishnaic list at the time he established the Torah's court system when he "commanded [the judges on] all of these matters that you should perform."<sup>7</sup> Finally, centuries later, through his painstaking referencing of this principle as the reasoning behind many more Talmudic rulings, Rashi helped later generations to further appreciate its wide scope.<sup>8</sup>

As with our investigation into the doctrine of discretion, we will again examine various laws concerning the court's composition and the trial's proceedings. Only our focus has shifted, from the seriousness of the trial's serious tone to its aspirations for acquittal.

### **Packing the Bench**

We've already learned how the capital court's basic makeup and demeanor were fixed by the doctrine of discretion. In order to also facilitate favorable findings, some additional specifications must be met.

Candidates for the bench shall be able to credibly argue why the eight vermin designated by the Torah (*Leviticus* 11:29-30) as ritually impure ought to be reclassified as pure. This is for good reason. The judges must possess enough acumen to prove that which is demonstrably untrue: their job description includes finding the merits of even the guiltiest of defendants.<sup>9</sup>

Furthermore, life circumstances, even age, can disqualify. A childless scholar cannot sit on the Sanhedrin, as the challenges of raising children induce a special tendency for compassion that will serve to benefit the accused. For the same reason, very elderly sages are unsuitable, no matter how numerous their offspring. Their child-rearing years are a thing of the past, a fading memory.<sup>10</sup>

### **Opening the Hearing**

Let's enter the Sanhedrin courthouse on a day that one case is being heard. Yes, that's a rule: only one case per day.<sup>11</sup> If they hear multiple cases, there will not be ample time to properly seek out each defendant's innocence.<sup>12</sup>

The floor is opened for discussion and debate. The opening word is not what the first speaker happens to believe. Rather, the dialogue must begin in favor of the accused.<sup>13</sup> The Talmud even offered some specific suggestions on how to open a capital hearing. The court may ask the defendant if he is aware of witnesses who may contradict the incriminating testimony. Alternatively, they can comfort him with the assurance that if he didn't kill, he will not be killed. Another possibility is to badger the prosecuting witnesses: "It seems to us that your statements will, in fact, cause all allegations to be dismissed." Lastly, they may announce to all present: "Anyone in possession of a meritorious argument, come now and present it!"<sup>14</sup>

On that hopeful note, the deliberations begin in earnest – with yet another regulation. The first opinion cannot be offered by the chief justice. One of his lesser colleagues must open the give-and-take. If he were to argue for a guilty sentence, perhaps some of the younger or newer members may feel too ashamed to dispute the venerated sage's stance. Let someone else commence the discussion so that by the time the chairman speaks, even if to convict, a range of diverse viewpoints will have already been presented, and no one will be afraid to tell their truth.<sup>15</sup>

### **The Debate Floor**

A heated debate ensues, in which various arguments for each outcome are put forth. Undoubtedly, some will be summarily rejected, others contested but ultimately vindicated. Perhaps an astute member will offer a shrewd insight that will be accepted by most of the assembly.

Maybe the defendant himself has an argument on his own behalf. For example, he may claim that he believed his action was legally permitted, and he had meant to laugh off the witnesses when he accepted their death threat. Perhaps he has an alibi removing him from the crime scene. Yet not every defendant is schooled in legal arguments. Must he hire a lawyer to search the prosecuting witnesses' case for holes? No need for that: the judges are his counsel. If any potential line of reasoning arises, they will pursue it on his behalf.<sup>16</sup>

As the back-and-forth progresses, it is only natural that some jurists will reverse their earlier opinions. Someone who originally argued to condemn may now wish to acquit or vice versa. Court rules allow an open retraction only in order to lobby for acquittal. The opposite direction – from innocent to guilty – is strictly forbidden. Instead of announcing his change of heart, he should concentrate his efforts on rehabilitating his original, lenient, outlook.<sup>17</sup> Only when the final tally is called, which won't occur until the following day (as we will learn shortly), does the law permit, and in fact obligate, every jurist to vote according to his final view – even if he must transfer to the convicting camp.<sup>18</sup>

### **Jurists in Training**

Three rows of students are on hand at all capital trials as part of their judicial training. Can they too present arguments? Well, as by now you can well imagine, it depends on what they would like to propose. If one wants to push for conviction, he will be summarily rejected. On the other hand, cases for exoneration are welcome.<sup>19</sup>

In order to encourage class participation and emphasize its legitimacy, the aspiring apprentice who claims proof of the defendant's innocence will be invited to join the court on the bench. Even if his presentation turns out to be devoid of original, helpful content, he is to remain up there for the rest of the day; to ingloriously return him to his proper place would be a needless public degradation. If his arguments provide new and useful information, the budding scholar will remain on the bench for the duration of the trial, promoted to be a temporary twenty-fourth member of the Sanhedrin. As a result, when the accused's fate is decided the court will reckon an extra acquitting vote.<sup>20</sup>

Incredibly, even if the precocious pupil were to tragically drop dead before the final vote is taken, his unrepresented ballot will still be counted. Had he remained alive, he might have changed his mind by the time the sentencing comes around, but since his untimely demise prevented that, the court will continue to count his position, all the way through their final count.<sup>21</sup>

Over the course of the proceedings, the defendant too is invited to plead his case.<sup>22</sup> And even more astonishing than the universally accepted student-judge rule, Maimonides maintained that the suspect's position – when new and useful – will also be tallied with the votes of the judges who have convened to decide his fate!<sup>23</sup>

### **Overnight Accommodations**

As the first day of deliberations winds down, an initial tally *may* be taken – if a significant number of members are advocating for conviction. However, implies the language of the Mishnah, if there seems to be a prevailing argument for acquittal, no further procedures are necessary, and the relieved suspect is sent on his way without further ado. This option of a spontaneous, informal dismissal of all charges remains in the later phases of the trial as well: at the final verdict, and even while appealing a guilty sentence.<sup>24</sup>



It takes a simple majority of thirteen votes to formally exonerate the defendant.<sup>25</sup> On the other hand, if the bulk of the bench opts for the death penalty, their day has only begun. Although nightfall approaches and the debate has been long and arduous, a human life is hanging in the balance, and all available avenues to acquittal have run into dead ends. New possibilities must be discovered. We must forge on.

In the Talmudic terminology, the strategy is dubbed “accommodating the trial overnight.” The term hearkens back to the prophet Isaiah’s rebuke to the courts of his day who were failing to carry it out faithfully. Here’s a loose translation of the Talmud’s rendering of Isaiah’s words: “You were accustomed to accommodating capital trials overnight to discover the defendant’s righteousness, and now that you don’t do this, you are like murderers” (*Isaiah* 1:21).<sup>26</sup>

The gavel bangs. Everyone heads for the door – but for all practical purposes, court is still in session. Throughout the city, small groups gather for heated discussions, doggedly digging up fresh reasons to vindicate the accused. Eventually, the groups disperse and most home to finish the sleepless, night-long vigil. Several may pair up to pursue a promising lead. Patiently plumbing the depths of the Law, the rescue search continues until dawn.

With the rising sun, all reconvene in the courthouse for a second day of hearings. Again, a count is taken. Again, all who exonerated yesterday must outwardly maintain their stance, even if, despite their best efforts otherwise, they now believe the defendant to be guilty. Therefore, the purpose of the vote is really to determine how many have deserted the convicting camp overnight.<sup>27</sup>

Perhaps one of the judges who originally opted for the death sentence has recognized the fallacy of his original reasoning, but he stands committed to the final decision to convict – based on a new premise. He need not move over to the exonerating bloc, for his bottom line has remained

consistent. However, due to his turnabout in rationale, the trial must be accommodated for a second night: maybe the new analysis, too, will turn out to be mistaken.

To prevent such a reversal from going unnoticed, court stenographers were on hand yesterday taking copious notes; not only was each associate's final position recorded, but also his line of thinking was duly transcribed. In this way, the slightest shift in a judge's argument, perhaps unbeknownst to the flip-flopper himself, will be duly observed – resulting in an additional night of rescue efforts.<sup>28</sup>

In order to foster maximum concentration, exceptional personal conduct is required from all justices throughout the two days of hearings – including the sleepless night in between. Specifically, the Mishnah teaches, they must limit food consumption to a bare minimum and completely abstain from alcoholic beverages. Taking a break for a hearty, savory meal, downed with a shot of whiskey, is liable to distract from their single-minded focus to save the human being on trial.<sup>29</sup>

### **Unanimous Conviction**

Without strict adherence to this entire protocol, the court is forbidden to hand down a death sentence. In fact, lax observance may ultimately cause the defendant's acquittal – perhaps even when the lapse was beyond the court's control.

The Talmud rules, “A Sanhedrin that opens a capital trial with a unanimous condemnation shall dismiss the suspect”.<sup>30</sup> At first glance, this statute appears quite bizarre. An undisputed finding reflects clarity; I'd think it ought to be encouraged. Over the centuries, several explanations have been suggested.

A simple reading of the passage's continuation points towards the requirement to accommodate the trial overnight for the purpose of merit-searching. Once the entire court has openly avowed the defendant's guilt,

it will be impossible for them to sincerely pursue his innocence. And since every convicting court must first mount a concerted effort to acquit, no choice remains but to terminate the trial.

Maimonides' presentation of this statute appears to add nuance to this approach. Nothing brings out the hidden angles of an issue like an intense debate, and it was for this purpose that the Torah instituted the whole protracted process of overnight discussion: to incite the promoters of innocence to assault the conviction camp. Without even one advocate for acquittal, however, no such contest can be held. An unknown but potentially decisive argument may be lurking, waiting to be discovered.<sup>31</sup>

Another late medieval scholar, Rabbi Shlomo ben Shimon Duran (c.1400-1467), interpreted this rejection of unanimity as a censuring of callous courts, focusing on the words "that opens" in the Talmudic passage. Of course, we accept and prefer an ultimately unified consensus to convict, but only after the law has taken its full course. Every suspect's right to due process precludes immediate unanimity to convict in several ways.

Firstly, as we learned, the hearing must open with words favoring the accused, followed by a period of open-minded discussion in which everyone present is encouraged to plead for acquittal. If a Sanhedrin flouts this protocol, its members are predisposed to convict and cannot be trusted with a human life. Furthermore, their intimidating demeanor can cause even a guiltless man to despair of ever getting a fair day in court. The defendant may already be too disheartened to fight for his life even in a friendlier assembly, so all charges are dropped.<sup>32</sup>

### **The Verdict**

Returning to the properly conducted trial, whose jurists are responsibly "judging" towards "rescue," the hour of decision has arrived. As I mentioned earlier, if the bench appears to be leaning towards acquittal,

no formal count is necessary. Only without any reigning consensus will they determine the verdict with a formal vote, albeit of a peculiar sort.

Sentencing protocol for capital trials was described in a cryptic biblical verse, deciphered by the Oral Tradition as follows. “Do not go after a majority of one to find guilty, as only for good will that suffice; only with a majority of two shall you decide for bad” (*Exodus* 23:2). Consequently, if thirteen members vote for innocence and twelve for guilt, the court has found the defendant innocent. However, in the opposite scenario, when a majority of one advocates for the death penalty, a final outcome has not yet been found. Only if the guilty camp outnumbers the innocent camp by two (or more) votes will the defendant be condemned to death.<sup>33</sup>

Thus, at the capital trial’s climax, God has directed His courts to abandon any pretense of impartiality, incorporating the final verdict within the rescue doctrine with audacious boldness.

When confronted with a majority of one vote for conviction, the court appoints a pair of additional jurists, expanding the quorum to twenty-five. Perhaps both will reach the same conclusion, decisively tipping the scale one way or another. If their opinions conflict, entrenching the deadlock deeper, two more judges are added. And so on, additional sets of judges are assigned, until the total membership reaches a maximum of seventy-one. At this point, rules the Mishnah, the entire inflated assembly will return to the debating stage until, hopefully, one judge will overturn his ruling, breaking the stalemate.<sup>34</sup>

Although a reversal in any direction will break the impasse, the Mishnah specifies only one direction: from death to life. It’s the semantics of saving, explains the Talmud. When the Mishnaic scholars established a fixed text for the Oral Torah, they consciously pointed towards their preferred outcome,<sup>35</sup> implying a poignant message: the Torah’s

reluctance to convict has grown much larger than active jurisprudence. It has infiltrated the emotional world of those studying it.

What if no mind can be changed? The defendant is pardoned, as the court cannot punish based on such a slim majority. The court president will formally proclaim: “This case has become old,” meaning that it will not be pursued any further.<sup>36</sup>

With all of these rescuing procedures, the court has hopefully saved the defendant’s life. But not always. Their best efforts notwithstanding, the day will come when all rescue procedures will fail to achieve an acquittal. After all, capital trials are serious affairs, not staged shows of salvation for all suspects. Therefore, as long as people commit capital crimes, death sentences will be issued, albeit rarely. Yet the court’s merit-seeking responsibilities do not end with a guilty verdict. They only increase. Let’s take a close look at the appellate stage of the judicial process, leading right up to the hour of execution.

### **Appellate Court**

In capital trials, the court’s findings can be overturned – in one direction only. If incriminating evidence appears after a suspect has been cleared, the case is usually not reopened. (The exception is when the court erred about a known biblical verse, as such an irresponsible blunder renders their ruling inconsequential.) Only to save a condemned convict will the court always reconvene. This difference was derived by the Talmud from an alternative reading of the verse with which we opened the last chapter, “The innocent and righteous among you, do not kill” (Exodus 23:7). Don’t kill the one who is truly innocent, even if he was (wrongly) convicted in court. Also don’t kill the one who was established in court to be righteous, even if in fact he is guilty.<sup>37</sup>

Consequently, the presiding judge may not outwardly exhibit any confidence in the verdict’s shrewdness and accuracy. Such conduct is liable to create impressions of finality.<sup>38</sup>

### **Eleventh Hour Broadcast**

Torah law views any waiting on death row as cruel, forbidden torture. (We'll learn more about this in the next chapter). On the other hand, to immediately execute the convict would forestall one final quest for his innocence. We must strike a delicate balance between undue haste and excessive delay. Here is how we will buy some time while not subjecting the condemned to passively wait for death.

The condemned man and his retinue set out immediately to the execution site, but the duration of their trip is purposely drawn-out. Justice can be dispensed only outside the city limits. Even if a Sanhedrin would conduct a trial in an open meadow, the execution site must be moved six kilometers away. Thus, a crucial window of opportunity has been opened.

As the procession sets out on its fateful errand, a stirring proclamation is broadcast throughout the metropolitan area.

Oliver is being let out to be killed by decapitation for murdering Arthur at the corner of Oak Street and Maple Avenue on Monday morning of this week at 4:30 AM. Jack and Joe are the witnesses for the prosecution. Anyone holding an argument or testimony for Oliver's benefit, come immediately to the court and speak!

All the names and details were not arbitrarily included. This is a concentrated effort to fish for any holes in the prosecution's case. Perhaps a truck driver on early morning deliveries rounded that corner at the ostensibly fateful hour but witnessed nothing more than the first rays of dawn. Or better yet, maybe Jack's insomniac neighbor observed him through his window on a video call with his child serving in the military overseas – at exactly the time he claims to have witnessed the murder.<sup>39</sup>

At first, I had a problem with this law. Why didn't the court recruit the local populace to the rescue effort already from the trial's onset? After

mulling it over a bit, I see how the eleventh-hour timing is profoundly prescient. Law-abiding citizens aren't very often accused of capital crimes. So, when witnesses report such an offense in court, there's a pretty good chance that the suspect is guilty. Were the case's particulars publicized immediately, it would likely net only more *prosecuting* witnesses, duty-bound to corroborate the prosecuting witnesses' account. Only now, after the defendant has been sentenced to death, there remains nothing to lose.

### **On the Road**

Torah courts conducted capital trials long before the advent of electronic communications. How can an execution party be recalled if new evidence or testimony surfaces? Shall they simply send out a courier and hope that he relays his message in time? The Oral Tradition, as outlined in the Mishnah, provides a detailed scheme to stretch time to its limit. The court clerk stands outside the courthouse, large cloth flag in hand. On the horizon stands a fresh mount, its rider ready to take up the chase. If someone inside will claim new evidence or arguments, the signalman promptly waves the banner, and the horse instantly races off, hot in pursuit.<sup>40</sup>

On the road, the convict himself can call for a stay of his own execution. If he suddenly recalls a vindicating argument, his protestations are not shrugged off as a desperate ploy of the guilty. Every claim must be respectfully considered. Moreover, in the first two such instances, the entire party will return to court so that he may plead his case before the Sanhedrin. Even if his reasoning sounds absurd to his escort, perhaps the proximity to death has clouded his thinking, making a well-founded claim sound foolish. Let him return to town, settle down with a cup of coffee, and then attempt to convince the court of his innocence.

However, after having come back twice to court, the case will not be automatically reopened there. From then on, two scholars are added to the company to discern if he is adding anything significant. Only with

their endorsement will they all return yet again – however many times necessary.<sup>41</sup>

### **The Rescue Doctrine**

And so concludes our study of the doctrine of rescue. Let us ponder its underlying theme.

When humankind chose to punish individuals who threaten us, we created judicial systems to judge alleged criminals. Our man-made institutions will always attempt, with varying levels of success, to act with fairness and impartiality. We flatly condemn all forms of bias and bigotry. Corrupt judges and perjurious witnesses ought to be exposed, framed defendants cleared, and guilty offenders punished.

However, in contemplating the rescue doctrine, we learn how the Torah's capital trial jurists must repeatedly and intentionally obstruct justice by tilting the proceedings in the defendant's favor. Apparently, the court's mandate includes something more than finding the truth, and from the perspective of a loving God, this makes perfect sense. Torah capital trials aren't about one human judging his brother, but a Father delegating to His beloved children the disciplining of His other, wayward but no less beloved, child. Professional detachment must be cast aside, replaced by empathy and favoritism.

In our study of the discretion doctrine, we observed how God's *respect* for every human life permeates the Torah's capital punishment system. Now we've learned that He also *cherishes* human life, so much so that He ordered us to relinquish any semblance of neutrality and openly advocate in the defendant's favor.

We've come a long way from the dark deity displayed in the superficial reading of the Pentateuch, presented nowadays by fanatical regimes facing off against Western culture. Those fanatics live by a God of vengeance, cavalier and cold, whereas our loving God taught us –



specifically concerning the death penalty – respect and compassion for every human life. א

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<sup>1</sup> see Mishnah 2a

<sup>2</sup> Mishnah *Makkos* 9b, Talmud *ibid.* 10b

<sup>3</sup> see following two notes, also Talmud 42b, 43a

<sup>4</sup> Talmud *Pesachim* 12a, *Sanhedrin* 69a

<sup>5</sup> Talmud *Rosh Hashanah* 26a

<sup>6</sup> Mishnah 32a

<sup>7</sup> Deuteronomy 1:18

<sup>8</sup> some examples: 9a, 79a, 79b

<sup>9</sup> Talmud 17a

<sup>10</sup> Talmud 36b

<sup>11</sup> Mishnah 45b

<sup>12</sup> Rashi *ibid.*

<sup>13</sup> Mishnah 32a, 40a

<sup>14</sup> Talmud 32b

<sup>15</sup> Mishnah 32a and Talmud 36a. See also *Maharsha* to Talmud *ibid*

<sup>16</sup> Talmud 29a

<sup>17</sup> Mishnah *ibid* with Rashi

<sup>18</sup> Talmud 34a

<sup>19</sup> Mishnah 32a and Talmud 33b

<sup>20</sup> Mishnah 40a and Talmud 42a

<sup>21</sup> Talmud 34a

<sup>22</sup> Mishnah 40a

<sup>23</sup> Maimonides 10:8

<sup>24</sup> Mishnah 40a (twice), 43a

<sup>25</sup> Mishnah 32a

<sup>26</sup> Mishnah 32a, Talmud 35a

<sup>27</sup> Mishnah 40a

<sup>28</sup> Talmud 34a

<sup>29</sup> Mishnah 40a; Maimonides *M" T* 12:3. See also *Urim VeTumim* 7:5; *Dina DeChayi* on *Semag asai* 98 pp. 111a; *Aruch LeNair* on *Tosafos* 42a.

<sup>30</sup> Talmud 17a

<sup>31</sup> See Maimonides 9:1

<sup>32</sup> Rashbash *Milchemes Mitzvah* pp. 20

<sup>33</sup> Mishnah 2a, 32a

<sup>34</sup> Mishnah 40a

<sup>35</sup> Talmud 34a

<sup>36</sup> Talmud 42a according to Maimonides 9:2

<sup>37</sup> Mishnah 32a, Talmud 33b

<sup>38</sup> Talmud 42a

<sup>39</sup> Mishnah and Talmud 43a, Maimonides 13:1

<sup>40</sup> Mishnah 42b

<sup>41</sup> Mishnah *ibid*, Talmud 43a, Maimonides 13:1

## **The Blind Have Deeper Insight <sup>1</sup>**

### **Rabbi Paysach Diskind**

Chanukah celebrates our survival and ultimate triumph over the threat of assimilation into the Greek culture. Although we achieved both military and political victories against the Greeks, it is the religious victory that we celebrate. This is because the criteria for being worthy of establishing a holiday on our calendar is that the event must be a history-altering one. For example, the Exodus transformed us into a people. The receiving of the Torah gave definition to our mission as a people, and so on.

We must therefore ask: in what way did Chanukah alter the history of our people? To do that let us appreciate what challenge we faced against the Greeks and how we overcame it.

The Greeks recognized that our destiny was tied to our past, to Avraham, to Yitzchak, and to Yaakov. It was built upon the undying tradition that every generation passed on to the subsequent generation. The Greeks therefore planned to create a gap in this tradition and break one link which would bring down our people by turning the destiny of our people into an unfulfilled dream. To accomplish this, they imposed decrees that were intended to create such a gap. These included the prohibition of Torah study, Shabbos, *bris milah* and observing our calendar. In addition to these decrees, there was widespread assimilation that was occurring, and our Torah was quickly becoming forgotten. In fact, until this period of time there were no disagreements within our Oral Tradition. Only once the Greeks penetrated our culture did forgetfulness and lack of clarity set it.

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<sup>1</sup> Adapted from a *shiur* by Rabbi Aaron Lopiansky, *shlit"i*. The connection to the *halachos* that were lost during the mourning of Moshe Rabbeinu was made by HaGaon HaRav Yitzchak Hutner z"l.

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The question is: how did we survive? How did we maintain our tradition if its integrity was compromised? Our Sages teach us that after the death of Moshe, over 1,000 years earlier, we also lost part of our tradition, and 3,000 *halachos* were lost. Moshe was no longer with us and there was no one left who could go back to Hashem and retrieve them. Our Sages teach us that these 3,000 *halachos* were brought back through “*pilpulo shel Torah*.” What is *pilpul* of Torah?

The Torah was written by Hashem, and as such it carries infinite wisdom which can be extracted if properly dissected and analyzed. This hard and toilsome intellectual exercise is *pilpul* of Torah. All of that infinite wisdom is accessible through *pilpul*. Therefore, *pilpulo shel Torah* opens up doors of wisdom that actually transcend the Torah that was available before *pilpulo shel Torah*. This would be parallel to the distinction between a seeing man looking at a sculpture and a blind man feeling it by touch. While the seeing man has perhaps a clearer picture, the blind man picks up on many nuances that the seeing man will never encounter. It may very well be that even if the seeing man would feel its shape, he would not pick up the nuances that only a blind person can.

Behold the irony! Although the Greeks sought to break the chain from the past, and they succeeded in some way, they nevertheless ushered in a new chapter in the development of our people and enhanced our relationship to Hashem and His Torah.

Now, in the post-Hellenist era, the *talmid chacham* who acquires Torah through his *pilpul* makes that Torah his Torah. He is the one who discovered it. It can be attributed to him and is his. In the pre-Hellenist era, the Torah received by a *talmid chacham* from his Rebbe could not be reckoned as his own for it was nothing but what was given to his Rebbe and his Rebbe before him, going back to Moshe Rabbeinu. It was not his own accomplishment.

## *Lemaan Tesapeir*

It is no wonder that Chanukah is such an important holiday on our calendar. The military victory came and went, the political victory came and went, but the gain we achieved in our relationship to Hashem and His Torah continues to nourish us today, 2,300 years later. א

## A Reflection on the *Inyanim* of Chanukah

### Rabbi Simcha Baer

Chanukah commemorates the miracles that were done on behalf of the elements in *Klal Yisrael* who were faithful to their *mesorah* in the face of *Galus Yavan*. These *nissim* were: the victory over superior forces on the battlefield in a miraculous fashion, and the single cruse of oil not defiled by the Yevanim which lasted eight days instead of a single night. The *sefarim* of Neviim are replete with more grandiose *nissim* that never became the basis for a new holiday, or more precisely, new mitzvos. The history of *Klal Yisrael* before and since is replete with miraculous events. What sets apart this event that mandates the eternal celebration of Chanukah by all of *Klal Yisrael*, men and women (even though it is a *zman grama*)?

The reason that Chanukah was established as a holiday is that its *nissim* transformed the world and in particular our relationship with Hashem, which underwent a metamorphosis at this point. The focal point of our relationship with Hashem changed through the pressures of *Galus Yavan* and our successful response. From the time of *Matan Torah* until close to the *Churban Bayis Rishon* the symbol of our relationship with Hashem was embodied in the *Aron* with the *keruvim*. It symbolized our ability to partner with Hashem in a way that made Hashem's overt presence in the world clear and accessible. It was characterized by the *tekufah* of *nevuah*. After Yoshiyahu hid the *Aron*, and particularly after the *Churban*, our relationship with Hashem had to be defined in a new context, and the work of Mordechai and Esther established a basis to renew our connection to Hashem even in a world of *hester panim* through *emunas chachamim* and a commitment to a Jewish lifestyle even in a goy's world. This set in motion the possibility of the advent of the second *Bayis*, which became the new focal point and symbol of our connection to Hashem. True, the *Aron* and the overt presence of the *Shechinah* were missing, as was *nevuah*, but our House that was consecrated to Hashem symbolized the continued connection that we still had with Him. This

was the reason that Purim was established as a mandatory annual celebration on the Jewish calendar.<sup>1</sup>

*Galus Yavan* put new pressures on the relationship between Hashem and *Klal Yisrael* particularly in an era dependent on *emunas chachamim* as the key to relating to Hashem. The Yevanim couldn't challenge *nevuah*, but their development of man's intellectual capacity allowed them to challenge our monopoly on the *emes*. Their developments created a new approach to discover and unlock the secrets of the universe that were particularly appealing because they came without attendant obligations. This along with a strong offensive to discredit *chachmei Yisrael* led to the advent of mass assimilation. They were *michallel* the very Beis HaMikdash, the focal point of our unique relationship with Hashem. We

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<sup>1</sup> It says in Shir Hashirim: אֲחֻזֹת לָנוּ קִטְנָה וְשִׁדְדִים אֵין לָהּ מִה נַעֲשֶׂה לְאַחֲמֶנּוּ בַיּוֹם שֶׁיִּדְבֹר בָּהּ אִם חֹמָה הִיא נִבְנָה עָלֶיהָ טִירַת כֶּסֶף וְאִם דֶּלֶת הִיא נִצּוֹר עָלֶיהָ לֹדֶם אֶרֶז.

The Gemara says that it is a reference to Eilam, the Persian Jewish community that was very underdeveloped because they never had yeshivos. בַּיּוֹם שֶׁיִּדְבֹר בָּהּ is clearly a reference to Purim. Shushan is known for two things by *Chazal*; Shushan Purim and the front door of the Beis HaMikdash was called *Shushan Habirah* because Koresh insisted that a picture of the capital city be painted on the front door to intimidate them, expressing the idea that just as he built it, he could tear it down if they crossed him. The legacy of Shushan can be expressed by these two symbols. The *chomah* is a symbol of Shushan Purim, which is celebrated in cities that are *mukaf chomah*. A *tiras kesef* is a big silver structure that is reflective. Purim taught us that even though we no longer can access *nevuah* we can still gauge our relationship with Hashem by what's going on in the world; it is simply a reflection of our relationship with Hashem. Just as the Megillah can be read as two parallel stories with every reference to *HaMelech* referring simultaneously to Achashveirosh and to Hashem. The door represents that Purim is the portal to the second Bais HaMikdash. Every effort to rebuild the Beis HaMikdash prior to Purim got no traction because the underlying relationship wasn't there. They were *mitzayer* a picture of Shushan on the door because although the *malchus* of Koresh was just a flash in the pan, nevertheless the *kiyum* of the Beis HaMikdash was completely dependent on Shushan. If the *takanos* of Mordechai and Esther weren't carried out to sustain *emunas chachamim* and a commitment to mitzvos then the Beis HaMikdash could have no continued existence, as we discovered with the advent of *Malchus Yavan*, which undermined these commitments and thereby neutralized the Bais HaMikdash. באו פריצים וחיללוה.

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could no longer rely upon it to symbolize our specialness. Into this breach stepped a handful of Kohanim who were loyal to Hashem. The upshot of their *mesirus nefesh* was the advent of a new emerging symbol of our ability to experience and project our relationship with Hashem in the world. This, of course, is the Menorah and *hadlakas neiros* in the home as opposed to the Beis HaMikdash. This survived the *churban Bayis Sheini* and keeps us going even today after thousands of years.

The Menorah and *hadlakas haneiros* in the *Mikdash* has a dual symbolism. In *Behaaloscha* the Menorah becomes the vehicle to draw *shefa* of *chachmas hatorah* from Hashem. In *Emor*, even before it was invested with this role, it is notable because מחזין לפרכת העדת באהל מועד. It symbolizes that *avodas Hashem* transcends the limitations of physics and that Hashem's presence is in our midst. (Because the *ner maaravi* burns a full 24 hours on a scant measure of oil.) In this respect it is one of the hallmarks of the *ohel* of Sarah and Rivka that demonstrates the presence of the *Shechinah* within.

The ability of the *beriah* to be a hybrid organism imbued with both physicality and a spiritual overlay is presented in the opening words of the Torah: בראשית ברא אלהים את השמים ואת הארץ. It could have said simply את העולם, but it refers to את השמים ואת הארץ to make clear the hybrid nature of the *beriah* which has both עליונים ותחתונים. This overlay of spirituality allows for the transcendence of the physical laws of the universe. *Nissim* are possible as is communion with Hashem only because of this dimension. Mankind lost access to this dimension of the world at the *mabul* and only *Avraham Avinu* regained it when he was back to Hashem. He formally regained access to the עליונים with the *bris milah*. He is capable now of partnering with Hashem in the השלמה of the בריאה. The עכו"ם never regained access to the spiritual dimension of the world and are consigned to a limited physical existence. This is characterized by the *pasuk*: ופן תשא עיניך השמימה וראית את השמש ואת הירח ואת הכוכבים כל צבא השמים ונצחת והשתחווית להם ועבדתם אשר חלק ה' אלקיך אתם לכל העמים תחת כל השמים.

The עכו"ם don't have permission to worship the heavenly spheres. Rather, they were accorded astrophysics as their tool to understand the universe. The science that they develop through this discipline works; however, it doesn't address our reality. In fact, the world was created in 7 days of 24 hours. The development of billions of years was accelerated and compressed into a short period of time by the transcendent nature of the spiritual dimension which is part and parcel of the *beriah*. They have no access to spirituality, so it is irrelevant to them. The Yevanim were committed to driving the notion of spirituality from the world. It is, *lehavdil*, analogous to the drive to separate church and state in this country and scientists who zealously banish the mere mention of "intelligent design" from science classes.

The Chashmonaim were successful in reasserting our connection to Hashem and spirituality through the medium of perception of the אור התורה. They co-opted the Greek advances in developing man's capacity to analyze his world by utilizing that same process to analyze the Torah. This launched the *tekufah* of the Tannaim who were dramatically *marchiv* the Torah with their intellectual prowess.<sup>2</sup> This is the difference between *tumah* and *taharah*. *Tumah* drives one away from Hashem while *taharah* draws one near. The pursuit of science drives one away from Hashem because it dismisses רוחניות while *taharah* and לימוד התורה draw you into a partnership with Hashem.

Einstein promoted his theory of relativity to understand the *beriah*.  $E=mc^2$  means that energy equals mass times the speed of light squared. An enormous amount of energy is required to hold subatomic particles in

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<sup>2</sup> The Chashmonaim used a wooden Menorah during Chanukah as opposed to a golden one. Gold does not degrade and so it is the material of choice for *keilim* that symbolize the Torah. That aptly characterized the Torah as long as the *mesorah* was preserved intact. Once the Yevanim undermined the *mesorah*, the *tekufah* of the Tannaim was launched and there were many different approaches to Torah that were developed. Wood (*etz*) comes from the same *shores* as *eitza*. Wood allows one to flesh out their plans and build them into reality. The developing Torah of the Tannaim is aptly symbolized by a Menorah of *etz*.



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their orbit around the nucleus so that the atom can hold together. This concept explains why *היה נבהו וחשך על פני תהום* until Hashem said *יהי אור* and created the speed of light to set energy in motion and make it visible. Prior to this, matter could not have any form. This energy that is in the core of matter and defines its form is the *התגשמות* or physical manifestation of the *אור התורה* that defines the form of everything that Hashem created; like *Chazal* say: *הסתכל באורייתא וברא*. By right, when one beholds anything in the physical world, he should make an association with some spiritual concept in the Torah that it symbolizes. In practice we are oblivious to this aspect of the physical phenomena. This is representative of the *אור הגנוז*, because we are oblivious to the underlying *אור התורה*. The *אור הגנוז* also represents the idea that the *beriah* does not actually operate on the premise of cause and effect. The physical factors that appear to be the root causes of specific effects are just a *העלמה* of the fact that Hashem directly causes everything to happen by His will. The sun is unnecessary to illuminate the world or for photosynthesis. It wasn't in place until Wednesday. The world operated exactly the same without it because Hashem willed it to. The operation of the Universe on a transcendent plane that is not a function of cause and effect but rather on the strength of *רוחניות* is the other aspect of the *אור הגנוז*. In *Behaaloscha* two new aspects were introduced in the service of lighting the Menorah. This was because Aharon was perturbed that he did not have a role in the *chanukas hamizbei'ach*. The placement of three steps before the Menorah, symbolizing that the Menorah's function is now the securing of *hashpaah* from Hashem for the acquisition of *chachmah*, which is necessarily pursued in stages (steps), is one innovation. The other is the placement of the wicks in a configuration that minimizes the illumination in order to express the idea that lighting the Menorah has nothing to do with illuminating the *Heichal*. Rather it is an exercise in exposing the *אור הגנוז*. The hidden energy at the core of the atoms forming the oil is exposed to view by igniting it. That's why we have the attendant element in *Emor* that it defies the limits of physics because it transcends cause and effect and taps into Hashem's direct input in the world.

After the Yevanim brought *tumah* to all the *shemanim*. They divorced from the *shemen* the ability to perceive Hashem. They promoted a scientific cause-and-effect world. The Chashmonaim were victorious in a transcendent manner beyond the scope of cause and effect. They took advantage of the *בשורה* that Avraham got that his children would be like *עפר הארץ*. That their *hatzlachah* is not at all correlated to quantity. Just like the *עפר הארץ* looks to *שמים* for all its *hashpaah* and channels the sunlight and rain from the heavens into the production of produce, so too *Klal Yisrael* has the power to draw *shefa* from Heaven to transcend the puny limitations that would characterize an assessment of our physical strength and resources. The number eight is symbolic of man's ability to partner with Hashem, to extend his work of seven days towards *השלמת הבריאה*. The eight-day holiday of Chanukah shows that *Klal Yisrael* retains their ability to partner with Hashem (symbolized by *milah*), and that there is room for *chidush* in the realm of our relationship with Hashem (Rosh Chodesh), and that our world is transcendent of cause and effect (Shabbos), and it is all through the pursuit of *chachmas haTorah* embodied metaphorically in the *shemen*. The *חשמונאים* restored the *ח* to the *שמן*. When the Yevanim violated the Beis HaMikdash, they neutralized it as an effective symbol of our energized connection to Hashem. They were *מחלל קדושת הבית* whether it is symbolized by their efforts to be *מקריב חזיר* in the *Mikdash* or by their initiative to violate *בתולה תבעל להגמון תחילה* by promulgating an edict *קדושת ישראל*.

The preservation of *קדושת ישראל* is the role of Jewish women. They create a holy environment in the world where spirituality can be experienced in a physical setting. *... תאמר לבית נעקב ותגיד לבני ישראל...* The men are charged with making *Klal Yisrael* a *ממלכת פהנים* while the women ensure that we are a *גוי קדוש*. In the breach created by Yavan, a woman had to step forth and secure *קדושת ישראל*. If the Beis HaMikdash is no longer necessarily a symbol of *גוי קדוש*, the Jewish *Bayis* still is. This idea of *גוי קדוש* reflects our ability to reflect Hashem's presence in the world. The *איש וביתו ונרות הנובה* reflect in the world our ability to partner with Hashem in the world through our

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קדושת הבית and our expansion of Hashem's Torah through the development of תורה שבעל פה. The success of Yavan at making us forget Torah and lose our *mesorah* is overcome by our reaction – ever expanding Torah in this void of our memory loss. The requirement of ניסא פרסומי captures this aspect of reflecting our קדושת ישראל out into the world. But Yavan never conceded defeat on their campaign to trivialize the Torah and preempt it. They continually take the battle of assimilation to our doorsteps and even try to usurp our holiday by trivializing it and superseding it. For this reason, *Minhag Yisrael* incorporated the dreidel and *Chanukah gelt* into the celebration of the holiday. The dreidel and money were props used by *Klal Yisrael* to overtly justify congregating, which was necessary to develop תורה שבעל פה בפלפול חברים under the guise of congregating in order to gamble. We have a חיצונית aspect of the holiday to divert the goyim from its core significance, so that their counterfeit holiday cannot attack the פנימיות of the *tikun* wrought by Chanukah.

We read *Parshas Miketz* on Shabbos Chanukah because it records the success of Yosef and Asnas in establishing a home embodying קדושת ישראל in a hostile world to the point where they were able to secure *hashpaah* from Hashem during the years of *sova* in a way that transcended any limitation of physics even in a land characterized generally by the Mitzrim and limits of physics.

The details of the miracle of the *shemen* are purposefully obscured to stimulate the *pilpul* of תורה שבעל פה in the myriad explanations that have been advanced over the generations.

The ability of Yavan to affect Yisrael can be traced to the עגל הזהב. Prior to that debacle, the Torah was formatted in a way that couldn't be accessed intellectually and of course couldn't be forgotten or challenged by competing intellectual approaches. In response to that ירידה in *Klal Yisrael*, the Menorah was recast from a vessel to draw general *shefa* to the world from Hashem through a broad range of channels into a vessel

for the specific *hashpaah* of *chachmas haTorah*. Aharon was responsible for that vulnerability to *Galus Yavan* and because his entire initiative was done לשם שמים, his descendants were positioned to use the Menorah as a תרופה.

All the other Yomim Tovim on the calendar are mandated in Tanach. Only Chanukah is based in *Torah Shebaal Peh*. On one hand that implies that the holidays that are recorded in Tanach are objective realities whereas Chanukah is an opportunity; but it is what we make of it. To better understand this, the physical world is the *hisgashmus*, physical manifestation, of the Written Torah, as Chazal say: *Histakel b'Oraysa ubara almah*. What is the *hisgashmus* of *Torah SheBaal Peh*? It is man's ability to develop the world. You can dig ditches or build skyscrapers, beautiful things or ugly things. They will all stand, provided that you abide by the laws of nature. You are only limited by your access to resources and your imagination. So too we have the ability to develop Hashem's Torah. Some *divrei Torah* are more beautiful than others, but nevertheless *eilu v'eilu divrei Elokim chaim*. A holiday that is *Torah SheBaal Peh* empowers us to transform the world! Chanukah is fundamentally about the *Chanukahs hamizbeach* and the Beis HaMikdash. We are empowered by the *shemen tahor*, but it doesn't end there. We have the tools now to restore the Beis HaMikdash to the world. Chanukah is on 25 Kislev because on that date *Klal Yisrael* finished *mileches hamishkan*. So why did they have to wait three months until *hakomas hamishkan*? Everyone contributed raw materials to the Mishkan, but only a small number of people were involved in the actual *mileches hamishkan*. Those *keilim* and the structure of the Mishkan could not yet house the *Shechinah*. It required the *nidivus lev* of all *Klal Yisrael* to have *heilegeh machshavos* for three months, their aspirations for the Mishkan that they were *mitzaref* to the hardware so that ultimately Hashem was able to inhabit *maaseh yideihem*. The Third Beis HaMikdash will be built by Hashem. We will not produce the hardware. We need to produce the *heilegeh machshavos* that will get us to the point that Hashem can be in our midst.

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We start *leining* on Chanukah from the שש עגלות צב whereas you would think that you would begin from the *korban* of Nachshon ben Aminadav. Why did the *Nesiim* donate the wagons? There was no foreseen need for them and Moshe didn't want to accept them. The *Nesiim* felt bad that they hadn't been more proactive in donating material for the Mishkan and so they said, although *hakomas hamishkan* was a big *aliyah* for *Klal Yisrael*, they didn't want to stop there. They wanted to go *m'chayil el choyil* and take the show on the road so to speak and in that vein they contributed wagons. Because of that *nidivus lev*, Hashem inspired them to bring the *Chanukas hamizbei'ach* according to *Rashi*. Although each *korban* was identical, each *Nasi* was *zocheh* to have sophisticated and deep understanding of what their *shevet* was about and use the *matbeia* of the *korban* to express unique *hiskarvus* to Hashem through what their *shevet* represented. This deep *havanah* that they were *zoche* to allowed them to become the *anashim asher nikvu b'sheimos* when the *pikudim* were undertaken on Rosh Chodesh Iyar. That is why by the שש עגלות צב it is *miyaches* them as עומדים על הפקודים. They made it possible for the members of their *shevet* to rally around them and use them as role models who personified the ideals of their *shevet*, so the members of that tribe could be seen as *Bnei Reuven* or *Shimon*. This allowed *Klal Yisrael* to be formatted into *degalim* and actually take the show on the road as the *nisim* aspired.

Chanukah empowers us to transform the world and bring back an overt spiritual dimension that was lost by the first *churban* by our *higayon* in Hashem's Torah and our commitment to *kedushah* and *taharah*. We are capable of lofty *heiligh machshavos* that develop Hashem's world by restoring the spiritual aspect that was banished long ago. Someday soon the cumulative effect of the *yegiyah* of generations of Yidden in the spirit of the Chashmonaim who were *moser nefesh* for these ideals and didn't sell out to the *tumah* that drew people away from Hashem, will be the *Chanukahs habayis* of the Third Beis HaMikdash *b'meheirah b'yameinu!*

*Beis Shammai* lights the Menorah from eight down to one like the bulls brought on Succos. Despite the principle of *maalin b'kodesh v'ein moridin*, they promote this scheme because they see in Chanukah the opportunity to be completely *mevatel* the עכ"ם and their influence from the world. The *Gra z"l* notes in *Parshas Pinchas* that of the seventy nations of the world, 35 are in the orbit of Yishmael and 35 in the orbit of *Malchus Edom*. In reality, only those in the orbit of Edom challenge us in our commitment to Hashem and mitzvos. Chanukah empowers us against their challenge. We light 36 candles during Chanukah; 35 opposing the nations aligned with Edom which we could *be poches v'holech* until we are rid of them and are left with the single candle representing Yisrael.

The *Chasam Sofer* credits Yaakov's return for the *pachim ketanim* for the *zechus* of the *pach shemen* found by the Chashmonaim. How could Yaakov think that purchasing property in Eretz Yisrael (Shechem) was tantamount to inheriting it directly from Hashem? (The *Bris Bein HaBesarim* barred us from real property ownership in Eretz Yisrael until we inherited it from Hashem.) By going back for the *pachim ketanim* he demonstrated that he believed that every penny that Hashem gave him was for an important purpose and the 100 *kesita* that he used to acquire property in Shechem was given to him by Hashem for that specific purpose, so he considered it like getting the property directly from Hashem. This sensibility allowed the Chashmonaim to recognize in the *pach* a godsend that made the *neis* possible and indeed behooved them to commemorate the *neis* with a holiday because of the profound sense of the underlying *yad Hashem* in the process. א

## ***Tzippur HaMeshulachas***

### **Raphael Moshe Berkowitz**

It says in *Parshas Metzora* that a *metzora* brings two birds for his *taharah*. The first one is *shechted*, with its blood used for הזאה. And the other one is used for the טבילה and הזאה, and then it is sent out על פני השדה.

The Gemara in *Kiddushin* (57a) says that the *shechted* bird is forbidden for benefit, but the *tzippur hameshulachas* (the sent-away bird) is permitted. The Gemara learns this from *pesukim* in *Parshas Re'eh*, which say (14:11-12): כָּל צִפּוֹר טְהוֹרָה תֹאכְלוּ and then וְזֶה אֲשֶׁר לֹא תֹאכְלוּ מֵהֶם. The Gemara says: "כל צפור טהורה תאכלו" לרבות את המשולחת, "וזה אשר לא תאכלו" מהם" לרבות את השחוטה.

The Gemara asks: how do you know this? Maybe the Torah is including the *meshulachas* as the forbidden one and the *shechted* bird as the permitted one?

One of the Gemara's answers is: לא אמרה תורה שלח לתקלה. *Rashi* explains that the Torah would not command us to do something which could lead to a problem. If the *tzippur hameshulachas* was forbidden, it would be a stumbling block for the person who would find it and eat it.

The *Acharonim* are bothered with a *kasha*. Why would the *tzippur hameshulachas* be a stumbling block? It should be *batul* (nullified) in the rest of the permitted birds in the world!

R' Shimon Shkop in the *Shaarei Yosher* answers that there is no *din* of *bitul berov* unless it is gathered in one place. R' Shimon explains that the *yesod* of *bitul* is that one *din* is *chal* on the whole *taaruvos*, and for that it has to be in one place. Therefore, sending away a forbidden bird would be a stumbling block.

The *Pri Megadim* in *Teivas Gomeh* brings another *kasha* from the *Shu"t Mekom Shmuell*. Even if we say that there's no *bitul* in the birds of the world, the Gemara in *Kiddushin* is still *shver*. What's the proof that the *tzippur hameshulachas* is permitted? Maybe it really is forbidden, and one is obligated to be *mevatel* the bird in two birds of *chullin*. That way, the *tzippur hameshulachas* would not be a stumbling block.

Perhaps we can answer using the following approach: R' Akiva Eiger (ב) asks a *kasha* on the Gemara in *Pesachim* (פה). The Gemara *darshans* a *pasuk* that the *issur* of *sheviras etzem* of the *korban pesach* applies even if there's marrow in the bone, which has a *mitzvas aseil* of *achilas pesach*.

R' Akiva Eiger asks: Why isn't one *mechuyav* to be *mevatel* the bones of the *korban pesach* in *chullin* bones and then break the bones to eat the meat of the *korban pesach*? Says R' Akiva Eiger that there's no point in doing this because by being *mevatel* the bones, it takes away the *shem pesach* (the *pesach* status) and therefore there will be no *kiyum mitzvah* of eating the *korban pesach*.

With this, we can answer the *kasha* of the *Mekom Shmuell*: if you are *mevatel* the *metzora's* bird, it's true that it becomes permitted. But it takes away the *shem tzippur metzora*, and you do not fulfill the mitzvah of sending away the bird.

But R' Akiva Eiger says that this *yesod* is contradicted from a Gemara in *Pesachim*. The Gemara says (פה): חמשה שנתערבו עורות פתחיהן זה בזה: ונמצאת יבלת באחת מהן כולן יוצאין לבית השרפה ופטורין מלעשות פסח שני. If skins of five *pesachim* become mixed, and one has a *yabeles* making it *pasul* as a *baal mum*, they all must be burnt because one of them is *pasul*. However, the owners of all five are *patur* from bringing the *pesach sheni*. The reason is because the *korban pesach* cannot be brought מספק. The Gemara asks why not let each of them separate an animal and make the following *tenia*: If I am חייב שני פסח שני because my first *korban* was



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*pasul*, then this is my *korban pesach*; and if I am not חייב because my *korban pesach* was כשר, it should be a *shelamim*.

R' Akiva Eiger asks on the Gemara: how is this an עצה to be יוצא the חיוב פסח? Since you have a תערובת of four שלמים and one פסח, the פסח should be בטול in the רוב of שלמים. If so, since you can't be פסח אכילת פסח, מקיים מצות אכילת פסח, you are not יוצא הקרבה either. You have to say that even after the *bitul*, it does not take away the פסח שם, and you are מקיים מצות אכילת פסח. If so, the original *kasha* comes back: why isn't one מחויב to be מבטל the עצמות of the פסח? It comes out that it is a סתירה between these two סוגיות.

Perhaps we can answer this *kasha* with another יסוד from the גדולי אחרונים. The *Chavas Daas* in יורה דעה סימן ק"א and R' Akiva Eiger ask the following *kasha*: in the case of חמשה שנתערבו עורות פסחיהם, why isn't the בשר of the בעל מום בטל in the רב of כשר, thereby making them all permitted? R' Akiva Eiger and the *Oneg Yom Tov* both say that *bitul* can only take off דינים but can't give them. Therefore, the בעל מום cannot become כשר through *bitul*.

We can now answer the original סתירה of R' Akiva Eiger. The reason why the בשר פסח is not *batul* in the בשר שלמים is because the *bitul* here is a *bitul* of giving דינים and would have to become שלמים. Therefore, since it cannot turn into בשר שלמים the *bitul* cannot take away the פסח שם. by the *bitul* of עצמות פסח in חולין, since the *bitul* is taking off דינים and the עצמות become חולין, it will take away the פסח שם. With this, we can also answer the *kasha* on מצורע. Since it is *batul* in two birds of חולין, it loses its מצורע שם, and you can't be מקיים the מצוה of שילוח.

we have a ראייה contradicting this answer from the Gemara in מנחות. The Gemara says: אין עולין מבטלין זה את זה, meaning things brought on the מזבח are not מבטל each other. The מקור of this is from the כהן גדול who is מערב the דם הפר and the דם השעיר. Meaning, even though דם הפר is more than דם השעיר, it is not בטול. According to what we

are saying, that if the מתבטל can't become like the מבטל, it is not פקע the דם on the חפצה המתבטל. Why would there not be a זריקה with the השעיר? Perhaps we can say that there's a difference between the *bitul* of לה בלה and the *bitul* of יבש ביבש. By לה בלה, it becomes one ממש, and therefore, it can get דינים with *bitul*. יבש ביבש by מה שאין כן, which is a דין that the מיעוט has the דין of the רב, it is only to take off דינים and not to get דינים.

(Even though we find in the משנה in ערלה and סימן צ"ח that if you have איסור and היתר מעורב with not enough היתר to be מבטל the איסור, another איסור is מצטרף to be מבטל the first איסור, so we see that *bitul* works even though it's not getting the דין of the מבטל and כפשוטו it's even by יבש ביבש. Perhaps by איסורים, each איסור לגבי the other is היתר. And therefore, it works to take off the other איסור. Whereas, by two קרבנות they have one קדשים, therefore, number 1, the מבטל, can't take off the שם of number 2 and therefore, it remains the original <sup>א</sup>קרבה.)

## ***Ein Od Milvado***

### **Yoel Hettleman**

The last Mishnah in the third *perek* of *Rosh Hashana* (29a) says: “Make for yourself a snake and mount it on a pole. And if anyone who is bitten shall look at it, he shall live.”

The Mishnah asks: Did the snake kill or did the snake keep alive? Rather, when Israel would look upwards and subject their hearts to their Father in heaven, they were healed, and if not, they would die.

To what does this Mishnah refer? To properly understand this Mishnah, we first need a little background.

When the *Bnei Yisrael* approach the borders of the land of Edom, Moshe Rabbeinu sends messengers to the king of Edom requesting permission to cross his territory. This request is denied, and the people have to turn away, back toward the sea.

The *Bnei Yisrael* begin to complain and then disaster strikes. As the *pasuk* in *Chukas* says: *The people spoke against Hashem and against Moshe. Why have you brought us up out of Egypt to die in this desert? For there is no bread and no water, and we are disgusted with this rotten bread.*

*Rotten bread? Excuse me!* This “rotten bread” – the *mon* – was a daily miracle. It fell every morning, just the right amount, double on Friday. It could taste like nearly any food that the person desired. The body could convert the *mon* completely into energy with zero by-products. And you’re calling it “rotten bread”? The people did not need to work for their food; all they had to do was collect it daily from the ground. Yet, after all that Hashem had done to provide for them in the desert, all they could do is complain about the food! It is this thankless attitude, this lack

of appreciation for what Hashem had done for them, that was the reason for their punishment.

This uprising produced a swift response, an attack of poisonous snakes. At first glance, it seems these snakes are unique among Hashem's punishments. However, Rav Hirsh explains why snakes are not an unusual punishment. Quite the opposite, we would expect to find snakes in the desert! Moshe describes the desert in *Sefer Devarim* as “the great and terrible desert full of poisonous snakes, scorpions and drought.” However, with the benefit of Hashem’s miraculous protective power they had wandered untouched. As we can learn, poisonous snakes are as much a natural part of the desert as thirst! Hashem protected them throughout the dangerous journey in the desert. However, when the people were ungrateful, and criticized the *mon* Hashem provided, then Hashem withdrew his protection and *Bnei Yisrael* were left to deal with the snakes on their own.

Many of *Bnei Yisrael* were bitten by the snakes. It is then that the people realized they were to blame. As the *pasuk* says: *The people came to Moshe and said, We sinned by speaking against Hashem and against you. Ask Hashem to take away the snakes from us! And Moshe asked Hashem. Then Hashem said to Moshe, make a snake and mount it on a pole. And if anyone who is bitten looks at it, he shall recover. Moshe made a copper snake and mounted it on a pole; and when anyone was bitten by a snake, he would look at the copper snake and recover.*

Why did Hashem choose this particular method of a snake on a pole for healing? Could this possibly be confused with *avodah zarah*?

*Chazal* push off this thought and now we come to our Mishnah.

“Did the snake kill or did the snake keep alive? Rather, when Israel would look upwards and subject their hearts to their Father in heaven, they were healed, and if not, they would die.”

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It was not the copper snake that healed. Saving was in the hands of Hashem. “*Ein Od Milvado!*”

While this was clear to *Chazal*, history proves that there were those who thought differently. In *Sefer Melachim*, there is the following episode regarding Chizkiyah, the king of Yehudah: *Chizkiyah did what was pleasing to Hashem. He abolished the idols and smashed the pillars, and he also broke into pieces the copper snake that Moshe had made; for until that time the Bnei Yisrael had been offering sacrifices to it.*

Centuries after Moshe had constructed the copper snake, it was being worshipped by *Bnei Yisrael*. They believed that the snake possessed magical healing powers; that perhaps the snake, not Hashem, healed the people! This historical testimony strengthens our question. It turns out that the snake that Moshe used in curing the people created an *avodah zarah* that continued for generations!

The *Ibn Ezra* raises this question only to acknowledge that he is at a loss for an answer. He states: It, the copper snake, was made at the command of Hashem and it is not for us to inquire why the cure came in the shape of a snake.

The *Bechor Shor*, a student of *Rabbeinu Tam*, offers the following explanation: The copper snake was made for the sake of sanctifying Hashem's name, for upon observing that whoever looked at the snake survived, just as Hashem promised, and whoever didn't, died, the *Bnei Yisrael* recognized that it was Hashem who saved them. Without the copper snake, they would have thought it was all coincidental and not the hand of Hashem that saved them.

According to the *Bechor Shor* the function of the copper snake was to demonstrate to the people that both the punishment and the cure were a direct result of the hand of Hashem.

The *Ramban*, taking a similar approach, explains: It appears to me that the secret of this matter is that this is one of the ways of the Torah, which is a *neis metoch neis*, a miracle within a miracle. Hashem removes injury by means of the cause of the injury and heals illness by means of the cause of the sickness. The intention is that Hashem commanded that they should be healed by that which was killing them. This was to make them realize that it is Hashem alone, *Ein Od Milvado*, Who heals or does not heal.

So, now we can better understand the message from Chazal in our Mishnah. We must always remember: *You were taught to know that Hashem is God; there is none besides Him.* אלהים

## ***Sefiras HaOmer* for a Bar Mitzvah**

**Yisroel Lauer**

The *pasuk* says: שִׁבְעַת שָׁבָתוֹת תְּמִימֹת תִּהְיֶינָה, *You shall count seven complete weeks.*

*Tosafos* in *Menachos* (סו.) quote the *Bahag* who says that if someone missed counting a day of *Sefiras HaOmer* he can no longer continue counting with a *berachah* because the counting must be “*temimos*,” complete.

*Tosafos* do not seem to hold like the *Behag*. The *Rosh* in *Pesachim* elaborates that *Tosafos* consider each individual day’s count to be a separate and independent mitzvah; therefore, omitting one day has no impact on the others.

The *Shulchan Aruch* (סי' תפ"ט) *paskens* that we must be *machmir* for the *Bahag*’s position, and one who forgot to count one day should not continue with a *berachah*. However, he does not conclusively *pasken* like the *Bahag*; it is merely a doubtful situation where a *berachah* is not recited. Therefore, in the *Beis Yosef* he agrees with the *Terumas Hadeshen* that if one is uncertain whether he remembered to count a certain day, he may continue to count the following days with a *berachah*. Since there is a doubt as to what occurred, and even if he forgot to count, it is questionable whether we even hold like the *Behag*, the rule of *sfek sfeika*, doubt of a doubt, allows him to continue saying *Sefiras HaOmer* with a *berachah*.

The *Sefer HaChinuch* (Mitzvah 306) explains the *Bahag*’s position as considering the counting of all 49 days as one single mitzvah. In this context, the *Minchas Chinuch* asks the famous question regarding someone who becomes Bar Mitzvah during this time of *sefirah*. Being that he is lacking in a portion of the mitzvah since he only counted the

earlier days as a non-obligated *katan* and it was only a *d'rabanan* mitzvah, the *Minchas Chinuch* asks if the Bar Mitzvah boy is able to make a *berachah* now that the mitzvah changed to a *d'oraisa*. Since he was not obligated on the same level prior to his Bar Mitzvah, and it's all one big mitzvah, perhaps he does not have the *temimos* that he needs, and he should not be able to continue with a *berachah*. He concludes that the *bachur* may continue to recite the *berachah* for a fascinating reason.

The *Maggid Mishnah* writes that if one made early *Shabbos* and said kiddush before *shekia*, he may continue eating after nightfall based upon that kiddush. The *Mordechai* adds that even according to the opinions that *Tosfos Shabbos* is *d'rabanan* while kiddush on *Shabbos* is *d'oraisa*, the kiddush he recited before *shekia* can be utilized to fulfill his *d'oraisa* requirement and he would not need to recite another kiddush.

Based upon this, the *Minchas Chinuch* suggests that in our case as well, we can apply a similar concept. Since a *katan* is required to perform all of the mitzvos, including *Sefiras HaOmer*, due to the mitzvah of *chinuch*, his counting prior to the Bar Mitzvah can count towards his future *d'oraisa* obligation. Therefore, though the status of his counting has changed mid-stream, his situation is vastly different than that of one who failed to count at all.

The *Maharam Shick* disagrees with this comparison and explains that there are different types of mitzvos that are *d'rabanan*. While regarding kiddush the same individual who has the *d'rabanan* obligation before nightfall will have the *d'oraisa* obligation after nightfall, this is not necessarily an issue regarding Chinuch. In *Berachos* (נז) *Rashi* writes that the mitzvah of *chinuch* is incumbent upon the father and not upon the son. According to his opinion, a *katan* has no obligation, even *d'rabanan*, to recite *Sefiras HaOmer*; rather his father is commanded to educate and train him by doing so. While *Tosafos* there disagree, the matter is not resolved.



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In conclusion, there are three main opinions:

(1) R' Ovadyah Yosef and some others say that the Bar Mitzvah *bachur* should not make a *berachah* anymore once he is Bar Mitzvah, even if he made a *berachah* every night beforehand.

(2) There is a second opinion that is surprisingly to the other extreme, that of the *Chesed L'Avraham*. He writes that even if the *katan* did not make a *berachah* every night before his Bar Mitzvah, he can now make a *berachah*. The reason is because he needs *temimos*, and since he was not obligated at all before, his *temimos* status starts now. Therefore, he is technically just starting the mitzvah of *Sefiras HaOmer* now and he could thereby say the *berachah*.

(3) However, the vast majority of opinions including the *Minchas Chinuch*, the *Har Tzvi*, the *Aruch HaShulchan*, and many others hold that if the Bar Mitzvah boy counted all the other days before his Bar Mitzvah, he could now continue to count with a *berachah* even after he becomes Bar Mitzvah. Even if we would consider this questionable, we mentioned previously that there is reason to count with a *berachah* in the presence of multiple doubts, which certainly exist here. א

## **An *Eim BeYisrael*: Mrs. Debra Friedman, *a”h* <sup>1</sup>** **Rabbi Yitzchak Friedman**

My late wife, Debra Rachel Friedman, *a”h*, was special in so many ways. She loved the Torah and those who study it, she was modest and caring, G-d fearing and devout. She was honest and hardworking yet possessed an infectious smile. When she was taken from this world while the sanctity of Yom Kippur was still within her, it sent a shock wave through the Jewish world. How could this happen to such a wonderful person?

My Rav, Rav Abba Zvi Naiman, *shlita*, remarked at the *levayah*, “she was an *olah temimah* that Hashem plucked from us!” That seemed like hyperbole, since my wife, in her modesty, never thought of herself as anything special. However, in the subsequent hours and days, I have come to see the wisdom of his words. In the following paragraphs, the reader will be able to follow the events that proceeded her *petirah* and be able to make up his or her own mind.

The story begins the Monday night before Yom Kippur. Our shul sponsored a shiur from Rabbi Yoav Elon about the *Avodas Yom HaKippurim*, the Yom Kippur service. I planned on going, while my wife would be busy with paperwork from her new job. Just before the talk started, she appeared. She told me that she attended because it would make Rabbi Elon’s mother-in-law happy. Debra attended a weekly exercise class with said mother-in-law.

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<sup>1</sup> Editor’s note: Our *Kehillah* was shaken by the tragedy that occurred to us on *Motza’ei Yom HaKippurim*. For me, there is an added, personal tragedy, having been close with the family from my childhood, including sharing our Uncle Ben Pernikoff, *a”h* and many cousins, along with being next-door neighbors for almost twenty years. We were all inspired by the *kiddush Hashem* Rav Yitzchak created in his reaction on this tragedy. Here are his words.

After a wonderful and detailed presentation, we walked home together. We looked at each other with the same thought, “It was a beautiful presentation, but what does it have to do with me?” When she said the actual words to me, I committed to do more research on the topic.

Rabbi Dovid Katz, a Rav and an historian, does a weekly biography podcast featuring a Rabbi whose *yahrzeit* is commemorated that week. Many times, he picks famous figures known to most of us and many times the subject is obscure. When discussing the *Rama*, Rabbi Katz said that the *Rama*’s halachic credentials are well known. However, the fact that he was a Kabbalist and philosopher is less known. In that podcast, he recommended the *Rama*’s work, *Toras HaOlah*, which discusses all aspects of the *Avodas Beis HaMikdash* (the Temple service).

This summer, I started the *sefer* and found it enlightening and enjoyable. I discontinued its study, due to other prior commitments. However, on Yom Kippur morning, I honored my commitment to my wife to further search for a deeper understanding of the *Avodas Yom HaKipurim*. I took the *Toras HaOlah* from the shelf and proceeded to study it.

Customarily, I stay in shul during the post-Mussaf break. However, this year, I was too cold in the shul, so I decided to go home. My wife was outside the shul, and we walked home together. I used the opportunity to share with her some of what I had learned about the *avodah* from the pen of the *Rama*.

The *Rama* (*Toras HaOlah* 2:56) poses the question, “Why do all holiday mussaf sacrifices require the bringing of two bulls as *olos* and that of Rosh Hashanah requires only one bull? (see the text for the *Rama*’s answer) However, the same question exists by the mussaf of Yom Kippur, where only one bull is required.

The *Rama* himself (*ibid.* 2:57) says the following about Yom Kippur:

ומצינו כי פעולת ה' יתעלה ומשפטו הם בדרך אחד, וכמו שפעולותיו שלמים כן משפטיו שלמים. כמו שאמר משה רבינו ע"ה, "הצור תמים פעלו, כי כל דרכיו משפט" ... ועל כן

בא ענין היום, להורות אף שמשפטיו הם בתכלית השלמות נמשכים חכמותיו, מכל מקום לא יתחייב שיהיה תמידים, שהרי לא נמחל להם עד יום ידוע והוא יום כיפור... והי' קרבן מוסף כקרבן מוסף של ר"ה, כי שניהם מורים על משפטי השם יתעלה אם האדם".

I explained to Debra what I thought the *Rama* meant: All year round, there seems to be a disparity between Hashem's perfect justice and how He runs this world. However, on Yom Kippur, it becomes clear that all His actions emanate from His perfect justice. "All His ways are just!" Therefore, all year round, even on Yom Tov, we still sacrifice two bulls. On Yom Kippur, after teshuvah is complete, we are worthy of seeing the unity between His actions and the wisdom of His justice. Hence, on the Yomim Noraim we bring only one bull for the mussaf *olah* offering.

ה' הוא She appreciated the explanation and seemingly accepted that אלוקים. Indeed, all his judgements are sound and just, despite the fact that it seems people get away with misbehavior.

I continued that the *Rama* explains that the *Bais HaMikdash* was a facsimile of Gan Eden. The Kohen Gadol needs to separate from his wife, seven days before Yom Kippur to signify the creation process, which consisted of one day to "plan" and six days of creation. Who would have known she was accepting the *din* that would separate her from her family, seven hours later? Who would have fathomed that soon she would arrive in the Gan Eden, that was hinted at in the *avodas hamussaf*?

She asked me if she should stay for Maariv or run home to prepare dinner for break fast. I told her that our custom is that 50 minutes after *shekiah* we do prepare for the next day. We only keep 72 minutes as it relates to the Biblical laws of Shabbos and Yom Kippur. However, I understand that you feel awkward running home after the high level of *kedushah* that we achieve through Yom Kippur, which climaxes with the end of *neilah*. I told her that whatever she does is fine with me.

Debra returned for Minchah and ended up staying for Maariv. The last three phrases of Neilah are the ones that a critically ill person says as “*viduy*” before their death. The Kerias Shema that she said in Maariv, was reminiscent of the family gathering together around the bed of a relative ready to depart to the next world. And on the way home...

*Avos D'Rabbi Nassan* (§14) relates the story of Rav Yochanan ben Zakkai losing his eldest son. Many of his students tried to comfort him, to no avail. Finally, Reb Elazar ben Arach comforted his Rebbi with a homily. “If a king were to give one of his subjects a highly valuable object to keep for him, he would constantly think, “If only the king would take back the object back while it is in perfect condition!” Hashem gave you a precious object to keep – your son. He learned the Written and the Oral Torah, Halacha and Aggadah. When he left the world, he was a tzaddik, free of sin. Aren’t you happy you were able to return the King’s precious object in perfect condition?” (I would like to thank Benyamin Vurgafman for showing me this Chazal.)

My wife was returned in perfect condition. She came to the world, and the first person she saw was the nurse, Mrs. Hadas Shavrick, a G-d fearing Jew. She left the world in the presence of the medic, Dovi Speiglmán, a G-d fearing Jew. She had the Yom Kippur holiness upon her. She was *nimchal* from her family and from Hashem.

In retrospect, I look at our discussion of the words of the *Toras HaOlah* as a preparation for her death, just as Rav Elchonon Wasserman, *Hy”d*, prepared his students for their roles as *korbanos*. He required them to accept their role willingly. So too her agreeing with the words of the *Rama* constituted her acceptance of her role as a sacrifice.

The *pasuk* says, אִם עֹלָה קָרְבָנוּ, *if one brings an olah offering*. However, the word אִם can also be read “*eim*,” mother, meaning “if your mother is chosen as a *korban olah*.” To my children I say, “we don’t understand why Hashem choose my wife, your *Eim*, as His *olah*. However, her

blood was spilled on the four-cornered *Mizbe'ach*, called the Friedman family. We mourn the loss of a woman who gave her blood and guts for her husband, family, friends and those in need.

I have had the last thirty plus days to reflect on her 57 years of life – *gematria* בנה, *banah* – and what she built. I share with you – family and friends – some of my observations.

After the accident, my wife was taken downtown to the University of Maryland Shock Trauma Center. My friend and neighbor, R' Dovid Leipnik, drove me downtown. At the time Debra had gotten into the ambulance, she was still conscious, and I was unaware that her condition was so critical. Nevertheless, I thought that we were looking at two months in traction. Since R' Dovid is a talmid of Rav Lopiansky *shlita*, we decided to listen to Rav Aharon's talk at the OU Torah's event at City Field (known to my generation as Shea Stadium). He said the following: the word *kahal* is mentioned three times in the Torah and it always relates to *limud haTorah*. In contradistinction to *tzibbur*, which is a gathering in a specific place, or *eidah* which is a gathering for a specific purpose, *kahal* is a gathering around a specific group of principles. For a Jew, the Torah lays out his unifying principles. The quality or quantity of mitzvos that each participant performs is irrelevant to the nature of the *kahal* if they subscribe to the same basic principles.

He proceeded to compare the *kahal* to a tree whose branches are of different thicknesses, but each is nourished from a common trunk. After the first day of *shivah*, my daughter Bracha commented, that it is so amazing, how many people, from so many walks of life, felt supported by Mom. The word picture painted by Rav Aharon, the tree called *kahal*, became very vivid in my mind's eye. My wife was the trunk for family, neighbors, friends, colleagues, and those in need of her assistance.

My wife's uncle, Rav Hershel Schechter, used to say the following *vort*: *Kol hamispalel b'ad chaveiro v'hu tzarich l'oso davar, hu ne'ene*

*techilah*. The simple understanding of this Chazal is that if Reuven davens for Shimon to get a shidduch and needs a shidduch himself, Reuven will find his shidduch first. Uncle Hershy said the true meaning of this Chazal is that *tzarich l'oso davar* means that Reuven needs that Shimon's daughter get a shidduch in the same way that he needs/desires his own daughter to get a shidduch. It hurts him that Shimon's daughter isn't married as much as that his child isn't married. The tefillah that flows from such a concerned heart, is answered more readily. Debra was that person! She cared, she really cared.

My dear friend, Rabbi Asher Bush, told me the following, when I recently was in mourning for my mother. The *pasuk* says, *Ki avi v'imi azavuni v'hashem ya'asfeni*, My father and mother have left me and G-d has gathered me in. Once people die, a stronger *kesher* is created with them. While they are alive, much time is spent, dealing with their wants and needs and personalities. When they pass on, all that is left are the memories and moral messages you share. This realization that the moral core of a person and his spirituality is much stronger than his physical presence makes you capable of relating to the ultimate meaningful and spiritual being – HaKadosh Baruch Hu. You are now a candidate to be gathered in by the One Above. Obviously, being without Debra is not fun, it is actually extremely sad. However, I gain solace in being able to see her true and beautiful essence in full focus.

I go back to a piece in the *Toras HaOlah* that I learned that Yom Kippur but did not share with Debra on our walk home from shul. However, she later modeled his words. The *Rama* is explaining why the *sa'ir l'Hashem* is different than the *sa'ir l'Azazel*. Don't they both die in the end?

In chapter 59, the *Rama* writes the following:

אף שגופו נשרף חוץ למחנה, והוא דוגמת הגוף הנקבר או הנשרף על קדושת השם יתעלה. והשני הולך לעזאזל דראון לכל בשר נשאר דמו בקרבו, ורוחו עמו נאסף, ואין לך אבדון גדול מזה, ולכן נאמר, "ונשא השעיר" וגו', כי באמת בזה הדרך המתבונן בדברים אלו ישוב מכל חטאתיו, ויתחרט מכל עונותיו ונעשה לו זכויותיו.

## *Lemaan Tesapeir*

The *Rama* is describing the death of a sacrifice for G-d; the body returns to the dust from where it came and the blood, or in this case the *neshamah*, ascends to the inner sanctum above.

אשרך דוואשא רחל בת ר' אהרן שיצאת נשמתך בטהרה.

May her passing only bring *besuros tovos*, *yeshuos*, and *nechamos* to our family, the amazingly giving city of Baltimore, and the Jewish people. אמן



## The Heart of Kew Garden Hills: Jack Wiesel, *a”h*<sup>1</sup>

### Elisha Wiesel

My father, Jack Wiesel, *Yaakov ben Dovid HaLevi, a”h*, was an ordinary man, who was the youngest child of Holocaust survivors. His parents were ordinary, family-oriented people. He did not evince any exceptional skill growing up. He did not require great wealth or material gain to satisfy him. He did not enjoy sightseeing, vacationing, or sports – whether as a participant or as an observer.

What made Jack exceptional was his love for people. As a young man, he followed Meir Kahane, seeking to pressure the Russians to release the Jews. He volunteered in the Israeli army as a medic. When he began a career in building management, he was occupied with helping his tenants. His joy was helping people. He acquired knowledge in wines and schnaps, not for his own consumption, but rather to delight guests at other simchas. He discovered his *joie de vivre* was engaging with other people and devoting his time, efforts, and any cost he could to help others achieve happiness – something which is very unusual today.

My father passed away suddenly on Rosh Chodesh Av 5779. There are teachings that say that the *neshamah* sometimes tries to prepare before departing this world by doing important things whenever possible. Although not a lawyer, my father had consulted with many legal and

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<sup>1</sup> Editor’s note: We were deeply saddened by the sudden passing of our *mechutan* this past summer. We had worked in perfect harmony with him and *yblc”t* our *macheteneste* Annette in creating a beautiful wedding for our dear children Meir and Sheva a little over a year before. Whenever I meet members of the Kew Garden Hills community, I ask if they knew my *mechutan*, Jack Wiesel, and the answer is invariably "yes." We hope that this memorial will be somewhat of a *nechamah* for our *macheteneste*, for Sheva, and for the rest of the family.

municipal experts, and his wife (another volunteer) to ensure that his paperwork was properly filled out and submitted to the correct departments for approval. I spoke with several organizations that hired lawyers and specialists to handle similar situations, and they were impressed that a "regular" volunteer for a charity handled it himself. That is what was special about my father – he may not have been a trained expert at everything, but he became one whenever it was necessary. In *Pirkei Avos* (2:5), Hillel says, "In a place where there are no leaders, strive to be a leading man." That is how my father lived.

In the days before my father's passing, he was very concerned with the local mikvah in which he volunteered his time. Decades ago, when the Flushing, NY mikvah was newly built, my father offered to help manage it. He didn't hesitate to sign up even though he wasn't an expert in *mikvaos*, non-profits, or plumbing: he saw there was a need and was willing to learn. When people's beards turned green, he spoke with experts to adjust the chemicals and water in order to ensure a clean, kosher, pure experience. Shortly before he was *niftar*, he was very pleased to have completed government paperwork for the *mikvah*, paperwork which had been made more complicated last year.

He loved being very involved with the community in many ways. While some people would view it as an obligation, he actually enjoyed doing it. He would help with the *chevra kadisha*, *hachnasos orchim*, buying tallis and tefillin, donating sukkahs, *bikur cholim*, *shidduchim*, job referrals, *kiddushim*, visiting Jews in prison, or anything else that was needed. He was involved with the shul, would serve as gabbai, and would help arrange the shul dinner and its journal – which he himself put together in a binder!

My father loved to interact with people and was talented in inspiring others to get involved in community activities. He organized the neighborhood children to help set up Shabbos. There were quite a few special needs children with whom my father was able to connect, and

## Section X: In Memoriam

their families were very thrilled to see these children involved in the community. These families still remember those special times. He loved schmoozing with people and really listened to them as they revealed their deepest concerns. He would hear if they needed something and try to find a solution, to see if he could directly help or seek out a person to help. In that way, he served as an unofficial community advisor! He didn't hesitate to call anyone to help others, even people he just met.

When the Israeli Consulate changed the fees and permits to transport a *niftar* to be buried in Israel, my father took upon himself the task of righting this wrong until the permits became more available again. He made repeated calls to the Israeli Consulate until the process was operational. It wasn't his job or his problem. It was something the *kahal* needed, so he made sure it was done, even for strangers.

My father davened in many different shuls. He could befriend anyone and was the epitome of not judging anyone without first walking in their shoes. He loved and respected his teachers and Rabbanim but wasn't judgmental of others who were less observant or had different views than his own. His best friend was an Israeli named Muki whom he met during the Yom Kippur War. When the war broke out, my father flew to Israel to volunteer for the army. When my father was injured in the war, he met Muki who was recovering in the same hospital after helping secure the front lines for Israel on the most holy day of the year. My father brought Muki some food, company, and comfort with a kind word and a joke.

Another friend of my father's is named Steve. Although Steve is not Jewish, he often talked about trying to do good deeds as a member of the New York Police Department. Steve would spread happiness through his "mitzvas," often quoting his friend Jack when doing so. During *shivah* for my father, Steve told the family that a few months back, my father sent a young yeshivah student to speak with him about starting a business. At this point, Steve had retired from the NYPD and had opened the same kind of business. Most people would just give a bit of advice to

a novice businessman, especially someone who was potentially going to be in competition with him. Steve, however, always believed in helping and doing a good deed – as he said my father always taught him.<sup>2</sup> Steve spent the next half hour explaining how to set up the business, how to get the paperwork filed in New York, and how the process works when starting out. A few months later, this same yeshivah student called to tell Steve about Mr. Wiesel passing away. Steve told us at the *shivah* that his "mitzvah" went full circle; he was paid back for his good deed by having this person call him to inform him of the loss so that he could visit the grieving family.

Even strangers to us would come over the past few months and tell us how my father gave them advice. He advised them on how to straighten out their credit issues, how to get their first car loan, and how to get approved for a lease and eventually purchase a home. They may have been strangers to my father at first, but he viewed it as an obligation to help others based on one's own experiences so that they don't repeat the mistakes that many beginners make. There is a saying that a fool learns from his own mistakes, and the wise man learns from the mistakes of others. I would add that the righteous person teaches others to avoid mistakes so that they can make wise decisions. It is special because it is something that anyone can do, and it is important to remember because not everyone does it.

Jack Wiesel was committed to the Jewish people. He was fearless in his pursuit for justice. He was able to create warm connections with those who needed help and create strong bonds with the Rebbeim across the spectrum – local, Chassidish, Mekubalim. My father made a lasting impression, a footprint in our community which has left us all reeling at the sudden loss of his presence.🕊

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<sup>2</sup> You can read a first-hand account of this relationship here: <https://www.dignitymemorial.com/obituaries/forest-hills-ny/jacob-wiesel-8800699>

## **Zichron Yaakov Eliyahu: After Fifteen Years Gerald E. Naiman, *a"h***

### **Irvin Naiman**

How did a butcher's son from Baltimore become the driver of HaGaon HaRav Shraga Feivel Mendelovitch, *z"l*? Read on to find out how our father, Gerald Eli Naiman (Yaakov Eliyahu ben Dovid), *a"h*, born in Baltimore on 19 Kislev, 5668 (December 13, '27), did just that.

Our father's parents, Russian immigrants David and Fanny (nee Chomsky), Dovid and Feiga, arrived in the United States in the early 1910's and settled in Baltimore with their parents.



Avraham Abba Naiman



Mayer Chomsky

Our grandfather was a butcher, who, because of the difficulty working as a *frum* employee in those times, opened his own shop on Oswego Avenue. He was one of the few truly kosher butchers during this time period.

Our father enjoyed playing sports, especially stick ball. But more than playing sports, our father loved to quietly support his friends and other neighborhood children. The family did not realize the impact he had on people until we heard first-hand accounts after he passed away. One such

story came from a neighborhood boy with whom our father grew up. Tony, who was not Jewish, ran a paper route in the neighborhood. He became close to our grandparents and would always take care of their Shabbos needs. He would come into the house just to make sure the lights were taken care of or any other last minute Erev Shabbos need. He did this without being asked or told, simply because it was something he wanted to do.

One more detail before this story concludes: our father would deliver meat orders for his father, the kosher butcher, in order to defray the cost of delivery. It is clear, then, that each boy, Tony and our father, had after-school jobs. And with this fact comes the magnificent support these two boys offered each other, for there were times when Tony and our father would help each other if one could not do his job for whatever reason. Our father would deliver newspapers, while Tony would deliver the orders. When Tony saw our father's obituary in the newspaper, Tony called and told us how our father made him feel accepted. He added that when he would attend meetings where people said how difficult the Jewish people are, he would always stand up and state that this is not true because of his relationship with our father.



And now on to HaRav Shraga Feivel Mendelovitch...

Our father attended the Talmudical Academy until eighth grade. Rabbi Ephraim Shapiro, the family Rabbi, suggested to our grandparents that it would be best for him to continue his Torah studies at Torah VaDaas in New York. This was a huge undertaking in those times, but all parties involved thought it would be good for our father. So, our father attended the Yeshiva, waking up at 7:00 A.M. and staying in the Yeshiva building until 10:30 at night. It is there that he met HaRav Yaakov Moshe

## Section X: In Memoriam

Kulefsky, z"l and Rabbi Yitzchak Chinn, z"l, of McKeesport<sup>1</sup> and forged life-long relationships with them.

Our father worked in the kitchen, and he would take the yeshiva's van to pick up supplies. With access to this van, he was also able to help his friend, the future Rav Kulefsky, when he was being held in Long Island during the war. Rav Kulefsky would give him a list of sefarim he needed, and our father would go through the yeshiva's library to bring them to him. Our father told us that Rav Kulefsky used to say that he got his best learning done during that period.<sup>2</sup>



With Rav Kulefsky

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<sup>1</sup> Rabbi Chinn's sister married our mother's cousin HaRav Yisrael Baer Caplan, *shlita*, Rosh Kollel in Bayit VeGan. His father was the Gabbai at the Adas when we were growing up.

<sup>2</sup> R' Ephraim Siff told us a sequel to this story. In his later years, Rav Kulefsky was not able to drive, but he still had his habit of smoking. His family, of course, would not buy cigarettes for him, so he had to rely on others for this chore. One time after the Wednesday night shiur at the Adas, he asked our father to pick up a carton for him. Our father obviously didn't want to do this. Rav Kulefsky then told him, "You were able to drive all the way to Long Island for me, and now you can't go to Hooks Lane?"

So now we can understand how our father also became the driver of the Rosh HaYeshivah, HaRav Shraga Feivel, among other Gedolim of that time. He was one of the few *bachurim* who had a license, and he had access to the Yeshiva van. This included the summertime, when the yeshivos were at camp. During these summers, he was able to soak in the the *divrei* Torah spoken in the car as he transported these Gedolim to the mountains. And it was in the Yeshiva where he attended the *tishin* of the various Rebbees in Williamsburg, eventually bringing their *zemiro*s to our Shabbos table.

At one point, he was discouraged at the Yeshiva and wanted to leave. He went to Rav Shraga Feivel and in a joking manner said that he was handing his tefillin in. Rav Shraga Feivel convinced him to stay on a little longer. When it was finally time to leave, Rav Shraga Feivel told him, “You might never be a Rosh Yeshivah, but you should be the president of a shul.”<sup>3</sup>



After spending these years in New York, our father came back to Baltimore and began looking for a job. Our father was very outgoing and social, so he thought he would be good at sales. He ran into a lot of difficulty since most employers wanted him to work on Shabbos. He finally found a job in sales with a *Shomer Shabbos* employer, Morris Siegel & Company, a wholesale operation that sold notions, school supplies, etc. to small retail stores throughout Baltimore. Morris Siegel

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<sup>3</sup> As heard from Rabbi Chinn during the *shivah*. R' Ephraim Siff adds to this that our father told him that he was “smart enough” never to be involved in shul politics as president, but he would always help without that official position. See further details below.



## Section X: In Memoriam

pointed to a heavy box and asked him if he could lift it. (Our father was very thin.) He went over and lifted it with ease. Morris Siegel immediately responded, “You’re hired.”

In this position, our father went out to the retail stores to determine their needs and develop new business relationships. This was very natural for him, and throughout the years he made many life-long friends. They shared the good times and sadly the bad times as well. Of course, he was never seen without his signature cap.

During this time, at the end of each day, our father would drop off the orders at Mr. Siegel’s home so that he could go straight out on the road the next day without having to stop at the store first. Every now and then, when he came to the door, Mr. Siegel’s daughter, Deborah Siegel, would take the order forms from him. They began dating and became engaged in 1951. However, our father was soon to be drafted, so the wedding was put on hold.

Our father was sent to Korea in 1951 and first placed with a M.A.S.H. unit on the front lines. He was the only Jew there, and out of 280 soldiers only four survived. After this assignment, he worked in a front-line M.A.S.H. hospital as a medic.

Hardships were common at the front lines. He lived in a tent and had a difficult time when he needed to daven. A main concern was how he was going to be able to eat. During this time, he contacted Rabbi Yitzchak Chinn, who worked with the Red Cross to ensure that our father would have kosher food. This system worked well for over a year. After eighteen months, he had enough front-line duty points to be taken off the front. He was then stationed at Fort Mead for the remaining six months of service.



Our father returned home at the end of 1952, and he and our mother married on 6 Nissan, 5713, March 22, '53.<sup>4</sup>



They began their married life living near Agudath Achim Shul until they moved uptown in 1958. For most of our father's life, he attended the Chofetz Chaim Adas Bnei Israel Congregation located on West Rogers Avenue. This was the shul that our grandfather, Morris Siegel, helped establish. Although the shul did not *daven* in the Nusach Sefard of our father, he still enjoyed the shul. We remember always attending shul when he felt we were old enough to sit, all of us encircling him. He trained us to come on time by his example and by his shouts of *vayavo!* to chronic latecomers.<sup>5</sup> All our bar mitzvahs were held at the Adas, the shul that held special meaning for him.

He always made sure that the needs of the shul were taken care of. Whenever he was asked, he would daven for the *amud*. If a *chashuv talmid chacham*, Rav Abba Liff, *z"l*, needed a ride home to the old neighborhood after Shabbos, our father would take him with us in the car on this roundabout drive to our home.

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<sup>4</sup> Our father told Rabbi Eliezer Eisgrau, *menahel* of Torah Institute, that our grandfather, Morris Siegel, *a"h*, did not have music at the wedding because it might lead to mixed dancing by the non-*frum* relatives. Rabbi Eisgrau adds that it is to the credit of my father that he went along with this plan.

<sup>5</sup> This was a humorous reference to *ויבא המן* from *Megillas Esther*.

He always had a smile, greeting people as they walked into the shul (including the latecomers), and he would invite them over to his home for *kiddush* after davening or just for a break from a long walk back to their homes. When the shul did not have a succah, he would have an annual Succos kiddush in our own succah. He was “the life of the party” on Simchas Torah.

He never wanted to be seen as wanting the *kavod*. Therefore, when he donated the *menorah* for the *amud* in memory of his father over fifty years ago, he had it inscribed as donated “by his grandchildren.” The same was with the cover on the *bimah*.<sup>6</sup> It was dedicated in memory of David Naiman *a”h*, “by his grandchildren.”

After our youngest brother, Dovid, was born, our parents decided that it was time to move to a larger house a few blocks away. The walk to the shul was now about a mile, but our father would never miss the minyan at the Adas even though there were minyanim closer to his home. He attended the minyan throughout the week and always made everyone feel welcome on Shabbos, especially the children. After a number of years, he became the candy man of the shul. Because he felt it was important that children learn proper courtesy, he would insist on “please” and “thank you” when giving out any candy. The children were all the better for it.

Our Uncle Buddy (Paul - Pinchas Chaim), who never married, enjoyed a unique closeness with his only brother, our father. After their father Dovid passed away in 1968, our grandmother Feiga and our uncle would come for dinner every Sunday night, which we all loved. Even after our

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<sup>6</sup> The *amud* and *bimah* in our Bais Medrash were given to us by the Adas. The *menorah* still stands on the *amud*. And we added a plaque in memory of our father when he passed away. The *bimah* witnessed several *Gedolim* having *aliyos* on it, including Rav Moshe Feinstein *z”l* and Rav Yaakov Kaminetsky *z”l*. Some say that Rav Elchanan Wasserman, *Hy”d*, had an *aliyah* on it when he visited Baltimore.

grandmother passed away in 1978, Uncle Buddy would still come every week.

As the years went by, our father's desire for traveling to Eretz Yisrael increased. Finally, in 1987, our parents booked their flights and rented a place in Yerushalayim. Unfortunately, the day before they were to leave, Uncle Buddy had a massive stroke. They cancelled their trip because family was of the upmost importance to them. Due to the stroke, Uncle Buddy was primarily in a coma for about two years with round-the-clock nurses attending him. Our father had made a commitment to our uncle to never place him in a nursing home. This became a full-time job for our father and mother – making sure nurses were there and basically giving their house over for his care. He passed away on 8 Shevat, 5751, February 1991.

Our parents did eventually travel to Israel four years later and had a wonderful time. My father was specifically moved seeing the *kevarim* of the *Gedolim* and saying Tehillim there. He kept a diary of everything they did, feeling reluctant to leave.



Davening at the Ramchal's *kever*.



## Section X: In Memoriam

In his later years, our father was blessed to have grandchildren who lived in Baltimore and became part of their Zaidy's life. He was *zocheh* to attend a few of the bar and bas mitzvahs of his grandchildren, who were his priceless joy.

During the last nine years of his life, he dealt with a number of medical issues. During this time, he never complained. He went about his business, learning in the mornings, going to shul, doing the shopping, laundry, etc. In 2004, he took a major turn for the worse after fracturing his hip. During the next six months, he was in serious pain. However, he still went through his day as he felt he should. He would still greet people with his smile and was genuinely happy when people would stop by, even up to a couple of days prior to his passing. He would take one day at a time, slowly making his way to the living room, where he would daven, learn his daily *sedarim*, and then have breakfast with the newspaper.

Every year since our uncle's passing our father would host a *siyum* on the *yahrzeit*, with his sons and eventually grandsons taking part. He was very concerned that we remember our uncle's *yahrzeit* when he was no longer here to host the *siyum*. Therefore, in a tremendous struggle with the *malach hamaves*<sup>7</sup> our father fought to end his life as he began it – by focusing on the needs of others. Our father lingered in the ICU until the seventh of Shevat passed. And only then, when our father's precious only brother would have a yearly kaddish said for him by us, his nephews, did our father leave this world on the eighth of Shevat.


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<sup>7</sup> These were his words. He told us that he kept up waking up at night because the *malach hamaves* was after him. After we asked his good friend, Rav Chaim Wallin, z"l, if he could tell our father not to worry and relax, he told us to tell our father, "Just tell the *malach hamaves* to drop dead!"

And, of course, he had purchased his plot next to his brother's, so that when we visit our father's resting place, we also visit our uncle.



Our Bais Medrash is a living legacy of our father. Our charity fund is called Zichron Yaakov Eliyahu, our weekday morning Kollel is called Kollel Zichron Yaakov Eliyahu, the plaque entering the main Bais Medrash proclaims that it is dedicated in memory of Yaakov Eliyahu ben Dovid, *a"h*, and the Family Center is called the Gerald E. Naiman Family Center. And his oldest son, R' Abba Zvi, is our *Mara D'Asra*. This writeup and information about the shiurim and publications of our Bais Medrash are found on the website mentioned above, [www.zichronyaakoveliyahu.org](http://www.zichronyaakoveliyahu.org).

*Yehi zichro baruch*. And may Yaakov Eliyahu ben Dovid, *a"h*, be a *meilitz yosher* for all his descendants and for our entire *kehillah*. 

## ***Titein Emes LeYaakov: After Twenty Years*** **Moreinu HaRav Shmuel Yaakov Weinberg, z"l**

**Abba Zvi Naiman**

*Moreinu* the Rosh HaYeshivah, z"l was instrumental in my personal growth and in directing me to establish our Bais HaMidrash. With the Rosh HaYeshivah's twentieth *yahrzeit* this past year, I would like to share my thoughts about this Torah giant.

Having a relationship with the Rosh HaYeshivah for over thirty years in *chaburos*,<sup>1</sup> *blatt shiur*,<sup>2</sup> *shiur kelali*, and *shmuzin*, the thing that stands out most in my mind is his focus on teaching the *emes* without concern that the common way of thinking might be different. As he would often say, "You know this has to be the correct *pshat*/way of looking at it."

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<sup>1</sup> The first *chaburah* I heard from the Rosh HaYeshivah was in the *Rambam's Hil. Talmud Torah*. I was in *shiur aleph* when Rav Shraga Neuberger arranged for some of us to have this *chaburah* with the Rosh HaYeshivah. I immediately saw his *gadlus* in analyzing every word of the *Rambam*. His *chidushim* on this section of the *Rambam* have just been published with the expert precision of Rav Eliezer Lachman, *shlita*.

This *chaburah* transitioned into a general *hashkafah chaburah* where we would take turns asking the Rosh HaYeshivah a question. Without any prior preparation, he would launch into a half-hour talk answering every aspect of the issue. I remember one week when it was my turn to pose a question, I asked why there are so many mitzvos that are *zecher leyetziyas Mitzrayim*. He took the first part of the *chaburah* to explain why that was not a good question because we do not have the right to ask about *Kaviyochel's* reason for giving a mitzvah. The proper way to phrase the question is why remembering *yetzias Mitzrayim* is mentioned in so many mitzvos. He then went on to explain the importance of the role of *yetzias Mitzrayim* in our Torah life.

<sup>2</sup> I was *zocheh* to be in his *blatt shiur* during one of the few years he took over the *shiur* of HaGaon HaRav Dovid Kronglass z"l after his *petirah*. I attribute the sharpness in *pshat* I learned in this *shiur* to my success in contributing to the Schottenstein Gemara series of ArtScroll. (I of course have to express my deep *hakaras hatov* to the Mashgiach, HaRav Moshe Eisemann, *shlit"a*, for recommending me for this position.)

I will share with you some *yesodos* I have applied time and again since his *petirah*. This, then, is not a comprehensive list of everything I learned from him, and certainly not of everything that he taught. Nor is it a list of what I think are the most important things he taught. Rather, it is as stated, *yesodos* that have had a personal, profound impact on how I view and react with the world.

- **Hashem, the Creator.** Hashem is not spiritual. Hashem created *ruchniyus* and *gashmiyus*, but He is neither. That is what is meant by Hashem creating *shamayim va'aretz*. *Shamayim* is *ruchniyus*, and *aretz* is *gashmiyus*. These are both creations. Hashem is *Elakus*.
- **The Rambam's Ikkarim.** The Rosh HaYeshivah said that many people misunderstand what the *Rambam* was doing with his thirteen *Ikarei HaEmunah*. Of course, if someone denies even one letter of the Torah, he is an *apikoress*. What is the difference between these thirteen and the rest of Torah?

The Rosh HaYeshivah said that people who ask this question are not reading the *Rambam* well. The *Rambam* did not say that these are more important than other mitzvos. He was saying that if someone does not know these thirteen principles, it is not possible for him to keep the Torah properly. If someone does not know one of the other mitzvos in the Torah, he can still keep the rest if he knows these principles.

- **Reward for Mitzvos.** The Mishnah in *Avos* says that we should not do mitzvos in order to get a reward. But we find that the *Ramchal* in the beginning of *Mesillas Yesharim* says that a person has to know what his goal is, and that goal is to receive pleasure from *deveikus* with Hashem. How can the *Ramchal* say this when the Mishnah in *Avos* seems to contradict him?



He asked further regarding Hashem's reason for revealing to Avraham His plans for Sodom – "Avraham was going to command his children to keep the way of Hashem, so that Hashem would give Avraham what He had promised him." And *Rashi* explains that Avraham would command his children to keep the way of Hashem, so that Hashem will give Avraham his just reward. But again, why was Avraham mentioning a reward?

The Rosh HaYeshivah explained that we are not supposed to do mitzvos because we enjoy the reward that will come from them. We are supposed to do them because Hashem wants to give us the reward. That is His goal in creation: to bestow His goodness upon us. We don't want the reward because we like ice cream. We want it because we want our Father to have the pleasure of giving us the ice cream.

- **Our Goal.** He often said that our goal is not to be a Torah learner or a mitzvah doer. The goal is to be an *oveid* Hashem.
- ***Bechirah.*** Some people ask what Avraham Avinu's *nisayon* was by the *Akeidah*. Hashem told him to do it; of course, he was going to do it. The Rosh HaYeshivah was vehement in opposing an answer that said the *nisayon* was in Avraham thinking that maybe he did not understand the *nevuah* properly, and Hashem had actually meant to say something else. The Rosh HaYeshivah said that if this is so, what right did Avraham have to kill Yitzchak when he was unsure that Hashem had told him to do so? Of course, there had to be no question about the accuracy of the *nevuah*. So back to the question: what was Avraham's *nisayon* if Hashem clearly told him to carry out this act?

The answer the Rosh HaYeshivah gave was that people have the *bechirah* to defy Hashem. He gave the example of Kayin, to

whom Hashem said, do *teshuvah* and everything will be good. The very next *pasuk* says that Kayin killed his brother Hevel. Kayin knew what Hashem had told him, and he did not want to listen.

It's not enough just to know intellectually that something is true.

- **Malachim.** He held very strongly that the consensus of our *mesorah* is that *malachim* do not have *bechirah*. Praying to a *malach* is *avodah zarah*. Therefore, the *piutim* and *selichos* that seem to ascribe *bechirah* to *malachim* are just *derech melitzah*, not to be taken literally. We can, however, ask a person to do something for us that is under his control, since he has *bechirah*. For example, we can ask a person not to hurt us; but we would not ask that of a lion since it has no *bechirah*.

Behind this is an important principle he tried to teach us. Just like there is a *mesorah* in how to *pasken* a *halachah she'eilah*, there is a *mesorah* in *inyanei hashkafah* as well.

- **The Times of Mashiach.** One Shavuot night I asked the Rosh HaYeshivah how we can daven for the era of Mashiach when the Gemara<sup>3</sup> calls them שנים שאין בהם חפץ.<sup>4</sup> He answered that the Gemara is not talking about when Mashiach will first come. Even when he comes and we know the *emes* clearly, we will still have an *avodah* to break old habits and act properly.<sup>5</sup>

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<sup>3</sup> *Shabbos* 151b.

<sup>4</sup> My question was based on his vehement disagreement with those who tell stories about how a certain *gadol* was so happy when he was able to do mitzvos without receiving any reward in *Olam HaBa*. If Hashem put us here to give us reward, how could anyone say that we want to do the mitzvos without receiving a reward? See also previous piece.

<sup>5</sup> I don't remember if he gave this *mashal*, but I now give the example of someone whose doctor told him that he has to stop eating certain foods,

I have used this *yesod* over the years in understanding many sections of the *Ramchal* when he describes the *iluyim* of the times of Mashiach into *Olam HaBa*. In short, I think that when *techias hameisim* occurs somewhere into the era of Mashiach, we will be at the level of Adam HaRishon if he had not eaten the *Etz HaDaas*. At that point, we will no longer be able to make mistakes that would necessitate an *avodah*.

- **The *Chinuch* System.** Many times, we have complaints about how *mosdos hachinuch* are run. I find understanding in the situation from the Rosh HaYeshiva's explanation of the *takanah* of R' Yehoshua ben Gamla, who organized universal education for children since the orphans did not have anyone to teach them. The Rosh HaYeshivah asked why R' Yehoshua ben Gamla had to find this reason to organize a school system. Isn't that an obvious need for any society?

The Rosh HaYeshivah answered that this was a gigantic *yeridah* in education. Instead of a child being taught by his father based on his unique talents and intellect, now twenty children were being thrown in a class with the teacher giving the same instruction to all of them as if they were the same. Also, since the father was involved in teaching his son(s) Torah, the whole family was impacted. It was an entire-family project. Sending the child to school took away this opportunity.

It was only because of the needs of the orphans that R' Yehoshua ben Gamla felt that it was necessary to take this step.<sup>6</sup>

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smoking, etc. Even though he now knows the truth of the harm it causes, it is not so easy to simply stop.

<sup>6</sup> When we feel that a school is not connecting with our child at best, or at worst our child is under the control of an incompetent or burnt-out teacher or administrator, we have to realize that this is the *bedieved* situation because of the need for the *takanah*. In the 5776 issue of our *kuntress*, I suggested various ideas

- **Awareness.** While on the topic of *takanos*, I will relate another *yesod* the Rosh HaYeshivah taught us about them, and what he learned from one particular *takanah*. He asked, as an example, why was it that Shlomo HaMelech had to institute the *takanah* of *netilas yadayim* because our hands might have touched an unclean place? Isn't that something the Torah should have required?

He answered that *takanos* are always the result of some change in the status of *Klal Yisrael*. For example, in this case, before Shlomo HaMelech's times, everyone was aware of what he was doing. There was no such issue of "possibly" touching an unclean place without being aware of it. When Shlomo HaMelech saw that people were no longer aware of what they were doing, he had to institute the *takanah* of *netilas yadayim*.

The Rosh HaYeshivah was an ultimate example of being aware of everything he did and said.

- **Discrimination.** He taught us to be discriminating in what we read in a *sefer*, any *sefer*. Just because it's printed doesn't mean it's true.<sup>7</sup> But of course, when it came to Chazal or the Rishonim, he taught us not to put our thoughts into their words. He would say, "Hear the words of the Gemara."
- **How to learn *Aggadata*.** One time he walked into a *chaburah* and told us a question he had just been asked. We know that

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on how to navigate the chinuch system in less-than-ideal situations. It is available at <https://www.zichronyaakoveliyahu.org/publications.html>.

<sup>7</sup> For many years we had a *chaburah* with the Rosh HaYeshivah in *Yad Malachi*. When I started working for ArtScroll, I asked if he could give a *chaburah* in *Halichos Olam*, so I could learn the principles of Gemara. The Rosh HaYeshivah suggested that *Yad Malachi* would be a better idea. We saw how he analyzed every idea, not taking anything for granted.

before giving the Torah at Sinai, Hashem went to the other nations to offer them the Torah. When they refused it,<sup>8</sup> Hashem then gave it to us. This person asked what would happen to someone from another nation who wanted to accept the Torah. Why should he lose out?

The Rosh HaYeshivah said, “Do you think Hashem put signs around the town, saying He was going to announce a special offer?” The Rosh HaYeshivah explained how this Aggadah is not to be taken literally. It means that because the other nations were certainly not fit to keep the Torah, it was given only to *Klal Yisrael*. This is how we should approach Aggadah. Each word is important, but not necessarily literal.

- ***Churban Europa*.** The Rosh HaYeshivah did not think that a *kinah* should be added to the Tishah B’Av *kinos* for *Churban Europa*. He held that the *Churban* was a *Tanach’dike* event that requires a *Navi* or *Chazal* to decide how to deal with it as a separate commemoration. But once the Gedolim said to include it, he said we have to go along with them.<sup>9</sup>
- **Public Speaking.** Regarding saying a *vort*, he would say that if you can’t say it in 5-6 minutes, it’s not worth saying. I remember that he once gave a longer *hashkafah shiur* in town. When I asked him the next day if he was going to continue, he said that he wasn’t what they wanted. “They need an entertainer.”

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<sup>8</sup> He would say the “refusal” was their very question of *ma kasuv bah* (what’s written in it?), not when they said they could not keep *retzichah*, *arayos*, etc. The essence of Torah is to accept it without question.

<sup>9</sup> In the same vein, we know how he was vehemently opposed to assigning *middah keneged middah* to the various atrocities of the *churban*.

- **It's a *Shaaruria*!** There was a rumor going around that the Rosh HaYeshivah had recommended that husbands and wives should sit together at the Yeshivah banquet. When I asked him if this was true, he said "It's a *shaaruria* (*Yirmiyah* 18:13 et al.) for men and women to sit together. I just said that if a couple will not come if they can't sit together, we should let them."



Over the many years there were personal *hadrachah* questions I asked the Rosh HaYeshivah. I will share some of his responses, including those where he was *mochi'ach* me.

- In our times, there is an industry in publicizing *hashgachah pratis* events. They always have a positive outcome. But in truth there is *hashgachah pratis* for everything that happens to us. If we don't understand why something happened, we need someone to go to. The Rosh HaYeshivah was that person.
- When I was going to Eretz Yisrael for the first time, I asked the Rosh HaYeshivah how I should prepare for it. He answered, "Eretz Yisrael is a *metzius*. You don't need any preparation to feel it."<sup>10</sup>
- The Rosh HaYeshivah was insistent on the davening at yeshivah being what he called "a *tefillah sheleimah*," with the ability to say every part of the tefillah properly. One time I mentioned to him that if more *yungeleit* would come to davening, it would

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<sup>10</sup> This reminds me of a question he told us the brother of the *Maharal* (*Sefer HaChaim*) asked. The Gemara has a debate about what someone should do if he is in a desert and doesn't know what day Shabbos is. One opinion says that he should count six weekdays and the seventh is Shabbos; the other opinion holds that the first day should be Shabbos, followed by six weekdays. The *Maharal's* brother asked why the Gemara debates what a *rasha* should do. Every normal person should be able to *feel* which day is the real Shabbos!

make it stronger. And I said that there had been only ten (or maybe it was some other relatively low number) *talleisim* there that morning for Shacharis.

He responded with a sharp *tochachah*. “If there was one more person there than you said, you have said *lashon hara* about him. We have to be careful about saying *kategoria* about *Klal Yisrael*.”

That exchange has remained with me ever since whenever I think of making a general statement that might be too negative.

- When I was about to speak at the *bris* of our first son, Shmuel Chaim, I told the Rosh HaYeshivah that I felt nervous. He responded, “You feel nervous about the pain of the *rach hanimol*?”
- The Rosh HaYeshivah knew how to give a compliment and when to do so. When I hesitantly showed him my first sefer for his opinion, he surprised me when he said that it had the sharpness of HaRav Hutner, *z”l*. I replied that if this was true, it was because I learned from HaRav Hutner’s *talmid*, the Rosh HaYeshivah.
- For longer than I would have expected I was what nowadays is called a “single.” The Rosh HaYeshivah was very supportive of me during this *tekufah*. Once when I asked him if I was doing anything wrong, he said, “I was afraid it would get to you,” and he then gave me *chizuk* to put me back on track.<sup>11</sup>

One time I was driving with him, and he told me that he heard I had just broken up with a *shiduch*. He said that he was surprised

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<sup>11</sup> See my *zichronos* of Maran HaRosh HaYeshivah, the *Avodas Levi*, in the 5778 edition of our *kuntress*. He was similarly encouraging.

it had taken me so long to give it up because “it’s not for you.” On the other hand, I spoke to him after a few dates with my wife-to-be. Hearing my description, he said, “It’s time to make a *lechaim*.”

- Finally, the Rosh HaYeshivah’s role in my move into town. He held that it was time for me to establish a Bais Medrash, and as long as I could count on 80% of my living expenses from my work at ArtScroll, we could have *bitachon* that we would be provided with the rest.

This process took several months, and at one point I told him that I didn’t think that I had the 80%. He answered “So you can go into business.”<sup>12</sup>

The few times I spoke to him during the year I moved when his health was declining, he would always ask how the shul was going. This went on until the last time I saw him shortly before his *petirah*.

I think of the Rosh HaYeshivah often during *Shemoneh Esrei*, when davening *השיבה שופטינו... והסר ממנו יגון ואנחה*. Most of our problems and issues could be solved if we had a true *shofeit* who could tell us the *emes*. The Rosh HaYeshivah is no longer here for me to be able to address my challenges to him. As his Rebbetzin, *a”h*, said to me during the *shivah*, “He was too *emesdik* for this world.”

May the Rosh HaYeshivah, *z”l*, be a *meilitz yosher* for all his *talmidim* and for those who strove to be his *talmidim*. אמן

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<sup>12</sup> When I told my Rebbi, HaRav Nachum Lansky, *shlita*, about this exchange, he said he was glad to hear that the Rosh HaYeshivah would still give his sharp *tochachah*.



## From Yosef Moshe to Yosef Moshe: 30 Years R' Yosef Moshe (Morris) Siegel, a"h

**Abba Zvi Naiman**

There is much to write about the accomplishments of my grandfather, R' Yosef Moshe Siegel, who was *niftar* on Rosh Chodesh Elul, 5749; but we will focus on his relationship with HaRav Mordechai Gifter, z"l, Rosh HaYeshiva of the Telshe Yeshiva. To begin, we will present two letters that HaRav Gifter sent when he was learning in Europe. Excerpts of these letters were printed by *The Jewish Observer*<sup>1</sup> with the following introduction about my grandfather:

While studying in Telz, Rabbi Gifter wrote from time to time to Mr. Siegel, with whom he was very close. Morris Siegel was born in Baltimore in 1902, the fifth of eight children. His parents had come to Baltimore in the late 1800s from Ponevezh. Mr. Siegel was one of a small group of young people, who, in 1918 formed Adath Bnai Yisroel, a group that was committed to *shemiras Shabbos*, quite uncommon in those days amongst young people. In fact, for much of his life, Mr. Siegel ran Shabbos groups for youngsters, which encouraged them – even those from non-observant homes – to become *shomrei Shabbos*. Young Mordechai Gifter was also influenced by his participation in these gatherings, and he and Mr. Siegel remained friends throughout his life.<sup>2</sup>

Now the letters:

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<sup>1</sup> Teves/Shevat 5766, available at <https://agudah.org/the-jewish-observer-vol-39-no-1-januaryfebruary-2006-tevesshevat-5766/>. For earlier, unedited versions, [http://personal.stevens.edu/~llevine/Two Letters from Rav Mordechai Gifter 6.pdf](http://personal.stevens.edu/~llevine/Two_Letters_from_Rav_Mordechai_Gifter_6.pdf). I have copies of the original and have provided my own excerpts.

<sup>2</sup> Whenever I would see Rav Gifter in Yeshivah, he would tell me how much my grandfather influenced him. One time he said, "If not for your grandfather, I would have been an accountant!"

*April 7, '35*

*Dear Mr. Siegel,*

*It's quite a time since I've left America and haven't written to you, although we were best of friends.*

*Time is precious in the Yeshiva, far more than in the business world, where it is said that "time is money."*

*During the year and a half which I've spent in Telz studying our holy Torah, I've progressed quite a bit, ב"ה. The spiritual enjoyment to be had from study of the Torah is beyond all description. It is only to be felt, and that, only for one who studies in the yeshiva of Telz. At the present time, Telzer Yeshiva is the greatest in the world .... One may think otherwise, but I am thoroughly convinced to the truth of the statement. You may think that this is due to favoritism, because I am a student in the Telzer Yeshiva. This is, however, not true. You may rely on me in this fact.*

*I have been informed by my parents that you have become a member of the Brotherhood of the Ohr Yisroel congregation. I hope that you will utilize your powers among the youth in drawing them nearer to traditional, one-hundred-percent Judaism...*

*Does the Adath still have its Saturday night gatherings of the Chevra Shas? If so, what מסכת are you now studying? Have you "covered much ground" since I've left? Has the Chevra gained additional members?<sup>1</sup>*

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<sup>1</sup> My grandfather once told me about this shiur, and how they had been learning a blatt each Motza'ei Shabbos for forty-nine years. He only regretted that had they not repeated mesechtos, they would have finished Shas.

*Teddy Davis is living very nicely in Slobodka.<sup>2</sup> He studies in the קאוונוער כולל now, and we Americans stop in at his place whenever we have to be in Kouno. Victor Miller is also getting along finely.<sup>3</sup> I had to be in Kouno the past week to have myself registered at the office of the American consul. Naturally, the מכנים אורח was Teddy. I ate and slept at his home. His wife is a very religious young woman. I happen to know her from New York. I used to come to her house to speak with her father. She was always very religious.<sup>4</sup>*

*Well, let me know about all that I've asked about, and put in any additional news which I may have forgotten to ask about.*

*Your friend,*

*Max Gifter*

*P.S. Regards to your wife and children, father-in-law and mother-in-law.*

*You may enclose an answer to my letter together with my parents' letter.*

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<sup>2</sup> This is Rabbi Yehuda Davis, who became the Rosh HaYeshivah of the Yeshiva Zichron Mayir in Mountaindale, NY. You can read about him here: [http://www.communitym.com/article.asp?article\\_id=101331](http://www.communitym.com/article.asp?article_id=101331) and [http://personal.stevens.edu/~llevine/rav\\_yehudah\\_davis\\_v12.pdf](http://personal.stevens.edu/~llevine/rav_yehudah_davis_v12.pdf)

<sup>3</sup> Rav Avigdor Miller was also a member of my grandfather's groups. I recently heard a story about how another relative indirectly influenced Rav Avigdor Miller's growth. My grandfather's brother-in-law, Mr. Ben Pernikoff (they had married sisters, daughters of my namesake, Abba Zvi Friedberg) and young Rabbi Miller both tried out for the position of third-grade Rebbe at the local parochial school (see next letter). When my Uncle Ben got the job, Rabbi Miller said that if he wasn't good enough to get a third-grade position in Baltimore, he must need to learn some more. This convinced him to travel overseas to learn in the Slabodka Yeshivah.

<sup>4</sup> See Addendum to this section (p. 190) for a look at some of these names with a reproduction of the *kuntress* that the Adas published for Lag B'Omer, 5701 (May '41).

יום ו' עש"ק ב' דר"ח אדר, תרצ"ז, טעלז

*Dear Mr. Siegel.*

*I have just received your letter and was indeed very happy to hear from you. I was really surprised at your receival (sic) of the letter, but I know that you are continuously busy and can find no time to write. Your עול דרך ארץ is quite a large one.*

*I always receive your regards through my father זיין גזונט זיין, and am indeed very thankful to you. You write quite a bit of interesting news in your letter.*

*I knew nothing at all about the fact that Paritzky<sup>5</sup> had left Baltimore, but I am happy to hear that you will reorganize the Saturday night Talmud class. Rabbi Schwab once studied in Telz, but before I arrived here. From what I have heard about him, he is the only German Rabbi that has a Lithuanian look on Judaism and Torah. The Lithuanian "anshauung" is regarded as the real Torah-true "anshauung," so that's quite a lot said about him. I wish you the best of success in your Gemara class.*

*Happy to hear that you've bought a new home. May you dwell therein in the best of health and happiness...<sup>6</sup>*

*I knew nothing of your great misfortune in the loss of your mother-in-law.<sup>7</sup>*  
*ה' ינחם אתכם בתוך שאר אבלי ציון וירושלים.*

<sup>5</sup> If this is Rabbi David Paritzky, future president of the Adath, he must have returned to Baltimore, since he wrote in the Adas kuntress four years later.

<sup>6</sup> Eventually, when HaRav Shimon Schwab, who was Rav of Shearith Israel, moved to Washington Heights, my grandfather bought his house.

<sup>7</sup> Pesha bas Shlomo Zvi was niftar on 20 Tishrei, 5697. I don't know anything about her, but my grandfather would tell us that his father-in-law, Abba Zvi Friedberg, was named after HaGaon HaRav Abbele Posviller. And he would show us where the Chayei Adam brings down the psak of R' Abbele about

*Happy to hear that the Adath is continuing to work diligently for החזקת תורה כל המחלל say that שבת is the basis of Judaism. שבת כאלו עובד עבודה זרה. I would like to write a bit lengthily about שמירת שבת, but I cannot spare the time.*

*Poliakoff is learning with התמדה. Paperman<sup>8</sup> is now in Kovno... Davis and Miller are both married as you most probably know. They are not in Telsai. They study in Slabodka. I haven't seen them for over two years. But from what I hear they are getting along quite nice.*

*Well a bit about myself. I'm getting along very well in learning בעזרת השם. I'm also studying עירובין now. It is, as you say, a very difficult גמרא. It is one of the גמרות עניי, עירובין, נזיר, יבמות. These three are regarded as the most difficult of the whole ש"ס.*

*I will sign off with a דבר אגדה in Yiddish... [translated below].*

*הנאהבים והנעימים בחייהם ובמותם לא נפרדו (Those who love one another with a sweetness in their lifetime, not to be separated by death.)*

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someone who forgot to say *HaMelech HaKadosh* at Maariv of Rosh Hashanah. To support this ancestry, I have the *Machzor* that Abba Zvi inherited from his father, Rav Kasriel, who wrote in it numerous notations of the *Minhagei HaGra z"l*. In addition, my Aunt Nessa, a"h, (daughter of Abba Zvi Friedberg, wife of Uncle Ben in note 3) had a set of Mishnayos that listed our ancestors in front of one volume. It said that Rav Casriel was the son of Rav Moshe, and Rav Moshe was the son of HaGaon HaRav Avraham Abba. This would presumably be HaRav Abbele Possviller. However, the biographies of him that I have seen say that he did not have any sons. This requires further research.

<sup>8</sup> The future Rabbi Manuel Poliakoff and Rabbi Aharon Paperman were also apparently involved in the Adas.

*I explain the pasuk as follows: What is the test [that indicates] if one's love for another is a true love? [It is o]ne that [determines whether that love] completely encompasses the entire person, rather than just one part. If the love is such that death cannot separate (the parties), then one sees that the friendship is a bond of two souls and not of two bodies. That is the true love and friendship. Not in writing one letter does a friendship matter, but rather when it is etched in the soul!*

*Extend my heartiest regards to all the members of your family.*

ה' יברך את כולכם בכל טוב סלה

מרדכי<sup>9</sup>

After my grandfather's *petirah*, I wrote an article about him in the Agudath Israel of Baltimore Newsletter.<sup>10</sup> Here are some excerpts:

Probably the most striking thing I noticed was that Zadie always came to shul to daven with a minyan. He once told someone that from the time he was young he never missed a minyan. And he was always there on time. This meant getting there well before sunrise on cold winter mornings. It meant climbing over the snow piled up on Northern Parkway when transportation by car was impossible. It meant closing up business early in order to get to shul in time for mincha in the afternoon.

His *chashivus* for minyan also meant it should be treated with the proper respect. He would never leave shul early or put his tallis and tefillin away during davening.<sup>11</sup>

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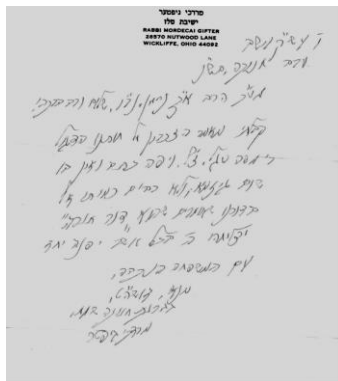
<sup>9</sup> It's interesting to note the difference in style in the letters, which were written less than two years apart. This one is signed with his Hebrew name, with the Hebrew date given.

<sup>10</sup> No. 127, כסלו-טבת תש"נ.

<sup>11</sup> We think of it as a big *midas chassidus* not to take off tefillin and tallis until after the last kaddish has been recited. But my grandfather was actually

After Zaidie's *petirah*, I called Rav Gifter and asked him for insights about him. He answered me that my grandfather's "love for Torah was beyond belief. He had a *geshmakiet* and an *ahavas haTorah* that is not found today. He was a *teiyere yid*." When I asked Rav Gifter what made my Zaidie successful in his efforts, Rav Gifter said "Everyone who came in contact with him could see an example of true Yiddishkeit. They never heard from him a love for business or money. *Altz* was for Torah." He also told me people were affected by his *anavah* and *ahavas habriyos* – his caring about everyone.

I sent the article to HaRav Gifter after it was printed. In his handwritten reply below, he said that it was written correctly without any exaggeration.<sup>12</sup> He said, "There are not many like him in our generation about which they say it is 'a generation of Torah.'"<sup>13</sup>



following the *psak* of the *Mishnah Berurah* (25:56), "Men who fold their tallis and tefillin and put them in their bag during *kaddish* are not acting properly."

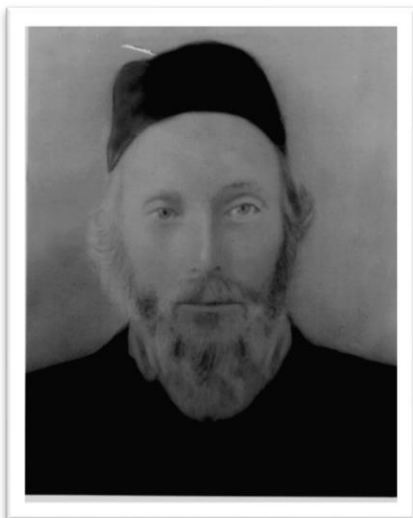
<sup>12</sup> In the letter Rav Gifter calls my grandfather my "father-in-law," presumably confusing me with my father, a "h.

<sup>13</sup> What Rav Gifter meant was that my grandfather had not had the opportunity to study in a yeshiva and become a *talmid chacham*. To illustrate, my cousin Chaim Siegel told me that he "vividly remembers Zaidie watching the baseball games with a *Mishnayos Yachin U'Boaz* open." Rav Gifter was saying that Zaidie's *avodas Hashem* in the previous generation ranked with the best Torah learners of the next.



As mentioned in the JO article, my grandfather's parents came from Ponevezh. My grandfather was named after his mother's father, HaRav Yosef Moshe Lubovsky.

We know little about him besides his picture that his daughter, our Aunt Ida Stamm, gave to our cousin HaRav Chaim Lauer, *shlita*, (son of Ann Lauer, granddaughter of Rav Yosef Moshe, and sister of my grandfather, Yosef Moshe Siegel).



Aunt Ida told over the following story about her father. Her mother had died when she was about twelve years old. Her father was a widower, living alone with his daughter. One day, someone came to the door and asked to speak to her father. After a long conversation, Rav Yosef Moshe told his daughter to give the man something to eat. Aunt Ida said, "But you haven't eaten yet today." Rav Yosef Moshe told her to give the man the little potato soup they had in the pot.

Another story comes to us by way of HaRav Lazar Lauer, *z"l*, brother of HaRav Chaim. When the Ponevezher Rav, HaGaon HaRav Yosef



## Section X: In Memoriam

Shlomo Kahaneman, *z"l*, visited Baltimore, he stayed at my grandfather's house. Rav Lazar heard him tell my grandfather that Rav Yosef Moshe could hold his own by all of the *talmidei chachamim* in Ponevezh.

Rav Chaim adds that to be honest, the Ponevezher Rav might have been exaggerating. But we do know that HaRav Yosef Moshe had the practice of going into *galus*, where he would be undistracted from the people who knew him and could find new ways of connecting with Hashem.



I'll conclude with a few words about my grandfather's parents, who are the ones who moved from Ponevezh to Baltimore, where my grandfather was born. Sarah Feiga, *a"h*, was one of the daughters of HaRav Yosef Moshe, and she married Chaim Siegel, *a"h*.



Chaim and Sarah Feiga Siegel

When they came to America, they landed in Boston, but they soon decided that it would be better to raise their family in Baltimore. The family brought over all their *chumros* from Europe, including making a chicken walk before having it *schected* to make sure it wasn't a *tereifah*.

And I remember my grandfather talking about the nanny-goat they had in their backyard. I now realize that this was in order to ensure they would have *cholv Yisrael*.

Chaim made his living with chickens, and *shlugged kapparos* with them. He had exceptional *middos*. He was a quiet man who would never say anything bad about another person.<sup>14</sup>

Sarah Feiga lived another fourteen years after Chaim's *petirah*, so a little more is known about her. She once went shopping with Sarah Ribakow and Sarah's daughter. The daughter reported that when they were walking down the stairs, there was a wall mirror in front of them. Sarah Feiga remarked, "Look at that woman! This is what women looked like in the old country!" She apparently had never seen herself in a mirror.<sup>15</sup>



Sarah Feiga in later years

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<sup>14</sup> As heard from my cousin Eliezer Weinreb, who learned this from his mother, Cousin Gloria (sister of HaRav Chaim and HaRav Lazar Lauer), *a"h*, who remembered her grandfather.

<sup>15</sup> Another version of this story has Sarah Feiga and her sister Ida traveling to Europe for a visit when a similar thing happened. HaRav Chaim Lauer told me both versions.

We also know that Sarah Feiga was a *baalas tzedakah*. When the biography of Rav Aryeh Levin *z"l* was published (*A Tzaddik in our Time*, Feldheim '76), someone in the family noticed this picture of Rav Aryeh with his students at Etz Chaim (page 326):



If you look carefully at the inscription in the center, it reads:

שלחן זה מקנת כסף הנדיבה  
מרת שרה פיגא ב"ר יוסף משה סיגל תחי'  
מבלטימור

Chaim and Sarah Feiga were successful in planting many *Torahdik* families in Baltimore, to the point that when growing up I felt that I was related to almost every *frum* person in town.

We hope and pray that our ancestors will be *melitzei yosher* for their hundreds of biological descendants and the countless descendants of everyone they touched in their lifetimes.<sup>16</sup>

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<sup>16</sup> For further reading about my grandfather and his times, you can read two informative articles written by my cousin Rabbi Elchonon Oberstein, son-in-law of Uncle Yechezkel (Chester) Siegel, *a"h*, at:  
<https://wherewhatwhen.com/article/morris-siegel-shabbos-yid-recollections..>  
[https://www.baltimorejewishlife.com/news/print.php?ARTICLE\\_ID=85181](https://www.baltimorejewishlife.com/news/print.php?ARTICLE_ID=85181).



R' Yosef Moshe ben Chaim HaLevi and Miriam bas R' Abba Zvi  
8 Tamuz, 5686, June 20, '26



Plaque for Aron HaKodesh donated to Yeshivas Chofetz Chaim



## Leibel Ivinitzer in the Radin Yeshiva: 50 Years HaRav Aryeh Leib Greenspan ז"ל

Nachum Greenspan <sup>1</sup>

My father, HaRav Aryeh Leib ben Nochum Yehuda Greenspan, ז"ל, (*niftar* approximately fifty years ago on the third of *Teves*) rarely spoke of his "adventures" before and during WWII. But he did write some of his experiences in a Yiddish manuscript called "*Mein Glicklechin Umglick*" which could be translated as "My Fortunate Misfortune." Alas, that manuscript was destroyed during a house fire. The following are some of our remembrances.

As a *bochur* and *talmid* in the *yeshiva* of Radin, my father was a *ben bayis* by the Chofetz Chaim. He knew all the children and even the grandchildren of the Chofetz Chaim well. In fact, he was just a few feet away from the Chofetz Chaim at his passing. But I am getting ahead of myself. Let's start with a story of the living Chofetz Chaim.

When my father was a *talmid* in Radin, the Chofetz Chaim and his wife would go on "vacation" with some of the *bochurim* accompanying them. The Chofetz Chaim was careful to eat only food that his Rebbetzin had prepared for him. Once, when the Chofetz Chaim's chicken dinner was brought to him, he asked the *bochur* serving him – my father – "Is this food for me? Please ask the Rebbetzin." So, my father returned to the kitchen, received an affirmative answer, returned to the dining room, reported to the Chofetz Chaim, and... was told to ask the Rebbetzin again. After about two to three trips to the kitchen with the same question, the Rebbetzin suddenly gasped. She remembered that she had

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<sup>1</sup> When the father of our *chashuva* member Chaim Greenspan visited our Bais Medrash this winter, he related to us some fascinating stories about *his* father's interaction with the Chofetz Chaim, ז"ל.

brought the chicken to the Rov next door with a *shailah* on it. This Rov had *paskened* that the chicken was kosher.

However, the Chofetz Chaim never ate food that had needed a *shailah*.<sup>2</sup> The Chofetz Chaim sensed this chicken was not “his chicken,” meaning it was not chicken *for him*.



Toward the end of the Chofetz Chaim’s life, he was *Der Alte*, the Old One, as a title of respect. At this point, the Chofetz Chaim rarely spoke in the yeshivah. One Friday night in Radin, the announcement was made that, indeed, the Chofetz Chaim was to speak after the meal at the yeshivah. The boys were puzzled, but they went to hear this schmooze. And what did the Chofetz Chaim feel was so important to say to these young men?

The Chofetz Chaim basically said the following: “You should all marry and have families. Maybe a generation will survive.”

In hindsight, we understand that the Chafetz Chaim saw the Holocaust approaching, while those who were listening thought the Great War, WWI, was over and peace reigned. To these *bachurim*, the Chafetz Chaim was a real person and an elderly man; they did not understand why he said this. Tragically, his foresight became reality.



And now back to the beginning, which is the end. During the Chofetz Chaim’s last days, he needed an oxygen tent to breathe. Such tents are obsolete today, but in the 1920s, they were considered an advancement

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<sup>2</sup> See *Chullin* 37b; *Shulchan Aruch*, *Yoreh Deah* 116:7.

of modern medicine. As seen in the illustration below,<sup>3</sup> these tents were a complicated apparatus that required an individual to control it.



My father ז"ל, was that individual, providing oxygen all night to help the Chofetz Chaim's breathe.

That is how my father came to stand just a few feet away from the *Gadol HaDor* at his passing, surrounded by the Chofetz Chaim's family. Perhaps this is how it has come to be that our family has a strong percentage of EMTs (who provide oxygen) in its members: the *chessed* of my father is in our genes.

Taking my father's connection to the Chofetz Chaim one step further... My father was known for his artistic talents. He carved, painted and designed artistic items. Perhaps that is why he had the *zechus* to design and carve the Chafetz Chaim's *matzeivah* for the *ohel/kever*.

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<sup>3</sup> 1920s Oxygen Tent. Image from [museum.aarc.org/gallery/enclosures/](http://museum.aarc.org/gallery/enclosures/)

Here is a picture of my father with the *matzeivah* just before it was cemented into the wall of the *ohel*.



To appreciate the strong awareness my father had to help those in need, we look at one more story our family cherishes – an incident that occurred when my father was in Siberian labor camps during World War II under the Communist regime. This event was published by the great Yiddish journalist R' Dovid Zaretsky, in Eretz Yisrael as a eulogy, after he heard that “Reb Leibel” was *niftar*. However, he was mistaken, since it was a friend of my father’s, Reb Leibel Mishkowitz, who had passed away. When two of my father’s friends became aware of this printed eulogy, they bought out all the copies circulating because they did not want our father, who was not well, to perchance see “his” *hesped*.

In this article, R' Zaretsky explains the food rationing system of the labor camps. Workers were given a ticket, as a coupon, to trade in for food for



a day's work. When they returned at the end of the day's work, they presented their tickets and received a bowl of watery soup. That was it: no work, no ticket, no food.

Now, my father was robust and a good worker, but at one point, his fellow laborers noticed that he was not going out to work and remained in the camp. At the same time, men noticed that a frail *talmid* named "Reb Yechiel" had a daily meal of a soup filled with grains and vegetables. Reb Yechiel refused to reveal the source of his nourishing soup. R' Dovid Zaretsky, also in the camp during those years, revealed the secret in his "*hesped*" article.

Rav Aryeh Leib Greenspan had tied strings around his legs so that they would swell. The camp doctor then ordered him to remain in the camp. During this time in the camp, Rav Aryeh Leib secretly collected the used, torn tickets that had been discarded by the kitchen help. Using his artistic talent with dexterity and precision, he glued these torn tickets back into perfect condition. He would then stand on line to get several bowls of soup, pour off most of the water, and combine the remaining ingredients into one bowl. This bowl of hearty and literally life-saving soup was given to the frail Reb Yechiel, whom my father had sworn to not reveal the source of his soup.

My father did this daily, with swollen legs and the knowledge that if he had been discovered, he would have been shot on the spot.

May we all merit to use our talents in the service of others.

*Yehi zichro baruch.* א

## **Addendum**

The First (and Maybe Last) *Kuntress* of the Adas<sup>1</sup>

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<sup>1</sup> Discovered by Rabbi Shlomo Naiman.

'JUDAISM IN GENERAL; SABBATH IN PARTICULAR'

ב"ה

# *News and Views*

OF THE ADATH BNEI ISRAEL

VOL. I, No. 1

BALTIMORE, MD. • MAY, 1941

ל"ג בעומר תש"א

*Presenting In Our First Issue:*

The Counting of the Omer

by MOSES APPEL

Torah Unity

by RABBI EDWARD DAVIS

Judaism in General; Sabbath in Particular

by RABBI DAVID PARITSKY

Kashruth of Body and Soul

by RABBI SIMON SCHWAB

Is The Adath a Failure?

by MORRIS SIEGEL

Repent, O Israel ....

by RABBI HILLEL BISKOP

VOL I, No. 1.

## NEWS and VIEWS

of the Adath Bnei Israel

H. P. COHN, Editor

M. APPEL, Associate Editor

MAY, 1941      ל"ג בעומר תש"א

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*Sponsored by the Board of Directors of Adath Bnei Israel*

ל"ג בעומר תש"א

*Wednesday Evening, May 14, 1941  
at the Talmudical Academy of Baltimore*



**RABBI HILLEL BISKO**, Guest Speaker

*Vocal Selections by* **REV. HERSCH KINEK**

**RABBI SIMON SCHWAB**, Toastmaster

## The Counting of the Omer

By **MOSES APPEL**,

Chairman, Adath Bnei Israel Board of Directors.

The Jew has never been one to perform a mitzvoh, or commandment, and then be glad that it was over so that he could devote his time to personal or worldly affairs. On the contrary, he looks forward immediately to the next possible mitzvoh.

On Rosh Hashonah we are already bending our attention to Yom Kippur, since Yom Kippur is the climax of the Ten Days of Penitence. As soon as Yom Kippur is over we begin the erection of the Succah. On Simchas Torah, when we conclude the cycle of the reading of the Torah, we immediately begin Bereshith to signify that we are never through with the Holy Torah, that we are never finished with mitzvoh.

A devout Jew counts the days; he lives with a "chesbon" so that he can prepare himself for what is in

the future. It is a typical law and custom to study the laws of a holiday thirty days prior to that holiday.

The Feast of Weeks, Shevuoth, follows closely after Pesach, the anniversary of the deliverance of the Jewish people from Egyptian bondage. The liberation of the Jew was merely a prelude to the giving of the Law on Sinai. In fact, Shevuoth, the Season of the Giving of our Torah, is known in Talmudic literature not as "Shevuoth," but as "Atzereth"—the Concluding Festival—since it is the real climax of our deliverance from bondage. We who cherish the Holy Torah and strive to abide by its ideals, count the days from Passover to the Feast of Weeks just as one who expects his most intimate friend to visit him would count the days until the arrival of the most welcome visitor. This is a most wonderful tribute to our Torah, the Tree of Life.

## Torah Unity

By RABBI EDWARD DAVIS

Israel's destiny as a "Mamleches Kohanim V'goy Kodosh", as the Chosen People, can be realized only through unity. The greatness of the Jewish race has not been vested in any individual, but in the nation as a whole. In every person who can rightfully claim to be a member of the Jewish race is a part of the potential Torah powers of his people.

"Chaye Olom Notah B'Sochenu"—within all of us has been implanted the eternal life. Therefore if anyone stands aloof, particularly at this moment, and does not cooperate in executing the precepts of the Torah, not only is he termed a sinner and a "Poresh min Hatzi-bur", but also a robber, in the sense that he is withholding from the Jewish race that share which G-d has given him.

Only in unison and harmony, with a profound Torah understanding of the inherent greatness of each individual member of the people of

the Torah, can we hope to achieve those lofty ideals which the Torah has prescribed for us: to sanctify and honor the name of G-d, and to bring light into a world darkened by tragedy.

The Holy Torah, in speaking of the encampment of the Jews at Mt. Sinai, uses the singular form instead of the plural. Our sages point out to us that the Jews were one in mind, one in thought, and one in purpose. There was complete co-ordination, a true understanding of one another, a genuine desire to help one another. For this, G-d deemed us worthy as a people to receive the Torah. Because of unity we were given the Torah, and only through unity can we carry on the work of the Torah. In this, and only in this way, can we bring to the world the true light of the Torah, and help to lead the people out of darkness.

This the Adath Bnei Israel has made its task.

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## Judaism in General; Sabbath in Particular

By RABBI DAVID PARITSKY,

President, Adath Bnei Israel Organization.

The motto of the Adath Bnei Israel well describes the very core of the Jew. Religious Judaism is an empty shell if the Sabbath is violated. All the precepts, though observed, have no real basis without the Sabbath, and can easily be

cast aside. If the Sabbath is profaned then all the laws and customs of the Jew become meaningless, heartless, faithless. The Sabbath is the heart of the Jew. An ill heart will surely break down the strongest body; and a strong heart will sup-

*(Continued on next page)*

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port and keep alive an ailing body. To the Jew who observes the Sabbath all the other commandments of the Torah come as a matter of course. Once the individual determines to consecrate the Sabbath in its true form, then no other law or custom is either a burden or a sacrifice on his part.

The Sabbath, furthermore, has ever been the salvation of the Jew. The observant Jew has always been able to sustain bodily punishment and still survive. The Sabbath has brought brightness, cheer and joy to his dark and gloomy daily struggle. The weekdays of toil and hardship have vanished with the coming of the Sabbath day. The precept of abstaining from labor on the Sabbath day has made it pos-

sible for the Jew to forget his earthly necessities and to elevate himself to the realm of the spiritual. The Sabbath transfigures the material being of the Jew and unites him with his Creator. Thus all combinations of outside forces or upheavals within, have been unable to break his spirit, faith and hope. The Sabbath always was and always will be the greatest, priceless treasure of the believing Jew. The Adath Bnei Israel, through its principles and practices, represents the modern counterpart of this ageless, never changing, Torah-true Jew. May the Adath ever continue to reaffirm the saying of our sages: "He who observes the Sabbath is considered as if he observes all the Torah".

## Kashruth of Body and Soul

By RABBI SIMON SCHWAB

We have no right to question the reasons of the group of laws called "Chookim", to which Kashruth belongs. We shall never be able to comprehend the supreme wisdom of the Creator who regulates our lives by his divine statutes and ordinances. But we can learn the ultimate consequences of faithful observance of the Torah. I do not believe that sanitation plays a part in the realm of Kashruth. Evidently the violation of the Dietary Laws does little harm to the human body. Millions of completely healthy people in the world have never observed a single detail of the Kash-

ruth code. Some talk of ill effects on the character of those who partake of forbidden food. To subdue my appetite for prohibited food is no doubt a most effective training of my will-power, yet there have been a number of noble personalities of unquestionable moral standing who have never heard of Kashruth.

The Torah has another purpose in mind. It is stated that the observance of Kashruth will "make us holy", will sanctify our thoughts and habits and bring us closer to G-d, "for I the Lord am holy". Forbidden food will surely "make our

*(Continued on next page)*

(Continued from preceding page)

souls unclean". The Rabbis have explained the expression: "ve' nit-meissem bom" (you will be defiled by it) by changing the word slightly, into: "ve' nitamtem bom" which may be translated: "your souls will become dulled by it", i.e., forbidden food. Here is the root of the laws of Kashruth. Our souls will be defiled by trefah food through the secret channels that link body and soul. There is a natural relationship between our soul and the Creator. Hence the natural yearning to be

close to G-d through Torah, Mitzvoh and prayer in every undefiled Jewish heart. As long as we will not allow any food to enter our mouths that is not permissible, our hearts will be wide open to the lofty ideals that are preached by our Prophets and Sages. We shall be able to really love the Almighty with all our heart with all our soul and with all our might. May the Adath be blessed with success in the endeavor to further the sacred cause of Kashruth in this city.

## Is the Adath a Failure?

By MORRIS SIEGEL

Not only outsiders, but even Adath members have said so. In twenty-three years, should not our membership number thousands instead of hundreds? Shouldn't we be a power among Jewish organizations, instead of a very small minority?

We *have* failed, if such are our standards. But the true Jewish measure of success is not physical size nor political power. Adath work has been small-scale. It has received scant support, experienced many setbacks. But it has been Adath work. We have never lost sight of our purpose: "The strengthening of Judaism in general, the holiness of the Sabbath in particular".

The Adath is a success because it conducts classes in Talmud and other Jewish learning and encourages the attendance of non-members as well. Because its Extension Committees organize and maintain subsidiary groups of boys and girls in various sections of the

city. Because its active Employment Committee works tirelessly to secure Shabbos-free positions for sincerely Jewish young men and women—an average of almost one position a week. Because its members are actively interested in kashruth, mikvoh and other things vitally Jewish. Because the Adath Congregation has been a bulwark of Torah in East Baltimore. Because under the leadership of Rabbi Davis, many groups of youngsters meet regularly in the Adath Building for instruction in Torah-true Judaism. Because the Ladies Auxiliary of the Adath labors with devotion and loyalty to maintain the Adath Building and make possible its undertakings.

Because Adath Bnei Israel members throughout the city lead fuller, more Jewish lives through the inspiration of the spirit and activities of the Adath Bnei Israel.

A failure? The Adath is a success!



## Greetings from FUTURE ADATH MEMBERS

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# English Sections



# מדור לשון הקודש



אמנם כ"ז כשכבר נשרף, אבל בשעת שרפתן לכ' יהיה אסור שעדיין לא נעשה מצוותן. א"כ צריכים לבאר הה"א שמותר ליהנות בשעת שרפתן?

רע"א בתשובות (ח"ד סי' נ דפוס המאור) כותב שמשעה שעוסק בהשבתתו אין עליו עוד איסור הנאה, דלא בא הדינים של איסור אלא כ"ז שאינו עוסק בהשבתתו. אבל משעה שמתחיל לשרוף נחשב כאילו נשרף וכנעשה מצוותן, דמשעה שמתחיל לבערו פקע דין אסה"נ ממנו. דהיתר ההנאה אינו בא משום דכבר קיים מצוות השבתת החמץ. אלא דרך אסור כ"ז שעומד במצב שחסר קיום המצוה, אבל משהתחיל לבערו מותר, וכן מוכרח לומר מדאין איסור באפר חמץ של נכרי הגם דאין בו קיום מצוה. וקמ"ל המשנה דאין היתר בשעה שמקיים מצוותו, רק לאחר שקיים מצוות מותר.

## בענין נהנה מחמץ בשעת שריפה

### יונתן יחזקאל שרגא האק

איתא במשנה ריש פרק כל שעה (פסחים כא.): עבר זמנו אסור בהנאה ולא יסיק בו תנור וכיריים. ע"כ. דמשעה שחז"ל אסרו לקיים החמץ, אסרו בכל הנאות, ונותנים ציור לדוגמא שאסור ליהנאות מהחמץ להסיק בו תנור.

ומסיים המשנה האיך יכולים לבער החמץ: ר' יהודה אומר אין ביעור חמץ אלא שריפה, וחכמים אומרים אף מפרר וזורר לרות. ע"כ. בקיצור ר' יהודה סובר שחייב לשרפו ורבנן סבירא להו שיכול לבער בכל אופן שרוצה.

הגמ' (כא:) הק' למה צריך המשנה לפרט שאסור להסיק בו תנור וכיריים, שיש איסור ליהנות מהסיקה של חמץ. הא כבר אמר דאסור בכל הנאה לאחר זמנו. ות' הגמ' דלר' יהודה דסבר אין ביעור חמץ אלא שריפה צריך התנא לומר דלא יסיק בו תנור וכיריים, דסלקא דעתך אמינא דכיון דמצותו בשריפה יכול ליהנאות כשהוא שורף. קמ"ל. אבל קשה, למה מותר משום שעושה מצותו.

בהקדם צ' לבאר הדין של אפר איסורי הנאה. בתמורה (לד.) איתא דהנשרפין, (ר"ל האיסה"נ דהתורה מצווה לשרפן) אפרן מותר, אבל האסה"נ שחז"ל חייב לקבור אותן אפרן אסור.

ותוס' שם הק' מ"ט דהנשרפין אפרן מותר והנקברין אפרן אסור, מאי שנא? ות' תוס' בשם הרמ"ר הנשרפין כיון שצוה הכת' לשרפן, אחר שעשה זה נחשב שנעשה מצוותן, וכמו בהקדש כל דבר שנעשה מצוותו אין מועלין בו, כגון קרבן אחר שעשה עבודת שחיטה זריקה וכו' אין בו מעילה, הוא הדין בהנשרפין אחר שנעשה מצוותן אין בו איסור הנאה ומותר להינאות מאפרם. אבל הנקברים אין מצוה לבער אותן, א"כ אין בו היתר של נעשית מצוותן, וכל שבא מהם אסורים בהנאה.

תוס' ד"ה דלמא. לעיל לא גזר שלא במינו אטו מינו דהא לא שכיח שיתערב לו חמץ, ע"כ. דהיינו שם איירי דלא נתערב בידים, אלא נפלה ממילא באונס. וכיון שאינו שכיח לא גזר. "אבל הכא להתיר לבשלו בהן איכא למיגזר" דכאן איירי שבשל בידים ובדעת. וחוששין שמא לבא לטעות וסבר לבשל גם במינו.

ל: תוס' ד"ה התורה העידה. ואומר ר"ת דזה לא חשיב יוצא מידי דופיו דכיון שהסיקו נעשה ככלי חדש שכן דרך כל כלי חרס כשעושין אותו נותנין אותו בכבשן להסיקו. ע"כ. וצ"ב למה במה שמחזיר לתנור נחשב ככלי חדש? האם נשתנה הכלי עי"ז?

רבא וכו' דאמר הלכה כר"ש דאמר נמי בעלמא חמץ של נכרי שעבר עליו הפסח מותר אף באכילה הואיל וליכא למיקנס ביה מידי". רש"י למד האזדא רבא לטעמיה הוא מה דפסק כר"ש דשל נכרי מותר והקנס רק על חמץ ישראל ופרש"י "בני חילא נכרים אע"פ שאופיהו יום זה שעבר והוא פסח" רואין דפסק כר"ש ואפ' על פת (חמץ גמור).

אבל ע' פ' רבינו חננאל "ואזדא רבא לטעמיה דאמר כי הוינא בי ר' נחמן כי הווי נפקא יומא דפסחא וכו' נראין הדברים דחמירא דא הות לבני חילא ברשות ישראל ואע"ג דכדידהו דמי שרי ר' נחמן דהא ע"י תערובות הוא". הר"ח לא פ' כרש"י. רש"י למד דאיירי בחמץ גמור של נכרים (פת של נכרים) הר"ח למד דאיירי בתערובת חמץ של ישראל שעבר עליו הפסח. דהיינו שכר. תרגום של תמירא הוי שכר ולא פת כמ"ש רש"י. לפי הר"ח, ר' נחמן רוצה לקנות שכר דמוציא פסח. וזה הוי ראייה שרק קונסין חמץ גמור (בעיניה) אבל לא תערובות חמץ. ולפי פירוש הר"ח, אפשר זהו סמך למנהג שהובא ברמ"א (או"ח רצו, ב): ונהגו להבדיל במוציא פסח על שכר ולא על יין משום דחביב עליו.

רש"י ד"ה וליעבד בהו. "והאי משהו חשיב להו". הבליעות של חמץ חשיב כמשהו. וצ"ב מהו החידוש דחשיב כמשהו? אי איירי היכא שהבליעות נותן טעם א"כ למה חשיב כמשהו? ואפשר כוונת רש"י הוא דכיון שאין הבליעות בעין ואין להם ממש אע"ג שהם נותן טעם נחשב כמשהו? אבל ע' תוס' ד"ה לישנהני "תימה לר"י, נהי דס"ל דטעמא דחמץ בקדירה חשבי משהו שאין רגילין להשתמש הרבה ביחד וכו' ". גם משמע שבעצם בליעות אינו משהו אלא הם נותן טעם, אבל כיון שרגילין להשתמש הרבה ביחד נחשב כמשהו? ומה סברא זו? ע' דבר שמואל שמביא מן החזון איש דחלוק בליעות של חמץ דכשמבשל בחמץ, לא מבשל בחמץ בפנ"ע אלא גם בבשר ובמים ביחד, וזהו כוונת תוס' שאין רגילין להשתמש הרבה ביחד. אבל לכאורה צ"ב דמה לי שאין שם כ"כ בליעות מחמץ? אם נותן טעם, מה לי שאין כאן בליעות הרבה. ואם אינו נותן טעם, מהו החידוש דנחשב כמשהו?

ומה החשש? וגם מהו "לאו אדעתייהו"? ואפשר כוונת רש"י דכיון דשייך לבא לאדם או לספינה, זה אינו קיום של תשביתו. דכדי לקיים תשביתו צריך לעשות אבוד מן העולם ואם שייך שימצא אדם או תפגע בו ספינה זה הוי סימן שאינו אבודה מן העולם. אבל לכאורה אינו משמע כזה בלשון רש"י. ועי' חזון איש וע"ע שפת אמת. וצ"ב.

כח. גמ'. "ומנין לאוכל חמץ משש שעות ולמעלה שהוא עובר בלא תעשה שנא' לא תאכל עליו חמץ דברי ר' יהודה, א"ל ר' שמעון וכ' אפשר לומר כן והלא כבר נאמר ותאכל עליו חמץ שבעת ימים תאכל עליו מצות א"כ מה ת"ל לא תאכל עליו חמץ בשעה שישנו בקום אכול מצה ישנו בבל תאכל וכו' ". פשטות כוונת ר' שמעון הוא דאין נאמר דלא תאכל עליו חמץ הוי מיותר ליתן לאו משש שעות הא איצטריך להיקש, וה"אם כן" של גמ' הוא דאם נאמר שבא ליתן לאו משש שעות, א"כ למה כתיב באותו פסוק של שבעת ימים תאכל עליו מצות. אבל ע' תוס' ד"ה אפילו דכ' "הלשון דחוק" ואפשר כוונת תוס' הוא דאם בא ר' שמעון מתורת היקש, למה צריך לומר לשון של "אם כן"? לכו' רק צ"ל דיש היקש בין אכילת מצה לאיסור חמץ וע"כ אינו מיותר ללאו ולמה נעשה חשבון ואומר עוד "וא"כ וכו'" וצ"ב.

תוס' ד"ה כל ערל. "תימה גבי בן נכר שהוא מומר וכו' אמאי איצטריך קרא פשיטא שחייב בכל מצות האמורות בתורה". וע' שפת אמת שהק' דהוה אמינא על מצות ומרורים יאכולוהו? וז"ל "ויש לתמוה על תמיהתם כיון דס"ד הוי דמצה אינה מצוה בפרי עצמו בלי פסח, א"כ שפיר הוה אמינא דבן נכר שלא הביא פסח שאינו אוכל פסח אין מצווה כלל באכילת מצה ומה בכך דמחוייב בכל המצות וכו'". וע"ש מה שהק' על התירץ של תוס'.

ל. "והאמר רבא ר"ש קנסא קניס הואיל ועבר עליו בבל יראה וכו' ה"מ בעיניה אבל ע"י תערובות לא ואזדא רבא לטעמיה דאמר רבא כי הוינן בי ר' נחמן כי הווי נפקי שבעה יומי דפסחא אמר לו פוקו וזבינו חמירא דבני חילא". ע' פרש"י ד"ה ואזדא



רבינו תם דשלא בשעת ביעורו היינו אחר שש וכו' והיינו לאחר איסורו אבל בשעת ביעורו דהיינו בשש כיון שאינה מצוה לבערו אלא מדרבנן, השבתתו בכל דבר. "ולפי פירוש רבינו תם לא קשה כלל מה שהק' רש"י דשפיר היה יושב ובטל, דלפי תוס' השבתתו בכל דבר רק עד שש, אבל אחר זמן זה הוי שלא בשעת ביעורו וביעורו בשריפה, ואם אין לו עצים יהא יושב ובטל דאינו יכול להשבית בדרך אחרת. (וקצת צ"ב דאי איירי בביטול, מהו היושב ובטל. ועי' צל"ח.)

רש"י ד"ה שאם לא מצא. "מיהא קולא היא במי שהוא רוצה לצאת בשיירא בתוך שלשים דאמרינן זקוק לבער וכשאינן עצים לשרפו יהא יושב ובטל". ומבואר מרש"י דדין זקוק לבער תוך שלשים הוי דין דאורייתא ועי' קובץ שיעורים לעיל ו. אות כ"ה.

כח. גמ'. "וחכ"א מפרר וזורה לרוח. איבעיא להו היכי קאמר מפרר וזורה לרוח ומפרר ומטיל לים או דילמא וכו' אבל מטיל לים בעיניה ותנן נמי גבי ע"ז וכו' ". מתני איירי במה יכול לקיים תשבתו. ופשטות כוונת שאילת הגמ' היא דכדי לקיים תשבתו ע"י מטיל לים אי בעינן פירור או לא בעינן פירור. אבל פשוט דאם רוצה לקיים תשבתו ע"י שזורה לרוח, בעינן פירור ואם זורה לרוח בלי פירור אינו מקיים תשבתו. ושאילת הגמ' רק כשמטיל לים אי בעינן פירור או לא. ומה דסבר רבה שבלי פירור אינו מקיים תשבתו בשאר נהרות, ע' שפת אמת שרוצה לפרש דכיון דמהלך בו ספינה אינו אבודה מן העולם. דהיינו כדי לקיים תשבתו צריך להיות החמץ אבודה מן העולם וכיון דשייך שמהלך בו ספינה לא נחשב אבודה מן העולם. אבל ע' רש"י ד"ה או דילמא שכ' וז"ל "לרוח הוא דבעי פירור שמא יזרקנה שלם וימצאנו אחר ויאכלנו וכו' ". ומשמע מרש"י דמה דצריך פירור בזורה לרוח אינו כדי לקיים מצות תשבתו אלא כיון שיש חשש דשמא יאכלנו אחר, כדי לסלק חשש זה צריך פירור, אבל מצד קיום תשבתו לא בעינן פירור. וע"ע רש"י ד"ה בעו פירור "שמא תפגע בו ספינה ותטלנו אחר ויאכלנו". משמע דודאי מקיים תשבתו ורק יש לחוש שמא תפגע בו ספינה אבל ודאי מקיים תשבתו. (וסתם צ"ב כוונת רש"י במש"כ תפגע בו ספינה ותטלנו ולא אדעתיהו")

ולכו' משמע שב"ש סוברים דתשביתו הוי מצוה בקום ועשה וממילא אם מכר לגוי נהי דאינו עובר על לאו של כל יראה וכל ימצא, אבל מבטל מצות תשביתו. ואפשר דבית הלל סוברים כצד הראשון של המנ"ח דיכול לקיים מצות תשביתו בשב ואל תעשה על ידי שאין לו חמץ ברשותו. וע' בדבר שמואל.

כז. גמ'. "תניא ר' יהודה אומר אין ביעור חמץ אלא שריפה וכו'". במתני' יש מח' ר' יהודה וחכמים: "ר' יהודה אומר אין ביעור חמץ אלא שריפה וחכמים אומרים אף מפרר וזורר לרוח או מטיל לים". יש שאלה בגירסת המשנה אי גרסינן בדברי חכמים "אף". דהיינו אם גרס "אף", נמצא דחכמים מודים לר' יהודה דשפיר מקיים תשביתו ע"י שריפה ורק סוברים דגם יכול לקיים ע"י דברים אחרים. ואי לא גרס "אף", אז משמע דחולקין על ר' יהודה דאינו מקיים תשביתו בשריפה ודוקא ע"י זורה לרוח או מטיל לים. יש מח' באיסורי הנאה במס' תמורה אם איסורי הנאה הכל נשרפין או נקברין. אם הכל נשרפין אז אפרן מותר ואם הכל נקברין אז אפרן אסור, ור' יהודה סובר דחמץ בשרפה וממילא סובר אפרן מותר. וע' במגן אברהם סי' תמ"ה דכ' דשיטת חכמים תלוי בגירסת מתני', דאם גרס "אף" אז נמצא דמקיים תשביתו בשריפה. וסברי רבנן בחמץ דאפרן מותר. אבל אם לא גרס "אף" נמצא דלא מהני שריפה וסברי חכמים בחמץ דנקברין ואפרן אסור. והק' המג"א על הרמב"ם דפסק כרבנן דמקיים תשביתו ע"י שריפה אבל גם פסק דאפרן אסור? ועיין שם מה שת' (וע' ח' הגר"ח על הרמב"ם ריש הל' חמץ ומצה).

גמ'. "אמר ר' יהודה אין ביעור חמץ אלא בשריפה וכו' כל דין שאתה דן תחילתו להחמיר וסופו להקל אינו דין לא מצא עצים לשרפו יהא יושב ובטל". ופרש"י "ואע"ג דאמרינן בפ"ק לר' יהודה אבל שעת ביעורו השבתתו בכל דבר, פלוגתייהו מיהא קולא היא במי שרוצה לצאת בשיירא או בתוך שלשים וכו' ". ע' גמ' לעיל יב: דרש"י למד שלא בשעת ביעורו בשש שעות ושעת ביעורו הוא מכאן ואילך. דהיינו מה שאמר ר' יהודה דאין ביעור חמץ אלא בשריפה אינו אלא שלא בשעת ביעורו שהוא משש שעות. אבל בשעת ביעורו דהיינו בשבע שעות שהוא מוזהר מן התורה השבתתו בכל דבר. אבל ע' פ' תוס' שם דלמד דלא כרש"י. "ומפרש

## הערות בפ' כל שעה

### איתן רינר וחברותא שלו

רש"י ד"ה ואי תנא חיה: הוה אמינא היא עדיפא משום דאי משיירא מצנעא לה ולא עבר עליה בבל יראה, ע"כ. ולפי גירסא זו, משמע דעובר בבל ימצא. ולכו' צ"ע דע' תוס' ד"ה ואי אשמועינן שכתבו דאינו עובר על בל יראה ובל ימצא עד שידע לו שיש לו חמץ, ומביא ראיה מגמ' לעיל ו: דכ' "וכי משכחת לה ליבטלה" ומשמע דכל כמה דלא משכחת לה, אינו עובר בבל יראה ובל ימצא, וא"כ לפי גירסא זו ברש"י, ק' דסוגייתנו משמע דעובר על בל ימצא גם במקום שאינו ידוע לו אבל מגמ' לעיל משמע דאינו עובר עד שמשכחת החמץ?

ואפשר לומר דגמ' לעיל איירי אחר שכבר בדק והוה בחזקת שאין שם חמץ. וחידשה הגמ' שם שהבודק צריך לבטל, ומ"מ מקום זה הוה בעצם כמו מקום שאין מכניסין בו חמץ. אבל בסוגייתנו כיון דמסופק אם משייר הבהמה ואצניע ואפשר יש חמץ כאן, ממילא אפשר דאתרע החזקה והוה כמו מקום שמכניסין בו חמץ, ובמקום שמכניסין בו חמץ, שאין שם חזקה שאין שם חמץ, עובר על בל ימצא אפילו לפני שמשכחת חמץ.

רש"י ד"ה קודם שיבא הפסח: דקסבר מצוה עליו לבערו מן העולם הוא ולא שיהא קיים, ע"כ. ב"ש סוברים דאע"ג דאינו עובר על בל יראה ובל ימצא כיון שהוא ברשות הגוי, אבל ע"י שמסר לגוי, מבטל מצות תשבייתו. ומשמע דב"ש סוברים שיש במצות עשה של תשבייתו החיוב להשביית בידים. וע' מג"ח מצוה ט': והנה לכו' יש ספק אם המצות עשה היא שיהא החמץ מושבת, ואם יש לו חמץ חוץ מה שעובר על לא תעשה דבל יראה ובל ימצא עובר עוד על העשה, ואם אין לו חמץ אינו עובר בלאו וגם המצות עשה מקיים בשב ואל תעשה כמו בשבת ויו"ט איכא עשה דשבתון וכו' או דילמא דמצוה עליו בקום ועשה דהשבתת החמץ ואם אין לו חמץ אינו מקיים העשה, כמו מי שאין לו ד' כנפות נהי דאינו עובר מ"מ לא קיים המצוה הכא נמי גם כן וכו' ע"ש.

שאינו שכיח כ"כ. ולכן אין סתירה כלל בין רשב"ם על המשנה ופירושו בגמ'.  
והדברים מתוקים !<sup>2</sup>

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<sup>2</sup> ויש לעיין אם כנים הדברים לדינא, דהא השולחן ערוך, שפוסק כר' יוסי, כתב בסימן תע"א סעי' א': "אסור לאכול פת משעה עשירית ולמעלה כדי שיאכל מצה לתיאבון וכו'". ומפשטא דלישנא משמע שהוא ענין של הידור מצוה, שיאכל המצה בתאוה ! אבל יש לדחות "שלתיאבון" בא לאפוקי אכילה גסה דלא שמיה אכילה, ועיין.

שאם יאכל בערב פסח סמוך למנחה ולמעלה יבא לאכול למצה אכילה גסה ולא שמיה אכילה. (וטעמא דימילתא דרק גבי מצה חייש ולא לשאר סעודות שבת ויו"ט י"ל משום דחויב מצה לילה ראשונה חובה מדאורייתא, משא"כ סעודת שבת, יש סוברים שהוא מדרבנן, ע' שו"ע סימן רמ"ב שעה צ"א. ולפי שיטות א"ש בפשטות למה לא חש לסעודת שבת.<sup>1</sup>

ואפי' להשיטות דסעודת שבת דאורייתא, י"ל דאעפ"כ שם שאני דשייך בתשלומים אם לא אכל בלילה, דכן כתבו התוס' לקמן (קא., והובא ברמ"א סי' רצו, א) שאם לא אכל סעודה בלילה, יאכל ג' סעודות ביום. ואם נימא שזה מועיל מדאורייתא, דמדאורייתא לא צריך דוקא ג' זמנים מסויימים רק ג' סעודות בשבת אתי שפיר. משא"כ מצה א"א להשלימה, דבפירוש הקפיד הכתוב שהיה "בערב תאכלו מצות." (וגם לפי"ז ערב סוכות יש אותו חומר).

איך שיהיה, מאד מסתבר לומר שנקודת המח' בין ר' יוסי לר' יהודה הוא כך: דר' יהודה אוסר ערבי שבתות וי"ט באכילה משום הידור מצוה, כדי שיאכל בלילה בתיאבון ובחביבות, ולשיטתיה, אתי שפיר דאינו מחלק בין שבת למצה. דגם בשבת יש ענין של הידור מצוה וכדי שיהא סעודת שבת חביב עליו. משא"כ שיטת ר' יוסי הוא דלא אסרינן על האדם לאכול מחמת הידור מצוה, איה"נ שיש הידור שלא לאכול. ושכן כתב הרמב"ם ושו"ע שאף על פי שאין איסור לאכול בערב שבת וי"ט סמוך למנחה, מ"מ יש מצוה להמנע, אבל לאסור עליו האכילה מעיקר הדין לא מסתבר לר' יוסי. ולכן אם באנו לאוסרו באכילה צריך להיות רק מחמת חשש של עיקר הדין, דהיינו שיבא לאכול אכילה גסה דלא שמיה אכילה ולא יצא יד"ח, וזה לא שכיח כ"כ. ולכן לא גזרו בע"ש וי"ט דאינם חמורים כמו מצה מהטעמים שבארנו, רק גבי מצה משום חומר דחויב מצה נחית לחשוש אף לזה

<sup>1</sup> אבל יש להעיר דלפי"ז גם בלילה ראשונה של סוכות יש אותו חומר של מצה, דהוא דאורייתא מג"ש ט"ו ט"ו. ועיין רמ"א בסימן תרל"ט סעיף ג'.

## בענין איסור לאכילה בערב פסח סמוך למנחה

ר' משה סינגר

איתא במשנה ריש פרק ערבי פסחים (תט:): "ערב פסחים סמוך למנחה לא יאכל אדם עד שתחשך וכו'". ופירש"י ורשב"ם דהוא כדי לאכול את המצה לתיאבון, משום הידור מצוה. ועל זה תמה הרש"ש דבגמרא (קז) אמרי' דטעמא משום דילמא אתי למיכל למצה אכילה גסה, ופירש שם הרשב"ם דהיינו שהוא כ"כ שבע דאינו נהנה כלל מאכילת המצה ואינו חשיב אכילה כלל ולא יצא ידי חובת מצה, ע"ש ברשב"ם וכן פירשו התוס' (דלא כדמשמע מרש"י). וא"כ למה כתב הרשב"ם במתני' דהוא רק משום הידור מצוה לאכלה לתיאבון? ! וע"ש ברש"ש שנדחק בזה.

וחשבתי לתרץ דלעולם הטעם הוא משום אכילה גסה, אלא שבמשנה פירשב"ם משום הידור משום דהוא מפרש המשנה כפי ההו"א דגמרא. (שכן דרך רש"י בכמה דוכתי, וי"ל דהרשב"ם אזיל בעקבותיו). ובגמרא פריך "מאי אריא ע"פ, אפי' ערב שבתות ויו"ט נמי, דתניא "לא יאכל אדם בערבי שבתות וימים טובים מן המנחה ולמעלה כדי שיכנס לשבת כשהוא תאוה, דברי רבי יהודה. רבי יוסי אומר אוכל והולך עד שתחשך". אמר רב הונא לא צריכא אלא לר' יוסי וכו' הני מילי בשבתות ויו"ט אבל בערב הפסח משום חיובא דמצה מודה. "מבואר מהגמ' דהמקשן סבר דר' יוסי אינו מודה בפסח, וכפשטא דלישנא דברייתא "שבתות וימים טובים", ואף פסח בכלל יו"ט! להכי נקט בפשיטות דתנא דמתניתין צריך להיות רבי יהודה, ולכן הקשה דמאי אריא ע"פ וכו'.

ולפי"ז, איה"נ דלמאי דס"ד מעיקרא דמתני' כרבי יהודה אזי פשוט דהטעם יכול להיות משום הדור מצוה, וכדמשמע מלישניה "שיכנס לשבת כשהוא תאוה", ופרשב"ם ע"ז "כדי שיהא קידוש וסעודת שבת חביב עליו". אבל למאי דמסיק רב הונא דשאני ערב פסח דאפי' רבי יוסי מודה משום חיובא דמצה אז יותר פשוט לומר דהטעם הוא משום דגבי מצה דחמיר (ע' לקמן בסמוך) חיישי' טפי, וחיישינן

הדיוק דאין זקוק לבער, אלא לעולם בכגון זה זקוק לבער, שעל זה חל עליו החובת הגוף. והביא ראיה, דהאם שייך למימר שאם יש לו חדר א' שבבית שלא יכנס בה כל ימי הפסח, שלפי הראב"ה יכול לקיים מצות ביעור שלו בשאר חדרים ואין זקוק לבער באותו חדר ? ! אלא פשיטא דכשחל עליו חובת הגוף לבדוק את ביתו, הוא על כל המקומות שבביתו. ודומיא לזה הוא האופן הנ"ל, שהחובת הגוף הוא על כל הרשויות שלו בכל העיר. ועוד ראיה דעי' משנ"ב (סי' תל"ו ס"ק כ"ז) דמיירי בשיטת הראב"ה וכתב "[ו]כי מי שיש לו כמה בתים אינו מחוייב לבדוק רק בית אחד ? ! " אלמא דסבר כנ"ל.

אף אחרי כל הביאור הזה נראה לי שהמהלך של הראב"ה מחודש הרבה יותר מהמהלך של הר"ן שהוא נראה פשוטה וברורה מאד. חדא משום שהראב"ה אומר שבדיקה הוא חובת הגוף ; ועוד משום דאוקמיה דווקא כשלא יהא בבית אחר, ואע"פ שהגמ' אמרה סתמא. ותמהתי שהרי הטור והשלחן ערוך מביאים דברי הראב"ה בסוף הלכות המפרש לים (בסי' תל"ו), ומשמע קצת שהם למדו כל הסוגיא כמותו, דאם לא כן למה יביאו דבריו כלל ? וזה ענין גדול לעמוד עליו, שהרי יש הרבה נפקא מינות התלויים בדרך ללמוד גמ' זה.

ועי' ט"ז (סי' תל"ו ס"ק ז') שהשיג על דברי השלחן ערוך וכתב וז"ל "ולוי נראה... שמצות בדיקה אינה חובת הגוף אלא אם יש לו בית אז הוא מחוייב לקיים מצות הבדיקה משא"כ כאן שאין לו בית למה יהא חייב לבדוק ביתו.... כן נראה לי להלכה והרוצה להחמיר יחמיר על עצמו" עכ"ל. וראינו מדברי הט"ז שנכון ביארנו שהראב"ה סבר שמצות בדיקה חובת הגוף הוא, וגם ראינו שדחוק לפסוק כמותו מחמת כן. אמנם עי' במגן אברהם שלא הסכים לדעת הט"ז. ומסקנת המשנה ברורה (ס"ק ל"ב) הוא שאם לא יכנס בה הנכרי לפני הפסח אחר יציאתו של הישראל, יש להחמיר ולעשות בדיקה וביעור שם.

שיצא כיון שלא יהיה בבית כלל בליל י"ד שיוכל לקיים את חיובו שם. משא"כ היוצא לפני ל', לא חל עליו אותו חובת הגוף ומשו"ה אין זקוק לבער. וכיון שלמד סוגיין כן, משו"ה סבר שאפילו כשיוצא לשיירא מבית של גוי, חייב לבער. שאע"פ שלא ישאר אצלו שום יחס להבית יותר מאילו הניח חמצו בַּעַר - שלכאורה אינו חייב לבדוק כל היער קודם שיצא משם ואפילו תוך ל' לפני הפסח - ומאי שנא שכשהניח חמצו בבית של גוי שכשיצא משם זקוק לבער? היינו משום שיש לו חובת הגוף למצות ביעור, ולכן כיון שלא יהיה לו בית לפני הפסח אלא זה של הגוי שהיה דר בה ועכשיו יוצא ממנה, צריך לקיים בה את חיובו. (ולכאורה אפילו לפי"ז א"א להחובת ביעור לחול עליו אלא בבית - ולא בַּעַר).

נמצא לפי"ז שהטעם שרב יהודה בשם רב אמר דינו דווקא במפרש לים ויוצא בשיירא שמשמע שלא יהא בבית כלל בליל י"ד הוא בעיקר מחמת הדין של יוצא תוך ל', שדווקא כשלא יהא בבית בליל י"ד זקוק לבער קודם שיוצא, אבל אם יכנס לבית אחרת אז אין זקוק לבער כאן.

וחידוש עצום יוצא מביאור זה, דנמצא שכוונת ר"י אמר רב אינו רק שהיוצא בשיירא תוך ל' זקוק לבער באיזה בית שנמצא בשעת יציאתו ואפילו של גוי; אלא גם שמי שאינו יוצא בשיירא אלא שיהיה בבית אחר בליל י"ד, אין זקוק לבער ולעשות בדיקת חמץ בבית שיוצא ממנה, כיון שמקיים שפיר מצות ביעור שעל גופו בבית השני שיכנס בה! ולכאורה פלא הוא לומר שאפילו היוצא לדרך מבית שלו לבית אחרת שקרוב לו ואין בדעתו לחזור להראשון למשך כל ימי הפסח (שאם דעתו לחזור, לא גרע ממה שאמר רבא בגמ' שם דבדעתו לחזור זקוק לבער) שאין זקוק לבער בבית הראשון שיוצא ממנה כלל - ולומר שבכגון זה לא תקנו חז"ל מצות בדיקה ושאין חשש לסמוך על ביטולו בלבד. והעיר לי ר' יעקב סקולניק נ"י דאפילו לדעת הראב"ה הזה אפשר למימר שהחובת הגוף יחייבו לבער בכל רשויות שלו בעיר הזאת, ואפילו אותם שאין דעתו ליכנס בה כל ימי הפסח. שהדיוק הנכון בהגמ' הוא דמיירי ביוצא בשיירא ומשמע דהיוצא לדרך למקום קרוב אין זקוק לבער כיון שיקיים חיובו בבית אחר; אבל מי שאינו יוצא לדרך אלא לבית אחר והכל תוך עיר א' ואינו בכלל יוצא לדרך, בודאי אין זה בכלל



כדי לבדוק ולבער. אבל אין לחלק בדין היוצא תוך ל'; דבין למקום רחוק ובין למקום קרוב, זקוק לבער חמץ שבבית שלו, ולא יסמוך על ביטולו – שהרי כבר חל עליו תקנת חז"ל לעשות בדיקה לחמץ ולבערו, שלא דווקא בליל י"ד תקנו אלא על כל השלשים יום לפני הפסח. נמצא לפי"ז שהטעם שרב יהודה בשם רב אמר דינו דווקא במפרש לים ויוצא בשיירא שהם מקומות רחוקים הוא מחמת הדין של יוצא קודם ל', שדווקא למקום רחוק אין זקוק לבער אבל למקום קרוב כן זקוק לבער.

אמנם עי' בטור (או"ח סו"ס תל"ו) שהביא את דעת הראב"ה (הובא במדכ"י סי' תקל"ה) שפסק שאם היה דר בבית של גוי תוך ל' לפני הפסח ויוצא משם לים או לשיירא ולא יחזור לאותו בית לעולם, זקוק לבער קודם שיוצא ממנה. ופירש הב"ח שם את דבריו, שהוא דקדק מדברי ר"י אמר רב דדווקא המפרש לים והיוצא בשיירא שלא יהיה בבית כלל בליל י"ד, זקוק לבער כשיצא תוך ל' – אבל אם יודע שיכנס לבית אחרת לפני הפסח (כגון שאינו הולך למקום רחוק) אז יעשה בדיקה וביעור שם בלבד ואין זקוק לבער בביתו כאן. וכיון שמי שלא יהיה לו בית זקוק לבער כשיוצא תוך ל', אף כשיוצא מבית של גוי זקוק לבער. ולפום ריהטא, דין זה וגם פירושו תמוהים מאד. שהרי כל דין בדיקת חמץ הוא תקנת חז"ל שלא יסמוך על ביטול בלבד כיון שיש לחוש שאעפ"כ יעבור בבל יראה ובל ימצא ע"י שישכח לבטלנו קודם זמן האיסור, ועוד שמא יאכלנו. ולכאורה אין זה שייך אלא בבית שלו שהחמץ שבתוכו ג"כ שלו ויש לחוש לחששות הנ"ל. אבל איך שייך לחוש לעבור על חמץ שנשאר בבית של גוי, שהרי בודאי מפקיר כל מה שישאר שם כיון שיודע שלא יחזור לאותו בית לעולם ועוד הרי הבית הוא של גוי והוא יטול כל שנשאר? ועוד, מאי איכפת לן אם יכנס לבית אחרת לבדוק אותה, הרי אם יש לחוש לחששות הנ"ל על חמץ שבבית שיוצא ממנה יבדקנה, ואם לאו, לא יבדוק?

ונראה לי שעל כרחק נצטרך לפרש שהראב"ה למד את הסוגיא שלא כהר"ן; וסבר שהטעם שתוך ל' זקוק לבער אינו משום שאין ראוי לסמוך על ביטול ועל הדין של מפולת כיון שכבר חל עליו מצות בדיקה, אלא משום שיש לו חובת הגוף של בדיקת חמץ שחל עליו שלשים יום לפני הפסח, וזה מחייבתו לבדוק במקומו לפני

## בענין האם מצות בדיקת חמץ חובת הבית או חובת הגוף

ר' חיים אליעזר הלוי סוסקיל

מבואר בריש מס' פסחים דאפשר לאדם לעשות ביטול לחמץ שלו לפני שעה ששית בערב פסח, ואם עשה כן לא יעבור על לאווי' של בל יראה ובל ימצא. ואע"פ שהחמץ נשאר בביתו אין כאן איסור, כיון שכולו "כעפרא דארעא" ואינו שלו. וזהו דינא דאורייתא, אבל מדרבנן תקנו שכל אדם יבדוק את ביתו בליל י"ד ניסן ויבער כל החמץ שנמצא, שאינו ראוי לסמוך על ביטול בלבד. ועי' בר"ן (א. מדפי הרי"ף) שביאר טעמים לזה, דאפשר שלא יבטל יפה להוציאו מלבו לגמרי, ועוד אפשר שיאכל מה שנשאר בביתו. ואע"פ דמדינא דאורייתא בדיקה וביעור סגי בלי ביטול שלא יעבור בב"י וב"י, עוד תקנו שהבודק צריך שיבטל. ונמצא שמדרבנן כל אדם חייב לעשות בדיקה וביעור, וגם ביטול. ורציתי להציע מה שנראה לי להיות שיטה נפלא בענין מצות בדיקת חמץ זה.

איתא בפסחים (ו.): **ואמר רב יהודה אמר רב המפרש והיוצא בשיירא קודם ל' יום אין זקוק לבער** ר"ל אינו צריך לעשות בדיקת חמץ בביתו כתקנת חז"ל **תוך ל' יום זקוק לבער** ר"ל שצריך לבדוק את ביתו. ועי' רש"י ד"ה בשיירא שם שפירש שהמפרש לים והיוצא בשיירא מיירי דווקא שיוצא למקום רחוק, ויש לדייק לפי פירושו, שאם היה יוצא למקום שאינו כל כך רחוק אז לא יהיה הדין כן. שדווקא אם יוצא למקום רחוק. אז אין זקוק לבער כשיצא קודם ל' יום. ועי' בר"ן שביאר שזהו משום שכיון שהחמץ רחוק ממנו דינו כחמץ שנפלה עליו מפולת דסגי בביטול בלבד. אבל אם לא יצא אלא למקום קרוב, קשה לומר על החמץ שהוא כמו נפלה עליו מפולת - שהרי אם הוא דר בבית בריחוק מהלך יום אחד מביתו השני שיש בה חמץ, איך נאמר עליה שהרי הוא כנפלה עליו מפולת אם עדיין יכול להגיע אצלו וליטלנו אפילו תוך ימי הפסח? ולכן נמצא שדווקא המפרש לים ויוצא בשיירא קודם ל' אין זקוק לבער כיון שיוצא למקום רחוק - אבל היוצא מביתו לבית אחרת שהוא במקום קרוב ואפילו לפני ל' ואין דעתו לחזור עד לאחר הפסח, זקוק לבער; או עכ"פ כשהגיע השלשים יום לפני הפסח יהא חייב לחזור לביתו

## הערה בענין עדים זוממים

### יעקב משה הלוי נויבגר

הביאה הגמ' במס' מכות (ב:) ברייתא: משום ר' עקיבא, אמרו אף אין משלמים [עדים זוממים] על פי עצמן. ע"כ. ומפרשת הגמ': מאי טעמא, קסבר קנסא הוא וקנס אין משלמים על פי עצמן. ע"כ.

וקשה לי דהא איתא ממס' בבא קמא (פג:) כלל שאין דנין דיני קנסות בבבל. וא"כ לדעת ר"ע צריך לומר דגם אין עושים עדים זוממין בבבל כיון שזהו דין קנס. אבל לפי זה קש' איך מקבלים שום עדות בבבל, הרי לקבל עדים לעולם צריך עדות שאתה יכול להזימה.

ונראה לי דאפשר לתרץ בב' דרכים. או דיש לומר שמקבלים העדים בבבל ואם אחרי כן באו המזימין אז הולכים לארץ ישראל לדון אותם שם. עוד אפשר לומר שאם באו המזימין מביאים דיינים מארץ ישראל לדון בבבל.

אולם שמעתי להקשות על זה מאבי מורי ממש"כ הגמ' בסנהדרין (יז:) לפרש המשנה שכתב דכל עיר בעי ק"כ אנשים להיות ראויה לסנהדרין. וכ' הגמ': מאה ועשרים מאי עבידיתייהו, עשרים ושלוש כנגד סנהדרין קטנה, ושלוש שורות של עשרים ושלושה... ושני זוממין ושני זוממי זוממין וכו'. ופי' רש"י בד"ה ושני זוממים: שיתיראו העדים להעיד שקר שלא יזומו, ע"כ. וזה משמע דצריך היכולת לעשות עדים זוממים מתוך העיר ולא מבחוץ, ואם לא כן אין העדים יראים לשקר ואין להקים ב"ד שם.

ונראה לי שאינו קשה כלל דאם בכל פעם שיש מזימין דבוודאי מביאים דיינים מארץ ישראל או הולכים לדין שם אכתי יהיו העדים ראשונים יראים לשקר. משא"כ אם אין בעירם עדים מזימין ויש ספק בדעתם אם מישהו מחוץ לעיר יכולים להכחישם אז אבדה מהם המירתת לשקר.

הביאו אירועים של הצלה וישועה מאיזה צרה כגון "מי שענה את אבותינו על ים סוף" וכן "את יונה ממעי הדגה" וכו'.

עוד נראה להוכיח בלי ספק דכוונת התפילה הוא על שנענה אברהם לגבי יצחק מדברי הירושלמי הובא שם בהר"ן ועוד ראשונים. דהק' הירושלמי על מה שמסיימין "גואל ישראל", והלא גואל יצחק בעי, ותי': אלא כיון שנגאל יצחק כמי שנגאלו כל ישראל, ע"כ. הרי להדיא דיצחק היה ניצל, ובוודאי קש' כהנ"ל.

ונראה דאולי אפשר להסביר ע"פ דבר נפלא שמצאתי בפרקי דרבי אליעזר (פרק לא): רבי יהודה אומר כיון שהגיע החרב על צוארו פרחו ויצאה נשמתו של יצחק. כיון שהשמיע קולו מבין הכרובים ואמר אל תשלח ידך אל הנער חזרה הנפש לגופו והתירו ועמד על רגליו. וידע יצחק תחיית המתים מן התורה שכל המתים עתידין להחיות, ע"כ. ומדרש זה מאיר לאור הני דברי חז"ל, שיש לפרש דאף דברור הוא שלא עלה על דעת הקב"ה שישחוט את יצחק, הרי סו"ס הוא מת ובעי ה' להחייתו. ושפיר יש לתלות חזרתו לחיים או בהברית כרותה לשפתיים כמש"כ הגמ' מו"ק או במה שענה הש"יית לתפילתו של אברהם אבינו כהמשנה בתענית.

ונ' להוסיף דלפ"ז מאוד מובן מה דמזכירין עניית ה' לאברהם בקשר לבקשתינו על גשמים. דאי' בריש מס' תענית (ב.): אמר ר' יוחנן, ג' מפתחות בידו של הקב"ה שלא נמסרו ביד שליח ואלו הן, מפתח של גשמים ומפתח של חיה ומפתח של תחיית המתים, ע"כ. וא"כ נתפרש התפילה, דמי שענה את אברהם ביחס לחד מן המפתחות, היינו תחיית המתים, הוא יענה אתכם לגבי עוד מפתח, היינו גשמים.

## בענין עקידת יצחק

### הרב רפאל שעפטיל הלוי נויברגר

גר' במס' מועד קטן (יח.): דאמר ר' יוחנן מנין שברית כרותה לשפתים שנאמר "וַיֹּאמֶר אַבְרָהָם אֶל נַעֲרָיו שְׁבוּ לִכְם פֶּה עִם הַחֲמוֹר וְאֲנִי וְהַנֶּעֱר נִלְכָּה עַד כֹּה וְנִשְׁתַּחֲוֶה וְנִשְׁוֹבָה אֵלֵיכֶם", ואיסתייעא מילתא דהדור תרוייהו. ע"כ. היינו דחזינן ממה שאברהם אבינו הוציא מפיו לשון שמשמעו שהוא ויצחק ישובו נסתייע הדבר שאכן כך היה וחזרו שניהם מן מעשה העקידה.

ולכאורה הקושיא בולטת מאליה, דכדי לתלות סיבת חזרת יצחק בחיים מהעקידה בהדיבור משפתי אברהם צריך להיות דמעיכרא היה יצחק עומד להיות שחוט שם, והרי מבואר בחז"ל דבוודאי זה אינו. עי' ברש"י עה"ת (פר' וירא כב, ב ד"ה והעלהו) שכ' בשם המדרש רבה וז"ל: לא אמר שחטהו לפי שלא היה חפץ הקב"ה לשחטו אלא להעלהו להר לעשותו עולה, ע"כ. וע"ע במס' תענית (ד.): "לא עלתה על לבי" זה יצחק בן אברהם, ע"כ. ופי' שם רש"י: כלומר שאע"פ שצויתי לו, מעולם לא עלתה על לבי לשחוט בנו אלא לנסותו מפני קטיגורו היינו שטן, ע"כ. ובסנהדרין אי' (פט.): אמר ליה [השטן לאברהם] ואלי דבר יגונב, כך שמעתי מאחורי הפרגד השה לעולה ואין יצחק לעולה. ע"כ.

והנה כמו כן מצינו להק' על מתני' ריש פ"ב דתענית דאי' שם אחד מן התפילות שאומרים ביום תענית בשביל עצירת גשמים הוא "מי שענה את אברהם בהר המוריה הוא יענה אתכם וישמע בקול צעקתכם היום הזה ברוך אתה ה' גואל ישראל". וזה נמי משמע שהזכות תפילה של אברהם הוא שהציל יצחק, ולולי כן היה נגזר למות. וקש' כהנ"ל.

ובאמת המהרש"א שם עמד ע"ז וכ' דמה שנענה אברהם שם לא קאי על שחיטת יצחק אלא על שבקש ממנו ית' שיראה לו השה לעולה. אבל לענ"ד קשה לפרש הכי דא"כ אין בקשה זו בהתאם עם שאר הבקשות הנזכרין שם במשנה, דכולם

וכן מסביר ר' משה זצ"ל שרואים נקודות אלו בברכת תקע בשופר. "לחירותנו" הוא חירות מממשלה זרה. "לקבץ גלויותינו" הוא מהפיזור. "מארבע כנפות הארץ" הוא למקומנו בארץ ישראל.

המהר"ל מסביר שבתוך גלות עצמו יש לנו מהשוא להחזיק אותנו שלא נפרד לגמרי וברור שהוא כיוון לכח התורה אלא שהוא מביא הענין שקבורת רחל היא על הדרך כדי שהיא תבקש רחמים על בניה. וכחה היא שכלל ישראל נקראו על שם רחל ובפרט על שם בני רחל – אפרים – והיא היתה עקרת הבית. וידוע שבית יוסף להבה שהיא כח התורה.

המהר"ל מבאר שכל זה מרומז במלה "גלה" ומלה "גאל". כי הם אותו מלה אלא כשהאל"ף באמצע הכח המאחד שהיא אחד הוא שלם ואנחנו לגמרי כאחד. אבל כשהאות ה"א בצד היא מרומזת לארבע רוחות ועוד אחד שהיא באמצע, ומכיון שיש לנו גם האמצע יש לנו מה לבנות ולקבץ ולחזור למצב טבענו.

וע"י הבנת שלשה פרטים אלו, יהיה לנו הבנה אמיתית מה היא התכלית וצורת הגאולה.

## להתחיל בגנות

### הרב אליהו קפלן

בהגדה של פסח חייבים אנו להתחיל בגנות ולסיים בשבח והסיבה היא כדי שיהיה לנו הכרה אמיתית בהגאולה והשבח. מוכרח להראות ההפך כמו שלא מכירים חוץ הלבן אלא מתוך מראה השחור. כמו כן אמר המהר"ל בנצח ישראל (פ"א) שלהבין הגאולה צריכים לדעת היטב הגלות. ומביא מדרש ב"ר (פמ"ב) בברית בין הבתרים להראות שמהגלות עצמה תראה הגאולה.

"ויאמר ד' אל אברם ידוע תדע." ידוע שאני מפזרן תדע שאני מקבצן, ידוע שאני ממשכנם תדע שאני פורקן, ידוע שאני משעבדם תדע שאני גואלם. ודרך כלל חז"ל תמיד מדברים על שעבוד וגאולה, ומדוע פה מדבר על שלשה פרטים - כינוס פירוק וגאולה.

אלא הענין, ש"ידוע" הוא לשון הוה, ו"תדע" לשון עתיד, וא"כ זאת אומרת שכמו שאתה עכשיו רואה הגלות בנוכח, כך תדע שהוא שהגאולה מוכח מהגלות עצמו מכיון שפיזור ושעבוד ומשכן פירושם חוץ למקומו אינם טבעי כי כל עם יש לו ארצו וכל האנשים שלהם הם ביחד וכן הם מושלים על עצמם ואין להם מלך מעם אחר. ואם עם מהאומות מפוזרות או חוץ למקומם או משועבד אז צריכים לחזור לטבע שלהם.

בהבנה זו יכולים להבין ענין הגאולה, שאנחנו יחד לגמרי עם מלך אחד שמאחד העם בארצנו, ובמצב זה יש לנו להתעלות ולהביא העולם לתיקונו.

הגר"מ שפירא זצ"ל הסביר שג' פרטים אלו שייכים גם ליחידים. שמי שחוץ למקומו או מי שכוחותיו מפוזרות או מי שיש לו מושל עליו כגון היצר הרע, הוא בגלות עצמו ואינו יכול להצליח ולעלות במדרגות עד שכוחותיו מרוכזות ויהיה לו גאולת עצמו.

נצטווינו לזכור יצ"מ בכל יום שהיא שורש התורה וכל מצותיה, ואפילו לעתיד לבא לא תעקר יצ"מ ממקומה, ואמרו (ברכות יב:) כל ימי חיך להביא לימות המשיח, מאחר שכל המעלות שנקבל אז הכל בא ע"י יצ"מ שהוא שורש לכולם שעי"ז נבדלו ונדבקו ביוצרם, שאפילו בהיותם גולים מתנהגים בנסים נסתרים. (עי' ברמב"ן סוף פרשת בא). לעתיד לבא נזכה לנסים גלויים וידועים וגילויי שכינה ממש כמו שהיה ביצ"מ כמ"ש (מיכה ז, טו) כימי צאתך מארץ מצרים אראנו נפלאות. שעד עכשיו היו כל נפלאותיו נעלמות בלתי נראים, אבל אז יראונו עין כל כמו בעת יצי"מ וכהבטחת הנביא (ישעיה נב, ח) כי עין בעין יראו בשוב ה' ציון, ונאמר (ישעיה מ, ה) ונגלה כבוד ה' וראו כל בשר יחדיו, וכמו שהיה בעת קי"ס שראתה שפחה על הים שלא ראה יחזקאל במרכבה שלו (מכילתא בשלח ג) כן ישוב עד ה' וישפוך את רוחו על כל בשר ונבאו בניכם ובנותיכם כי כולם ידעו ויבינו את ה' מקטנם ועד גדלם.

ומבואר שביצ"מ נתגלה עד שורש הדברים ממש כל מה שיהיה לעתיד. והנה לעתיד לבא יתגלה הדעת בשלימותו, וכמ"ש (ישעיה יא, ט) "כי מלאה הארץ דעה וגו'", שגם בהארץ יהיה גילוי הדעת. וכתוב עוד (תהלים קלט, יב) "ולילה כיום יאיר", שלא תהיה החשיכה שיש בלילה, אלא אור הלבנה יהיה כאור החמה. שהלילה תהיה בחי' יום, וכאותה מדרגה ששייכת לשלימות של הדעת. וכיון שזהו מהות הגילוי שלעתיד, וגם ביארנו ששורש אותו גילוי מונח בליל יצ"מ, נמצא שגילוי אותה הלילה היה ג"כ בבחי' זו, שהוא גילוי הדעת.

וכך נתגלה באותה הלילה של ליל פסח. שאף שבחי' נקבה חסירה, שהרי נשים דעתן קלות ואין להם השלימות של הדעת, והיינו שאין שייכים כ"כ לחבר מעשיהם למעשה מצות, אבל לילה זו נעשה כיום, שהשגנו הדעת בשלימותה באותה הלילה ועל ידה אפשר להיות מצות גם בלילה.



וע"פ ענין הלז נבין הטעם למה היה ענין מכת בכורי מצרים בחצות הלילה ממש ואז היה עיקר גאולתם של ישראל. והוא, כי ידוע שביום אז שולטים שלוחי החסד וכל טוב משא"כ בלילה אז שלוחי הדין פועלים פעולתם ותרעין דגן עדן סתימין וחבילי טריקין משתכחין בעלמא, כמ"ש בזוהר בכ"מ שמדת הדין מתוח בלילה עד חצות, וברגע חצות לילה אז מתחברים רגע תכנית חשכת הלילה שהשמש מתרחקת הריחוק היותר גדול באמצע האופק שמתחת לארץ ומתחיל ג"כ אור השמש לנטות לצד האופק שאנו עומדים בו, ומאז מתחיל להאיר כל מה שהשמש מתקרבת יותר. והרי יש כאן ב' ממשלות הפכיות א' שלוחי הדין והב' הם שלוחי חסד ורחמים וישועה. וידוע כי ע"פ ענין הטבעי א"א להיות ב' הפכים בנושא אחד, כי השמש המחמם א"א שתקרר, וכל אחד שומר סדרו ופעולתו, אבל ע"פ ענין הנסיי אפשר להיות שני הפכים בנושא אחד, ובאותו דבר שהוא ית' מעניש לרשעים הוא נותן שכר טוב לצדיקים...

ולזאת ברגע חצות לילה עשה הוא ית' ב' הפכים בנושא א' שמה שחידש לענין א' משחית לכלל בכורי מצרים ע"פ מדת הדין הגדול, בזה הציל את בכורי ישראל ע"פ מדת חסדו ית', והיה גם כאן ענין נסיי צמצם רגע חצות לילה, שע"פ טבע א"א לצמצם שהרי כל רגע מתחלק לכמה בחינות ואין הפרש ידוע כלל בין חצות הראשון לחצות השני, או שהוא סוף חצות ראשון או תחילת חצות שני, והוא ית' צמצם שיהיה למעלה מן הזמן, ולכך שמשו בו ב' הכוחות של חסד ושל דין ביחד.

עי"ש המשך דבריו. ונמצא שבמכת בכורות נתגלה שכלל ישראל שורשם למעלה מכל זמן וטבע, ובזה הם שייכים להינצל. וכשפרעה ראה שכלל ישראל הם למעלה מכל מיצר וגבול, ראה שאין לו שום שליטה באמת עליהם, ונתנו להם רשות לצאת.

ונמשיך עוד, שבאמת השורש לכל מה שיהיה לעתיד בימות המשיח היה באותה הלילה, וכמו שביאר הגרי"א חבר (יד חזקה, פותח יד):

כיון שאין לו הדעת לשלוט על מידותיו הוא אינו ברשות עצמו אלא ברשותם. וא"כ הדעת פועלת שיכול להנהיג את עצמו עפ"י שכלו.

נמצא שיש שני בחינות בדעת, א' לחבר שכלו למה שלמעלה, וא' לחבר שכלו למה שלמטה, דהיינו למעשיו. ויש עוד דוגמא של דעת, והוא כולל ב' בחינות אלו, והיינו הדעת שצריך לקיום המצוות. שידוע שהתנאי הראשון להתחייב במצות הוא להיות בר דעת. שרק ע"י הדעת האדם יכול לחבר מעשיו לשכלו שיהיו מקושרים לרוחניות. ולכן קטן פטור מן המצוות, משום שאינו בר דעת. שאף אם תמצא קטן שיש לו הרבה חכמה ובינה, אעפ"כ הוא עדיין חסר במידת הדעת שלו, ואין יכול לחבר את מעשיו עם שכלו, ולכן פטור מן המצוות, שהוא חסר בהיסוד של קיום המצוות.

## ליל פסח

ונשוב לבאר מה שהמצריים שיעבדו את כלל ישראל בעינוי הדעת. הנה המצריים היו חכמים גדולים, אבל הם התנגדו לענין של הדעת, שיהיה לאדם עליו על הבהמה, שמעשיו יהיו מקושרים לדבר שהוא למעלה מחומריות עוה"ז. ונאמר עליהם בפסוק (יחזקאל כג, כ) אשר בשר חמורים בשרם וזרמת סוסים זרמתם, הם התנהגו בלא דעת והיו כבהמות נדמו. שאם חסר הקשר בין האדם ושכלו ור"ל נשמתו, אז הוא נגרר אחר הגוף שהוא נפש הבהמיות ואינו אלא בהמה. ואיתא בספרים שהשם של מצרי"ם הוא מלשון מיצר י"ם, שהם היו בחי' מיצר שלא יצא לחוץ. ושיעבדו את כלל ישראל בעינוי זה הקשה מכולם, עינוי של הדעת.

ובליל פסח, הקב"ה הוציא אותנו מזה העינוי. שהרי אע"פ שלא יצאו ממצרים עד הבקר, היציאה התחילה בלילה במכת בכורות, וכמבואר בגמ' ברכות (ט.) "הכל מודים כשנגאלו ישראל ממצרים לא נגאלו אלא בערב שנאמר הוציאך ה' אלקיך ממצרים לילה". ופי' רש"י שם שנתנו להם רשות לצאת. ולבאר קצת מה נתחדש במכת בכורות שע"ז התחילה היציאה ממצרים, נביא את דברי הגרי"א חבר בשיח יצחק (דרוש לשבת הגדול עמ' שצג):

## חלק יא : מדור לשון הקדש

אותו רוח אלקים בחכמה ובתבונה ובדעת ובכל מלאכה". ורש"י שם פי':  
"בחכמה" - מה שאדם שומע דברים מאחרים ולומד. "ובתבונה" - מבין דבר מלבו  
מתוך דברים שלמד. "ובדעת" - רוח הקדש.

וצריך לבאר מה הענין של רוח הקדש. ולזה נביא את דברי הרמח"ל בדרך ה' (ח"ג),  
פ"ג):

הנה חקק הבורא יתברך שמו בטבעו של האדם שיהיה מתלמד מבין  
ומשכיל בהשקיפו על הנמצאים ובחינותיהם, וממה שמתגלה לפניו  
יתבונן וידרש את שאינו מתגלה עד ששיגהו ויעמוד עליו, וזהו דרך  
ההשכלה הטבעית. אמנם עוד גזר שימצא לו השכלה מעולה מזה מאד,  
והיא ההשכלה הנשפעת, והיינו שישפיע לו שפע ממנו יתברך שמו, על  
ידי איזה אמצעים שהכין לזה. ובהגיע השפע ההיא אל שכלו, יקבע בו  
ידיעת ענין מה, בברור, בבלתי ספק, ובבלתי טעות, וידע הדבר בשלמות,  
סבותיו ותולדותיו, כל דבר במדרגתו, וענין זה נקרא רוח הקדש. והנה  
בדרך זה ישיג ענינים מה שבגדר ההשכלה הטבעית, אך ביותר ברור כמו  
שזכרנו, וישיג גם כן ענינים - מה שאין בגדר ההשכלה הטבעית שתשיגם,  
ומכלל זה העתידות ונסתרות.

ונמצא שחכמה היא הידיעה בכללית, ובינה היא הכח לפרט את הדברים ולהוציא  
דבר מתוך דבר, אבל כל זה בשכל של האדם. אבל בדעת יש אפשרות להשכיל  
דברים מה שלמעלה משכל הטבעי, ע"י שהוא מחבר מחשבתו למקור שהוא  
למעלה ממנו. וזהו אופן א' של דעת לחבר שכל האדם עם מה שלמעלה ממנו.

### דעת - חיבור ומצות

ויש עוד ענין של דעת, והוא לחבר את החכמה ובינה של האדם למידותיו, שכולם  
יתנהגו ע"פ מה שראוי לפי שכלו. שאם אין לאדם דעת, אין לאדם שליטה בכלל  
על מידותיו, והוא יכעוס ויתאוה וכו', אף שמבין בשכלו שהוא אינו ראוי, אבל

והתירוץ של בעל ההגדה לשאלת מה נשתנה מפרש הגר"א ז"ל בד"ה בעבור זה:

עכשיו הוא מתרץ הקושיא ראשונה של "מה נשתנה הלילה הזה מכל הלילות", והיינו שהלילה הזה נתחייב במצות מכל הלילות - שבכל הלילות אין מחויבין במצוות. ומפרש שהכתוב קרא את הלילה הזה "יום ההוא", כמו שכתוב (שמות י"ג, ח) "והגדת לבנך ביום ההוא [לאמר] בעבור זה". ואמר "יכול מראש חודש כו', יכול מבעוד יום כו', בעבור זה לא אמרתי אלא בשעה שיש מצה ומרור כו'", וזהו דווקא בלילה כמ"ש (שם י"ב, י"ח) "בערב תאכלו מצות", והכתוב קורא את הלילה הזה "יום ההוא". לכן נתחייב במצוות, כי אין לה בחינת לילה כלל.

## דעת

והנלע"ד לפרש קצת את דבריו הקדושים, הנה הגר"א ז"ל מפרש שכל דברי בעל ההגדה בהא לחמא עניא כו' הם כנגד ד' מיני עניות שהיה במצרים, ע"ש. ועוד כתב שם שהד' קושיות הם כנגד ד' עינים אלו.

אבל יש עוד עינוי חמישית שלא נתפרט שם, ומפרש:

ויש עוד עינוי ה' שהוא כלל כל הד', והוא עינוי בדעת, [עי' נדרים, אין עני אלא בדעת, סנהדרין ע', עץ שאכל אדה"ר חטא היה, תדע כו']. וזהו עינוי נעלם.

ולכאורה נראה שהשאלה העומדת כנגד עינוי הדעת, שהוא כולל כולם, היא השאלה החמישית של המה נשתנה שהיא הקושיא בכלליות שכולל כל הד' קושיות, והיינו מה נשתנה אותה הלילה שנעשה בחי' יום. ודברים אלו צריכים ביאור.

ומתחילה נבאר קצת הענין של דעת. והנה, מבואר בפסוק שדעת הוא ענין של חיבור, כמ"ש (בראשית ד, א) "והאדם ידע את חוה אשתו". ובאמת מצינו הרבה דוגמאות של כח החיבור שיש במידת הדעת. כתיב בפ' כי תשא (ל"א, ג) "ואמלא

## פסח - מה נשתנה הלילה הזה

הרב אליהו מאיר ליפסקי<sup>1</sup>

מה נשתנה הלילה הזה - ביאור הגר"א ז"ל • דעת • דעת - חיבור  
ומצות • ליל פסח

### מה נשתנה הלילה הזה - ביאור הגר"א ז"ל

בפירושו להגדה של פסח, הגר"א ז"ל מפרש שאלת המה נשתנה :

פי', כי "יום" בכל מקום לשון זכר ו"לילה" היא נקבה, ואם כן היה צריך לכתוב תמיד אצל לילה "זאת" כמשפטה שהיא לשון נקבה, כי ו"ת הם סימן נקבות, וסימן : זכרי"ם נקבו"ת. ולכן לא מצינו בכל מקום מצוה לעשותה דווקא בלילה. והיינו כמו שאשה פטורה מן המצוות ורוב המצוות הם לאנשים דווקא, כך הם רוב המצוות מצוות ביום דווקא ולא בלילה, ולא מצינו כלל שיהא המצוה דווקא בלילה ולא ביום. ועכשיו נתחייב הלילה דווקא במצות ולא ביום. והיינו מפני שנשתנה למ"ה, והוא סוד אד"ם, שהוא זכר. אבל הלילה הוא סוד חוה - נעלם של מ"ה, בסוד (תהלים י"ט, ג) "ולילה ללילה יחיה דעת". וכן המצוות אינם רק לזכרים ונקבות פטורין, דוגמת הלילות. וזהו שהקשה, למה נשתנה הלילה שיהא הזה - והיינו מחמת שנשתנה למ"ה, מכל הלילות שהן נקבות, כלומר מפני מה נתחייבה הלילה הזאת במצוות יותר מכל הלילות. וזה הקושיא בכלליות, ועכשיו מפרש בפרטות המצוות שהלילה הזה נתחייב בהם - "שבכל" וכו'.

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<sup>1</sup> פרק מספרו החשוב פתחי אמרים, באלטימאר, תשע"ט.

מעבדות מצרים לעבודת ה'

וזה העבודה שניתן לנו ביצ"מ. הנה כבר העירו היאך מתאימים החירות והעבדות. שיצאנו מעבדות לחירות, אבל גם קבלנו עלינו עבדות לעבוד השי"ת. והיאך יתכן שיש חירות עם עבדות.

ודבר זה נתבאר בשאלת ותשובת הבן רשע [בדרך דרוש] שהבן רשע שואל: מה העבודה הזאת לכם, ע"כ. ור"ל אין כאן שום דבר לכם, אתם עושים רק עבודה בליל הסדר, רק עוסקים במצות. ומה החירות של יצ"מ אם יש לכם עבודה, אין כלום לכם. והתשובה היא: ואף אתה הקהה את שניו ואמור לו בעבור זה עשה ה' לי בצאתי ממצרים, ע"כ. שבאמת ה' עשה לי. באמת הוא בשבילי. שכל העבודה הוא רק כדי שהקב"ה יטיב לנו בקבלת השכר. ובמצות הללו נתאפשר "עשה ה' לי", שנהיה יכולים להשיג האור.

ובאמת, גדר עבודתנו אינו כמו עבודת פרך של מצרים. אנחנו מסובים על מטות, אחרים מוזגין לנו הכוס ומביאים לנו אוכל, ואנחנו עובדים. זהו בחי' עבד המלך. וכן בכהנים, הם עיקר העובדים של השי"ת בביהמ"ק. ועבודתם היתה כהנים אוכלים ובעלים מתכפרים. והיו יכולים להטעים הבשר. שלא היה ענין של פרישות, אלא עבודה באופן כזה. ואיתא "קדשנו במצותיך", הקדושה היא במצות. ובכהנים איתא בגמ' שהם במעלה יותר כיון שריבה בהם מצות יתירות. שזהו תכלית המצות, לקדש אותנו ונפש הבהמיות וגוף שלנו.

וכן הוא במצות ליל הסדר, הכל מסובב על עניני השלחן ואכילה. ובפרט בפסח נצטוונו על אכילת דבר מיוחד, לאכול מצה. והנה חלק ממצות הסדר הוא קדש ושלחן עורך. ולכאורה הם דברים שאינם מיוחדים לפסח, שיש קידוש ושמחת יו"ט בכל יו"ט. אבל כתב הגר"א ז"ל בהגדה שיש ד' עולמות, עוה"ז, ימות המשיח, תחיית המתים, ועוה"ב. וכתב שקדש כנגד לקדש עוה"ז, ושלחן עורך כנגד סעודת הלויית. שהושרש כאן בפסח דברים אלו.

## חלק יא : מדור לשון הקדש

"ואמר לך בדמיך חיי". החיות לכלל ישראל היה מזה, והיה מבחי' הדם. כי הדם הוא הנפש, דם הוא ענין של נפש הבהמיות. וזה מה שמקריבים על המזבח, הדם שהוא עיקר נפש הבהמיות. ובמצות אלו היה תיקון של הדם, נפש הבהמיות שלהם, ובזה נתאפשר לקבל הגאולה.

והנה קודם החטא הנפש הבהמיות של האדם היה מקושר עם מדרגת האדם שהוא הרוח, ולא היה פירוד ביניהם. אמנם אחרי החטא נתפרדו, ומה שהיה מקודם לבוש של כתנות אור נעשה לכתנות עור. שעכשיו יש שני בחי' נפרדות, אדם ובהמה. והתיקון הוא "אדם ובהמה תושיע ה'", "שיתקן בחי' הבהמה ויתקשר עם בחי' האדם.

וכתב הגר"א ז"ל שתיקון ע"י הג' רגלים הם ממטה למעלה, ומתחיל מפסח ומסיים בשמיני עצרת. וכתב שפסח הוא נר מצוה ושבעות תורה אור. שבפסח היו ערום ועריה, וניתן להם מצות להיות לנר מצוה. ורק אח"כ יכולים לקבל התורה אור בשבעות.

### תיקון חסרון הלבנה

ולכן בפסח ג"כ נצטוו במצוה הראשונה, שהיה ראוי התורה להתחיל בה, שהיא מצות קידוש החדש. "החדש הזה לכם" וגו'. וזהו עבודת כלל ישראל, וכמו שהבאנו מהרמח"ל שהם מתקנים מיעוט הירח. שכלל ישראל מונין ללבנה, ועליהם מוטל לתקן בחי' זו, לתקן בחי' הנפש ולגלות מלכות הקב"ה בעולם.

ואמרנו בנוגע לפורים שיש חמשה ימים לקרות המגילה, אבל כתב הגר"א ז"ל שהעיקר הם ימי י"ד וט"ו, ונרמז בפסוק כי יד על כס י"ק. שזהו עיקר התיקון, ביום י"ד מתחיל שלימות הלבנה וביום ט"ו היא בשלימותה. ולכן שלמה המלך היה דור ט"ו, והיה הלבנה בשלימותה. וכמו כן בפסח יש בחי' י"ד וט"ו. שגם ביום י"ד יש מצות תשביתו. שבשני ימים אלו מתקנים בחי' הלבנה, גילוי מלכות הקב"ה.

עשה לבושים להאור. ור"ל, שמקודם היה האור גדול כ"כ שלא היתה הבריאה יכולה לקבל את האור, ומזה באו הטומאה והחשך בבריאה. והתיקון הוא שיבא האור באופן שהתחתונים יהיו יכולים לקבלה, והוא ע"י צמצום האור ובחי' הלבושים, שהאור יתלבש ובזה יוכלו לקבלה. וענין הלבוש הוא דבר שמסתיר הפנימיות, אבל גופא בזה הוא מגלה הפנימיות. שלולא לבוש לא יהיה יכול להשיגו, אבל כיון שיש לבוש אז אפשר לגלות הפנימיות ע"י הלבוש. וכמו בבגדי כהן גדול שהם לכבוד ולתפארת, שהבגדים שלו מגלים מדרגת הפנימיות ולכן הם לכבוד ולתפארת. וזהו כוונת חז"ל במדרש שאמרו האור מהיכן נבראת ממעטה לבושו, משמלה, שהאור רק נתגלה ע"י בחי' לבוש.

ועיקר הלבושים שמגלה האור הם תורה ומצות. באותיות התורה נתלבש האור באופן שיהיה יכולת להשיגו ולקבלו. וכן בהמצות, וכמו שאמרו בסוף מס' מגילה, כל האוחז ספר תורה ערום נקבר ערום בלא אותה מצוה. ע"כ. שע"י המצוה נעשה לבוש, שבלבוש הזה יכול לקבל האור. וכשחסר המצוה, נקרא שהוא ערום בלי הלבוש ממצוה זו.

#### כח הדרוש

וזהו ע"י תושבע"פ, וכמו שדרשו חז"ל, "ואת המצוה" זה תושבע"פ. שהתושבע"פ מפרשת את המצוות ועל ידה שייך לעשות המצות. וזהו ע"י בחי' הדרוש, וכמ"ש הגר"א ז"ל שהוא ענין דרוש וקבל שכר. שקבלת השכר, שהוא קבלת האור, רק יתכן ע"י הלבושים של המצות.

#### לבושי מצוה בגאולת מצרים

ובזה מבואר למה כלל ישראל נקראו ערום שלא היה להם שום מצוה. כי לא היו יכולים לקבל האור שיתגלה בגאולת מצרים בלי הלבושים של המצות. ולכן הוצרכו לב' מצות אלו כדי לאפשר גילוי האור של הגאולה. ויש להעיר שרק בשני מצות אלו מצינו שהם מ"ע שיש בהם כרת. שבחיסרון מצות אלו הוא נכרת.



## חלק יא : מדור לשון הקדש

רק על ידי שדרשה בן זומא זכה לומר יצ"מ בלילות. שהרי איתא במשנה (סוטה מט.) משמת בן זומא בטלו הדרשנים. שהיה לו הכח לדרוש הפסוקים. ולהוציא הלכה זו שיאמרו יצ"מ בלילות היה צריך לבא מכחו. והגר"א ז"ל כתב בענין הארבע שנכנסו לפרדס, שכל אחד מהם היה כנגד חלק אחד של פרד"ס, פשט רמז דרוש סוד. ובן זומא היה כנגד דרוש. והנה בביאור ענין של דרוש כתב הגר"א ז"ל במשלי שהוא ענין להרחיב, שהוא מרחיב בזה הפשט ומגלה מה כלול בהפסוקים.

וצריך לבאר יותר הענין של דרש ולמה מיוחד לפסח.

ענין ערומים מן המצוות

עוד איתא בהגדה :

"ורב", כמה שנאמר "רבבה כצמח השדה נתתיך ותרבי ותגדלי ותבאי בעדי עדיים, שדים נכנו ושערך צמח, ואת ערם ועריה. ואעבור עליך ואראך מתבוססת בדמיך ואמר לך בדמיך חיי ואמר לך בדמיך חיי".

וחז"ל אמרו על פסוק זה שהיו ישראל ערומים ממצות, ולכן הקב"ה נתן להם ב' מצות, דם פסח ודם מילה. ובזה יוכלו להשיג הגאולה. וצריך לבאר הענין שנקרא ערומים כשאין להם מצות, ולמה צריך לזה כדי לזכות לגאולה.

חסרונות הבריא

כדי להבין ענינים האלו נקדים בדברי הרמח"ל שכתב שהבריא נברא באופן חיסרון מתחילה [וכידוע שהיה זה בכוונה כדי לאפשר מקום עבודה ובחירה] והיה בזה ב' עניני חסרונות. א' מהם הוא שיש הסתר להאור ומזה בא כל הקלקולים שיש בהבריא. ועוד ענין הוא מיעוט הירח, וזהו ענין של עבודת כלל ישראל, שיש להם הכח לתקן החיסרון זה ע"י עבודתם בתורה ומצות.

תיקון חסרון האור ע"י לבושים

וכתב הגר"א ז"ל שהתיקון לחיסרון הבריא שהיתה סיבה למציאות הרע בהבריא וכל הקלקולים, היא ע"י שהקב"ה צמצם האור ממה שהיה מתחילה וגם

## בענין סיפור יציאת מצרים

הגאון הרב נחום מאיר הלוי לנסקי<sup>1</sup>

### סיפור יציאת מצרים

איתא בהגדה של פסח: מעשה ברבי אליעזר ורבי יהושע ורבי אלעזר בן עזריה ורבי עקיבא ורבי טרפון שהיו מסבין בבני ברק והיו מספרים ביציאת מצרים כל אותו הלילה, עד שבאו תלמידיהם ואמרו להם רבותינו הגיע זמן קריאת שמע של שחרית. ע"כ.

בעל ההגדה כתב דוגמא זו של אופן סיפור יצ"מ. ואם זו הדוגמא צריך לומר שזהו אופן הראוי ביותר של מצות סיפור יצ"מ. ולמה היה באופן כזה שהיו ממשיכים לספר עד שהוצרכו שיגידו להם לפסוק. ונראה לפרש שכל ענין של מצרים היה בחי' מיצר, להגביל האור שלא יצא שום דבר לחוץ. ובגאולת מצרים נתגלה האור של א"ס ונתבטל כל הגבולים. וכמו כן בליל הסדר, העיקר אופן לקיים סיפור יצ"מ הוא באופן שמצד הסיפור אין גבולים, שיש גילוי כאן של א"ס. ולכן היו ממשיכים לספר עד עולם אילו לא היו תלמידיהם שיבאו להפסיקם.

### ענין דרוש

ונבאר קצת האופן שנבחר לספר ביצ"מ, שהוא בדרך דרוש. איתא במשנה בפסחים (קטז:): ודורש "מארמי אובד אבי" עד שיגמור כל הפרשה כולה.

יש ענין לדרוש הפרשה, מיוחד לענין של דרוש. ובהגדה מביא המשנה ממס' ברכות:

אמר רבי אלעזר בן עזריה, הרי אני כבן שבעים שנה ולא זכיתי שתאמר יציאת מצרים בלילות עד שדרשה בן זומא, שנאמר "למען תזכור את יום צאתך מארץ מצרים כל ימי חייך". "ימי חייך" הימים. "כל ימי חייך" הלילות.

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<sup>1</sup> א' ניסן תשע"ט. נכתב ע"י הרב אליהו מאיר ליפסקי.

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# 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**

In honor of the  
Rav and the Rebbetzin

by  
**The Singmans**

In honor of the  
Rabbi Elya Caplan

by

**His Morning Shiur**

לרפואה שלמה מן השמים  
רפואת הנפש ורפואת הגוף  
לכל חולי ישראל

לזכר נשמת

יעקב בן דוד הלוי, ע"ה

**Wiesel**

תנצב"ה

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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With gratitude to Rabbi Naiman and  
the Bais Medrash of Ranchleigh for  
their warm and kind welcome to  
the shul community.

**Moshe Arie Michelsohn**

In honor of  
our children and grandchildren

by

**Rabbi and Mrs. Yitzchok Strauss**

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לעילוי נשמת

רחל לאה בת צבי דוד, ע"ה  
נפטרה ו' ניסן, תשע"ו

**Rita B. Shames**

May her memory be a blessing.  
by

**Eliezer and Bracha Shames**

לע"נ

יעקב גוטמאן בן יהושע, ע"ה

Mr. Jacob Schuchman

תנצב"ה



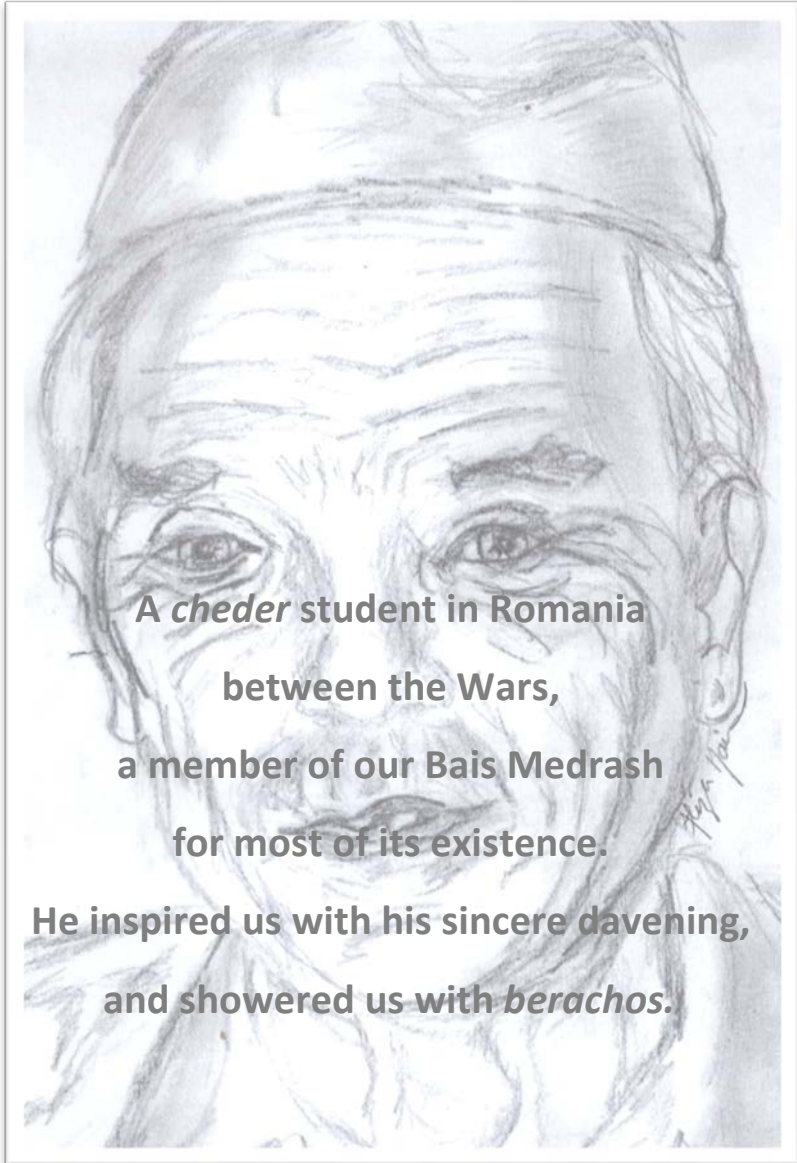
*In Memory of*

הרב יעקב יצחק בן שמואל יהודה ע"ה  
נפטר כ"ב מרחשון, תשע"ח



by the Reiners

*In Memory of*  
*Khaim Khuvis, a"h*  
חיים בן יהושע ע"ה



*A cheder student in Romania*  
*between the Wars,*  
*a member of our Bais Medrash*  
*for most of its existence.*

*He inspired us with his sincere davening,*  
*and showered us with **berachos**.*

Photography  
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