

Kol

קול

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Insights and Analyses
of Torah Topics

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INTRODUCTION

Chapter 19 of תהלים records one of דוד המלך's many praises of Hashem. The entire first half of the פרק is devoted to a poetic description about how all of creation praises Him:

השמים מספרים כבוד אל ומעשה ידיו מגיד הרקיע: יום ליום יביע אמר
ולילה ללילה יחזה דעת: אין אמר ואין דברים בלי נשמע קולם: בכל הארץ
יצא קום ובקצה תבל מליהם לשמש שם אהל בהם: והוא כחתן יצא מחפתו
ישיש כגבור לרוץ ארח: מקצה השמים מוצאו ותקופתו על קצותם ואין נסתר
מחמתו:
(תהלים יט:ב-ז)

The sky itself declares Hashem's glory, stretching from one end of the earth to another, and providing a backdrop for the star of the show – the sun – who triumphantly emerges each morning. With the enthusiasm of a חתן היוצא מחופתו – a bridegroom emerging from his חופה in ecstasy, the sun travels each day across the sky, proclaiming its enthusiasm for serving Hashem, and warming all of creation with that excitement.

But then suddenly and abruptly, the פרק switches themes, and appears to be discussing something else entirely:

תורת ה' תמימה משיבת נפש עדות ה' נאמנה מחכימת פתי: פקודי ה' ישרים
משמחי לב מצות ה' ברה מאירת עינים: יראת ה' טהורה עומדת לעד משפט
ה' אמת צדקו יחדו: הנחמדים מזהב ומפז רב ומתוקים מדבש ונפת צופים:
(שם ח-יא)

These verses pay homage to uniqueness of תורה study, and the unique gifts that תורה provides for those who study it.

The תורה is pure, and refreshes our souls. Hashem's commandments are bright, straight and sweet as honey, and fear of Him is pure and everlasting.

Both halves of this פרק are beautiful poetic images that illuminate important religious teachings. But what do they have to do with one another? Why are they in the same פרק?

מצוות דוד explains that all of the images in the second half (the ones referring to the תורה) are meant as contrasts to the central image of the first half – the sun. Whereas the sun is powerful, the תורה is תמימה – perfect, because it restores our soul under all circumstances (as opposed to sunlight which can be of benefit to people but can also do damage). The sun can cause happiness or hardship, but the מצוות are always משמחי לב. Looking directly into the sun can damage one's eyes, but מצוות ה' – Hashem's commandments always enlighten us.

The one who studies the Torah and follows it, therefore, is able to bring warmth and excitement to the world, and to enlighten all of creation, even more than the sun which itself is כחתן יוצא מחופתו, ישיש כגיבור לרוץ ארה.

The תלמידות of MMY 5772, among whom are the authors of the articles in this journal, spent a year immersed in the study of תורתנו הקדושה within the walls of MMY's בית מדרש. They themselves benefitted from all of תורה's unique abilities to improve mankind, which דוד המלך expresses in such an exalted fashion in these פסוקים.

The transformative happiness and excitement of learning תורה is palpable to anyone who steps foot into MMY's building on דרך חברון in ירושלים. But after a period of time immersed in the study of תורה, it is incumbent upon all of us to emerge from the מדרש with even greater enthusiasm than the

sun emerges each morning, to share the warmth and light of תורה with everyone else – ואין נסתר מחמתו. This journal offers some insights into the תורה studied in MMY by the תלמידות of 5772, and it is our pleasure to share these articles with the public.

בברכת התורה,

Rabbi Alan Haber

תנ"ך

The Secret of the חמש: The Destructive Potential of Human Emotion

Language is an exceptionally intricate art. Each word has the ability to breathe new life and meaning into a passage in a book or into everyday speech. However, people often underestimate the power of words and ignore their depth. The highly unique word חמֵשׁ, which מצודת דוד¹ explains as צלע החמישית, the fifth rib, is used only four times throughout all of תנ"ך, exclusively in ב' שמואל.

The term first appears when עשהאל killed אבנר: וימאן לסור ויכהו: עשהאל. ² It is used a second time when describing יואב in turn killed אבנר: וימת בדם: אבנר שם החמש. ³ The word appears in a third context when רחב and בענה assassinated אישכיש: עשהאל אחיו. ⁴ The word is present a fourth and final instance when יואב stabbed עמשא: ועמשא. ⁵ לא נשמר בחרב אשר ביד יואב ויכהו בה אל החמש וישפך מעין ארצה ולא שנה לו וימת.

This unusual term creates a link between these stories, threading them together through themes of treachery and immorality. Through this connection, a cause-and-effect chain of events

¹ מצודת דוד שמואל ב ב:כג "אל החומש"

² שמואל ב ב:כג

³ שמואל ב ג:כז

⁴ שמואל ב ד:ו

⁵ שמואל ב כ:י

emerges. Thus, חמש serves to teach people the power of one word and the effect of one person.

The first account of murder introduces the theme of deceit. In שמואל ב פרק ב, אבנר, שמואל's lead commander, instigated a battle with יואב's lead commander, to compare the military powers of both armies. The battle escalated and יואב ultimately defeated אבנר. אבנר's brother, עשהאל, pursued אבנר in order to fully achieve victory through the opposing commander's death. אבנר defended himself by stabbing עשהאל in the fifth rib. מלבי"ם validates אבנר's actions by affirming עשהאל's status as a רודף and concluding that אבנר was acting in self-defense⁶. However, רד"ק⁷ argues that אבנר did not have the right to kill עשהאל. Rather, he could have adequately defended himself by wounding עשהאל. רד"ק quotes the גמרא in סנהדרין which describes a conversation between אבנר and the סנהדרין in which אבנר maintained that he did not intend to kill עשהאל. אבנר claimed that a lack of focus when he aimed his weapon caused his attack to have fatal results, despite his attempt to merely injure. Through this assertion, אבנר made himself appear blameless in עשהאל's murder. However, the סנהדרין challenged him by pointing out that he had enough concentration and aim to specifically stab עשהאל in the fifth rib. This indicates that אבנר did, in fact, intentionally kill עשהאל. The term חמש is thus used to indicate אבנר's dishonesty and deceit.

The second stabbing in the חמש exemplifies a murder which was even more dishonest and cunning than the first. According to מצודת דוד⁸, יואב blatantly tricked אבנר into thinking that דוד had a message for him. When אבנר came to receive the message,

⁶ מלבי"ם שמואל ב ב:יט

⁷ רד"ק שמואל ב ג:כו "וימת בדם עשהאל"

⁸ מצודת דוד שמואל ב ג:כו

יואב killed him. Unlike the previous confrontation between אבנר and עשהאל, in this case, אבנר had no opportunity for self-defense, and therefore יואב could not even have made the claim that his killing of אבנר was accidental. His act was completely malicious and was condemned by דוד numerous times. The חמש traces this thread of treachery, as יואב's act overshadows אבנר's in its level of deceit.

The next incident in which the word חמש appears depicts a progressively more severe case of deception and immorality. In אישבת, two officers of רחב, בענה and רחב, שמואל ב פרק ד dressed up as wheat gatherers and entered אישבת's room while he was asleep. They killed אישבת and brought his head to דוד in an attempt to earn דוד's praise for murdering the only remaining impediment to his acquisition of the throne. Their crime was unabashed and portrays a complete lack of respect for human life. Thus, the word חמש highlights the presence of an even higher level of treachery in yet another murder story.

In the accounts of אבנר, יואב, רחב and בענה, the word חמש illuminates the progression of dishonesty. As the stories continue, the level of treachery deepens. אבנר was dishonest in his confrontation with the סנהדרין. At the same time, he murdered עשהאל in self-defense and not merely in pursuit of personal gain. In the second murder, יואב's only reason for killing אבנר was revenge and he did so in complete deceit. However, he, too, did not murder for profit. Finally, רחב and בענה brought this trait to its climax. Their treachery was total: murdering an innocent man and betraying their own royalty merely in pursuit of wealth and power.

The word חמש further links these accounts by showing their cause-and-effect relationship. Due to אבנר's killing עשהאל, יואב's vengeance for his brother was aroused which, in turn, lead him to murder אבנר. As a result, אישבת no longer had אבנר protecting him and his kingdom. רחב and בענה, therefore, could freely enter אישבת's room and murder him in his sleep. Each first murder acted as a catalyst for the next incident.

The final usage of the word חמש appears in פרק כ, also in the context of murder. Although not directly connected with the other occurrences, this killing strongly relates to them. This incident occurred following יואב's choice to replace יואב, his head commander, with עמשא who was consequently murdered by יואב out of spite⁹. According to רש"י¹⁰ and many other commentators, יואב purposely tied his sword in an abnormal way that would cause the sword to fall and allow יואב to pick it up without עמשא noticing. When יואב approached עמשא, he grabbed on to עמשא's beard, as if to kiss him. Instead, he stabbed him in the חמש.

This appearance of the term חמש, like those previously mentioned, accentuates the themes of treachery and immorality. The פסוק explicitly states that עמשא was entirely unaware of his predicament: ¹¹ועמשא לא נשמר בחרב אשר ביד יואב. יואב had no right to kill him and, moreover, did so in utter deceit. חמש in this context refers the reader to all its previous usages and in doing so, once again serves the purpose of highlighting the murderer's actions as devious.

While the mere appearance of the word חמש indicates the themes of treachery and immorality, the meaning of the word itself alludes to these traits as well. All the murderers stabbed their victims specifically in the חמש, the fifth rib, conveying the murderers' true intentions and qualities. According to the גמרא¹², the fifth rib is over the liver, the organ responsible for detoxification and necessary for digestion. The acts of murder described here reflect the toxins of deceit and trickery found within the murderers.

⁹ שמואל ב כ:ד

¹⁰ רש"י שמואל ב כ:ח

¹¹ שמואל ב כ:י

¹² סנהדרין מט.

Alternatively, מצודת דוד¹³ holds that the חמש is over the heart, where a person's true intentions are hidden. Although אבנר had a basis on which to claim his innocence, his true intentions were to kill, as were all the others'. The heart is the home for emotions and feelings towards others; however, none of these people had love or even concern for others. They had no understanding of another's life and worth. Instead, their hearts harbored hatred. The חמש of each of these murderers was the source of their hateful traits. Moreover, instead of recognizing the qualities within themselves and correcting them, they placed the blame for their faults on others. Stabbing their victims was the physical manifestation of handing the fault over to them. The fifth rib and the organs it protects hint to the root of the sins of אבנר, יואב, רחב, and בענה.

The repetition of the word חמש reveals these themes of deceit and treachery. חמש links all the murders together, creating a series of cause and effect incidents, showing that the first act perpetrated by אבנר resulted in the proceeding events. The word חמש thus unlocks the main lesson in all these stories: the power of each person's attitude and actions has the strength to create an ongoing rippling effect on everyone around him. One person's mindset and deeds can create a chain of events which will leave an indelible mark and irremovable impact, which can last for generations.

¹³ מצודת דוד שמואל ב ב:כג

פרשת שופטים: Structure of the Torah's Ideal Government

פרשת שופטים begins with the commandment to appoint שופטים, a term which generally refers to judges¹. Following this commandment, the Torah details a number of other laws on a variety of topics, including the prohibitions against idolatry, laws of קרבנות, the borders of the land, the לויים and כהנים, the נביאים, the king, and procedures relating to war and peace. This provokes the question: how do all these laws fit together into one theme, and how do they connect to the theme of ספר דברים as a whole?

Mentioned in the same section as the מצוה of appointing שופטים is the prohibition against planting trees for idolatry², the prohibition of creating מצבות (altar-like platforms used for idolatry)³, the prohibition of bringing blemished sacrifices⁴, and the commandment to seek out idol worshippers⁵. These מצוות appear to be disconnected and unrelated – not only to each other, but to the preceding commandment to appoint judges as well.

Idolatrous trees and מצבות, according to Rav Hirsch, “cloud the Jewish conception of ה'. Our meticulousness in ensuring that our קרבנות are without blemish mirrors our striving to submit to

¹ However, these שופטים are interpreted by many מפרשים as much more than that, as the basis for the entire *Halachic* system

² דברים טז:כא

³ דברים טז:כב

⁴ דברים יז:א

⁵ דברים יז:ב-ז

הוא without blemish.⁶ similarly comments that by removing idolatrous trees and מצבות and giving blemish-free קרבנות, we are acknowledging our internal and individual devotion to ה'. Furthermore, says Rav Hirsch, we must remove negative external influences, namely, idol worshippers, so that we do not fall prey to their tendencies of blemishing our service of ה'. Only after following such conditions can בני ישראל sustain משפט צדק and properly appoint שופטים to maintain such justice in our social and political realms.⁷

The next section opens with the words, כי יפלא ממך דבר למשפט,⁸ which means “if a matter requires clarification”. This command mandates the use of the courts whose establishment was commanded in the opening verses. This instruction fits logically with the פרשה’s initial emphasis on having a בית דין in המקום אשר יבחר ה’⁹; ensuring that we turn to a בית דין in order to clarify הלכה in a Godly and just setting. Additionally, the choice of the word יפלא, usually used in the context of miracles, seems to reveal something new and profound about the nature of this judicial branch of government: just as miracles, according to R’ Hirsch, are wholly new entities created by ה’ that have no connection to previous series of events, so too, שופטים must view every case as an entirely new, original case, without preconceived notions¹⁰.

This is the theme that ties together not only this section, but the rest of פרשת שופטים as well. According to רמב”ן, regardless of whether or not a person agrees with the verdict of the בית דין, he must follow the verdict because of the notion of על משרתי ה’ כי רוח ה’ על משרתי ה’.

⁶ ר' שמשון רפאל הירש, דברים יז:א

⁷ ר' שמשון רפאל הירש, דברים טז:יא

⁸ דברים יז:ח

⁹ שם

¹⁰ ר' שמשון רפאל הירש, דברים יז:ח

מקדש¹¹. By following the court's ultimate decision, one is following 'ה's will: למען תחיה וירשת את הארץ אשר ה' אלקיך נתן לך¹². As we will now see, a similar concept underlies the authority of other authority figures and government functionaries as well.

The next section discusses the appointment of a king, representing the next branch of government. According to רמב"ם, appointing a king is one of the three מצוות that בני ישראל must fulfill when they conquer the land; namely, to appoint a king, to eliminate עמלק and to build the בית המקדש¹³. According to R. Hirsch, appointing a king is the mitzvah that will assist בני ישראל in creating an orderly, just nation. Thus, the establishment of this branch of government fits with the פרשה's theme of creating a social and political system according to רצון ה'.

The following section essentially discusses the future life-style of the כהנים and לויים, who are meant to be the spiritual leaders of the nation. These בני לוי actually represent a third branch of government; a reinforcement that רצון ה' must be carried out so that the political and social realms of the nation shall thrive. חזקוני¹⁴ believes that the reason כהנים and לויים receive no portion in ארץ ישראל is in order that they not be burdened with the daily responsibilities of cultivating and maintaining the land. Without the burden of such responsibilities, the בני לוי can commit to being uninterrupted, devoted spiritual leaders of בני ישראל.

Following the subject of כהנים, the notion of prophecy is discussed¹⁵. This section delineates our obligation to listen to true

¹¹ רמב"ן, דברים יז:יא

¹² דברים טז:כ

¹³ רמב"ם משנה תורה הלכות מלכים א:א

¹⁴ חזקוני, דברים יח:א

¹⁵ דברים יח:יז-כב

prophets and avoid false ones. ¹⁶חזקוני comments that the discussion about נביאים fits in with the theme of the פרשה because the leadership of נביאים is yet another form of authority in the Torah's social-political system. נביאים, although perhaps not usually considered to constitute a branch of government, nevertheless offer vital sources of guidance directly from 'ה.

After the section about נביאים, the next three topics discussed in the פרשה are cities of refuge (ערי מקלט), the preservation of borders, and conspiring witnesses (עדים זוממים)¹⁷. According to ¹⁸ספורנו, all of these fall under the jurisdiction of the judicial branch of government. Lastly, the topics following the judicial theme discuss the processes of war and peace¹⁹, which fall under the jurisdiction of the king. The last topic discussed in the פרשה, the עגלה ערופה,²⁰ is a procedure that takes place when a dead body is found in between cities, and the murderer is not known. This is a *halachic* procedure that involves the זקני העיר, who represent the entire governing body of the city closest to the scene of the murder.

Only after the פרשה finishes discussing the key instruments that will ensure a strong, just government does the פרשה then discuss how to accomplish the government's most significant goal: safeguarding human life²¹. The subject of preserving borders is written adjacent to the subject of ערי מקלט. This unique placement represents the court's two separate functions: דיני ממנות (civil law)

¹⁶ חזקוני, דברים יח: ט

¹⁷ דברים יט:א-כא

¹⁸ ספורנו, דברים יט: ב

¹⁹ דברים כ:א-כ

²⁰ דברים כא:א-ט

²¹ ר' שמשון רפאל הירש, דברים יט:א

and דיני נפשות (criminal law). Both types of law rely heavily on the belief and trust in witnesses. Thus, these two sections are juxtaposed with each other in order to emphasize the importance of witness integrity in order to help uphold ה' will in the courts²².

Only after describing the domestic government does the תורה discuss foreign affairs; how בני ישראל are to proceed in going to war and handling peace processes. רש"י²³ explains why the sections of government are juxtaposed next to this section on מלחמה. This unique placement highlights the notion that, if בני ישראל carry out righteous judgment and follow ה' guidelines when dealing with domestic government, they will succeed in war and in foreign affairs in general. Furthermore, Rav Hirsch infers from the opening פסוק of this section²⁴ that all matters delineated in this section deal exclusively with a מלחמת רשות²⁵ (optional war, as opposed to מלחמת מצוה, obligatory war, which includes the conquering of the land from the seven nations). This optional war, led by the king, aptly fits with the theme of the פרשה discussing the king's jurisdiction and his delegated powers.

The structure of the laws in פרשת שופטים ultimately delineates the ideal way ה' prefers בני ישראל to govern themselves and allow us to understand the deeper meaning behind the intricate, and sometimes unrelated laws in בני ישראל's legal system.

²² ר' שמשון רפאל הירש, דברים יט:טו

²³ רש"י דברים כ:א

²⁴ דברים כ:א – "כי תצא למלחמה על אויבך"

²⁵ ר' שמשון רפאל הירש, דברים כ:א

Just Within Sight... But Just Out of Reach

בני ישראל was perhaps the greatest leader to ever lead משה רבינו. He remained a steadfast leader through the formation of the nation in מצרים, itself, and all the way through מתן תורה and forty years in the מדבר. But when their ultimate destination loomed just ahead, over the ירדן and into the land of Israel, משה ה' told that he could not continue and complete the mission. Why was משה denied this final step of fulfillment of the dream?

¹ גם כי התאנף ה' בגללכם לאמר גם אתה לא תבא שם, stated משה, פרשת דברים

A simple reading of the text seems to indicate that ה' was angry with משה because of the sin of the מרגלים, as that is the incident which was mentioned previously, directly before this פסוק which begins with גם. However, this seems a bit strange. Could it really be due to the people's sin of which he was not a part, that משה, the עבד ה', wasn't allowed to enter the land of Israel, which he wanted to do with all his heart?

This question actually runs deeper. We see in פרשת חקת, at the incident of מריבה, מי מריבה ה' said, בי לא האמנתם, ויאמר ה' אל משה ואל אהרן יען לא תביאו את הקהל הזה אל הארץ אשר נתתי להם.² According to this פסוק, משה's punishment was due to this event and not to the חטא המרגלים. So which sin was actually the cause - the sin of the מרגלים or the sin of מריבה? Are these two separate reasons, or are they perhaps related?

¹ דברים א:לג

² במדבר כ:יב

A closer look at the various מפרשים relating to these events can shed light on both situations. The ספורנו in דברים explains that the incident with the מרגלים is commemorated as a national day of mourning for all of בני ישראל.³ Therefore, this event must have been seen as a communal sin in the eyes of ה', and would indicate that the whole nation should be punished, not merely the spies. If so, then perhaps we can understand that משה himself was also included in the punishment, as implied in פרשת דברים.

But still, in פרשת חקת it says that the reason משה wasn't allowed to enter the land of Israel was because of the incident at מי מריבה. The רמב"ן⁴ addresses this problem and explained that the פסוק in דברים must be split into two statements. The first half of the פסוק says גם בי התאנף ה', which means that because of the spies, the entire nation would be prevented from entering the land. The חטא המרגלים wasn't simply an individual sin with personal ramifications, but rather it was a sin that had a ripple effect on the entire nation. This is why the whole nation needed to be rebuked and was unable to enter the land – and משה included himself in that rebuke. The רמב"ן goes on to explain that while the current generation had sinned, the next generation would be worthy of entering the land and יהושע would lead them in. Because the leader is responsible for the community he creates, we can infer that רמב"ן saw a direct connection between the מרגלים's sin and משה, their leader.

The second part of the פסוק, ... בגללכם, goes on to say that it was because of בני ישראל, with their pressure and complaints, that משה sinned at מי מריבה by hitting the rock.

With this רמב"ן, we can perhaps answer our initial questions regarding משה's punishment. He was actually punished for both incidents: one as the leader of a community, and one as a

³ ספורנו דברים א:לה-לט - "גם בי התאנף ה' בגללכם"

⁴ רמב"ן דברים א:לו - "גם בי התאנף ה' בגללכם"

personal sin. We can now understand the basis behind משה's punishment and how the two sins are related.

Regarding the sin of the spies, it's understandable why משה wouldn't be allowed to go in to ארץ ישראל – he brought up a nation that could speak negatively about the land. But why was the sin of hitting the rock – a personal sin seemingly minor in comparison – also mentioned as a reason for this harsh punishment?

To answer this we must analyze the פסוקים in פרשת חקת. רש"י comments that משה's sin was specifically that he hit the rock rather than speaking to it⁵. אבן עזרא comments that he hit the rock twice when he was supposed to hit it once⁶. רמב"ם says he got punished because he lost his temper and spoke harshly⁷, while בני ישראל says that it was because he said that he would give בני ישראל water without acknowledging that it would actually be ה' that would be giving it to them⁸.

In general, the מפרשים can be divided into two groups – those who believe that משה did something wrong physically in dealing with the rock (אבן עזרא and רש"י) and those who attribute the sin to his general mindset (רמב"ם and רמב"ן). All of these reasons, however, can be viewed as manifestations of a single flaw: משה's leadership abilities. The first group claims that משה lacked the appropriate level of אמונה by being impatient and hitting the rock. Additionally, hitting the rock twice showed a sense of urgency. We learn from משה's physical sins concerning the rock that he lacked אמונה and succumbed to the pressure of the people. The views regarding his angry words to the nation and his claim that he

⁵ במדבר כ:יב – "להקדישני" רש"י

⁶ אבן עזרא במדבר כ:ח – "קח את המטה"

⁷ "שמונה פרקים", פרק ד

⁸ רמב"ן במדבר כ:ח

would give them water rather than attributing it to ה', both led to משה being unable to lead the people into ארץ ישראל. He was a great leader during יציאת מצרים and all the way through מדבר, but this time could not extend into entering and conquering the land. At that point, בני ישראל needed a leader that had steadfast, unwavering אמונה in Hashem, patience with the people, and acknowledgement of ה's Hand in everything.

Now we can finally answer our question about how these two sins relate to each other. These are not distinct matters, but two aspects of one single issue. The incident of the rock shows משה failing personally (because of his relationship with the people), while the sin of the spies shows משה failing as a leader, through his personal action of sending the מרגלים. Both exhibit the same qualities that made it impossible for משה רבנו to be the one to lead the nation into ארץ ישראל.

Or, to take a different approach, perhaps we can suggest that this isn't even a punishment at all – just a natural consequence of the situation: the passing of one leader to make way for the next.

Ultimately, though, משה רבינו remains a truly exemplary leader and figure that we have much to learn from. הקב"ה מדקדק עם – צדיקים כחוט השערה – through this analysis of his exceedingly minor flaws, we can learn of his overall greatness as well as from his failings.

Growing Day by Day – the Example of משה רבינו

After 120 years we will each be called upon to give an accounting of our life in front of the Ultimate Judge. We will give a report on the success of our mission, because only we have the capacity to fulfill such a mission and to be in the immediate presence of ה'. Every Jew is created בצלם אל-הים¹; therefore, each of us has the potential to become great. Yet we all start small, and sometimes it can take a lifetime to achieve our potential. We see this clearly illustrated in משה through פרשת שמות. Just like every person, he starts off small and throughout the פרשה we see how he gradually develops his מדות, until at 80 years old he reaches the level of becoming משה רבינו.

In the beginning of שמות, משה hadn't yet had enough time to grow spiritually, and is therefore referred to as 'הילד'. However both ויגדל הילד and פסוק יא use similar phrasing of ויגדל הילד. רש"י² explains that the first use of the word ויגדל is referring to משה's physical growth and the second mention in פסוק יא is in terms of spiritual improvement. Only now in פסוק יא is משה given a name, thus signifying his spiritual development as he gradually grows closer to fulfilling his mission.

¹ בראשית א:כו- ויאמר אלו-קים נעשה אדם בצלמנו כדמותנו וירדו בדגת הים ובעוף השמים ובבהמה ובכל הארץ ובכל הרמש הרמש על הארץ.

² שמות ב:י"א שמות פרק ב ויגדל הילד ותבאנהו לבת פרעה ויהי לה לבן ותקרא שמו משה ותאמר כי מן המים משיתיהו: (יא) ויהי בימים ההם ויגדל משה ויצא אל אחיו וירא בסבלתם וירא איש מצרי מכה איש עברי מאחיו:

משה's thirst for strengthening his עבודת ה' in every stage of his life is what enabled him to become a leader. After פרעה condemned him for his action against the Egyptian, he was forced to flee מצרים and he traveled to מדיון פטוס יז. מדיון פטוס יז portrays a further development of משה's character, ויקם משה ויושען וישק את צאנם, ⁵ explains ⁶ הרב הירש how shepherds came and pushed the seven daughters of the כהן away and mistreated them, however משה came to help them, simply out of kindness, in order to aid mistreated beings.

⁴ רב שמשון רפאל הירש על התורה שמות ד:יד ד"ה ויפן כה וכה

⁵ שמות ב: י"ז שמות פרק ב ויבאו הרעים ויגרשום ויקם משה ויושען וישק את צאנם:

⁶ רב שמשון רפאל הירש על התורה שמות ב:יז ד"ה וישק את צאנם

In מדין, Moshe entered a new stage of life when he became a צאן רעה⁷. This not only implies that משה literally becomes a shepherd, but figuratively too. The מדרש tells us how משה was chosen to lead בני ישראל due to the compassion that he displayed towards one helpless animal. When he brought the sheep to a river for water, one lamb did not come so משה went over to the animal and carried it to the water to allow it to drink. Like משה, he cared about each individual in the group, not just about the group as a whole. And here משה proved himself worthy of becoming a shepherd for ה'’s children. Only now, at the age of 80, משה reached the level of becoming a leader.

One would think that since משה had now reached the level of undertaking such a challenging mission and had gained such a high level of authority, he would feel accomplished and would perhaps feel no more of a need to grow. But this is not the end of his personal development; משה constantly strove higher and always realized that the מדרגה that he was on at every stage of his life was only a fraction of what he can achieve. Throughout the rest of פרשת שמות and the entire ספר we see clearly how משה continuously developed himself through the rest of his life until his death where he was described in ספר דברים as משה עבד ה' ⁸. And one of the main reasons for this was his humility. In ספר שמות פרק ג, when ה' commanded משה to take בני ישראל out of מצרים, משה questioned his own ability, משה אלך אל פרעה⁹. ¹⁰ explains how the fact that משה

⁷ שמות ג:א שמות פרק ג ומשה היה רעה את צאן יתרו חתנו כהן מדין וינהג את הצאן אחר המדבר ויבא אל הר האלו-קים חרבה:

⁸ דברים לד:ה דברים פרק לד וימת שם משה עבד ה' בארץ מואב על פי ה':

⁹ שמות ג:יא שמות פרק ג ויאמר משה אל האלו-קים מי אנכי כי אלך אל פרעה וכי אוציא את בני ישראל ממצרים:

¹⁰ רב שמשון רפאל הירש על התורה שמות ג:יא ד:ה מי אנוכי כי אלך אל פרעה

saw his complete unsuitability for the work made him the most suitable for it. He goes on to explain how ה' required a man who was the greatest חכם and at the same time the greatest ענו. This is such a valuable lesson that משה רבינו teaches us. משה started out small and through many years of constant growth he managed to become משה רבינו and continue growing until ultimately he became ¹¹האיש משה ענו מאד מכל האדם אשר על פני האדמה.

Each one of us possesses a divine soul and therefore each one of us has the potential to achieve greatness. But משה highlights the fact that greatness does not come easily or instantly. We see this too in יהושע. At the beginning of the ספר יהושע, יהושע is referred to as ¹²יהושע בן נון and only by the end of his life in פרק כד is he referred to as ¹³יהושע בן נון עבד ה'. Like משה, it took יהושע a lifetime to become a true עבד ה'. This further teaches us that it takes many, many years of one's life to achieve our potential and often up to a lifetime.

The first ספר תהילים in מזמור discusses the worthiness of one who immerses oneself in תורה. It begins in פסוק א by referring to this person as ¹⁴האיש and only in the last פסוק of the מזמור does it change from ¹⁵צדיק to איש, again signifying this vital message. It begins with איש to highlight the fact that any person can become a צדיק. We all have the potential to become a leader in our own unique way, though we all start as an איש, just as משה starts his life as הילד, small and untitled. Yet only by emulating the ways of משה רבינו, by using every stage of our lives as an opportunity for growth, of

¹¹ במדבר יב: וְהָאִישׁ מֹשֶׁה עֲנוּי מְאֹד מִכָּל הָאָדָם אֲשֶׁר עַל פְּנֵי הָאֲדָמָה:

¹² יהושע א: וַיְהִי אַחֲרֵי מוֹת מֹשֶׁה עֶבֶד ה' וַיֹּאמֶר ה' אֶל יְהוֹשֻׁעַ בֶּן נֹון מִשְׁרַת מֹשֶׁה לֵאמֹר:

¹³ יהושע כד: כֹּט וַיְהִי אַחֲרֵי הַדְּבָרִים הָאֵלֶּה וַיָּמָת יְהוֹשֻׁעַ בֶּן נֹון עֶבֶד ה' בֶּן מֵאָה וְעֶשְׂרֵי שָׁנִים:

¹⁴ תהלים א: אֲשֶׁרִי הָאִישׁ אֲשֶׁר לֹא הֵלַךְ בַּעֲצַת רְשָׁעִים וּבִדְרֹךְ חָטָאִים לֹא עָמַד וּבִמְוֶשֶׁב לִצִּים לֹא יֵשֵׁב:

¹⁵ תהלים א: כִּי יוֹדַע ה' דֶּרֶךְ צַדִּיקִים וּדְרֹךְ רְשָׁעִים תֵּאֲבֹד:

strengthening our עבודת ה', growing closer to our mission and always remaining humble can we eventually reach the level of becoming a true צדיק and a leader.

מחשבה ומעשה

In Pursuit of Peace

The concept of peace tends to be conceptualized in physical terms: the rescue from an enemy or the disappearance of burdens and annoyances; but is this the only “peace” a Jew is meant to strive for? After all, peace is a theme expressed extensively in the תנ”ך: ¹תהלים is bursting with petitions for peace, the blessing of the כהנים ²ends with a request for peace, and three times a day, in the last עם ישראל to bless the הקדוש ברוך הוא ³ of עשרה ברכה, we send a plea to live with peace. Why is peace so important? Why is peace something a Jew is constantly begging and striving for?

הקדוש ברוך יעקב ⁴ quotes מדרש stating that Hashem responded to the request to live peacefully. Upon hearing this request, Hashem responded that צדיקים dwell in peace only in עולם הבא. How can this be, if we

¹ למשל:

תהלים פרק לד: טו סור מרע ועשה טוב בקש **שלום** ורדפה
תהלים פרק לה: כ ירנו וישמחו חפצי צדקי ויאמרו תמיד יגדל ה' החפץ **שלום** עבדו
תהלים פרק קיט: קסה שלום רב לאהבי תורתך ואין למו משכול

² במדבר פרק ו

(כד) יברכה ה' וישמרך: ס

(כה) יאר ה' פניו אליך ויחנך: ס

(כו) ישא ה' פניו אליך וישם לך **שלום**: ס

(כז) ושמנו את שמי על בני ישראל ואני אברכם: ס

³ שים **שלום**, טובה, וברכה, חן חסד ורחמים עלינו ועל כל ישראל עמך, וברכנו אבינו כלנו כאחד באור פניך. כי באור פניך נתת לנו ה' אלהינו תורת חיים אהבה וחסד צדקה ורחמים. וטוב בעיניך לברך את עמך ישראל ברחמים בכל עת, ברוך אתה ה' המברך את עמו ישראל בשלום.

⁴ רש"י בראשית פרק לז: ב – ועוד נדרש בו וישב ביקש יעקב לישב בשלוה, קפץ עליו רוגזו של יוסף. צדיקים מבקשים לישב בשלוה אומר הקדוש ברוך הוא לא דיין לצדיקים מה שמתוקן להם לעולם הבא, אלא שמבקשים לישב בשלוה בעולם הזה:

are constantly asking for peace in this world, in our homes, within our families? If Hashem's response does indeed reflect the way we should approach the idea of peace, how do the requests for peace permeating the תנ"ך correspond with other facets of Judaism? Is peace not placed on the pedestal of Jewish achievement? Do we not plead for peace three times a day? In order to completely understand the idea of peace, we must expound upon יעקב's search for peace.

The first scenario indicating יעקב's attempt to attain peace is when he came to שכם in a state of שלם. The פסוק⁵ states:

ויבא יעקב שלם עיר שכם אשר בארץ כנען בבאו מפדן ארם ויחן את פני העיר:

אבן עזרא⁶, רש"י⁷, and רמב"ן⁸ this פסוק alludes to the peace יעקב felt after overcoming the traumas of his past. רש"י states that יעקב was שלם in terms of his health since he had been healed from his encounter with the angel, in terms of his wealth because עשו had stolen none of his money, and in terms of his תורה learning for he had not forgotten his תורה while living in לבן's house. Subsequently, יעקב, after so many years of hardship, was finally able to feel the tranquility of peace. His entire life had been devoted to fleeing from spiritual and physical dangers. Now, finally, יעקב was able to sample and appreciate the sweetness of freedom.

⁵ בראשית פרק ל"ג:י"ט

⁶ רש"י בראשית פרק לג פסוק יח – "שלם - שלם בגופו, שנתרפא מצליעתו. שלם בממונו, שלא חסר כלום מכל אותו דורו. שלם בתורתו, שלא שכח תלמודו בבית לבן:"

⁷ אבן עזרא בראשית פרק לג פסוק יח – "ויבא יעקב שלם שם התואר, והטעם, שבא בשלום שלא אירע לו שום מאורע, כי עתה יחיל לספר מאורע דינה:"

⁸ רמב"ן בראשית פרק לג פסוק יח – "ויבא יעקב שלם. מפדן ארם - כאומר לחברו יצא פלוני מבין שני אריות ובא שלם, אף כאן ויבא יעקב שלם מלבן ומעשו, זה לשון רש"י. אבל רבי אברהם פירש שבא בשלום ולא אירע לו שום מאורע, כי עתה יחיל לספר מאורע דינה"

Yet, something is flawed with this image. If יעקב truly did achieve peace, why was his next life event one of the biggest tragedies in all of תנ"ך-the story of שכם? Moreover, soon after this event, רש"י⁹ asserts that Hashem specifically told יעקב *not* to live in peace. Why did יעקב continue to search for peace then, and why did his pursuit of this peace lead to tragedy?

The first time שכם is mentioned in the תורה is:

ויעבר אברם בארץ עד מקום שכם עד אלון מורה והכנעני אז בארץ: וירא ה' אברם ויאמר לזרעך אתן את הארץ הזאת:¹⁰

After a seemingly endless journey, אברם was travelling in search of ישראל. Hashem told him to remain in the place he had reached, for it was שכם, a city in the land of ישראל.

This episode is not only the first place where שכם is mentioned, but it is also the first reference to any place in ישראל! מעשה¹¹ states that this verse is the source for the concept of רמב"ן

⁹ רש"י בראשית פרק לז:ב.

¹⁰ בראשית יב:ז.

¹¹ רמב"ן בראשית יב:ו ויעבר אברם בארץ עד מקום שכם - אומר לך כלל תבין אותו בכל הפרשיות הבאות בענין אברהם יצחק ויעקב, והוא ענין גדול, הזכירוהו רבותינו בדרך קצרה, ואמרו (תנחומא ט) כל מה שאירע לאבות סימן לבנים, ולכן יארכו הכתובים בספור המסעות וחפירת הבארות ושאר המקרים, ויחשוב החושב בהם כאלו הם דברים מיותרים אין בהם תועלת, וכולם באים ללמד על העתיד, כי כאשר יבוא המקרה לנביא משלשת האבות יתבונן ממנו הדבר הנגזר לבא לזרעו: ודע כי כל גזירת עירין כאשר תצא מכה גזירה אל פועל דמיון, תהיה הגזרה מתקיימת על כל פנים. ולכן יעשו הנביאים מעשה בנבואות כמאמר ירמיהו שצוה לברוך והיה ככלותך לקרוא את דברי הספר הזה תקשור עליו אבן והשלכתו אל תוך פרת ואמרת ככה תשקע בבל וגו' (ירמיה נא סג סד). וכן ענין אלישע בהניחו זרעו על הקשת (מ"ב יג טז - יז), ויאמר אלישע ירה יור ויאמר חץ תשועה לה' וחץ תשועה בארם. ונאמר שם (פסוק יט) ויקצוף עליו איש האלהים ויאמר להכות חמש או שש פעמים אז הכית את ארם עד כלה ועתה שלש פעמים תכה את ארם: ולפיכך החזיק הקדוש ברוך הוא את אברהם בארץ ועשה לו דמיונות בכל העתיד להעשות בזרעו, והבן זה. ואני מתחיל לפרש הענינים בפרט בפסוקים בעזרת השם:

ויעבור אברם בארץ עד מקום שכם - היא עיר שכם, כן זה שם המקום ההוא. ושכם בן חמור על שם עירו נקרא. וכתב רש"י נכנס לתוכה עד מקום שכם להתפלל על בני יעקב כשיבואו מן השדה עצבים. ונכון הוא. ואני מוסיף כי החזיק אברהם במקום ההוא תחלה, וקודם שנתן לו את

אבות סימן לבנים. He explains that אברהם was aware of the fact that בני ארץ ישראל would conquer שכם before יהושע conquered the rest of ישראל; אברהם may have even prayed for יעקב בני שכם while in שכם, as רמב"ן quotes from פירוש ר"ש¹². Thus, it can be derived from this רמב"ן that, after יעקב finally left לבן's house, he should have proceeded directly to שכם. He should have felt inclined to follow the directive of אבות מעשה אבות; סימן לבנים; he should have followed the path of his forefather to go promptly to ארץ ישראל, specifically שכם.

Nevertheless, instead of following his preordained path into ארץ ישראל and beginning his destiny as the father of ישראל, עם יעקב, went to a place outside of ארץ ישראל; to סוכות.

ויעקב נסע סכתה ויבן לו בית ולמקנהו עשה סכת על כן קרא שם המקום סכות¹²

According to רש"י¹³, יעקב stayed in סוכות for more than a year! This incident is the manifestation of יעקב's search for peace. A סוכה is a temporary dwelling; by establishing himself in סוכות, יעקב was attempting to construct a home in a temporarily "peaceful" world. יעקב did not want to pursue his destiny as a leader of a nation. Rather, he preferred to view his life as a secluded, isolated event, void of its inevitable connection with history. His search for peace was a search for calmness, after a life filled with turbulence. After all, it is not unreasonable for יעקב to ask whether or not it was really his duty to suffer endlessly in order to forge the path for his descendants. Why then, was his pursuit of peace deemed an improper lapse of judgment in the eyes of Hashem?

Regardless of how comfortable יעקב may have been in סוכות, the decision to go there started a cycle of events that ultimately led

הארץ, נרמז לו מזה כי בניו יכבשו המקום ההוא תחלה קודם היותם זוכים בו, וקודם היות עון יושב הארץ שלם להגלותם משם.

¹² בראשית לג:ז

¹³ רש"י בראשית לג:ז - ויבן לו בית - שהה שם שמונה עשר חדש, קיץ וחורף וקיץ. סכות קיץ, בית חורף, סכות קיץ:

him to more pain and suffering. Though יעקב, as an individual, desired peace and tranquility in this lifetime, his destiny was to become a leader who wouldn't have the luxury for such desires. Thus, since יעקב decided to take a detour before going to the city of שכם, he had to suffer the consequences. יעקב inevitably conquered שכם, the city where בני ישראל were to receive the ברכות וקללות¹⁴, as stated by רמב"ן¹⁵.

Nevertheless, had יעקב entered שכם at the first possible moment, he would have conquered שכם by way of ברכה only. Since he had deviated from his intended path to attain "peace," יעקב had to conquer שכם by means of קללה.

In addition, the kidnapping of דינה¹⁶ by שכם was also an incident orchestrated by Hashem in order to convey to יעקב that he had sinned by delaying his conquest of שכם. Throughout בראשית פרק לד, within the narration of the affair of דינה's kidnapping, the words לקח¹⁷ and נתן¹⁸ appear numerous times. The idea of giving and

¹⁴ כלי יקר בראשית פרק יב פסוק ו – עד מקום שכם עד אלון מורה. הראהו קבלת התורה והשבועה שבה גריוזים והר עיבל.

¹⁵ בראשית יב:

¹⁶ בראשית לד

¹⁷ בראשית לד:ב-כא

(ב) וירא אתה שכם בן חמור החוי נשיא הארץ ויקח אתה וישכב אתה ויענה:

(ד) ויאמר שכם אל חמור אביו לאמר קח לי את הילדה הזאת לאשה:

(ט) והתחתנו אתנו בנתיכם תתנו לנו ואת בנותינו תקחו לכם:

(טז) ונתנו את בנותינו לכם ואת בנתיכם נקח לנו וישבנו אתכם והיינו לעם אחד:

(יז) ואם לא תשמעו אלינו להמול ולקחנו את בתנו והלכנו:

(כא) והאנשים האלה שלמים הם אתנו וישבו בארץ ויסחרו אתה והארץ הנה רחבת ידים לפניכם את בנתם נקח לנו לנשים ואת בנותינו נתן להם:

(כה) ויהי ביום השלישי בהיותם כאבים ויקחו שני בני יעקב שמעון ולוי אחי דינה איש חרבו ויבאו על העיר בטח ויהרגו כל זכר:

(כו) ואת חמור ואת שכם בנו הרגו לפי חרב ויקחו את דינה מבית שכם ויצאו:

(כח) את צאנם ואת בקרם ואת חמריהם ואת אשר בעיר ואת אשר בשדה לקחו:

taking is a very external and superficial view of a relationship; it implies the concept of “who has what” or “who possesses whom.” This idea coincides with יעקב’s approach to obtaining peace; he became so focused on attaining physical and monetary attributes that his sense of שלמות began to become dependent on his external and material gains. Consequently, the tragedy that occurred in שכם seems to have been a situation of מדה כנגד מדה. Hashem would not allow events to transpire in יעקב’s favor so long as he shirked his duties, as he had when he delayed his entrance into שכם. Had יעקב gone directly to שכם, fulfilling the edict of אבות סימן לבנים by emulating the actions of אברהם, יעקב would have conquered שכם easily with Hashem’s help.

But, why was דינה chosen to be the medium that Hashem would use to teach יעקב this lesson? The story of דינה’s abduction begins with the indicative verse:

ותצא דינה בת לאה אשר ילדה ליעקב לראות בבנות הארץ¹⁹:

בה asserts that the reason the verse explicitly states בת דינה is because, in this incident, דינה was behaving like her mother²⁰. י develops this idea in his commentary on the דודאים where he focuses on the פסוק’s description of לאה with the verb

¹⁸ בראשית פרק לד

(ח) וידבר חמור אתם לאמר שכם בני חשקה נפשו בבתכם **תנו** נא אתה לו לאשה:

(ט) והתחתנו אתנו בנתיכם **תתנו** לנו ואת בנתינו **תקחו** לכם:

(יא) ויאמר שכם אל אביה ואל אחיה אמצא חן בעיניכם ואשר תאמרו אלי **אתן**:

(יב) הרבו עלי מאד מהר **ומתן** ואתנה כאשר תאמרו אלי **ותנו** לי את הנער לאשה:

(טז) ונתנו את בנתינו לכם ואת בנתיכם נקח לנו וישבנו אתכם והיינו לכם אחד:

(כא) והאנשים האלה שלמים הם אתנו וישבו בארץ ויסחרו אתה והארץ הנה רחבת ידים לפניכם את בנתם נקח לנו לנשים ואת בנתינו **נתן** להם:

¹⁹ בראשית לד:א

²⁰ רש"י בראשית לד:א – בת לאה - ולא בת יעקב, אלא על שם יציאתה נקראת בת לאה, שאף היא יצאנית היתה, שנאמר (ל טז) ותצא לאה לקראתו (ועליה משלו המשל (יחזקאל טז מד) כאמה כבתה):

וּתְצֵא – someone who ‘goes out’. This story epitomizes the concept of “wanting something you cannot have because it belongs to someone else.” לאה believed she could achieve a life of fulfillment only after getting יעקב’s unwavering love, which he bestowed upon רחל. רחל, on the other hand, assumed that she could only attain a life of contentment after bearing children, with which לאה had been blessed six fold. Each believed that her happiness could only be attained if she would be granted what her counterpart had, something beyond her control and reach. This idea is also represented through the repetition of the words לקח and נתן,²¹ words that are used repeatedly in the saga of דינה ושכם as well. This use of word choice only emphasizes the flawed nature of the idea that a sense of fulfillment and tranquility can be achieved through external means. When לאה was given the opportunity to be together with יעקב, the verse states: וּתְצֵא לאה לקראתו;²² לאה nearly ambushed יעקב upon his arrival. Through the use of the word ותצא in the aforementioned פסוק,²³ it is apparent that דינה inherited this trait of ‘going out’ from לאה. The אור החיים explains that when דינה would see the women of ושכם who were משחקים, she would ‘go out’ to “play” with them, which ultimately led to her rape in ושכם.²⁴ דינה represented the דין of

²¹ בראשית ל:יד-טז

(יד) וילך ראובן בימי קציר חטים וימצא דודאים בשדה ויבא אתם אל לאה ותאמר רחל אל לאה

תני נא לי מדודאי בנך:

(טז) ותאמר לה המעט **קחתך** את אישי **ולקחת** גם את דודאי בני ותאמר רחל לכן ישכב עמך הלילה

תחת דודאי בנך:

(טז) ויבא יעקב מן השדה בערב ותצא לאה לקראתו ותאמר אלי תבוא כי שכר שכרתיך בדודאי בני

וישכב עמה כלילה הוא:

²² בראשית ל:טז

²³ בראשית לד:א

²⁴ אור החיים בראשית פרק לד – הג' לראות בבנות הארץ על דרך אומרים ז"ל (פדר"א פל"ח) כי ושכם הביא בנות הארץ סביב לאהל יעקב והיו משחקים בכלי נבל וכו' לצאת דינה לקולם וזו סיבה ג'

Hashem; the harshness, which ultimately inspires a person to change. דינה served as the conduit for her aunt, her mother and now her father, through her ordeals in שכם, to achieve a true, internal peace.

The idea suggesting that יעקב's punishment through שכם came as a result of his attempt to attain peace through external, material gains can further be conveyed through the following verse²⁵:

האנשים האלה שלמים הם אתנו וישבו בארץ ויסחרו אתה והארץ הנה רחבת ידים לפנייהם את בנתם נקה לנו לנשים ואת בנותינו נתן להם:

This verse presents an interesting phenomenon: that שכם was willing to get a מילה²⁶ and assimilate into יעקב's society because they assumed יעקב's people were שלמים! The characterization of יעקב as שלם, describing יעקב's complacency and focus on materialism, is exactly what drove שכם to agree to join יעקב's people. The closing portion of this verse testifies that the people of שכם believed that they would be able to develop a relationship with יעקב and his family in order to trade with them and intermarry with them. יעקב's yearning for a feeling of peace was translated into materialism: שכם saw his wealth, and saw that they were willing to trade; they saw יעקב's women, and they assumed he would allow their sons to marry them. Thereby, יעקב's desire for peace came back to haunt him and ultimately manifested itself through the suffering and embarrassment he was afflicted with in שכם.

The most obvious change in יעקב life was his name. The first time he is referred to as ישראל in the פסוקים is immediately

ליציאתה, וממוצא דבר אתה יודע שאלולי לא ידע שכם בדינה לצד היותה בת יעקב הרשום בעולם והיה לו שם בלדת בניו לא היה עושה מעשהו:

²⁵ בראשית לד:כא

²⁶ בראשית לד:כב

before the crimes of שכם²⁷ were reported. This change is alluded to when יעקב fought with the angel and asked for a ברכה²⁸. At this point, יעקב was still being pursued and attempted to flee instead of confronting his brother, since he was so accustomed to always having to escape and run: from home, from עשו, from לבן and, now, from עשו again. יעקב was always searching for tranquility, always searching to escape and be temporarily at peace rather than face the struggle. This time, the angel did not let him; the angel forced יעקב to fight and refused to allow him to escape.

After their battle, the angel gave יעקב a ברכה he had been forced to fight for: a name that signified his ability to defeat both angels and men alike, ישראל²⁹. His new name represents a man who creates his own destiny, who is not interested in superficial peace. His new name proclaims a man who is willing to endure any turmoil in his life in order to create a nation for ה' הקדוש ברוך הוא. Although יעקב could have technically obtained this new name during this confrontation, he was not officially called ישראל at this time. In the next verse³⁰ he is, once again, called יעקב, because he had not yet acknowledged his own potential; he was still focusing on externals. He was unable to appreciate the great destiny that was

²⁷ בראשית לב:כד-לב

²⁸ בראשית לב:כד-כז

(כד) ויקחם ויעברם את הנחל ויעבר את אשר לו:

(כה) ויותר יעקב לבדו ויאבק איש עמו עד עלות השחר:

(כו) וירא כי לא יכל לו ויגע בכף ירכו ותקע כף ירך יעקב בהאבקו עמו:

(כז) ויאמר שלחני כי עלה השחר ויאמר לא אשלחך כי אם ברכתני:

²⁹ בראשית לב:כח-כט

(כח) ויאמר אליו מה שמך ויאמר יעקב:

(כט) ויאמר לא יעקב יאמר עוד שמך כי אם ישראל כי שרית עם אלהים ועם אנשים ותוכל:

³⁰ בראשית פרק לב

(ל) וישאל יעקב ויאמר הגידה נא שמך ויאמר למה זה תשאל לשמי ויברך אתו שם:

being shaped in that very transformative moment; he was not prepared to accept the great burden of his destiny on the weak shoulders he had yet to strengthen. But, at this moment, the destiny of ישראל בני had been set regardless of whether or not יעקב could perceive this. He *would* be the father of a nation who would now be forever prohibited from eating the גיד הנשה³¹ in honor of this momentous altercation.

Although יעקב did not instantly become ישראל, the moment he received the ברכה marks the beginning of a transformative process. This process began with Hashem's decision to grant a new name for יעקב following his confrontation with שכם³². Through these events, ישראל learned the about the significance of destiny and the true serenity of inner peace, thus earning him the right to apply his new name.

Despite the fact that יעקב asked no questions and overcame his need for externals, there are more verses after this momentous occasion where he is still called יעקב³³. In the wake of

³¹ בראשית לב:לג

(לג) על כן לא יאכלו בני ישראל את גיד הנשה אשר על כף הירך עד היום הזה כי נגע בכף ירך יעקב בגיד הנשה:

³² בראשית לה:ט-כב

³³ בראשית לה:ט-טז

(ט) וירא אלהים אל יעקב עוד בבואו מפדן ארם ויברך אותו:

(י) ויאמר לו אלהים שמך יעקב לא יקרא שמך עוד יעקב כי אם ישראל יהיה שמך ויקרא את שמו ישראל:

(יא) ויאמר לו אלהים אני אל שדי פרה ורבה גוי וקהל גוים יהיה ממך ומלכים מחלצוך יצאו:

(יב) ואת הארץ אשר נתתי לאברהם וליצחק לך אתננה ולזרעך אחרוך אתן את הארץ:

(יג) ויעל מעליו אלהים במקום אשר דבר אתו:

(יד) ויצב יעקב מצבה במקום אשר דבר אתו מצבת אבן ויסך עליה נסך ויצק עליה שמן:

(טו) ויקרא יעקב את שם המקום אשר דבר אתו שם אלהים בית אל:

(טז) ויסעו מבית אל והיו עוד כברת הארץ לבוא אפרתה ותלד רחל ותקש בלדתה:

this meaningful change, רחל tragically died in childbirth³⁴. The verses state that יעקב erected a monument in her honor³⁵ but, nevertheless, ישראל continued to travel to the next location after his wife's tragic death³⁶. This incongruence marks the inception of יעקב's embodiment of his new name. On an individual level he was still יעקב and had to mourn his wife. On a global level, he was becoming ישראל. ישראל had to ignore the pain and continue to move, to travel, to become a nation, to fulfill a destiny. יעקב gradually changed into the embodiment of purpose, accepting the yoke of his formidable new name. Furthermore, when ראובן slept with יעקב's פילגש, the verses describing this incident once again uses the name ישראל³⁷. When ישראל heard what had happened, he did not attempt to escape from the event that he was just informed of. Instead, he accepted reality and the scenario's significance in shaping the nation's destiny.

From these events, it is apparent that עם ישראל must learn to strive for and relate to peace the same way יעקב eventually did as well. עם ישראל must see that "Peace is not something you wish for. It's something you make. Something you do, something you are,

³⁴ בראשית לה: יז-יט

(יז) ויהי בהקשתה בלדתה ותאמר לה המילדת אל תיראי כי גם זה לך בן:

(יח) ויהי בצאת נפשה כי מתה ותקרא שמו בן אוני ואביו קרא לו בנימין:

(יט) ותמת רחל ותקבר בדרך אפרתה היא בית לחם:

³⁵ בראשית לה: כ

(כ) ויצב יעקב מצבה על קברתה היא מצבת קברת רחל עד היום:

³⁶ בראשית לה: כא

(כא) ויסע ישראל ויט אהלה מהלאה למגדל עדר:

³⁷ בראשית לה: כב

(כב) ויהי בשכן ישראל בארץ ההיא וילך ראובן וישכב את בלהה פילגש אביו וישמע ישראל פ ויהיו

בני יעקב שנים עשר:

and something you give away³⁸.” It is important to acknowledge, however, that יעקב despite his accomplishments and understanding of true, innate peace, was never able to fully transform into ישראל. This is demonstrated in the פסוקים that describe his pain after he heard about the tragic events that befell his beloved son, יוסף³⁹. He was so inconsolable, so distraught that he reverted to his old nature and began to search for superficial peace again⁴⁰. He was unable to completely overcome his internal desires.

Honing the ability to look inward for peace, rather than seeking external enhancements is a difficult task. It relates to a bigger inner task: acknowledging that we are not merely individuals, but also a people who are forming and fulfilling a destiny. If we search merely for our own personal contentment, what will we contribute to the Jewish future?

Conversely, praying for peace is a duty performed daily; we beg for the peace of ישראל, a peace within one's self. If one examines the ברכה of שלום שים it becomes apparent that the peace we request for our nation and תורה is not peace from our enemies.⁴¹ This can be seen directly in the מנחה of שבת: שבת שלום ושלוה והשקט ובטח, מנוחה שלום ושלוה שאתה רוצה בה⁴² for it is not merely an armistice for which we

Robert Fulghum³⁸

בראשית לו: לד-לה³⁹

(לד) ויקרע יעקב שמלתיו וישק במתניו ויתאבל על בנו ימים רבים:
(לה) ויקמו כל בניו וכל בנותיו לנחמו וימאן להתנחם ויאמר כי ארד אל בני אבל שאלה ויבך אתו
אביו:

ראה הערה 40⁴⁰

שים שלום, טובה, וברכה, חן חסד ורחמים עלינו ועל כל ישראל עמך, וברכנו אבינו כלנו כאחד
באור פניך. כי באור פניך נתת לנו ה' אלהינו תורת חיים אהבה וחסד צדקה ורחמים. וטוב
בעיניך לברך את עמך ישראל ברחמים בכל עת, ברוך אתה ה' המברך את עמו ישראל בשלום.

מנוחה של שבת⁴²

pray. On the contrary, what we yearn for is a state of being. This is the peace that we pray for every day; a peace within oneself which comes from הקדוש ברוך הוא.

Ultimately, peace can be understood as “not merely a distant goal we seek, but a means by which we arrive at that goal⁴³.” Ultimately, the search for peace involves a battle within one’s own heart and mind.

Martin Luther King Jr.⁴³

Why do Innocent People Suffer, and How to React to it?

In *Devarim* – כי את אשר יאהב ה' יוכיח וכאב את בן ירצה declares שלמה המלך, ספר משלי often those most precious to Hashem suffer the most¹. This is a very difficult concept to understand, since we generally base our faith on 3 fundamental ideas: That Hashem is Omniscient (He knows everything), Omnipotent (He can do anything and is all Powerful) and is just and good. If this is the case, then why do the innocent suffer? If any one of these attributes of Hashem were to be removed then we wouldn't be able to ask this question. However, if all three are true, we are faced with a very difficult dilemma. This very question was actually articulated in the Torah by none other than משה רבנו himself:

ויאמר הראני נא את כבודך: ויאמר אני אעביר כל טובי על פניך וקראתי בשם ה'
לפניך וחנתי את אשר אחן ורחמתי את אשר ארחם: ויאמר לא תוכל לראת את
פני כי לא יראני האדם וחי: ויאמר ה' הנה מקום אתי ונצבת על הצור: והיה בעבר
כבדי ושמתיד בנקרת הצור ושכתי כפי עליך עד עברי: והסרתי את כפי וראית את
אחרי ופני לא יראו.²

Many people interpret this פסוק literally, to say that משה asked Hashem to reveal His physical appearance. However, this is difficult to understand, as משה knew that Hashem is not a physical being with a form or body. Therefore, we can view this פסוק as a request by משה to “see” Hashem's "Glory" in the sense of understanding His method of operations. Here, משה admits that he does

¹ משלי ג:ב

² לג:יח-כג שמות

not understand all of Hashem's ways, and asks our question: How can He inflict suffering on people who appear innocent?

Attempts to respond to this problem largely fall into two categories: one approach is that suffering is actually a positive experience, and the other is that the suffering is only given to those deserving of it, even if we can't understand why.

Perhaps we can begin to understand a Jewish perspective on suffering by looking at the Hebrew word used to describe it. *יסורים*, derived from the word *מוסר*, connotes both punishment and teaching. This implies that there is a higher purpose to suffering, that there is something to be learned from the difficult experiences, and that some sort of growth should take place as a result of it. *יסורים*, both large and small, ultimately come to teach us and to help us to become better people.

The idea that suffering is meant to be a teacher is discussed by Rabbi Samson Raphael Hirsch when he writes,

Suffering is a great teacher. Suffering teaches you the limitations of your power. It reminds you of the frailty of your health, the instability of your possessions, and the inadequacy of your means which have only been lent to you and must be returned as soon as the Owner desires it. Suffering visits you and teaches you the nothingness of your false greatness. It teaches you modesty.³

Thus, suffering allows us to understand the transience of our lives, that nothing is permanent or constant, and that our lives can be turned upside down in the blink of an eye by circumstances out of our control. In *מכתב מאליהו*⁴, Rav Eliyahu Dessler extends the idea of the capacity of suffering to teach us a lesson when he states that, "A person who is broken-hearted has a

³ראה 36p, Volume 1, *Horeb*

⁴מכתב מאליהו, חלק א עמ' 23,

greater tendency to think about his ultimate purpose in this world. This can lead to more elevated behavior." Thus, suffering teaches us to change the perspective that we have on life and forces us to consider our greater purpose as our finite years slip away. Lastly, this idea is expressed in דברים, מיסרך, ה' אלהיך מיסרך, דברים⁵ כי כאשר ייסר איש את בנו ה' אלהיך מיסרך, דברים Hashem is like a loving father; He is just trying to teach us a lesson.

The word יסורים also connotes the idea that suffering is supposed to help us become better people. This leads into another aspect of our perspective on suffering: that it is meant to be utilized to grow spiritually and form a greater connection with Hashem. Rav Dessler also addresses this in מכתב מאליהו:

A person who utilizes suffering to arouse himself in spiritual matters will find consolation. He will recognize that even though the suffering was difficult for him, it nevertheless helped him for eternity. When you see yourself growing spiritually through your suffering, you will even be able to feel joy because of that suffering⁶.

Thus suffering is meant to act as a wakeup call for us to immerse ourselves in spirituality. Ultimately, this will allow us to view suffering in a much more positive light.

Another idea we find in our sources is that suffering befalls a person because Hashem is expressing a desire to bring that person closer to Him and to forge a deeper connection. If a person, in his anguish, recognizes that he needs to turn to Hashem and spirituality, he will be able to build a stronger connection to Hashem. This is one of the ultimate purposes of suffering. The suffering therefore acts as a ladder to bring him closer to Hashem.

⁵ דברים ח:ה

⁶ מכתב מאליהו חלק א', עמ' 265,

Furthermore, the suffering of the righteous can also potentially help strengthen their own commitment if they keep their unwavering commitment to Hashem despite the anguish and pain they are confronted with⁷. Furthermore, the גמרא adds that their steadfastness even in adversity serves to obligate others who might use suffering as an excuse for relaxing moral standards⁸. Therefore, suffering provides the opportunity to grow spiritually, by using the anguish as a path to connect with Hashem on a deeper level.

The גמרא states that we are obligated to make a blessing over misfortune just as we make a blessing over the good⁹. This leads to an even more dramatic conclusion: whilst the suffering may appear as a negative experience, it is really of ultimate benefit and purpose for us. The words 'just as' show us this perspective. When something good happens to someone, he responds with gratitude. The greater the good, the greater the feeling of gratitude. Apparently, this should also be our attitude toward suffering. When someone suffers a little, he should realize that it is truly for his benefit. When he suffers in more extreme cases, he should realize that Hashem means it as an even greater benefit. Thus, suffering is ultimately a beneficial and meaningful experience.

This idea can also be seen when analyzing Hashem's response to משה in שמות when he asked this question. Hashem responded אֲנִי אֶעֱבִיר כָּל טוֹבִי עַל פְּנֵיךְ וְקִרְאתִי בִשְׁמִי ה' לְפָנֶיךָ. This response provides two ideas on the perspective of suffering. Firstly, it is important to note that Hashem chooses to identify Himself by the name known as the Tetragrammaton, as this is the name that signifies Hashem's compassion and kindness. This therefore

⁷ מורה נבוכים ג:כד

⁸ יומא לה:

⁹ ברכות נד.

suggests that everything in reality is Hashem's good even if it doesn't appear so to us. Additionally we are told that 'all' of Hashem's goodness will be testimony to His quality of mercy. It seems from here that we would change our perception on suffering if we would see 'all' of the story. When we see only our half of what's going on, it leads us to think that Hashem is not all Good, but if we are able to understand the whole picture, we would be able to view suffering as a manifestation of the good and kindness of Hashem.

דוד המלך also recognized this, and verbalized it in his beautiful and uplifting תהילים. He knew even in difficult situations that the suffering is ultimately beneficial. Viewing suffering as meaningless only increases one's pain. However, if one searches for and finds the meaning and purpose in suffering, it becomes much easier to bear.

Suffering has additional purpose to it, as it allows us to acquire the three spiritual things that much of our life revolves around. חז"ל teaches us that there are three spiritual acquisitions that are so valuable that they can be acquired only through suffering. According to the ארץ ישראל גמרא is acquired through suffering, תורה is acquired through suffering, the עולם הבא is acquired through suffering¹⁰. Consequently, there is great benefit to suffering, as these things have a value beyond our imagination.

Another encouraging perspective on suffering is that the evil in the world indicates the work we still have left to do. Evil is a manifestation of a world that is still incomplete and is waiting for man to do his part and finish the job. When Hashem responded to משה when he asked why righteous people suffer, He said ויאמר ה' הנה - To help משה understand why there is suffering on Earth, Hashem told him to stand "alongside Me". This echoes a similar idea in בראשית when man was created in the image of

¹⁰ ברכות ה.

Hashem, which highlights that man is given a role to play in completing Hashem's work. Hashem then told משה to set himself upon a rock. The Hebrew word for rock, צור, comes from the root which means to form, fashion or shape. Thus, the rock alludes to the purpose of man as being a partner with Hashem in the creation and completion of the world. To allow us to exercise this power, Hashem purposely left the world incomplete with the existence of suffering in it. By allowing sickness for example, Hashem provides us the ability to create cures, and with the existence of famines, we can develop new methods of agriculture. Therefore suffering exists to enable us to fulfill our role in helping Hashem complete the world.

All these ideas come under the first category of Jewish views of suffering - that the suffering is actually a positive experience. However, we must also consider an alternate view on the suffering of the righteous - that the suffering, contrary to our beliefs, is deserved.

This possibility presents the immediate question of how it is possible that those who are righteous and dedicate their lives to תורה and מצוות possibly deserve punishment? A possible response to this is that the real question is how can humans make judgments that a person does or does not deserve to suffer? We may be able to make a long list containing all of a person's praises, but if we have not taken into account all human responsibilities, then our judgment is incompetent.

For example, the גמרא tells us that certain people were marked for destruction at the fall of the first המקדש בית. To the objection that these people were righteous and therefore undeserving of destruction, the גמרא answers that whilst in terms of their individual responsibilities they were exemplary, they failed to make sufficient effort to try improve their neighbors¹¹. Conse-

¹¹ שבת נה.

quently the suffering of the righteous can be deserved only due to the sufferer's failure with respect to human responsibility, which we may often not account for when judging whether someone deserves to suffer or not.

Additionally, a concept exists that those who suffer in this world will be better rewarded in *עולם הבא*. The *רמב"ל* discusses this idea in *דרך ה'* – he says that the wicked are rewarded in this world while the righteous suffer. אך למעשים טובים אשר לרשע ולמעשים הרעים אשר לצדיק על צד המעוט, מצא העולם הזה בהצלחותיו וצרותיו, שבו יקבל הרשע גמול מעוט הזכות ¹² Because the righteous suffer in this world, they will enjoy their reward in *עולם הבא* untainted by sin. Similarly the *גמרא* states: אמר רבי אלעזר ברבי צדוק למה צדיקים נמשלים בעולם הזה לאילן שכולו עומד במקום טהרה ונופו נוטה למקום טומאה נקצץ נופו ¹³ כולו עומד במקום טהרה כך הקב"ה מביא יסורים על צדיקים בעולם הזה כדי שיירשו העולם הבא. Thus, another aspect of the Jewish view on suffering is that it is beneficial for the righteous to suffer in this world as they will merit only reward in the next world.

Whichever approach one takes regarding the purpose of suffering, it is important to also consider how we are meant to respond to it.

In *ספר ויקרא*, after *אהרן's* sons were killed by Hashem, *אהרן's* response was silence – *וידם אהרן* ¹⁴. This response of *אהרן* is a paradigm of one approach to how we should respond to tragedy and suffering. According to *רש"י*, his silence enabled him to receive the reward that Hashem spoke directly to *אהרן* regarding the next *מצוה* He gave to *Bnei Yisrael* ¹⁵. Silence is praiseworthy as it demonstrates that you trust Hashem and are able to therefore conquer

¹² דרך ה', ב:ג

¹³ קידושין מ:

¹⁴ ויקרא י:ג

¹⁵ רש"י, ויקרא י:ג

your emotions, feelings and questions. There are two benefits to this response of acceptance. Firstly, by accepting suffering, it enables us to acquire תורה according to פרקי אבות גדולה תורה יותר מן הכהונה והכהונה בעשרים וארבע, והתורה נקנית בארבעים ומן המלכות, שהמלכות נקנית בשלשים מעלות, **בקבלת היסורין**, המכיר את מקומו, והשמח בחלקו...¹⁶ Acceptance of suffering, and some related qualities, are listed prominently among the 48 ways in which תורה is acquired. Thus through maintaining our אמונה, we are rewarded with the tremendous gift of the תורה. Secondly, acceptance of the situation that someone is faced with can actually reduce the amount of suffering. This is discussed in the book חשבון הנפש, which claims:

"While you should try to protect yourself from harm, if you do suffer, the best tool is acceptance. Accepting your situation greatly minimizes the amount you actually suffer. The most unfortunate person in the world is one who has not learned how to accept setbacks and misfortunes. Either this day or the next he, like everyone else in the world, will inevitably drink from the cup of suffering, which is either a test or an atonement. By failing to accept suffering, the pain you feel will be much more acute and harsh than necessary"¹⁷.

As a result, it's of tremendous benefit for us to face hardships with acceptance of Hashem's ways that we can't fully understand, as it will minimize the suffering that we are experiencing.

רמב"ן¹⁸, however, provides another approach to reacting to suffering through his interpretation of אהרן's words. In his opinion, when it says וידם אהרן, it means that first he cried and let out all his emotions, and only then was he silent. Consequently, an alterna-

¹⁶ פרקי אבות ו:ו

¹⁷ חשבון הנפש, סעי' 76-7

¹⁸ ויקרא י:ג

tive response to tragedy is to first cry and release one's emotions, and only after that natural, human reaction can one then come to recognize that this is what Hashem wanted, and then withhold future displays of emotions.

Yet another reaction to suffering could be the appreciation that we won't always understand the big picture, yet must have אמונה in Hashem nonetheless. Perhaps this is hinted at in the fact that פרשת מקץ ends on a bad note, which is then only resolved at the beginning of the next פרשה. The חכמים could have simply extended מקץ by a few פסוקים so that it would end on a good note. Perhaps, though, they were trying to communicate the lesson that we don't always see the whole picture. Sometimes we have to appreciate that even though the suffering is bad now, we just have to wait to realize that everything turns out good in the end.

The גמרא teaches us the principle of זו לטובה¹⁹. It tells us a story about רבי עקיבא who was travelling by donkey through a small village and couldn't find anywhere to stay. He took this in his stride, assuming that there was a reason for his difficulties. As a result, he camped out in the woods outside the town, content that he had his lantern to read and a rooster to wake him in the morning. But, soon he experienced more difficulties as his donkey ran off, his rooster died, and his lantern blew out. Despite all of this רבי עקיבא still accepted the situation. The next morning he went back into the town and discovered that the entire population had been massacred by a gang. He suddenly understood that all his difficulties were ultimately for the best - if his lamp would have been on, the gang would have seen him; if his rooster was alive, it would have made noise and he would have been discovered. It is important that when suffering comes our way, we should acknowledge that even if we can't understand it, it is ultimately for our benefit.

¹⁹ ברכות ס:

A similar idea is mentioned in תהילים where דוד writes שבטך²⁰ ומשענתך המה ינחמני. In this context, the שבט refers to the stick used to punish the sheep by pushing them back to their place whilst the משען refers to the stick used to direct the sheep. Thus, the שבט represents misfortune and suffering, whereas the משען represents good tidings. Both of these equally comfort him, showing that דוד understood that even Hashem's sometimes harsh discipline is comforting because it shows Hashem's love for us.

We must also use our suffering as a reminder to improve ourselves. Rabbi Simcha Zissel of Kelm says that "when some people suffer, they complain about their situation. At the opposite extreme are people who have developed a philosophical attitude toward suffering and do not even feel it. The proper תורה attitude is to utilize suffering as a reminder to improve oneself"²¹.

Lastly, we must realize that only in hindsight can we gain perspective on suffering. When משה first asked this question to Hashem of why there is suffering in the world, he said, "Show me Your face". Hashem's response was that "No human being in this lifetime can see or apprehend the meaning of My ways." Hashem did however show משה His "back", thus indicating that it is only hindsight that will provide meaning and perspective to suffering.

What this can mean is that a full understanding of this question will still never be fully understood by us mere humans, and perhaps in hindsight, or only in עולם הבא, will we truly understand the concept of suffering.

²⁰ תהילים כג

²¹ חכמה ומוסר, חלק ב' עמ' 62,

Unsung Heroes: קול אשה and Jewish Women in the Arts

No human being appreciates feeling muzzled or limited, but for artists, for whom creative expression naturally serves as a method of communication, the sensation is particularly unbearable. For Jewish women passionate about singing, music, and the performing arts, the קול אשה of הלכות that restrict when and where they can perform are difficult to reconcile with an intense desire for catharsis and communication through these media. However, through *halachic* analysis of the parameters of קול אשה and exploration of existing opportunities, the future of Jewish women in the arts can be realistically assessed and revolutionized.

The concern that a woman's voice has the capacity to arouse illicit thoughts in men first appears in ¹גמרא ברכות in a discussion regarding קריאת שמע. Various aspects of femininity are labeled ערוה, which can be defined as potential sexual incitements, in the presence of which reciting שמע is forbidden. רב רב and רב חסדא both consider parts of a woman's body to be ערוה – the שוק (leg) and hair of a woman, respectively. שמואל, however, declares that קול and באשה ערוה – a woman's voice also qualifies as provocative. His source

¹ ברכות כד. – "אמר רב חסדא: שוק באשה ערוה, שנאמר: 'גלי שוק עברי נהרות' וכתוב 'תגל ערותך וגם תראה חרפתך'. אמר שמואל: קול אשה ערוה, שנאמר: 'כי קולך ערב ומראך נאוה'. אמר רב ששת: שער באשה ערוה, שנאמר: 'שערך כעדר העזים'."

From this source alone, it would appear that hearing a woman's voice is only considered forbidden to men while reciting קריאת שמע. However, *halachic* authorities such as רמב"ם⁵ rule that it is אסור at all times, not only during prayer. The שולחן ערוך, especially, uses the severe language of צריך אדם להתרחק מהנשים מאד...ואסור לשמוע זכרין אך אם להתרחק מהנשים מאד ואסור לשמוע נקבות.⁶ The בית שמואל⁷ clarifies that this statement refers solely to a woman's singing voice – her speaking voice, he says, is innocuous and totally permissible. Yet the message is clear – to men, the melodic qualities of a woman's voice contain an inherent sexuality.

But why is this so? Why are men barred from hearing women sing, but women are free to listen to both male and female singers?⁸ Why isn't a man's voice also considered sexual in nature?

³ מצודת דוד, שם – "ערב: ענין מתיקות ונעימות, כמו 'וערבה לה' מנחת (מלאכי ג:ד). נאווה: נאה ויפה."

⁴ רש"י, ברכות כד. – "קולך ערב: מדמשבח לה קרא בגוה שמע מינה תאוה היא."

⁵ רמב"ם, הלכות איסורי ביאה כא:ב – "...ואפילו לשמוע קול הערוה או לראות שעה אסור" The fact that categorizes this הלכה under איסורי ביאה, not קריאת שמע, proves this, as well.

⁶ שולחן ערוך אבן העזר סימן כא סעיף א

⁷ בית שמואל, שם – "דוקא קול ערוה אסור אבל קול דיבור שלה מותר..."

⁸ The ספר חסידים (סימן תריד) does in fact write that תשמע קול איש, and it is a דעת יחיד and not the accepted *psak*.

According to the גמרא in נדה⁹, one answer can be understood through the creation of אדם and חוה. רש"י¹⁰ explains that man was created from the ground. The ground possesses no acoustic abilities; drumming on dirt produces no sound. But woman was created from bone, from אדם's rib. Bone can be carved into instruments and employed to create an array of sounds and tones – clearly a more aesthetic material.

If women are inherently more aesthetically pleasing beings than men, this could explain why at fancy events in Western culture, men generally sport fully-buttoned tuxedos while women bare arms, legs, and daring necklines. This could be why men's clothing is generally long and loose while women's garments are expertly cut, seamed, tailored, and fitted to accentuate the curves of the female form. This could be why a market for men's cosmetics does not extend beyond aftershave and cologne, while entire floors of department stores are dedicated to women's beauty products. And this could be why a man's singing voice is not considered enamoring, while a woman's is labeled ערור.

This does not mean that women should be viewed as sex objects, too lecherous to be allowed in the public sphere. But it does mean that, by nature and by God's design, a woman's sexuality is more obvious. Therefore, it would seem that men are prohibited from hearing a woman sing because her voice has the ability to, in the words of the גמרא, "heat up [a man's] inclination

⁹ נדה לא: – "מפני מה אשה קולה ערב ואין איש קולו ערב? זה ממקום שנברא וזו ממקום שנבראת, שנאמר: 'כי קולך ערב ומראך נאוה'."

¹⁰ רש"י, שם – "זה ממקום שנברא – אדמה עפר ותיחוח נוח ליבטל, אבל בשר ועצמות קשין. עצם כשמכין בו קולו נשמע, אבל קרקע כשמכין בו אין קולו נשמע."

like fire in straw cut up for fodder"¹¹ more than a man's voice does for women.

The extent to which a female voice affects a man's desires is a debate among ראשונים in terms of whether the איסור is דאורייתא or דרבנן. Some believe that hearing a woman sing is התורה¹² as it will undoubtedly lead a man to הרגורי עבירה or more serious transgressions, violating the Biblical commands of ואחרי לבבכם ואחרי ולא תתורו אחרי לבבכם ואחרי¹³ But most authorities hold that קול אשה is an אסמכתא, a command only alluded to,¹⁵ and since there is a ספק if singing will lead to sin in every situation, it is an איסור דרבנן.¹⁶

It is apparent that the הלכות of קול אשה are a man's responsibility to adhere to, but women are also restricted by default. If it is אסור for men to hear women sing, that means that women are free to sing only under specific, controlled conditions. The parameters of these conditions vary among פוסקים.

Some פוסקים interpret the הלכה strictly and rule that under no circumstances may a woman sing where men are present and

¹¹ רש"י, סוטה מח. – "כאש בנעורת – לפי שהעונה מטה אזנו לשמוע את המזמר לענות אחריו ונמצאו האנשים נותנים לבם לקול הנשים וקול באשה ערוה כדכתיב "השמיעני את קולך" ומבעיר את יצרו כאש בנעורת. אבל זמרי גברי ועניין נשי קצת פריצות יש דקול באשה ערוה אבל אינו מבעיר יצרו כל כך שאין המזמרים מטים אזנם לקול העונים."

¹² איברא שיש כמה אחרונים דס"ל דקול באשה ערוה הוי מן התורה... ש"ות יביע אומר חאו"ח סימן ו –

¹³ במדבר טו:לט

¹⁴ ויקרא יח:ו

¹⁵ ש"ות יביע אומר חאו"ח סימן ו – "...אסמכתא בעלמא הוא, ואין זה אלא מדרבנן."

¹⁶ שם – "ומכיון שיש עכ"פ ספק שיבא לידי הרהור ע"י הקול, וכמ"ש הגמ"י בשם ר"ח דההור מיהא איכא, נמצא שיש כאן סד"א, ותליא בפלוגתא דרבוותא אי הוי מן התורה או מדרבנן. וראיתי להגו"ר בגן המלך (סי ק), שהביא בשם מהריק"ש או"ח (סי ריז) דס"ל דקול מראה וריח בעריות אין איסורם אלא מדרבנן... הבית שמואל (שם ס"ק ב) כתוב דלהרמבם איסור זה מדרבנן"

may hear her. The author of שו"ת באר שבע¹⁷ writes that even if a woman is צנועה וחסודה ביותר, she must be careful that no man comes to sin because of her. At a שבת table with other men, she can move her lips, forming the words of זמירות שבת, but her voice cannot be audible at all. יוסף שלום אלישיב even rules that a girl over the age of eleven must refrain from singing at her family's שבת table because her father is not permitted to hear her voice.¹⁸

Other *halachic* authorities adopt a more lenient approach. When asked about recorded music, such as female singers on the radio, ר' עובדיה יוסף responded that there is room to be מיקל if the man has no relationship with the singer and does not know what she looks like. Having an image of the singer, even if she is not present, is equated to a live performance during which the man would be looking at her. Since the appearance of the performer could induce הרהורי עבירה, a man may listen to recorded music of a singer he has not seen a picture of.¹⁹ Another such "loophole" is if the woman singing is a פנויה, meaning that she is unmarried and in a state of ritual purity.²⁰ But since nowadays single girls do not go

¹⁷ שו"ת באר שבע באר מים חיים סימן ג – "נכון לכל אשה כשרה, שלא תשמיע קול שיר בזמירות של שבת, ולא בשום דבר, כל זמן שמסיבה עם איש שהיא ערוה עליו, רק שפתייה יהיו נעות וקולה לא ישמע כלל. אף אם היא צנועה וחסודה ביותר, מכל מקום היא מצוה הבאה לידי עבירה חמורה, והיא צריכה להיזהר שלא יכשלו בני אדם על ידה."

¹⁸ ספר "הליכות בת ישראל", ו:ח ובהערה טז*: "כן הורני הגר"ש אלישיב שליט"א (זצ"ל). ולענין בנותיו, עפ"י דברי באור הלכה ס' עה – אין הדין שלפנינו אלא עם הגיעם לגיל אחת עשרה שנה."

¹⁹ שם – "וממילא יש להקל בנ"ד כשאנו יודעה ומכירה, ובפרט דהכי מסתברא מילתא דליכא בהכי משום קול באשה ערוה. ולפע"ד יש ראייה לזה מד' הראב"ה ברכות (ס"ט עו) שכו', דהא דקול באשה ערוה, י"מ מפני שדרכו להביט בה כשמנגנת, משמע דלברכה אינו אסור כשאנו מביט... ונראה דעכ"פ אם ראה צורתה בתמונה אין להקל בזה וחיישינן להרהור..."

²⁰ ש"ות יביע אומר חאו"ח סימן ו – "והניחא למ"ד קול פנויה מותר, אלא למי שאוסר מאי איכא למימר."

to the מקוה, such a היתר is purely theoretical (other than for a children's performance).

In a תשובה regarding a co-ed Jewish youth group in France, the שרידי אש combines multiple factors to allow singing on שבת in a mixed setting. הררהורי עבירה and not רגש קודש arouse זמירות, ²¹ and since the singing was לשם שמים and not חיבה, there was little chance of it leading to sin. ²² The songs were sung as a group, making it difficult to distinguish individual voices, ²³ and forbidding the girls from singing זמירות would cause them to feel inferior in a time when women are educated and self-assured. ²⁴ Considering that the mission of the youth group in question was to strengthen Jewish commitment at a time when assimilation was rampant, the שרידי אש applied the principle of הפרו תורתך לה' לעשות – awakening the girls' love of God and Torah was worth the leniency in הלכה. ²⁵

From this תשובה, there appears to be basis for allowing women to sing קודש שירי in a group, even when men are present, as both ר' שמשון רפאל הירש and ר' עזריאל הילדסהיימר permitted the practice in

²¹ שו"ת שרידי אש חלק א סימן עד אות ח – "ואולי מטעם זה כתבו הפוסקים לאסור רק קול זמר אף שבגמרא נאמר קול סתם, משום שזמר גורם להרהורי תאוה ולא קול סתם שרגיל בו. מ"מ יש מקום לומר, שבזמירות קודש הזמר מעורר רגש קודש ולא הרהור עבירה. ועיין בב"י שהביא בשם רה"ג, שאף בשעה המנגנות אם יכול לכוון לבו לתפלתו בענין שאינו שומע אותה ואינו משים לבו..."

²² שם – "ויש עוד סניף להחזיר זמירות קודש עפ"י מה שכתב הרמ"א האבהע"ז סי' כא, שכל שאינו עושה דרך חיבה רק כוונתו לשם שמים, מותר. ומקור דבריו בתוספות קידושין פב. ז"ה "הכל"..."

²³ שם – "...הגאון הצדיק ר"ע הילדסהיימר ז"ל וכן הגרש"ר הירש ז"ל בפרנקפורט על נהר מיין התירו בזמירות קודש לזמר יחד, והטעם משום דתרי קלא לא משתמעזי וכיון שמזמרים יחד אין חשש איסור."

²⁴ שם – "...שיש להן רגש של כבוד עצמאי והן רואות עלבון ודחיפה לחוץ למחנה באיסור שאסורים עליהן להשתתף בזמירות קודש. ולכן התירו לנשים להשתתף בזמירות של שבת."

²⁵ שם – "...כדי לעורר רגשות דתיים אצל הבנות ולטעת בלבם חיבה לקדשי ישראל, יש לסמוך על המקילים."

Germany.²⁶ Additionally, the שדי חמד writes that in situations where the songs are not lustful in nature and the men do not intend to derive pleasure from a woman's voice – i.e. lullabies for children, wailing over a deceased, and songs of praise to God – the איסור does not apply.²⁷

Labels such as ערוה, “sexually provocative”, and “dangerous” have been used to describe a woman's singing voice. Yet דוד המלך rallies the women to rejoice in ה' judgments²⁸ and calls on ירמיהו to give praise to God in joyful song.²⁹ prophe- sizes that קול חתן וקול כלה will once again fill the courtyards of ירושלים.³⁰ And the גמרא names a woman's singing voice as one of the three things that pacify a person and return him to a calm state of mind.³¹

קשיא – a fundamental contradiction. How could it be that a woman's voice is both a breach of modesty and a powerful tool that brings beauty, healing, and holiness into the world?

Perhaps the most famous example that illustrates the problem is שירת מרים after the miracle of ים סוף. The תורה describes מרים taking her drum and hastening to sing to God in

²⁶ אבל ראה הערה 17.

²⁷ שדי חמד מערכת ק כלל מב – “הרב דברי חפץ (דרוש לד דף קיג ע”א) מסיק, שכל שאין זה קול של שירי עגבים, ואינו מתכוון להנות מקולה, כשמשוררת דברי שירות ותשבחות לקל יתברך בשביל נס, או שפועה להרדים הילד, או שמקוננים על המת, אין איסור, כל שאינו מכוון להנות מקולה.”

²⁸ תהלים צז: – שמעה ותשמח ציון ותגלנה בנות יהודה למען משפטך ה’

²⁹ תהלים קמח: – בחורים וגם בתולות זקנים עם נערים

³⁰ ירמיהו לג:יא – קול ששון וקול שמחה קול חתן וקול כלה קול אמרים הודו את ה’ צבקות כי טוב ה’ כי לעולם חסדו מביאים תודה בית יקוק כי אשיב את שבות הארץ כבראשונה אמר ה’

³¹ גמרא ברכות נז: – שלשה משיבין דעתו של אדם. אלו הן: קול ומראה וריח. רשי, “קול” – של מיני זמר או קול ערב של אשה.

exulted gratitude, singing *as the other women followed her lead*.³² The *מרים* describe *מרים* as the conductor of a call-and-response *שירה* for the women, just as *משה* was for the men.³³ *ר' שמשון רפאל הירש* explains that the inclusive language of *מרים* (להן) (as opposed to the feminine *לם*) teaches that the men and women "were fully equals in expressing the whole deep meaning of the song, and in realizing the high mission of the nation which is expressed therein."³⁴ No one called *מרים* a *זונה* or a *פרוצה* for her exuberant display of jubilation. Quite the opposite – the *תורה* records *מרים*'s musical debut as a dynamic piece of the narrative of *סוף ים קריעת*.

שירת מרים demonstrates that a woman's musical abilities are not to be dismissed as lewd or inflammatory, and therefore valueless. True, a woman's voice has the potential to induce *הרהורי עבירה* – but it also possesses potential that can accomplish many positive things. With her musical expression of emotion, she causes others to feel and understand what she radiantly conveys. With her song, she affects the nation so deeply that they cannot help but sing along. With her voice, she reveals the sound of the soul's deepest chambers. With her glory note, she echoes the glory of God.

The *תורה* clearly validates a woman's right to artistic expression through music and song, but the *halachic* restrictions remain and the various leniencies discussed above are unfit for a

³² שמות טו:כ – ותקח מרים הנביאה אחות אהרן את התוף בידה ותצאן כל הנשים אחריה בתפיל ובמחלות שמות טו:כא – ותען להם מרים: שירו לה' כי גאה גאה, סוס ורכבו רמה בים

³³ רש"י, שם – "ותען להם מרים" – משה אמר שירה לאנשים. הוא אומר והם עוננין אחריו. ומרים אמרה שירה לנשים.
שפתי חכמים, שם, אות ח – כשם שאמר משה כל השירה כולה לאנשים, כך אמרה מרים כל השירה כולה לנשים.

³⁴ ר' שמשון רפאל הירש, שמות טו:כא

creative, artistic woman seeking to use her talents in a professional setting. A compelling singer or actress can hardly hide her identity and appearance from men if she releases music or performs onstage, and the hodge-podge of a youth group is incompatible with a skilled artist who is serious about her craft.

Furthermore, the fact remains that most, if not all, secular outlets for such a talent are for mixed audiences. Performing on a professional level outside of a strictly observant Jewish context is also impractical due to issues other than קול אשה, such as Friday night shows and thematic elements such as language and sexual content. Therefore, adhering to הלכה while navigating the field of performing arts as it is today proves to be a near-impossible feat.

Must a talented singer who dreams of sharing her gift onstage be forced to accept the limited prospects? Must a woman whose identity is deeply entrenched in her musical endeavors be satisfied with singing זמירות at the שבת table and crooning lullabies to children at bedtime?

The Arts and Torah Association for Religious Artists (ATARA) was founded to ensure that the answer is no. ATARA acknowledges that God established a binding system of הלכה by which we must live. But it believes that since God also created individuals with the capacity to communicate through music, dance, and theater, artistic expression through these media while adhering to *halachic* standards must be possible. In addition to organizing conferences, concerts, collaborations, and annual workshops, ATARA serves as a network for religious artists, understanding that such outlets are necessary for their עבודה ה' and overall spiritual well-being.³⁵ Though its members and projects are still largely confined to select locations in Israel and New

<http://artsandtorah.org/content/statement-purpose> ³⁵

York,³⁶ ATARA's existence alone proves that the difficulties and frustrations of religious women participating in the arts have been formally recognized, if not yet fully addressed and resolved.

Another such breakthrough was the inclusion of *The Heart That Sings*, a musical film starring mostly Orthodox actresses and produced exclusively for women, in the 2011 Jerusalem Jewish Film Festival. Though men were asked to skip the screening, they were not barred from attending – executed within הלכה up to that point, the responsibility to uphold the integrity of the project shifted to potential male viewers. The experience sparked illuminating dialogue between the secular Israeli and religious Jewish populations, provided talented Jewish singers and actresses a framework in which to flourish, and demonstrated that קול אשה is not a fringe position of the ultra-Orthodox but a workable, mainstream practice.³⁷

Even with increasingly accessible opportunities for women to realize their potential in the performing arts, there are still vexing limitations. Male artists can play at mixed events such as weddings, while female artists cannot. Male singers can release songs and music videos to the general public and attain a certain degree of fame, while female singers must limit their audiences to women only and keep their careers veiled in modesty. How can a woman come to terms with the confines of קול אשה that affect her life and embrace the narrow scope of by-women-for-women entertainment?

Restraint ultimately increasing perceived value is a theme apparent in *halachic* guidelines. Regarding the ramifications of a

<http://www.artsandtorah.org/content/performance-opportunities> ³⁶

The Jerusalem Post 12/25/2011 – "Women-only movie sparks debate, ³⁷
understanding" by Robin Garbose.

<http://www.jpost.com/Opinion/Op-EdContributors/Article.aspx?id=250905>

woman's state of נדה, נדה asks why the תורה instituted seven days of ritual impurity. The logic, he explains, is basic human nature. Over time, a man becomes familiar with and accustomed to the physical component of his relationship with his wife. To prevent complacency and monotony in their intimacy, she is forbidden to him for seven days, so that when reunited after time apart, she is חביבה על בעלה כשעת כניסתה לחופה.³⁸

A woman's restrictions in קול אשה do preserve the beauty of her singing for the inner circle of her family and spouse; the rarity with which her voice is heard ascribes greater importance to it than if strangers heard it constantly. But more importantly, the woman herself recognizes the significance of her own talent and the depth of her love for the performing arts. Since *halachic* opportunities for female performers are fewer by definition, when a woman finally can revel in the heat of stage lights and release the clear, vibrant power of her voice, singing becomes a highly uplifting and even transcendent experience.

The גמרא's statements that a woman's voice is both ערוה and a source of healing and beauty are not contradictory; in fact, they complement each other. The determining factor is context. If a woman uses her talent to sing publicly in circumstances ranging from mildly immodest to sexually explicit, her voice is ערוה – provocative and unfit for the public sphere. But when she sings to inspire and affect other women, to praise God, or even seductively in the confines a marital relationship,³⁹ her voice perpetuates the

³⁸ גמרא נדה לא: - תניא: היה ר"מ אומר: מפני מה אמרה תורה נדה לשבעה? מפני שרגיל בה וקץ בה, אמרה תורה תהא טאמה שבעה ימים כדי שתהא חביבה על בעלה כשעת כניסתה לחופה.

³⁹ רש"י, שמות לח:ח – במראת הצובאת – בנות ישראל היו בידן מראות, שראות בהן כשהן מתקשטות, ואף אותן לא עכבו מלהביא לנדבת המשכן, והיה מואס משה בהן, מפני שעשויים ליצר הרע, אמר לו הקדוש ברוך הוא קבל, כי אלו חביבין עלי מן הכל, שעל ידיהם העמידו הנשים צבאות רבות במצרים. כשהיו בעליהם יגיעים בעבודת פרך, היו הולכות ומוליכות להם מאכל ומשתה ומאכילות אותם ונוטלות המראות, וכל אחת רואה עצמה עם בעלה במראה ומשדלתו בדברים, לומר

highest forms of קדושה, and is not only permitted, but must be heard.

There are still potentially discouraging barriers. But if the future of Jewish women in the arts is to broaden and develop, pioneers such as מרים הנביאה are crucial to increasing the availability of creative outlets. Only once מרים took her drum and began to sing did all of the women at the סוף ים raise their voices. If those women unsatisfied with existing opportunities channel their frustration and creative passion into improving and expanding the field, their efforts could revolutionize the condition of observant Jewish women in the arts.

אני נאה ממך, ומתוך כך מביאות לבעליהן לידי תאוה ונזקקות להם, ומתעברות ויולדות שם, שנאמר (שיר השירים ח ה) תחת התפוח עוררתיך, וזהו שנאמר במראות הצובאות. ונעשה הכיור מהם, שהוא לשום שלום בין איש לאשתו, להשקות ממים שבתוכו את שקנא לה בעלה ונסתרה, ותדע לך, שהן מראות ממש, שהרי נאמר (שמות לח כט ל), ונחשת התנופה שבעים ככר וגו', ויעש בה וגו', וכיור וכונו לא הוזכרו שם, למדת שלא היה נחשת של כיור מנחשת התנופה, כך דורש רבי תנחומא, וכן תרגם אונקלוס במחזית נשיא, והוא תרגום של מראות מירידור"ש בלעז [מראות]. וכן מצינו בישעיה (ישעיה ג כג) והגליונים, מתרגמינן ומחזיתא

Why Do We Celebrate חנוכה on the 25th of כסלו¹?

What is the significance of the date of חנוכה? Some people offer the reason that the name חנוכה is a cute acronym; since בני ישראל rested on the 25th of כסלו, we name the holiday חנוכה². Although this is an amusing reason, however, when we look at several sources, we can see that there are much deeper explanations for why we celebrate חנוכה on the 25th of the month, as well as why we celebrate חנוכה during כסלו.

First let us examine why we specifically celebrate חנוכה on the 25th of the month. The name חנוכה carries another meaning: that of חנוכה הבית. From here we can infer that one aspect of חנוכה was the rededication of the 2nd בית המקדש after it was defiled by the Greeks. Looking at ספר חגי, we see that the original date for beginning the construction of the second בית המקדש was the 24th of כסלו³. Therefore it seems that there is a thematic connection between חנוכה and the building of בית שני.

חגי was a prophet during the time period of שיבת ציון; when בני ישראל returned from exile and started rebuilding the 2nd בית המקדש. When closely examining ספר חגי, we can see that the nation needed encouragement in order to rebuild the בית המקדש. They were unenthusiastic because although they had been given the freedom to

¹ Based partially on a shiur by Rav Menachem Leibtag. See <http://tanach.org/special/chanuka/chanuks1.htm>.

² קיצור שולחן ערוך קל"ט

³ חגי 2:18

return to the Land of Israel, they were still under the rule of another nation and many of their brothers had remained in בבל instead of coming back to ירושלים.

Therefore, חגי related a prophecy: on the 24th of כסלו, the ruling nation will be overturned and be destroyed⁴. After hearing this prophecy, בני ישראל realized that the only way to bring the nation together again was to reestablish the בית המקדש and, to that end, they started to build on the 25th of כסלו. Unfortunately, we do not see the second part of חגי's נבואה come true until approximately 200 years later-in the time of the חשמונאים!

In the book of מכתבים א' (a historical work relating the events of the period), we see that the Greeks started offering sacrifices to their "idol alter" in the בית המקדש on the 25th of כסלו⁵. It seems like they specifically chose this date in order to spite the Jews by ridiculing them and saying, "Your prophecy has not been fulfilled because we are still controlling you!" Three years later, after the Jews defeated the Greeks, they decide to purify and rededicate the בית המקדש on the same date. It seems that the חשמונאים believed that their impressive military achievement had finally fulfilled the words of חגי, and was cause for an annual celebration. This point is strengthened by רש"י's commentary on חגי⁶ where he interprets the words ואני מרעיש את השמים ואת הארץ as the miracles that Hashem performed for the חשמונאים. Now it is slowly coming together why the 25th if כסלו was chosen to celebrate חנוכה. However, there are even more connections between חנוכה and the time period of שיבת ציון which we are going to explore.

During שבת חנוכה we read from ספר זכריה as the הפטרה. זכריה was another prophet who lived during the time period right after

⁴ חגי 2:20-23

⁵ ספר מכתבים א' 1:59

⁶ רש"י on חגי 2:6

גלות בבל. In the הפטרה, we see that זכריה sends a message to בני ישראל to rejoice because ה' is returning to the nation again. However, this is only on the condition that יהושע, the כהן גדול at that time period will follow ה' commandments-meaning that בני ישראל have to prepare themselves in order to have ה' be amongst them again. The pinnacle of the נבואה זכריה is at the very end of the הפטרה when זכריה sees a vision of a menorah surrounded by two olive branches. He does not understand the meaning of this until a מלאך ה' says that this image is a message to זורובבל, the political leader of the Jews at that time, to show that victory will come from ה' spirit and not by force or power.⁷

We can clearly see how this prophecy was also fulfilled during the time of the חשמונאים. The חשמונאים were definitely not stronger or more powerful than the Greeks that they defeated; therefore their victory must have only been because of Divine intervention, just as זכריה had prophesized. ה' involvement in this war is further seen by the miracle of the oil that lasted for eight days.

This can teach us an important message for today's generation. We are in a similar situation to the people in בית שני. Many Jews have returned to Israel and we even have political independence (as חגי had predicted). However, we have not yet fulfilled נבואה זכריה: we have not defeated our enemies through רוח ה'. Therefore the holiday of חנוכה serves as the perfect time for retrospection on how to improve ourselves according to נבואה זכריה and hopefully the words of "בימים ההם בזמן הזה" will take on additional meaning, and the spirit of ה' will help us overthrow the nations who are mightier than us.

Now that we have discovered the meaning behind celebrating חנוכה on the 25th of the month, we must analyze reason why חנוכה is celebrated during the month of כסלו. We see significance of

⁷ זכריה 4:6

the month of כסלו through a Gemara in עבודה זרה⁸. This Gemara discusses how we are not allowed to trade with idol worshippers during their pagan holidays and then surprisingly says that the source of origin for these holidays is אדם הראשון! According to a Midrash, when אדם had noticed that the days were getting shorter in the winter, he thought that the world was returning back to its original state of complete darkness as a punishment for his sin in גן עדן. He therefore did תשובה and started noticing that the days began increasing. When אדם realized that this was the cycle of the year, he established an annual celebratory holiday. We can see that the celebration of our annual חנוכה matches up to אדם's holiday since they both occur during the longest nights of the year. This מדרש also shows us the depressing effect long nights can have on an individual. אדם's dark thoughts about death were instigated by the dark atmosphere. His perspective on life only brightened when he turned to ה'. We can say that ה' was the "light" to the darkness that אדם was experiencing.

We can now make the connection of why חנוכה takes place during the winter month of כסלו. It is intended to be a holiday that offers encouragement to the Jews that they can overcome the hindrances standing before them. The light of the olive oil in the menorah is a symbol of hope during a time of darkness. Therefore, the next time we are feeling depressed and discouraged by the obstacles we are facing as a nation, we can remember the miracles of חנוכה to give us the energy to defeat our obstacles and help us grow both spiritually and physically. These points teach us that with ה''s help and involvement, we can defeat our enemies and then hopefully we will be זוכה to have משיח and the 3rd בית המקדש!

⁸ עבודה זרה ת.

עליה or קירוב רחוקים

Now that we are blessed with a Jewish State, and עליה is becoming even easier and more popular, Jews of the Diaspora are often faced with the question of whether to come to ארץ ישראל or to remain in חוץ לארץ.

At times, this decision can pose a genuine dilemma. One of the common factors that sometimes comes into the equation is the desire to engage in קירוב רחוקים (Jewish outreach), in חוץ לארץ. This is a modern version of a centuries-old conflict that dates back to early generations of Jews who wondered where to live, drawn as every Jew should be to the Land of Israel, while feeling that their particular calling in life beckoned them back to the Diaspora.

There are many conflicting opinions regarding this topic, ranging from אסור's seemingly straightforward approach¹ forbidding Jews to leave ארץ ישראל except in a few specific situations, to the late Lubavitcher Rebbe's active encouragement of Jewish עליהים moving all over the world to bring religious Jews and Judaism to places and people everywhere.

This debate begins with the story of אברהם אבינו in בראשית. Repeatedly, אברהם was promised² that ארץ ישראל would be given to

¹ משנה תורה, הלכות מלכים ומלחמות ה:ט – אסור לצאת מארץ ישראל לחוצה לארץ לעולם, אלא ללמוד תורה או לישא אשה או להציל מן העכו"ם ויחזור לארץ, וכן יוצא הוא לסחורה, אבל לשכון בחוצה לארץ אסור אלא אם כן חזק שם הרעב עד שנעשה שוה דינר חטין בשני דינרין, במה דברים אמורים כשהיו המעות מצויות והפירות ביוקר, אבל אם הפירות בזול ולא ימצא מעות ולא במה ישתכר ואבדה פרוטה מן הכיס, יצא לכל מקום שימצא בו ריוח, ואף על פי שמותר לצאת אינה מדת חסידות שהרי מחלון וכליון שני גדולי הדור היו ומפני צרה גדולה יצאו ונתחייבו כלייה למקום

² לדוגמא, בראשית פרק ט:יח – ביום ההוא כרת ה' את אברהם ברית לאמר לזרעך נתתי את הארץ הזאת מנהר מצרים עד הנהר הגדל נהר פרת:

his descendants. If אברהם and his children, promised ארץ ישראל to him, it is a fair assumption that ה' intended the Jewish Nation to inhabit it. The תלמוד³ affirms this statement, declaring that “one who dwells in the Diaspora is like one who worships false gods.” Similarly, דברים⁴ comments that “those who dwell in חוץ לארץ, it is as if they are worshipping עבודה זרה.”

In the משנה תורה⁵, רמב"ם gives ארץ ישראל to leave ה' for the following purposes: to study תורה, to get married, to save one's property from being taken by gentiles, or to uphold a merchant job that requires traveling. Nevertheless, he concludes this statement with the condition that, after accomplishing such goals, one must return to ארץ ישראל.

רמב"ם⁶ emphasizes the importance of living in ארץ ישראל via his claim that those who abandon the land with the intention of settling permanently elsewhere are met with ה'’s disapproval. He mentions the case of מלחון and כליו, great men described in the book of רות. Although they left ארץ ישראל with great pain and out of desperation caused by a famine, they were found worthy of death in ה'’s eyes.

³ כתובות קי: - ת"ר: לעולם ידור אדם בא"י אפי' בעיר שרובה עובדי כוכבים, ואל ידור בחו"ל ואפילו בעיר שרובה ישראל, שכל הדר בארץ ישראל - דומה כמי שיש לו אלוה, וכל הדר בחוצה לארץ - דומה כמי שאין לו אלוה, שנא': [ויקרא כ"ה] לתת לכם את ארץ כנען להיות לכם לאלהים, וכל שאינו דר בארץ אין לו אלוה? אלא לומר לך: כל הדר בחו"ל - כאילו עובד עבודת כוכבים; וכן בדוד הוא אומר: [שמואל א' כ"ו] כי גרשוני היום מהסתפח בנחלת ה' לאמר לך עבוד אלהים אחרים, וכי מי אמר לו לדוד לך עבוד אלהים אחרים? אלא לומר לך: כל הדר בחו"ל - כאילו עובד עבודת כוכבים.

⁴ רמב"ם דברים ד:כח

⁵ משנה תורה, הלכות מלכים ומלחמות ה:ט

⁶ שם

Rabbi David Slavin⁷ quotes the statement in the זוהר⁸ that "ארץ ישראל is the heart of the world, for it is the portal to heaven," and explains that living in ארץ ישראל is the only direct way to connect to ה' .הקדוש ברוך הוא Even the sincerest of תפילות uttered in חוץ לארץ need the help of תפילות from ארץ ישראל to ascend to the הכבוד .כסא רבנים quotes a פסוק of תהילים⁹ that illustrates the love our great רמב"ם had for the land of ישראל. In the following הלכה, רמב"ם refers to a פסוק in ישעיהו¹¹ declaring that whoever dwells in ארץ ישראל will have all his sins forgiven. He also quotes a פסוק in דברים¹² testifying that anyone who walks four cubits in ארץ ישראל merits the entrance to הבא עולם. He adamantly states that it is better to live in a town in ארץ ישראל inhabited mainly by gentiles than to live in חוץ לארץ in a town populated with Jews¹³. Furthermore, Rabbi Slavin mentions a גמרא¹⁴ asserting that "the only way that any Divine influence enters the world is through ארץ ישראל". From this גמרא we see that those who live in ארץ ישראל receive blessings directly from ה'.

⁷ ראה: http://www.kabbalaonline.org/kabbalah/article_cdo/aid/380752/jewish/Righteous-and-in-the-Land-41.htm

⁸ זוהר כרך א' פרשת וישב קפג:

⁹ משנה תורה הלכות מלכים ומלחמות ה':

¹⁰ תהילים קב: טו - כי רצו עבדיך את אבניה ואת עפרה יחננו

¹¹ ישעיהו לג: כד - ובל יאמר שכן חליתי העם הישב בה נשא עון

¹² דברים לב: מג - הרנינו גוים עמו כי דם עבדיו יקום ונקם ישיב לצרייו וכפר אדמתו עמו

¹³ משנה תורה, הלכות מלכים ומלחמות ה:יב- לעולם ידור אדם בארץ ישראל אפילו בעיר שרובה עכו"ם ואל ידור בחוצה לארץ ואפילו בעיר שרובה ישראל, שכל היוצא לחוצה לארץ כאילו עובד ע"ז, שנאמר כי גרשוני היום מהסתפה בנחלת ה' אמר לך עבוד אלהים אחרים, ובפורעניות הוא אומר ואל אדמת ישראל לא יבאו, כשם שאסור לצאת מהארץ לחוצה ארץ כך אסור לצאת מבבל לשאר הארצות, שנאמר בבבל יובאו ושמה יהיו

¹⁴ תענית יא.

Although רמב"ם presents a powerful argument based on sources in הלכה as to why we must live in ארץ ישראל, there are also many statements in the תורה and חז"ל that express our obligation to assist and care for all fellow Jews, regardless of their current location. For this reason, רמב"ם's conditions for leaving ארץ ישראל can potentially be interpreted to include teaching תורה, as a component of the permission granted to go to חוץ לארץ in order to learn תורה.

In the 2008 publication of *Binah Magazine*¹⁵, Eileen Fine brings forth examples of מצוות בין אדם להברו that, based on the powerful concept of בזה זבזה, כל ישראל ערבים זה לזה,¹⁶ may require us to leave ארץ ישראל when necessary. She quotes the phrase ואהבת לרעך כמוך. Perhaps, this can be interpreted as wanting for others what we want for ourselves; in order to share our passion and dreams with our brothers, the fulfillment of our own aspirations must be delayed. This applies to the circumstance where our aspiration is to live in ארץ ישראל. No matter how worthwhile the goal, this aspiration must sometimes still be temporarily sacrificed.

In addition, בני" are required, according to the תורה, to give תוכחה and help fellow Jews correct their misguided ways.¹⁷ Some commentators explain the mitzvah of השבת אבדה to include helping return a person's "lost" soul. It becomes our obligation to involve ourselves in קירוב רחוקים, bringing unobservant Jews closer to a lifestyle of שמירת המצוות. It is possible that our ambitions to live in ארץ ישראל must be postponed, despite the importance of this מצוה, in order to fulfill the obligations of teaching Torah and קירוב רחוקים.

¹⁵ ראה:

http://www.kiruv.com/SSI/articleToPrint.asp?PageURL=/forYourInspiration/MitzvahOfKiruv/The_Kiruv_Implicative0.xml&teaser=The+need+for+community-wide+outreach

¹⁶ שבועות לט.

¹⁷ ויקרא יט:יז

בני" promised at ה' that they would emulate His ways, through His commandments, and represent Him by being גויים,¹⁸ a light unto the nations. On one hand, it is likely that we have the greatest capacity as a people to influence the inhabitants of the entire world by remaining a united nation together in ארץ ישראל. Yet, if we are to travel even to the remotest of destinations and demonstrate our concern for every single Jew, we have an even greater opportunity to produce this light of influence. For these reasons, people who choose to leave ארץ ישראל to search for disconnected Jews and bring them closer by communicating the beauty of the תורה and Judaism can certainly claim justification in doing so.

It is my opinion that as a whole, we should not have to choose between these two different lifestyles. In order for עם ישראל to function correctly, it is necessary for Jews to complete both tasks; both are necessary, noble positions that must be upheld within the Jewish community. Living in ארץ ישראל is a privilege not to be taken lightly. A person who makes עליה is making a significant effort to connect to ה' and associate with our collective heritage. I do not think, however, that living in חוץ לארץ and doing outreach is any less admirable. If a person can successfully relocate to ארץ ישראל, he is fulfilling a מצוה. Nevertheless, if a person believes that he will effectively fulfill a different מצוה in חוץ לארץ, he has the backing to do so, as this is important as well.

¹⁸ ישעיה מט:ו

Waiting for משיח, “at the Bus Stop”

While there are no explicit mentions of משיח in the תורה, there are four allusions to it. The first is in בראשית. During ברכה's יעקב, יהודה, he said, ¹ לא יסור שבט מיהודה ומחקה מבין רגליו עד כי יבא (שילה) שילו ולו יקתה עמים. According to both פסוק and תרגום יונתן, שילו refers to משיח. The next allusion is in במדבר, when בלעם gave his blessings to אראנו ולא עתה אשורנו ולא קרוב דרך כוכב מיעקב וקם שבט מישראל. He said: בני ישראל: ² ומחץ פאתי מואב וקרקר כל בני שת: Again, אונקלוס says that this is talking about משיח. In דברים, משה discussed the time that בני ישראל will gather from where they are scattered: ושב ה' אלקיך את שבותך ורחמך ושב וקבצך: מכל העמים אשר הפיצך ה' אלקיך שמה: אם יהיה נדחך בקצה השמים משם יקבצך ה' אלקיך ומשם ³ יקחך. Finally, משה mentioned three ערי מקלט that have yet to be built: ואם ירחיב ה' אלקיך את גבולך כאשר נשבע לאבותיך ונתן לך את כל הארץ אשר דבר לתת לאבותיך: כי תשמר את כל המצוה הזאת לעשתה אשר אנכי מצוך היום לאהבה את ה' אלקיך וללכת בדרכיו כל ⁴ הימים ויפסת לך עוד שלש ערים על השלש האלה. These are the only times that משיח is hinted to in the תורה.

It is puzzling that although משיח is not explicitly mentioned in the תורה, רמב"ם lists belief in it as one of the thirteen עקרי אמונה, and says that one who does not believe in משיח is a כופר בתורה. רמב"ם says that one must believe that משיח will come, and must continue to believe and to wait even if this process is delayed: אם יתמהמה חכה

¹ בראשית מט:י

² במדבר כד:יז

³ דברים ל:ג-ד

⁴ דברים יט:ח-ט

לו.⁵ He also tells us that one is not allowed to assign a time for his coming. And anyone who doubts this is deemed a כופר, one who denies the תורה, ה', and the words of נביאים.⁶

How does רמב"ם understand that you are a כופר בתורה, a heretic, if you do not believe or wait for משיח even though this is not plainly mentioned in the תורה? According to עלי שור, רמב"ם understands this from a story told in שמות רבה.⁷ בני ישראל asked בלעם when משיח is coming. בלעם responded אראנו ולא עתה אשורנו ולא קרוב משיח. בלעם told בני ישראל, "That is his opinion. What you do not know is that בלעם will end up in גהנום because he did not believe that My salvation will come. Rather, you should be like your father (יעקב) who said לישועתך כי קויתי ה'." Wait for the salvation because it is near you, as it says, כי קרובה ישועתי לבוא.⁹

The ספר מצוות קטן¹⁰ (סמ"ק) says that believing in משיח is an essential part of the עשרת הדברות. He explains that the word אנכי is a word of redemption. When יעקב told ה' that He would go down with him to Egypt, ה' uses the word אנכי – אנכי אעלה גם – אנכי אנה. Then when ה' told מלאכי about משיח, he again said אנכי: אנכי אנה. ¹¹ Then when ה' told מלאכי about משיח, he again said אנכי: אנכי אנה. ¹² According to the סמ"ק¹³, the אנכי of אנכי refers not only to

⁵ חבוקק ב:ג

⁶ רמב"ם הקדמה לפרק חלק, הלכות מלכים יא:א

⁷ שמות רבה ל:כד

⁸ בראשית מט:יח

⁹ ישעיה נז:א

¹⁰ ספר המצוות קטן מצוה א

¹¹ בראשית מז:ד

¹² מלאכי ג:כג

¹³ שמות כ:ב

the גאולה of מצרים, but also the גאולה of משיח. That means that believing in משיח is one of the עשרת הדברות. רבינו פרץ explains that because all of the עשרת הדברות are commandments, then אנכי not only refers to believing in משיח, but waiting for משיח as well.

Though we now understand where רמב"ם got his idea from, it may still be difficult to accept. Most beliefs in Judaism can be deduced from logic, or based on historical occurrences, and are not completely dependent on blind faith. But regarding משיח, we must believe that he is coming and wait for him, even though there is no logic that would lead us to believe in משיח. It is one of those things that you just have to believe and that is it.

We have to believe in משיח, but actually *waiting* for משיח, which includes an action on our part, is even harder. *Belief* is defined as "the feeling of being certain that something is true."¹⁴ But to *wait* means to look forward eagerly to something.¹⁵ רמב"ם delineated belief – להאמין – and waiting – לחכות – as two distinct obligations when it comes to the משיח. And furthermore, in מסכת אמר רבא: בשעה שמכניסין אדם לדין אומרים לו: נשאת ונתת באמונה, קבעת,¹⁶ it says, – עתים לתורה, עסקת בפריה ורביה, צפית לישועה, פלפלת בחכמה, הבנת דבר מתוך דבר? One of the first questions we will be asked when we get to שמים after our death is, "Did you wait for משיח?" So it seems that it is not enough to believe – we also must wait for the Redemption to come. We must wait for משיח every day, as is also stated in our סידורים אני מאמין באמונה שלמה, בביאת המשיח, ואף על פי: (עיקרים ש'רמב"ם) שיתמהמה, עם כל זה אהבה לו בכל יום שיבוא.

It is difficult enough to believe in this abstract concept of משיח, but how are we to look forward to something that we cannot imagine? What does waiting for משיח consist of?

¹⁴ Cambridge online dictionary

¹⁵ <http://dictionary.reference.com/browse/wait?s=t>

¹⁶ תלמוד בבלי מסכת שבת דף לא עמוד א

Every day, we pray for משיח repeatedly. One of the main parts of תפילה where we mention משיח is in שמונה עשרה. In the ברכה of כי לישועתך קוינו כל היום, משיח הוא, we ask משיח to bring us ישיעה, מצמיה קרן ישועה. The Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, writes in his ליקוטי שיחות that: אלא בכל יום ויום גופא: ליקוטי שיחות is: ולא רק בכל יום ויום שמחכים שיבוא ביום זה, אלא בכל יום ויום גופא: ¹⁷ Not only must we hope for משיח every day. We must hope every day, every hour, that משיח will come.

Thankfully the rabbis have helped us implement this requirement. Every day, three times a day, we ask for משיח in שמונה עשרה. We speak about משיח several times throughout our תפילות (between our private שמונה עשרה and חזרת הש"ץ), so משיח is on our minds when we pray. But what about our the rest of the time, when we aren't immersed in prayer?

In בבא מציעא, we learn that if a worker does not demand his wages from his employer, the employer is not required to pay him¹⁸. The חפץ חיים learns from this that we need to ask for the גאולה like a worker asks for wages. If we do not demand the גאולה, ה' is not חייב to give it to us¹⁹. The בית יוסף on the טור explains, ביום שנחלק בית דוד כפרו בשלשה דברים בהקב"ה ובית המקדש ומלכות בית דוד ואין נגאלין עד [מלכות] בית דוד²⁰. ה' is waiting for us to demand the גאולה before He is going to give it to us.

If we are supposed to wait for משיח and demand משיח, one might think that knowledge of when he is to arrive would be necessary. In פרשת ויחי, it says ויקרא יעקב אל בניו ויאמר האספו ואניידה לכם את

¹⁷ ליקוטי שיחות כן לה 162

¹⁸ בבא מציעה קיא

¹⁹ שיחות חפץ חיים יד

²⁰ בית יוסף אורח חיים סימן קפה

אשר יקרא אתכם באחרית הימים: ²¹ explains that יעקב רש"י wanted to tell them when משיח was going to come, but then the שכינה left him and he forgot.

If we know when משיח is coming, would we really wait for משיח before that? For example, if you knew a bus was coming at exactly 11:00, you would not be waiting anxiously at 10:50, wondering why the bus is not there yet. משיח is the same way. If we knew משיח would come at a set time, would not wait for it. In ישעיהו, ה' is quoted as saying, ²² בעתה אחישנה, which means "in its time I will hasten it." This seems like a contradiction. How can something be in its time, but also be hastened? רש"י comments that בני ישראל are worthy, then משיח will come early, but if not, then it will be in its time. This means that in fact, there is a set time for משיח, but he could come at any time as long as we try to hasten his coming. Perhaps this is why it is prohibited to attempt to calculate the time of the Redemption: if we set a time, then no one will work hard before that time to bring משיח. However, if we do not know the time, we will try to work hard to bring משיח as soon as possible.

If it is not allowed, why do people attempt to calculate the time of משיח's arrival? Perhaps because משיח is such an abstract concept, many become disillusioned and believe that he is not coming. Many of the calculated dates that were set have already passed. In the גמרא, רב נחמני, שמואל בן נחמני, said that even those that calculated a date that had passed should still wait for משיח, because if they do they will be rewarded. רב explained that even if the predestined time for משיח has already passed – we just have to do תשובה to bring משיח here²³.

²¹ בראשית מט:א

²² ישעיהו ס:כב

²³ סנהדרין צז:

משיח can come any day; ה' is just waiting for us to demand it and do תשובה. Not only do we have to believe that משיח is coming, but we have to actively wait for him every day, not only in our תפילות, but every hour in everything we do. It is up to us to bring משיח sooner, and if we set a date, we will not have that motivation.

We can understand this with a parable: A man was running late for a meeting, and he was at the bus stop waiting for the bus that was supposed to come at 9:00. It was already 9:05. The man kept looking at his watch and wondering why the bus was taking so much longer. That is the way it should be with משיח. We should wonder what is taking משיח so long. If it were a bus we were anticipating, we would constantly be looking at our watches, money in hand and ready to go. It should be the same way with משיח. משיח could come any second, and we should be waiting anxiously and impatiently at the bus stop, wondering where he is.

Blowing the Lid off Sherry Casks¹

Let other poets raise a fracas
"Bout vines, an' wines, an' drucken Bacchus,
An' crabbit names an' stories wrack us,
An' grate our lug:
I sing the juice Scotch bear can mak us,
In glass or jug.

O thou, my muse! guid auld Scotch drink!
Whether thro' wimplin worms thou jink,
Or, richly brown, ream owre the brink,
In glorious faem,
Inspire me, till I lisp an' wink,
To sing thy name!

Let husky wheat the haughs adorn,
An' aits set up their awnie horn,
An' pease and beans, at e'en or morn,
Perfume the plain:
Leeze me on thee, John Barleycorn,
Thou king o' grain!

Robert Burns (1785)

¹ I'd like to thank my father, Eliyahu Weinstein, for providing me with much of the sources, analysis, and support required to write this article.

Scotch whisky is an alcoholic beverage enjoyed not only by the Scots, but also by many in the Jewish community. However, it can present serious כשרות problems, because it is often aged in casks which previously contained sherry or other non-kosher wine (סתם יינם).

Historical overview

It is stated in Tractate עבודה זרה (עג): that if regular wine and תרומה wine are inadvertently mixed, the resulting mixture is permitted to drink if the proper ביטול of שיעור is attained. In the times of the גמרא, wine was normally diluted in a ratio of 3 parts water to 1 part wine. According to one interpretation of the *gemara*, the 3 parts water added to the regular wine and the 3 parts water added to the תרומה wine when combined are מבטל the one part תרומה wine, with the regular wine not counting in the calculations (because of the principle כאלו אינו (רואין את ההיתר כאילו אינו). (The other way of understanding the גמרא, which would require the traditional 60:1 שיעור of ביטול, necessitates two wine cups of unequal size. See, for example, (ר"ן). So in general, when סתם יינם (inadvertently) mixed with water, the resulting mixture is permissible to drink if the amount of water is at least six times that of the wine. The שולחן ערוך indeed rules this way.² It also permits the drinking of other beverages aged in casks which previously contained סתם יינם,³ as long as an extra condition is fulfilled – that the wine in the cask's walls *detracts* from the taste of the beverage within.⁴ Much evidence exists to indicate that this last require-

² שולחן ערוך יו"ד קלד:ה

³ יו"ד קלז:ד

While there can be *halachic* differences between יין נסך and סתם יינם, all wine discussed here is assumed to be סתם יינם.

⁴ ט"ז ס"ק ז', ש"ך ס"ק י"ז

ment is generally not satisfied for scotch aged in sherry casks. In any case, wine casks used for the purpose of improving the taste can be problematic regardless of whether the taste is in fact improved.⁵

In what many considered to be a tremendous חידוש, Rav Moshe Feinstein, זצ"ל, extended the שולחן ערוך's 6:1 rule to the case of wine intentionally added to whiskey, *even* if it improves the taste and *even* if the wine itself can be tasted.⁶ However, the מנחת יצחק addressing both wine poured into whiskey *and* scotch aged in sherry casks, disagreed, adding an extra condition: in addition to the 6:1 whisky-to-wine ratio, it must be true that even an *expert* cannot detect the actual taste of the wine. With regard to scotch aged in sherry casks, the מנחת יצחק's advisors felt this second condition is always satisfied, and he ruled only assuming it is indeed true. However, in reality, it could actually depend on what types of cask were used. For example, scotch aged exclusively in a first-fill sherry cask (i.e., one used for the first time after containing sherry), and even more so if it is cask strength (not diluted by water before bottling) may have a much stronger sherry taste than a scotch aged in a second or later fill, or one aged in a combination of ex-sherry and ex-bourbon casks (the latter type of cask presenting no *kashrut* concerns). Expert tasting notes for heavily sherried scotch share many of the descriptions given to pure sherry. Additionally, it should be noted that the aroma of oloroso sherry, the most common sherry used for casks in the scotch industry, is quite strong, much stronger than that of other wine, and thus perhaps more easily detectable in the scotch.

⁵ For a discussion, see שו"ת מנחת יצחק ב:כח. Already matured scotch finished in wine casks may be particularly problematic.

⁶ אגרות משה, יו"ד א:סב-סד

Entire thickness vs. *kdei klipa*

The history up to this point is well known⁷; however, there is a misconception that Rav Moshe's famous תשובה addressed scotch in sherry casks, when in reality it addressed only wine poured into whiskey. The 6:1 rule as it applies to wine casks requires more discussion. When it is known for sure that סתם יינם was stored in the cask for at least 24 hours, the שולחן ערוך in ש"ך requires that the ביטול of שיעור be attained against the entire thickness (volume) of the cask, since we don't know how far the wine penetrated into the cask walls.⁸ (This is similar to the *halachic* requirement for a vessel that had non-Kosher food cooked in it and then was used to cook Kosher food, except in that case 60:1 is needed.) So accepting the 6:1 ratio as the שיעור for ביטול, the liquid capacity of the cask must be at least six times the volume of the walls of the cask.

There is another opinion, namely that of the חכם צבי, which holds that wine never penetrates into a vessel farther than כדי קליפה (a thin scrape's worth), a literal reading of the שולחן ערוך.⁹ According to this view, 6:1 would easily be attained since it is measured only against the קליפה of the cask walls. Rav Moshe explains this מחלוקת in depth in אגרות משה יורה דעה ג:לב. In any case, the predominant view among פוסקים is not to rely on the כדי קליפה opinion. Furthermore, one could argue that relying on כדי קליפה in this particular case of wooden wine casks, even in conjunction with other קולות, may be particularly problematic, since it can be demonstrated (by breaking open a wine cask stave and observing the visible wine stain line) that the wine indeed penetrates much farther than כדי קליפה.

⁷ Rabbi J. David Bleich, "The Whiskey Brouhaha," *Tradition* 34:2 2000 ראה

⁸ יו"ד קלה:יג, ש"ך ס"ק לג, קלז:א, ש"ך ס"ק ט. ראה גם דרכי תשובה קלז:ה לרשימת אחרונים שסוברים כש"ך או לפחות חוששים לשיטתו

⁹ יו"ד קלה:יג, קלז:א, חכם צבי עה, מובא בפתחי תשובה קלז:א, חזון איש יו"ד נה:ו

There are those who attempt to save this view even in this particular case by saying it must be that the area beyond the קליפה has no effect on the cask's contents and so *halachically* can be ignored. However, such an assumption would be highly questionable. First of all, scholarly wine journal articles suggest significant interaction between the wine-stained wood and the liquid contents of the cask, as evidenced by the tannins extracted from the wood in this region and the effects on the wine.^{10 11} More importantly, it is interesting to see how the חזון איש (יורה דעה נה:ו), one of the few prominent אחרונים who support the כדי קליפה view, addressed a few questions on this view. A בבא מציעא (מ.) in משנה suggests 1/6 of the total contents penetrates into the cask walls. To this he was forced to say that 1/6 is actually the size of the קליפה. And due to an opinion of the תוספות הרא"ש that says the contents of a typical כלי have a volume sixty times that of the קליפה, the חזון איש was forced to say that there is evaporation within the קליפה, leaving only part of the קליפה against which the שיעור of ביטול is measured. That is, he was not willing to entertain the possibility that כדי קליפה allows penetration beyond the קליפה. This is so even though the answers he gave would mean that the interior diameter of the long-term wine storage vessels in בבא מציעא could be no more than an inch or so wide, which is difficult to assume. And then there is the מאירי (עבודה זרה לג., ד"ה השביעי) which says that the suggestion to *kasher* the wine cask by using a tool to scrape out a קליפה's worth inside the cask since wine penetration allegedly is only up to קליפה כדי does not work because "We plainly see red wine stains penetrating farther than this measurement." That is, he accepts the common sense

¹⁰ Singleton, Vernon L., *Maturation of Wines and Spirits: Comparisons, Facts, and Hypotheses*, Am. J. Enol. Vitic., Vol. 46, No. 1, 1995

¹¹ Puech, J-L., *Characteristics of Oak Wood and Biochemical Aspects of Armagnac Aging*, Am. J. Enol. Vitic., Vol. 35, No. 2, 1984

interpretation of כדי קליפה. Note also he did not offer as a solution that one could simply scrape out up to the visible wine stain.

The result of all this is that for scotch aged in sherry casks, even Rav Moshe himself might require 6:1 against the entire thickness of the כלי. So what is the actual ratio of the liquid capacity of a sherry cask to the volume of the cask's wood? While many intuitively believe the actual ratio must be far, far greater than 6:1, a simple and convincing geometric argument is to approximate the wood volume of the cask as the difference in volume between two cylinders—the one which includes the wood of thickness as measured at the cask's bilge (that is, at its thinnest) and the one which does not include the wood—of the same height and head diameter (see illustration) as the cask in question, and compare that to the stated liquid capacity. Since the calculated wood volume for the case of the cylinder will be less than for the actual cask (which has bulging walls and varying wood thickness), this will give an upper bound on the ratio.

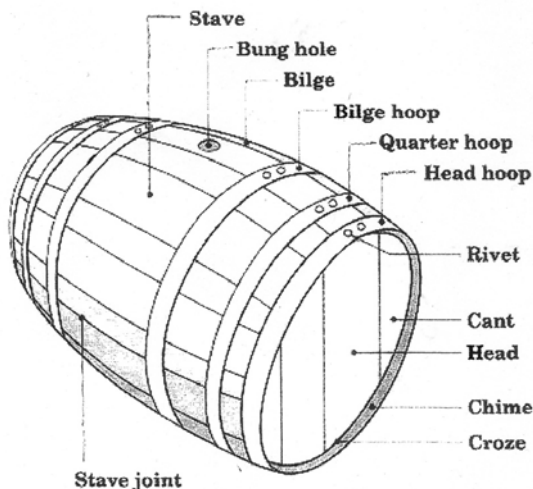


Illustration from:

http://www.rootsweb.ancestry.com/~flbbm/heritage/cooper/barr_elmaking.htm

Dimensions of a sherry butt

The internal dimensions obtained for an old sherry butt (the most common type of sherry cask) are head diameter $d = 25.8''$ (65.532 cm), bilge diameter $D = 32.0''$ (81.28 cm), height $h = 42.4''$ (107.696 cm).¹² While there can be minor variations in these parameters, the approximate size and shape, selected to fit on old Spanish galleons, has not changed much in centuries.¹³ While often rounded in the literature to 500 liters, the exact standardized capacity for a butt is 490.7 liters,¹⁴ or equivalently, 490,700 cu cm. A prominent distillery, in response to an email query, stated that the stave thickness of its butts is 3.0 cm at the bilge and 3.3 cm at the head for Spanish oak, and 2.6 cm at the bilge and 2.8 cm at the head for American oak. The head thickness was assumed to be equal to the lower of each pair of numbers (a conservative assumption based on research). The chime will not be included in the wood volume calculations.

Upper bound on the liquid-to-wood ratio for a sherry butt using cylinders

The formula for the volume of a cylinder is just $\pi r^2 h$, where r = the radius, and h = the height. So for Spanish wood, a conservative approximation for the wood volume is $\pi[(65.532/2)+3.0]^2(107.696+2 \times 3.0) - \pi(65.532/2)^2(107.696) = 93,673$ cu cm, so an upper bound on the liquid-to-wood ratio is $490700/93673 = 5.2$. For American wood, a conservative approximation for the wood volume is $\pi[(65.532/2)+2.6]^2(107.696+2 \times 2.6) - \pi(65.532/2)^2(107.696) =$

¹² <http://home.clara.net/rabarker/Barrels.htm>

¹³ http://www.whisky-distilleries.info/Fabrication_EN.shtml

¹⁴ <http://www.winebarrels.com/bitspiecesnew.html>

80,367 cu cm, so an upper bound on the liquid-to-wood ratio is $490700/80367 = 6.1$.

Barrel volume approximation formula

However, we can do much better than that. There is a well known, remarkably accurate formula approximating the volume of a wine barrel by assuming its sides are bent to the arc of a parabola¹⁵:

Given height h , bilge diameter D , and head diameter d , the formula for volume V of a barrel is

$$V = (1/60) \pi h [8D^2 + 4Dd + 3d^2].$$

Using this formula on both the interior (without the wood) and exterior (with the wood) dimensions of various casks (bourbon, Bordeaux, Burgundy, hogshead, Cognac, puncheons, Madeira, sherry butt, port pipe) produces ratios in the range of around 3.8-5.2 to 1. The most common wine cask used for aging scotch, the sherry butt, produces a ratio of around 4.3 using Spanish wood and 5.0 using American wood:

Liquid-to-wood ratio for a sherry butt using the volume approximation formula

First let's see how well the formula approximates the liquid capacity: $(1/60) \pi 107.696 [8 \times 81.282 + 4 \times 81.28 \times 65.532 + 3 \times 65.532^2] = 490,818 \text{ cu in} = 490.8 \text{ liters}$. Amazing! The external volume using Spanish wood is $(1/60) \pi (107.696 + 2 \times 3.0)$

¹⁵ Solution to Problem 341, *The American Mathematical Monthly*, Vol. 21, No. 4 (Apr 1914), pp. 127-128. See also

http://cambelt.com/cs/tpl=tr_math_volume/barrel&toc=trtoc. The appropriateness of the formula for the cask in question can be verified by comparing the formula-produced interior volume to the stated capacity. The formula works rather well for all casks tested. It should be noted that the actual capacity of a cask can differ somewhat from the stated capacity since the staves forming the cask are bent into shape by hand.

$[8x(81.28+2x3.0)^2 + 4x(81.28+2x3.0)x(65.532+2x3.3) + 3x(65.532+2x3.3)^2] = 605,635$ cu in = 605.6 liters. So the Spanish wood volume = $605.6 - 490.7 = 114.9$, and the liquid-to-wood ratio is $490.7/114.9 = 4.3$. The external volume using American wood is $(1/60) \pi (107.696 + 2x2.6) [8x(81.28+2x2.6)^2 + 4x(81.28+2x2.6)x(65.532+2x2.8) + 3x(65.532+2x2.8)^2] = 588,849.7$ cu in = 588.8 liters. So the American wood volume = $588.8 - 490.7 = 98.1$, and the liquid-to-wood ratio is $490.7/98.1 = 5.0$.

So for all casks in question, the 6:1 ratio is not attained, even allowing for a significant margin of error. There are other barrel approximation formulas in the literature, some more and some less suited to the particular shapes of the casks considered, but most give rather similar results.

Chaticha Na'aseit Neveila

Up until now, the discussion has been regarding scotch aged exclusively in sherry casks. But most scotches are aged in a combination of ex-sherry and ex-bourbon casks (the latter type generally presenting no *halachic* problems). In this case, do we need 6:1 against just the wood of any sherry-cask aged scotch, or do we need 6:1 against all the sherry-cask aged scotch? This seems to depend on whether we apply the rule of חתיכה עצמה נעשית לה בלה (liquid mixtures).¹⁶ The רמ"א is *machmir* to say we do, except in a case of הפסד מרובה, and many agree (see, for example, בדי השולחן צבד ס"ק עט), while Rav Moshe (יו"ד בליל) was (אגרות משה יו"ד בליל) was אסור דרבנן (at least in a case of שעת הדחק) when it is only an אסור דרבנן, as in this case. If we apply the rule of חנ"ן, the maximum allowable

¹⁶ This is a *halachic* principle which says that when a permitted entity absorbs the taste of a forbidden food and becomes forbidden as a result, the entire entity becomes transformed into a forbidden object. For the object to become בטל subsequently, the quantity required for ביטול would need to be calculated against the entire absorbing entity, and not merely the amount of אסור that was absorbed.

percentage of sherry casks in the mixture to attain 6:1 would be one part sherry cask-aged scotch for every six parts bourbon cask-aged scotch, that is, $1/(1+6) = 1/7 = 14.3\%$, and if we don't, the percentage would rise to around 65% or higher, depending on the thickness of the sherry cask wood. Both of these numbers would rise a bit further for all but cask strength whiskies due to water dilution before bottling.

Label issues

Given the new openness of distilleries, as well as easy and increased access to information the internet provides, for a particular scotch one can often find out not only that sherry casks are used, but sometimes even the exact proportion. The easy access to information may put into question today's application of Rav Moshe's dictum that if the bottle label doesn't say anything, one has no obligation to find out more information. It's one thing to have to visit, mail or phone a distillery, quite another to make a few clicks on its web site to find out what everyone else already knows. It also happens to be true that the vast majority of bottlings—whether sherry casks are mentioned on the label or not—are a vatting from a combination of ex-bourbon and ex-sherry casks in varying proportion depending on the bottling.^{17 18}

¹⁷ "Contrary to popular belief, very few whiskies are aged exclusively in bourbon barrels – most ex-bourbon aged malts are vatted with a (varying) percentage of whisky which was aged in ex-sherry barrels." <http://inebrio.com/thescotchblog/?p=138>

¹⁸ "We can achieve consistency by vatting about 100 casks prior to bottling. These will all be pre-selected; those that are not selected go for blending. We also have a cask type mix recipe, specifying the proportion of various types of cask. Throughout the company we have about 10% sherry casks but the usage varies from brand to brand. We don't bottle a 100% sherrywood whisky as we feel that the sherry masks the flavour of the whisky itself. When we select a style, Lagavulin or Dalwhinnie for example, we will also select a cask recipe. Having

Research shows there are numerous reasons why, despite a sherry cask costing almost ten times as much as a bourbon cask, a distillery might choose not to advertise this, even though it clearly values sherry casks in the recipe. The differing policies of *kashrut* organizations making various inferences from a label not mentioning sherry casks when no such inference seems to exist can be hard to fathom. For example, there are scotches known to be 100% or near-100% aged in sherry casks whose label makes no mention of sherry casks. So what is the *kashrut* status of such a whisky? The current *kashrut* guidelines for single malt and blended scotch whisky were devised in an era when information was lacking or very hard to come by. In this new era of increased openness and easier access to information, perhaps these guidelines need to be revised.

Dried out or rejuvenated casks

Some seem to think it takes perhaps a year from the time sherry casks are emptied of sherry until they are filled with scotch, and so halachically these casks would be considered dried out. This assumption simply is not true in general.^{19 20 21 22} Others seem

played with it we will decide that, say, one in five casks should be sherry wood—20% is quite high for us. We will also specify refill and Bourbon casks...We're trying to produce a malt that tells you about a distillery and reflects the character of that distillery, and keep it consistent from year to year. That involves everything, from the buying of barley, the mix of casks, to the age of maturation." Excerpt of an autumn 1994 interview with Dr. Alan Rutherford, head of the production subsidiary of United Distillers and responsible for 27 malt distilleries, http://www.lfw.co.uk/whisky_review/swr15/article15-3.html

¹⁹ "Prior to being shipped, each cask receives 'one for the road' in the form of 5 litres of wine, helping to maintain freshness during a 4-6 week journey to Scotland. (This is of course emptied prior to filling with spirit in Scotland)." "Lets do the char char," *Whisky Magazine* Issue 34 (Oct 2003)

to think a rejuvenation process (scraping out and scorching the inside of the cask) is applied to all casks and that this would render them kosher for use. Again, both assumptions seem not to be true.^{23 24 25 26 27 28 29}

²⁰ “Seasoned casks are kept fresh en route to Scotland by giving them four to five litres of ‘transport sherry’ (emptied of course prior to filling with new make spirit in Scotland).” “No Spain no Grain,” *Whisky Magazine* Issue 53 (Jan 2006)

²¹ “My requirement is that the cask must not have been sitting around and be all dried out. Ideally the wine is emptied out completely, the cask resealed and shipped to Scotland within a couple of weeks. Most arrive dry but they do have a lining of crystals of tartrate and such like. The fortified wine casks are dry to moist but none of our casks has any lees swilling about in it. If that was the case you could ask if the flavour was coming from that but there must be some wood maturation for success. Any wine in the cask would be strictly against the law and the rules of the Scotch Whisky Association as it would potentially be considered as an additive.” Interview with Dr. Bill Lumsden of Glenmorangie, http://www.lfw.co.uk/whisky_review/Intro_Edition/Intro_8.html

²² Concerning bourbon barrels, “A barrel may have stood in the open for several weeks, even up to a year in the case of ‘cull’ barrels [lower grade barrels expected to need repairs] before being shipped, which progressively reduces the level of residual liquid. Meanwhile, the fastest door to door service is around 21 days.” “America—the stave,” *Whisky Magazine* Issue 52 (Nov 2005). But sherry casks from Spain have a much shorter trip to Scotland than bourbon barrels from the United States, perhaps accounting for some of the average time difference between the two casks. Distance aside, a delay in the delivery of sherry or other wine casks could mean the cask will be teeming with dangerous bacteria caused by the wine. Casks expected to sit too long before arrival may have to be subjected to sulphur candle treatment, which can impart an unpleasant odor into the scotch and lower its value. So it behooves the distilleries to expedite their sherry cask shipments. See, e.g., “Wood is Where the Magic Happens (Or Is It),” <http://bruichladdichblog.wordpress.com/2008/08/06/wood-is-where-the-magic-happens-or-is-it/>

²³ “The more you use the cask, the less extract there is, which is why producers like Glenmorangie and Macallan only use first and second-fill casks for their

malts. Third-fill casks are either sold on or used for grain whisky or fillings for blends.” “A suitable cask for treatment,” *Whisky Magazine* Issue 2 (Mar 1999)

²⁴ “For the port, sherry and Madeira [finishing casks] we get one fill and that’s it, we can’t use them again and I then sell the old casks. They are very expensive casks and there are potential savings to be made by refilling with wine to revitalize them but it is not our practice at the moment; as a whisky purist I am uneasy about going down that route.” Spring 1999 interview with Dr. Bill Lumsden of Glenmorangie, http://www.lfw.co.uk/whisky_review/Intro_Edition/Intro_8.html

²⁵ “However, first fill casks not delivering The Macallan’s required range can be withdrawn (and used for blends), while star-performing second fills may go on to provide a third fill. When no longer appropriate for ageing malt, certain second fill Macallan casks are utilised as marrying vessels (being essentially inert with a minimal wood extractive influence)...There don’t seem to be any shortcuts in rejuvenating Spanish oak casks. We’re better off buying fresh wood stocks from Spain, rather than sending an empty cask to Spain for dechar, rechar, dechar and putting it into a bodega system for three years.” David Robertson of The Macallan, “Lets do the char char,” *Whisky Magazine* Issue 34 (Oct 2003)

²⁶ “The whisky industry frequently subjects used casks to various rejuvenation treatments to increase their effect on the maturing distillate[1, 36]. Most often this will be a recharring procedure sometimes in conjunction with the scraping out of the exhausted inner layer of wood. The change from using ex-sherry casks to used bourbon barrels has led some Scotch whisky manufacturers to specially treat their casks before using them for whisky maturation. Cask wood may be treated with white wine or allowed to absorb a very sweet, dark sherry under pressure. This has been reported to raise levels of total esters and sugars in the cask and claims to result in the mature whisky being mildly flavoured by the previous beverage. Other methods involve the use of steam, wine or ammonia treatments to simulate sherry cask flavour.” Mosedale, JR, Peuch, J-L, *Wood Maturation of Distilled Beverages, Trends in Food Science & Technology*, Volume 9, Issue 3, March 1998, Pages 95-101, available at www.sciencedirect.com

²⁷ “How ex-sherry casks are treated, once whisky distillers get their hands on them, differs by distiller. Most will empty the cask of any residual sherry, nose

Summary

This article presents what is hoped to be a clear, concise summary of the problem of scotch whisky aged in sherry casks, and raises some new issues as well. For further reading on the sherry cask problem, see the thorough treatment given in <http://bit.ly/sherrycasks2> by Akiva Niehaus.

the cask (to ensure the casks smells fresh, and then fill with new spirit. Dave Robertson doesn't believe any one would char fresh sherry casks unless the sherry cask does not smell "right", in which case they might char, or may simply reject the cask." <http://inebrio.com/thescotchblog/?p=138>

²⁸ "Recharred casks can either be filled with spirit, or undergo additional 're-seasoning.' European oak casks, for example, may be filled with sherry to help 'recreate' the original influences, prior to filling with spirit." "Let's do the char char," *Whisky Magazine* Issue 34 (Oct 2003).

²⁹ A *halachic* requirement for the scorching of the inside of the cask to be considered a *kashering* is that the outside of the cask would at some point be at the temperature *יד טולדת בו* (too hot to touch); see תוס' ד"ה כינסה and עבודה זרה לג.; חוס' ד"ה כינסה. It is debatable whether this is so; טור יו"ד קלה, ב"ח ד"ה כלי חרס שהחזירן לכבשן. Videos of the process seem to show the handlers holding on to the cask. Furthermore, the level of scorching for an ex-sherry cask (toasting) is lower than that for an ex-bourbon cask (charring).

עין הרע, עין רעה, ועינא בישא:

Examining the Concept of the Evil Eye

Superstitions exist in many cultures and result in various customs designed to ward off evil spirits and misfortune. In Judaism, it would seem we have a similar belief conceptualized as the עין הרע.

In earlier generations, there existed a prevalent notion that certain individuals had the ability to give someone an “evil eye,” bringing bad luck. Many historians assume that this belief prevailed because of the collective fear of witchcraft and sorcery. My grandmother related an incident that occurred to her father as a young child, in the early 1900’s. A neighbor who was suspected in the community to be a harbinger of bad luck or witchcraft visited unexpectedly. After her departure, my infant great-grandfather suddenly passed out and his mother, beside herself with worry, insisted that her husband retrieve their guest. The woman returned to their home and, after abiding by the custom to spit in order to remove the effects of the curse triggered by the עין הרע, the baby was revived. Although it would be impossible to prove whether this incident was truly caused by the עין הרע, it is a testimony to the influence of this particular superstition.

Curiously enough, the Talmud contains dozens of anecdotes of similarly eerie events, to which we may attribute the influence of the many different customs in existence to dispel the עין הרע including the customary phrase קיין עין הרע or בלי עין הרע (Yiddish for “let it be without the evil eye”) utilized in everyday speech.

In an account found in the Talmud, רבי שמעון בן יוחאי was somehow able to reduce someone he “placed his eyes upon into a pile of bones¹.” In the story related there, רבי שמעון בן יוחאי was reported to the Roman officers by a fellow Jew for making a disparaging remark against the Romans. This treacherous act resulted in a Roman-decreed death sentence against רבי שמעון, forcing the great sage to go into hiding. Following the subsequent passage of time, the threat of the death sentence finally abated and רבי שמעון בן יוחאי was able to return home. Upon encountering the informer, רבי שמעון was incredulous that he was still alive, and cursed him with his עין הרע, reducing him to a pile of bones.

Fortunately, this does not appear to have been a common practice among the sages, but it does occur a few other times in the Talmud. A second incident² occurred when רב ששת, who is reported to have been blind, was traveling to show his respect at a royal demonstration. He was confronted by an individual who disrespectfully inquired, חצבי לנהרא כגני לייא, “whole pitchers go to the river, where do broken pitchers go?” This comment was an implication that the Rabbi had no reason to go to such an event because of his disability. This disparagement earned the cynic an instantaneous death through עין הרע ש’ר ששת.

A third episode³ describes a student of רבי יוחנן who scoffed at his Rabbi’s teaching that in the future, God will create precious stones of giant proportions. Time passed and the student, while on a sea voyage, witnessed angels creating the immense stones depicted by his teacher. After inquiring about their purpose, the student received a response identical to the lesson he had deemed ridiculous. Upon his return, he approached רבי יוחנן and admitted

¹ שבת לד. [ר' שמעון בר יוחאי] נתן בו עיניו ועשהו גל של עצמות

² ברכות נח.

³ בבא בתרא עה.

that the rabbi was not mistaken and his words were truly wise. In response, רבי יוחנן retorted, "Had you yourself not seen it you would have still contradicted the words of sages⁴," and annihilated the doubter with his עין הרע. Though these stories are recorded in the Talmud, they are not necessarily relevant examples of עין הרע. The people manipulating this mystic capability were wise sages who we can't usually compare to the whole nation. Therefore, if there is a widespread belief in עין הרע, there must be a more rational explanation of the concept.

A statement in מסכת אבות⁵ reveals a more conventional concept also known by the term עין הרע. This concept refers to a natural flaw within human nature, rather than some supernatural force of superstitions and mystical occurrences. עין הרע is mentioned as one of the evil influences that have the power to remove a person from the world. In this משנה, three of these forces are discussed, specifically the עין הרע, the יצר הרע and שנאת הבריות. In רמב"ם's explanation⁶, he refers to each of these principles in terms of their manifestation in human thought and nature. He interprets תאוותנות as רעות הנפש (wickedness of the soul), עין הרע as שונאת הבריות (desires), and עין רעה (or עין הרע) as דיליגנסיה לממון (diligence in the acquisition of wealth). רמב"ם concludes his analysis by exposing these descriptions to be symptoms of melancholic diseases. These illnesses cause a person to be repulsed by his fellow man and foster feelings of contempt and loathing. Even the tranquility that his soul may find in the solitude of deserts, forests and desolate locations will not prevent these feelings from taking their toll on the individual and, undoubtedly, remove him from the world.

⁴ בבא בתרא עה. - "ריקא אלמלא (לא) ראית לא האמנת מלגלג על דברי חכמים אתה"

⁵ אבות ב:יא - "רבי יהושע אומר: עין הרע, ויצר הרע, ושנאת הבריות, מוציאים את האדם מן העולם"

⁶ רמב"ם שם

Similarly, רשב"ץ⁷ infers that when an individual focuses his עין הרע on another person, he, too, will experience the detrimental effects of his עין הרע in the form of a disease; namely depression. The persisting feelings of discontent, which sustained his עין הרע, will pervade his conscience until his death.

רבינו יונה⁸ offers a similar interpretation of the concept of עין הרע, although he does not go so far as to call it a malady. Instead, he comments that this מִשְׁנֵה is describing someone who is unhappy with his lot in life and, therefore, looks with hostility upon his fortunate neighbor, brooding on the injustice of his circumstances. These feelings of self-pity and hatred can only negatively impact himself and his neighbor, as stated by contemporary scientists (חכמי הטבע):

החומד מכל אשר לרעהו אויר עולה מן המחשבה ההיא ושורף את הדברים שעוין בהם בעינו הרע. גם קרבו יישרף, אחר שמתאוה לדברים שאינם שלו. ואף על פי שהיכולת מצוי בידו לעשות, המחשבה ההיא מקלקלת גופו כי יתקצר רוחו ומוציאתו מן העולם.

This excerpt discusses the negative energy, which is created through these feelings of covetous desire. It illustrates the full extent of its destructive power, for it is not limited to the harm it will undoubtedly cause to the subject of his envy, but also the influence it possesses over the person harboring such feelings. The חכמי הטבע claim that even if he may have had the ability within himself to fulfill his wishes and achieve what he envied, these destructive thoughts would impair his capabilities and result in him being removed from the world.

In this commentary, רבינו יונה⁹ alludes to a פסוק in שמואל א' 10, which describes the feelings that שאל fostered against דוד, as an

⁷ רשב"ץ שם

⁸ רבינו יונה שם

⁹ שמואל א יח:ט - "...שאל עיין את דוד מהיום ההוא והלאה"

example of הרע. In the verse, these emotions are expressed as עין, which ¹¹מצודת ציון advises should be read עיון meaning to study or examine. In his commentary he attributes this word use in the פסוק to illu's tendency to scrutinize דוד with hostile thoughts. ¹²רלב"ג's analysis of this diction is similar, but he emphasizes that illu's thoughts about דוד were constantly occupied by hatred and murderous desires. Mentioning this citation illuminates the strength of these evil thoughts and the ominous consequences sure to ensue.

¹³רשב"ץ begins his פירוש on the משנה in אבות by referencing רמב"ם's opinion and enhancing it to relay הרע as a craving which necessitates the attainment of immeasurable wealth. One who is characterized by this focus and determination would perpetually strive to attain this goal and willingly compromise his own safety by becoming involved in dangerous situations in order to fulfill this purpose. The רשב"ץ concludes this thought by refuting its legitimacy, proclaiming it to be the description of רעה, not הרע!

This recognition begs the question: what is the difference between the concepts of הרע and רעה? רבינו יונה addresses this in his commentary on משנה י"א. He describes הרע as the speculation of corrupt ideas and, despite obvious similarities, רבינו יונה explains differently, stating that it represents the attribute which

¹⁰ לפי רש"י ורד"ק שם

¹¹ "עיון - מלשון עין ומלשון עיון ור"ל תמיד היה מעיין ומחשב בו בעין רעה" מצודת ציון שם

¹² רלב"ג שם - "עיון את דוד - הרצון בו שהיה מביט אליו מבט השונא באופן שהיה כל מעייניו בו להשחיתו כפי היכלת אם בלקיחת תחבולות אם להרגו בידו באופן שלא יהיה דוד נשמר מזה והנה היה מהתחבולות האלו כי כשבאה רוח אלהים רעה אל שאול והיה מדבר בתוך הבית דברים מבולבלים בסבת הרוח הרעה והיה מדרך דוד לנגן לפניו בידו להסיר הרוח הרעה ממנו והנה היה לתחבולות שאול שלקח אז החנית בידו וחשב להכות בו דוד בעת היותו מנגן לפניו באופן שיהרגו כי אז לא יהיה דוד נשמר מזה"

¹³ רשב"ץ על אבות ב:יא

opposes *חסידות*, namely *כילותה*, or stinginess. He further expounds on the concept of *עין רעה* in his commentary on *משנה ט'* in *מסכת אבות*. Although he describes *עין רעה* as an idea that opposes the positive characteristic of generosity, he insists that stinginess is not necessarily a malevolent quality in itself. Instead, *רבינו יונה* holds stinginess to be sinful, because it is the foundation of all depraved deeds. The reason for this definition stems from the deterioration resulting from the individual's refusal to act generously when the opportunity presents itself. As emphasis for this certainty, *רבינו יונה* mentions a *פסוק* from *קהלת*¹⁴ which is developed by *מדרש רבה*¹⁵ to be a depiction of a sinner seeking to do *תשובה* when his time has already expired. The *פירוש* conveys the importance of doing *תשובה* in *עולם הזה* while his good deeds and repentance will be received by *הקב"ה*, instead of attempting to cure his deficiencies when he no longer has the opportunity within the realm of improvement and merits. The *מדרש* cites *שלמה* to have said: *ראיתי את כל המעשים שנעשו תחת השמש והנה הכל הבל ורעות רוח*. With this statement, *שלמה* expresses his dismay at witnessing the lack of goodness in the world. He describes the acts he witnesses to be exploits worth nothing, mere embodiments of immorality, which is an appropriate description of the characteristic represented by the *עין רעה*; an aversion to the performance of moral deeds and the implementation of indecent behavior.

Furthermore, this trait of *עין רעה* impairs the individual's capacity for growth and improvement. *רבינו יונה* emphasizes this deficiency with a reference to a verse in *שמואל א'*¹⁶ that describes *נבל* who was referred to as *האיש הבליעל הזה*. This strange terminology is explained by *רבינו יונה* as an indication of his self-serving

¹⁴ קהלת א:טו - "מעות לא יוכל לתקן וחסרון לא יוכל להמנות"

¹⁵ מדרש רבה המבואר, קהלת רבה שם

¹⁶ שמואל א' כה:כה - "אל נא ישים...את לבו אל איש הבליעל הזה על נבל כי כשמו כן הוא נבל שמו..."

miserliness. The implication of describing him with the phrase בלי עול is that he was incapable of elevating himself or developing his character. This persona of נבל is illustrated further in משלי¹⁷, as cited by רשב"ץ¹⁸. The אבן עזרא¹⁹ comments on this פסוק indicating how it describes a miserly person who will never be enticed by the valuable guidance of the sages, just as a generous individual has no desire to heed the foolish declarations of liars. By interpreting the פסוק in this manner, אבן עזרא is stressing the full extent of the manipulation of the עין רעה, a character flaw that inhibits an individual's crucial tendency to strive in order to improve his misguided ways.

עין²⁰ begins his פירוש on משנה ט'²¹ by confirming that עין רעה is the opposite of עין טובה. He quotes רמב"ם²² who states that the latter is a sense of satisfaction with one's lot and the former is a sense of dissatisfaction and derision. This feeling embodied by the עין רעה is a person's need to search relentlessly and implement different methods in order to obtain objects with which to enhance his lifestyle. This person will never be satisfied, even in the best of circumstances, and will remain in a state of being which is often classified as צרות העין.

¹⁷ משלי יז:ז - "לא נאווה לנבל שפת יתר אף כי לנדיב שפת שקר"

¹⁸ רשב"ץ על אבות ב:ט

¹⁹ אבן עזרא משלי יז:ז - "שפת יתר - כלומר לא יתאוה לעצת שפת חכמים שתביאהו לידי יתרון אבל לנדיב לא נחמדת לו כלומר הנדיב לא יתאוה שפתי איש שקר כאשר התאוה הכסיל"

²⁰ רבינו בחיי על אבות ב:ט

²¹ אבות ב:ט

²² רמבם שם

עין הרע, according to רשב"ץ²³, describes an individual who enviously observes his friend or his friend's possessions. This pervasive jealousy has the power to injure the person or thing on which his envy is concentrated. Therefore, the Talmud encourages the use of various precautionary measures to avoid incurring or causing the blight of the עין הרע. One such precaution is the suggestion to avoid standing in a friend's field בשעה שהיא עומדת, which²⁴ בקימותיה explains is either to prevent a loss through the curse of the עין הרע or to avert causing damage through the 'burning' gaze of one's עין הרע. Additionally, there is the advice given to hosts cautioning them from displaying extravagant possessions when they accommodate guests in their homes; אי משום עינא אי משום, lest their guest be overcome by the עין הרע or decide to steal the expensive item. Therefore, the גמרא recommends that the hosts should only use this item לצורכה and never לכבודה, in order to avoid flaunting their wealth before their guests.

These practices and others similar to them may seem to be mere superstitions, but that is a misunderstanding. Rather, these are moral directives, and their preventative capabilities are particularly powerful. They cater to the delicate predictability of human nature and prescribe awareness of the dangers of jealousy in the hopes that, in this way, the עין הרע can be suppressed.

There is a report in ברכות²⁶ of רבי יוחנן, a particularly attractive man, who claimed he sat outside the מקוה in order for the

²³ רשב"ץ על אבות ב:יא

²⁴ בבא מציעא קז. ובבא בתרא ב:

²⁵ בבא מציעא ל.

²⁶ ברכות כ. - "רבי יוחנן הוה רגיל דהוה קא אזיל וייתיב אשערי דטבילה, אמר: כי סלקון בנות ישראל ואתיין מטבילה מסתכלן בי, ונהוי להו זרעא דשפירי כוותי. אמרי ליה רבנן: לא קא מסתפי מר מעינא בישא? אמר להו: אנא מזרעא דיוסף קא אתינא, דלא שלטא ביה עינא בישא, דכתיב: בן פורת יוסף בן פורת עלי עין, ואמר רבי אבהו: אל תקרי עלי עין אלא עולי עין. רבי יוסי ברבי חנינא

women who exited and gazed upon him to have abundant children. Other רבנים approached him and queried whether he worried about the curse of the הרע. עין רבי יוחנן responded that he had no reason to be concerned for he was a descendant of יוסף. This concept is discussed in a later portion of the same מסכת²⁷, which describes what seems to be a superstitious belief concerning immunity to the effects of הרע, possessed by the progeny of יוסף. In בראשית²⁸, they are portrayed as עולי עין, individuals with the ability to overcome the negative effects of הרע. Also included within the formerly mentioned segments of this מסכת is a discussion that identifies fish as an animal that cannot be controlled by the הרע. This connects aptly with the previously asserted statement about the descendants of יוסף through the blessings which יעקב bestowed upon יוסף's sons, מנשה and אפרים – blessing them, as it would seem, with the mysterious properties possessed by דגים. Perhaps this reflects a ברכה that they not only be fruitful like fish, but also that they be immune to the control of the הרע like fish.

As a final point, there is an intriguing orthographical similarity between the Aramaic עינא בישא and the Hebrew concept of בישת. The Aramaic word בישא means evil or bad, and thus עינא is the translation of הרע. In Hebrew, the word ביישן means bashful,

אמר מהכא: וידגו לרב בקרב הארץ מה דגים שבים מים מכסין עליהם ואין עין הרע. שולטת בהם - אף זרעו של יוסף אין עין הרע שולטת בהם"

²⁷ ברכות נה: - "אנא פלוני בר פלוני מזרעא דיוסף קאתינא דלא שלטא ביה עינא בישא, שנאמר: בן פרת יוסף בן פרת עלי עין וגו', אל תקרי עלי עין אלא עולי עין. רבי יוסי ברבי חנינא אמר מהכא: וידגו לרב בקרב הארץ מה דגים שבים מים מכסים עליהם ואין עין רעה שולטת בהם, אף זרעו של יוסף אין עין רעה שולטת בהם".

²⁸ בראשית מט:כב - "בן פרת יוסף בן פרת עלי עין בנות צעדה עלי שור"

²⁹ בראשית מח:טז - "המלאך הגאל אתי מכל רע יברך את הנערים ויקרא בהם שמי ושם אבתי אברהם ויצחק וידגו לרב בקרב הארץ"

virtuous or shamed. In the text *מנורת המאור*³⁰ it declares that הקב"ה gave three מתנות טובות to בני, namely: רחמנין (mercy), גומלי and ביישנין (בני" (God's evident kindness when disciplining). The first and third are self-explanatory, but the second begs description. In the passage, the author included the following excerpt as a means of definition: ובעבור תהיה יראתו על פניכם לבלתי תחטאו. זה סימן לביישן שאינו חוטא, וכל מי שאין לו בושת פנים, דבר בריא שלא עמדו רגלי אבותיו על הר סיני.

This piece implies that in order to attain righteousness, *יראת שמים* must be instilled. When a person is aware of a higher power, he is prone to inspect his actions and avoid transgressions. This means that the definition of *בושת פנים* is a form of humility – establishing a set of personal ideals; a realization that הקב"ה is in command and our goal is to abide by His decrees. Our objective should be to attain a level of righteousness, a paradigm of self-elevation and perfection.

An antithesis of this attitude can be found in *ירמיהו*³¹ where it describes בני's reactions to the sins they committed. They lapsed in their fulfillment of *תורה* and *מצוות*, and perpetrated abominations. *ירמיהו*³² explains that, not only were בני not ashamed (מתביישין) of their sins, they did not intend to rectify their ways and return to הקב"ה by doing *תשובה*. This is an example of בני's obstinacy; through their lack of humility or ideals and intensified feelings of entitlement they refused to admit the errors of their ways. As a result, they brought an *עין הרע* upon themselves in the form of God's wrath.

From this comparison, the Aramaic provides another agreeable definition for the concept of *עין הרע*. *עין בישא* is the opposite of *בושת פנים*.

³⁰ *מנורת המאור* פרק ד – ענוה, עמוד 189/190

³¹ *ירמיהו* ו:טו, וגם ח:יב - "הבישו כי תועבה עשו גם בוש לא יבושו..."

³² *ירמיהו* שם – "גם בוש לא יבושו - אינם מתביישין ממעשיהם הרעים"

In short, the עין הרע is an exceedingly complex concept. Disregarding its superstitious appearance and mystical connotations it becomes clear that the idea of עין הרע encompasses the most unsavory characteristics of human nature: greed, jealousy, aggressive thoughts, dissatisfaction, stinginess, limiting personal growth and lack of humility, ideals or a sense of self-entitlement. These insidious emotions have the ability to completely occupy a person's mind and intentions, which will only lead to sin. The lesson to be learned from this is the importance of sensitivity, both to one's personal deficiencies and to the feelings and weaknesses harbored by a friend. By instilling this meaningful idea, aspiring to behave with a modicum of צניעות and concerning ourselves with the feelings of others, there is the potential to become refined, righteous תורה Jews.

A Parallel Dichotomy

Work, kids, and money are often major stresses in our everyday lives. Living in a society with a “workaholic” mentality, we are always striving, pushing, and fighting to make our futures successful. We tend to think we are invincible and can achieve any level of success as long as we try hard enough, but our efforts never seem to be enough. We are constantly pushed down by a society showing us that we are not doing our best which essentially fuels our ambitions to work even harder. However, this may be because our society lacks the Jewish outlook of *בטחון בה'*. A person who genuinely trusts *ה'* and realizes that He alone determines the success of our efforts will not feel an overwhelming compulsion to constantly work harder. At the same time, though, we must ask: does having complete *בטחון* in *ה'* mean that we do not need to put in any effort at all?

The term *השתדלות* is used to describe our attempt at an active contribution to our successes. Just like we cannot expect a tree to grow when it was never planted; we need to take some action towards our success. Before *אדם הראשון* sinned, he was in *גן עדן* and *ה'* gave him everything that he needed to sustain himself without any physical effort. After he sinned, though, he sunk from that level to a lower one that required *השתדלות*.¹ The punishment of *אדם הראשון* for his sin is stated in the *פסוק*, *בועז אפך תאכל לחם*.² He then had to work and guard the land since the miracles that kept the land fertile were taken away. Thus, *השתדלות* became necessary.

¹ מכתב מאליהו, *בטחון והשתדלות*, p. 187

² *בראשית ג' ט*

Having established that both בטחון and השתדלות are necessary, it becomes necessary to attempt to ascertain the proportions and boundaries of these two values.

בטחון, according to מסילת ישרים,³ is displayed when a person puts all of your burdens on ה'. One has to have complete faith that ה' will take care of everything he needs. If you think you would ever be in a situation where no one will save you, then it is as if you do not have trust in ה'.

This means that בטחון and השתדלות can work hand in hand. Realizing that everything comes from ה', no matter how hard you work for it, clarifies that even though you can be doing your השתדלות, at the end of the day, if ה' does not want it to happen, it will not happen, and conversely, even if you do not work so hard for something, it could still happen.

ה' put us in a world that was filled with bad and good, and He gave us the difficult task to find the good. By choosing it, we gain spiritual and physical strength.⁴ Spiritually, we are submerged in materialism and profanity and we struggle to find ה' in our lives, but when we find Him, His presence elevates us. Physically, searching for פרנסה in this world is a constant challenge because we are always in competition with each other. Our struggle is to not get pulled into the mentality of secular society and to realize that we need to do our השתדלות, but we cannot do it without בטחון.

An entire פרק תהלים (קכז) is devoted to the message that without the blessing of ה', no human initiative can have any success. Our efforts are nothing without ה' and He can decide to give us something simply because He loves us. This, however,

³ מסילת ישרים פרק כ"א

⁴ עלי שור, חלק שני, פרק ששי, דף תק"צח

leads to another question: if nothing can be accomplished without His blessing, then why is human effort necessary at all?

People like to eat from the produce of *their* labor, but, on the other hand, even though we try to do everything, we know it all comes from 'ה.⁵ This statement highlights the paradox. What in fact is the point of both בטחון and השתדלות if they cancel each other out?

The גמרא tells us that our פרנסה for the entire year is predetermined on ראש השנה.⁶ Some people who are vigorous workers think it is a מצוה to work based on the פסוק that says ששת ימים תעבוד,⁷ but this is not accurate. There is no מצוה in that verse; the פסוק says one **may** work, not that he **must** work. However, the גמרא⁸ says that we have to work because if you learn all day, you will wind up spending all of your time asking for money to survive, and then you will not have any time left for learning.

Since our פרנסה is predetermined, no one can take it away from us and we have to have בטחון that 'ה will give it to us. Working will not change the outcome of how much money we make, but since we are no longer on a high enough spiritual level to witness open miracles, we have to do work as part of our השתדלות. This explains one aspect of the paradox.

There is another aspect of בטחון that is unrelated to making a living. In תהלים⁹, when דוד המלך says, בזאת אני בוטח, he is trusting in 'ה to save him when he goes out to war. From this psalm we learn

⁵ עלי שור, חלק שני, פרק ששי, דף תק"צו

⁶ ביצה טז.

⁷ שמות כ:י"ז

⁸ ברכות לה:

⁹ תהלים כ"ז

about a מצוה to not be afraid when going to war.¹⁰ When you are in this situation, you have to have complete trust in 'ה or else all the Jewish blood that was spilled will be on your hands if you lose. War is something that is totally out of our control and you cannot win a battle unless you have complete trust in 'ה. Although the need for בטחון is readily apparent in such an extreme situation as war, it is actually equally relevant in all circumstances¹¹.

When יוסף was in jail¹², he tried to do his השתדלות by asking the שר המשקים to remember him when the שר המשקים got out of jail and yet Hashem punished him with another two years in prison¹³. יוסף knew that he would only be saved by 'ה and not by doing השתדלות, but since he was not on a high enough spiritual level to merit open miracles, he knew he would have to make an effort. However, he was only supposed to do the minimal amount of השתדלות so it would not overshadow trust. Unfortunately he failed in this task and there is much we can learn from his choice in terms of the necessity of putting in only minimal effort.

The least amount of השתדלות, R' Zundel of Salant says¹⁴, is what allows the world to attribute its success to "natural causes". יוסף had to stay in jail for an additional two years because he did too much השתדלות. He asked the שר המשקים to remember him twice and he only needed to say it once. The בית הלוי¹⁵ says that there is a השתדלות scale; the more בטחון you have, the less השתדלות you have to do and vice versa. יוסף was on such a high level of בטחון and because

¹⁰ רמ"בם, הלכות מלאכים, פרק שביעי, הלכה ט"ו

¹¹ חזון איש, אמונה ובטחון, פרק ב, דף כ

¹² פרשת וישב, בראשית מ:ד

¹³ רש"י, בראשית מ:כג

¹⁴ מכתב מאליהו, חלק א, בטחון והשתדלות, p. 188

¹⁵ בית הלוי על התורה, פרשת מקץ, דף כ"א

of this, he should not have asked the *שר המשקים* to remember him twice, but only once.

The world that we live in is filled with worriers. We are born into a society where each person fends for himself and pushes his way up the social scale so he will not be at the bottom¹⁶. Winston Churchill, as quoted in *מכתב מאליהו*¹⁷, said, "We have left nothing to chance". This epitomizes our society's mentality; we cannot trust in anyone else but ourselves for success. People think they can control everything, which highlights the lack of *בטחון*. Ironically, though, this overconfident mindset causes us to worry. Since people attribute their success to their own actions, they worry that if they are not alert all the time they will miss out.

If we find the correct balance between our *בטחון* in ה' and our *השתדלות*, the way we live will change. When there is more *בטחון* in our lives, we start to focus on things that are more important, such as learning *תורה*, working on ourselves, and building a relationship with ה'. In fact, Rav Aharon Lichtenstein says that the greatest source of faith is "the *רבנו של עולם* Himself."¹⁸

Our history also proves that there is what to believe in. ה' has saved us from countless tragedies when nothing seemed to be working out for our people. ה' is present in this world and all we have to do is open our eyes, put in the effort, and find that balance in our lives. When we do, it will propel us to lead lives that are more focused on *תורה*, and become better Jews.

¹⁶ עלי שור, חלק שני, פרק ששי, דף תקצ"ו

¹⁷ מכתב מאליהו, חלק א, בטחון והשתדלות, p. 188

¹⁸ ראה Rav Aharon Lichtenstein, *Leaves of Faith*: "The Source of Faith Itself",

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כיבוד הורים is a great מצוה, and one needs to be meticulous in its fulfillment. The רמב"ם points this out: ¹ It is also written in the צריך לזוהר מאד בכבוד אביו ואמו ובמוראתם: שולחן ערוך ².

The importance of this מצוה is learned from the comparison between the obligation to honor one's parents and the obligation to honor ה'. Just as it is written about honoring ה', ³ כבד את ה' מהונך, the same expression appears in the command of honoring parents, כבד ⁴ אבך ואםך, in his commentary on the תורה, רבינו בחי' expands this comparison in his explanation of the order of the הדברות ⁵:

explains that we learn what is included in the obligation of honoring parents from what is included in the obli-

¹ רמב"ם הלכות ממרים ו:א

² טוש"ע יו"ד רמ א

³ משלי ג:ט

⁴ שמות כ:יב

⁵ שמות כ:יב: הוזהירו עד עתה בכבוד האב הראשון העליון יתברך ועתה רצה לחתם הלוח בכבוד האב האחרון התחתון ואמר כשם שצויתך בכבודי כן אני מצוך היום בכבוד אביך ואמך שהם שתפין עמי ביצירתך. וסתם הכתוב ולא פרש הכבוד הזה כי יש ללמד אותו מכבוד האב הראשון יתעלה, וכשהם שהזכיר באב הראשון יתברך שיודה בו ובמציותו שהוא אלקיו כן יתחייב שיודה במולידיו שהם אביו ואמו, וכשם שהזכיר לא יהיה לך שלא יכפר בו כן יתחייב שלא יכפר באביו לומר על אדם אחר שהוא אביו, ויתחייב עוד שלא ישבע בשם אביו וחיי אביו לשקר ולשוא, ושלא יעבד אותו מפני ירשת ממון או ירשת כבוד ומעלה, ועוד יש בכלל הכבוד דברים שנצטוו בהם והחכמים פרשו אותם והם מאכילו ומשקהו ומלבישו ומכסהו מכניסו ומוציאו, וידוע שלשון כבוד נופל על הממון כלשון "כבד את ה' מהונך", והכבוד שיכבד אדם להקב"ה בממונו הוא שיתן צדקה לעניים ושיפריש תרומה ומעשרות ולקט ושכחה ופאה, וכן באביו הוא חייב בכך שיתן לו מממונו לכל הדברים הנזכרים שהוא חייב בהם באביו, בכלם הוא חייב שיתן אם אין לו לאביו

tion of honoring ה'. He brings examples of this, first from the עשרת הכבוד and then from other places in תנ"ך. He points out that הכבוד includes monetary support, and that is indeed the הלכה. רבינו connects the מצוה of מצוה אב ואם to the first five commandments in the לוחות. We find in the תנא דבי אליהו an explanation of the connection between the מצוה of מצוה הכבוד to the last five commandments in the לוחות.

מה עניין 'כבוד' אצל 'לא תרצח', אלא ללמדך, אם יש לו לאדם מזונות בתוך ביתו ואינו מכבד וזון ומפרנס את אביו ואת אמו, אפילו בילדותו, ואין צריך לומר בזקנותו, נחשב לו כאילו רוצח כל ימיו לפני הקב"ה.⁶

The continuation of the תנא דבי אליהו goes on to state that if a person has the means and yet does not honor his parents by financially supporting them and providing for their needs, he is considered as if he has committed adultery, kidnapped a person, given false testimony and been envious of others' possessions.

Included in the מצוה of honoring one's parents, is the obligation to support them, making sure provision is made for all their needs. The general rule is that if the parents have enough money to support themselves, then the child is not obligated to pay from his own funds in order to honor them. However, if the parents do not have the financial means to support themselves, then the child is obligated to support them from his own money.

It is written in the גמרא:

תנו רבנן: 'איזהו 'מורא' ואיזהו 'כבוד'? מורא: לא עומד במקומו, ולא יושב במקומו, ולא סותר את דבריו, ולא מכריעו; כבוד: מאכיל ומשקה מלביש ומכסה מכניס ומוציא.⁷

איבעיא להו: משל מי? רב יהודה אמר: משל בן. רב נתן בר אושעיא אמר: משל אב. ואורו ליה רבנן לרב ירמיה - ואמרי לה לבריה דרב ירמיה - כמאן דאמר משל אב.⁷

⁶ תנא דבי אליהו רבה פכ"ו אות כו

⁷ קידושין לא: - לב.

⁹ טוש"ע יו"ד רמ"ה

own money on supporting his parents, someone who does spend his own money fulfils the מצוה of ואם כיבוד אב ואם.

This is implied in the words of ר' עקיבא איגר: 'אלא דהתורה לא: כיס, ומכל מקום אם עושה כן לא מקרי בכלל אינו מצווה ועושה, דהמצוה בעצמותו מקיים כדינא אלא דאינו חושש לחסרון כיס, וכמתן המעות במתנה לאביו וממילא מקיים המצוה ¹⁰כדינא. Here, ר' עקיבא איגר explains that there is a חסרון כיס to think that someone who provides for his parents משלו, falls into the category of אינו מצווה ועושה, and therefore his reward is reduced. However, someone who does do this still fulfils the מצוה according to the דין.

Even though a child is not obligated to honor his parents from his own expenses, a child is obligated to be idle from his work in order to serve his parents **himself**, as it is written in the ¹¹אבל חייב לכבדו בגופו: טור שולחן ערוך.

The שו"ת מהבן מחייב לטרוח: expands on this obligation: חדש ¹²לכבדו בגופו היינו דווקא כשהטרוח הוא גוף הכבוד... He explains that there is only an obligation to serve one's parents if the exertion itself is part of the honor. Otherwise, there is no obligation to honor them with his own presence. The פוסקים say that the obligation still stands even if as a result of not working, the child has to resort to begging in order to support himself. The original source for this is the גמרא:

מיתבי: נאמר (שמות כ יא) כבד את אביך ואת אמך [למען יארכון ימיך על האדמה אשר ה' אלקיך נתן לך], ונאמר (משלי ג ט) כבד את ה' מהונך [ומראשית כל תבואתך] - מה להלן בחסרון כיס אף כאן בחסרון כיס ואי אמרת משל אב - מאי נפקא ליה מיניה? לביטול מלאכה. ¹³

¹⁰ שו"ת רעק"א ח"א סי' סח

¹¹ טוש"ע יו"ד רמ ה

¹² ב"ח יורה דעה רמ ה. ד"ה ומ"ש ואם אין לבן אינו חייב לחזור על הפתחים להאכיל לאביו

¹³ קידושין לב.

This גמרא quotes a ברייתא explaining that just like there is an obligation to honor ה' with one's money, so there is an obligation to honor one's parents with one's own money. The גמרא raises a difficulty with this: If we said already that the money used to honor one's parents should come from the parents then how is a child required to give from his own pocket? The גמרא answers that the child is obligated give משלו by refraining from work in order to serve his parents. The ר"ש explains the words of the גמרא:

...בכיבוד אב ואם כבוד את אביך ואת אמך בין יש לו בין אין לו אפילו הוא מחזר
על הפתחים והא דקא אמרינן ואפילו הוא מחזר על הפתחים לא שיכבדוהו משלו
ויחזור הוא על הפתחים דהא ק"ל משל אב אלא בגופו מכבדו ובטל ממלאכתו
ומתוך כך צריך לחזר על הפתחים¹⁴

The ר"ש speaks about this idea within the context of a discussion on the fact that ה' is more מקפיד on אב ואם than on His own כבוד. He explains that when it comes to כיבוד ה', if a person has no money then he is exempt from the מצוה. However, whether a child has money or not he is obligated to honor his parents, even if as a result he is forced to resort to begging for his own livelihood. The ר"ש continues to explain that we are not talking about a situation in which the child supports his parents from his own money, because the הלכה is משל אב. Rather, in this situation a child honors his parents in person and as a result of not working, he is forced to beg. So it is written in the טור: חייב לכבדו בגופו אע"פ שמתוך כך בטל¹⁵ ממלאכתו ויצטרך לחזר על הפתחים

In contrast to these opinions, there are those who opine that a child should only refrain from working if he has enough money to ensure his sustenance for that day. The גר"א, for example, explains: ¹⁶הוא תמוה ובאמת דהרמ"ה פליג על הנ"ל. And so it is written in

¹⁴ רבינו אשר קידושין פרק ראשון סימן נ

¹⁵ טוש"ע יו"ד רמ"ה

¹⁶ ביאור הגר"א שם ס"ק יד

ודוקא דאית לבן מזונות לאיתזוני ההוא יומא אבל אי לית: רמ"ה in the name of the טור
 17. ליה לא מחייב לבטל ממלאכתו ולחזור על הפתחים.

This means that a child is only obligated to stop working when he has enough to sustain himself for that day. Therefore, according to their opinion, if a person does not have enough to sustain himself for that day, he would not be obligated to refrain from working in order to serve his parents.

This משל that a child should support his parents אב only applies to a case when the parents have enough money to support themselves. However, if the parents do not have enough money to support themselves, the child has an obligation to support them ואם אין ממון לאב ויש ממון לבן כופין אותו וזן אביו ואמו כפי: רמב"ם as the משלו, זה שמאכילו ומשקהו: טור שולחן ערוך פסק in the 18. מה שהוא יכול 19. משל אב ואם אם יש לו ואם אין לאב ויש לבן כופין אותו וזן אביו כפי מה שהוא יכול.

According to many of the ראשונים, the obligation of the child to support his parents when they do not have the means to support themselves is actually not part of the מצוה of ואם אב ואם, but rather is included in the מצוה of צדקה. The רא"ש writes:

רב יהודה אמר משל בן רב הושעיא אומר משל אב אורו ליה רבנן לר' ירמיה
 כמ"ד משל אב וכן הילכתא וכן פסק בשאלות דרב אחאי בפרשת וישמע והיכא
 דרוחא הבן והאב לית ליה כייפינן ליה לבן ושקלינן מיניה בתורת צדקה ויהבינן
 לאבוה²⁰

The רא"ש explains that in a situation where the parents cannot support themselves, then we force the child to support his parents, and take from the child צדקה מדין to give to his parents. And so is the opinion of many of the פוסקים. For example:

¹⁷ טוש"ע יו"ד רמ"ה:

¹⁸ רמב"ם הלכות ממרים ו:ג

¹⁹ טוש"ע יו"ד רמ"ה

²⁰ רא"ש קידושין פרק א סימן נ

ונראה שאע"פ שיש לו אינו חייב לספק כל מזונות הצריכים לאביו אלא כופין ליתן לו כפי מה שהוא חייב לתת לצדקה לפי ממון שיש לו. וכן נראה מדברי הרי"ף והרא"ש שכתבו דשקלינן מיניה בתורת צדקה ויהבינן לאביו והכי דייק נמי לישנא דהרמב"ם ורבינו שכתבו ואם אין לאב ויש לבן כופין את הבן וזן את האב כפי מה שהוא יכול.²¹

The רי"ף and ראשונים in the words of the מדייק is בית יוסף The ר"ש, who wrote that as a result of the דין of צדקה, and not as a result of כיבוד אב ואם, we take from the child to support the father. He is also מדייק in the words of the רמב"ם who writes that if a parent can't support himself then the child is forced to provide for him כפי מה שהוא יכול. The בית יוסף learns from these sources that in this case, a child is obligated to support his parents צדקה, according to the money that he has. According to this opinion, a child is not obligated to provide for all his parents' needs. Rather, he is only obligated to give according to the amount that he is obligated to give to צדקה. This is also the opinion of the בית חדש:

כ"כ הרמב"ם ופירושו שצריך ליתן לו כפי מה שהוא חייב לתת לצדקה לפי ממון שיש לו כשאר צדקות אבל אין צריך להוציא את כל ממון על זה.²²

The ב"ח explains the נפקא מינא of a child being obligated to support his parents as a result of the דין of צדקה rather than as a result of the דין of כיבוד אב ואם:

אבל אין לפרש דעת הרמב"ם ורבינו דצריך ליתן לו מדין כבוד דא"כ היה צריך ליתן אפילו מגלימא דעל כתפיה כדי לקיים מצות כבוד אב ואם שאין לה שיעור ומהו זה שכתבו כפי מה שהוא יכול.²³

The ב"ח explains that there is no limit to the מצוה of כיבוד אב whereas there is a limit to the מצוה of צדקה. Therefore, if a child would be obligated to support his parents as part of the חיוב of כיבוד אב then he would be obligated to give even the coat off his back.

²¹ בית יוסף יו"ד רמ"ד ו"ה ואם אין לאב

²² שם

²³ שם

However, if the child is obligated to support his parents as a result of the *דין* of צדקה, then he is only obligated to give according to the *halachic* limitations of צדקה which depends on the amount of money he has. This is the פסק of the רמ"א: רמ"א לו רק מה: ²⁴ש"ך מחייב ליתן לצדקה.

Another proof that a child is obligated to support his parents because of the מצוה of צדקה and not כיבוד הורים is written in the ש"ך:

...דבזה א"ש דל"ת מה שכתב כופין אותו וזן דהא אין ב"ד כופין אכבוד אב ואם
שהוא מצות עשה ששכרה בצדה אלא כופין אותו מדין צדקה דאית בה גם כן
מצות ל"ת...²⁵

The ש"ך explains that the *בית דין* only force someone to comply with a מצוה if it is a מצוות לא תעשה ואם. מצוות לא תעשה is a מצוה that has its reward written explicitly in the תורה, and therefore the *בית דין* do not force people to comply with this מצוה. Therefore, if the הלכה is that we force, the child then the original obligation must have been a מצוות לא תעשה. This is the מצוה of צדקה that includes within it a מצוות לא תעשה. The ט"ז explains:

פי' בתורת צדקה לפי עשרו כ"פ הבית יוסף ומה שכתב רמ"א על זה בשם י"א
הוא תמוה דגם דעה הראשונים סוברת כן. והא דכופין כאן אע"ג דהוא מתן שכרה
בצדה דהא בצדקה כתיב למען יברכך וגו' תירצו התוס' פ"ק דב"ב דשאני צדקה
דכתיב בה נמי לאו לא תקפוץ את ירך.²⁶

The ט"ז also explains that a child is obligated to support his parents as a result of the מצוה of צדקה. He continues to question the רמ"א who mentions the *דין* as אומרים רמ"א. The ט"ז says that this is the opinion of the ראשונים and so it's not relevant to write about this

²⁴ רמ"א יו"ד רמ"ה

²⁵ ש"ך יו"ד רמ"ה ס"ק ו

²⁶ ט"ז יו"ד רמ"ה ס"ק ו

He concludes by bringing the תוספות in בבא קמא who raise the difficulty that the reward is also written about the מצוה of צדקה, צדקה is different because it also includes a מצוות לא תעשה which is 27. The תוספות explain that the מצוה of צדקה is different because it also includes a מצוות לא תעשה which is 28. On this difference, the רמ"א gives the פסק: ומ"מ אין ב"ד כופין על מצות כבוד אב ואם: פסק. דהוי ליה מצות עשה שמתן שכרה בצדה שאין ב"ד כופין עליה³⁰.

However, there are פוסקים who explain that even though the child is obligated to support his parents as a result of the דין of צדקה, he has a greater obligation to his parents than to other עניים. They explain that a child is obligated to supply them with all their needs, giving even more than the amount that he is חייב to out of צדקה. The חתם סופר explains:

...ואינו רשאי לתת מעשרו לשום עני טרם שיהיה לאבותינו מסת די פרנסתם... וממילא כל הקרוב קודם כדכתיב את העני עמך ומי קרוב יותר מאביו אע"כ לומר אע"ג דבשאר עניים קרובים מצוה לחלק אבל באביו צריך ליתן לו את הכל והטעם נראה פשוט... אלא משל אב מ"מ פשוט דלאו דוקא משל אב אלא שלא יהיה בו חסרון כיס לבן וכיון דהאי מעות צדקה אין בו חסרון כיס לבן כלל... וממילא מחוייב לתת לאב משום מצות כיבוד... דקיי"ל דאם אין לו לבן מותר ליתן לאביו מעשרו א"כ ממילא חייב ליתן לו כל מעשר וצדקה שיש לו ליתן עד שיהיה לאב די מחסורו אשר יחסר לו...³¹

²⁷ אולם, יש ראשונים שחולקים וסוברים, שהחובה לפרנס הורים עניים, היא בכלל מצות כבוד אב ואם (מלבד החובה לתמוך בהם כבשאר עניים). לפי דעה זו, אם אין לבן ממון, חייב הוא לחזור על הפתחים כדי לפרנס את הוריו, או לעבוד עבודה שיוכל להשתכר בה כשיעור הנצרך לפרנסתם. ויש סוברים, שאף לדעה זו, אין הבן חייב לחזור על הפתחים לצורך פרנסת הוריו. אולם, חיובו הוא לספק כל צרכיהם ממנו, אפילו אם עקב כך יאלץ לאחר מכן לחזור על הפתחים לצורך פרנסת עצמו.

²⁸ דברים כג: כא

²⁹ דברים טו: ז

³⁰ רמ"א יו"ד רמ"א

³¹ שו"ת חת"ס יו"ד סי' רכט

The *חם סופר* explains that one of the *דינים* of the *מצוה* of *צדקה* is that one is obligated to give to family members before other *עניים*, and there is no one closer than a parent. Therefore, with other *עניים*, there is a *מצוה* to split the *צדקה* in order to give to as many poor people as possible. In contrast, if one's parent is in need, he should give everything to the parent without dividing the money, in order that his parent not lack anything. In other words, the actual obligation to give is based on *צדקה*, but one's parent takes precedence over other *עניים* as a result of the *מצוה* of *ואם כיבוד אב ואם*. Thus, both *מצוות צדקה – ואם כיבוד אב ואם* – both play a role in the final decision.

The *חם סופר* also adds an extra dimension to the *דין* of providing for one's parents *משל אב*. He explains that this is not *דווקא* from the parents' expenses. Rather, the meaning is that the child should not lose out financially in supporting his parents. Therefore, when a child supports his parents as a result of the *דין* of *צדקה*, he does not lose anything as he is already *חייב* to give that money to *צדקה*.

However, the *רדב"ז* expands the amount that one has to give to a parent as *צדקה*:

הווי יודע שאע"פ שכתבו הפוסקים דשקלי מיניה בתורת צדקה לאו דווקא כשאר עניים אלא כפי הרוחתו ובתורת מי שעושה צדקה עם אביו שדרך העולם לפרנסו כדי הרוחתו...³²

The *רדב"ז* explains that one does not give *צדקה* to a parent in the same way as one gives to other *עניים*. One is *חייב* to support one's parents as other people with the same socio-economic level are accustomed to support their parents. This view also combines both *מצוות* to produce the final decision.

Additionally, there is an opinion a child is obligated to support his parents as a result of the *מצוה* of *צדקה*. However, if the child has enough money to support his parents and nevertheless

³² שו"ת הרדב"ז סוף סימן תרסג

supports them out of money designated for צדקה, קללה will fall upon him. So the מרדכי writes in the name of the משה דרכי:

וכתוב בהגהות מרדכי דב"ב אמר רבי יהודה תבא מארה למי שמאכיל אביו ואמו מעשר עני וכו' עד והא הברייא מתיר ליתן לאביו מעשר עני והוא השיב דוקא אם הם שניהם עניים אבל אם הבן עשיר תבא מארה לו מכאן אני למד דאם אדם עשיר הפריש צדקה לא יפרנס את אביו ממנו שלא תבא לו מארה עכ"ל.³³

The משה דרכי discusses the difficulty raised by the מרדכי. It is written in the name of רבי יהודה that someone who feeds his parents עני will bring קללה upon himself. However, there is a ברייתא that says that it is מותר to give מעשר עני to his parents. He resolves this apparent contradiction by explaining that the ברייתא is talking about a situation in which both the father and the son are destitute and then he is permitted to feed his father from מעשר עני. But, if the son has the financial means to support his parents then he will bring קללה upon himself if he acts in this manner. This is the פסק of the רמ"א of the פסוק: ומ"מ אם ידו משגת תבא מארה למי שמפרנס אביו ממעוֹת צדקה: רמ"א פסק. This is the פסוק.³⁴

If the child does not have enough of his own money then he is not required to beg in order to support his parents. This is because the obligation to support one's destitute parents is only as a result of the מצוה of צדקה. So it is written in the טור:

אבל חייב לכבדו בגופו אע"פ שמתוך כך בטל ממלאכתו ויצטרך לחזור על הפתחים ודוקא דאית לבן מזונות לאיתונוי ההוא יומא אבל אי לית ליה לא מחייב לבטל ממלאכתו ולחזור על הפתחים³⁵

If a child has enough money to sustain himself for that day then he is obligated to beg in order to sustain his parents. However, if he has less than this then he is not obligated to beg.

³³ דרכי משה יו"ד רמ"ד וכתוב

³⁴ רמ"א יו"ד רמ"ה

³⁵ טוש"ע יו"ד רמ"ה

Even so, according to the *בן איש חי*, it is proper that a child should do this for his parents because of *דרך ארץ*.³⁶

שנוכה לכבד את ההורים כראוי

³⁶ יש מי שכתב, שבשום אופן לא יניח אדם לאמו לחזור על הפתחים, שבושת האשה מרובה מבושת האיש.

Letter to תלמידות

Dear תלמידות לאיו"ש,

As Rav Pam זצ"ל notes in one of his שיחות, the גמרא¹ asks an intriguing question. Why is it that converts to Judaism often suffer trials and tribulations? A number of suggestions are offered. The final response is that it is due to their delaying their conversion somewhat. The גמרא proceeds to bring proof from מגילת רות ביעו. מגילת רות that she should receive full reward for all that she had done because she joined the Jewish people with alacrity.

The גמרא, at first glance, is quite strange. Since when are non-Jews expected to convert? And if there is no obligation of conversion, why should they suffer for delaying that decision?

Rav Yaakov Emden explains: It is true that a non-Jew is not required to accept מצוות תרי"ג. But once he decides that the ultimate spiritual truth is achieved by leading a full Jewish life, he must do so without delay. Whenever a person has an awakening to perform a מצווה, he must do so immediately.

The importance of זריזות is also evident in the continuation of the מגילה story. When reading the final chapter of רות, there is a feeling of contentment and joy. After living a life of childlessness, widowhood and poverty, רות finally married a great wealthy individual, and we anticipated that together they would build a בית in נאמן בישראל. One almost expects the final words of the מגילה to be: "And they lived happily ever after." However, the חז"ל tell us that this was not the case. On the very night of this wonderful marriage, ביעו died (leaving behind a pregnant bride). What message are we to derive from this sudden unsettling event?

¹ יבמות מז.

At the beginning of פרק ג' רות told בועז that רות would be at the threshing location that very night, and she urged her to rendezvous there with him. רות listened to her mother-in-law without delay. Subsequently, when בועז realized that רות would like him to be the redeemer, he assured her that he would immediately take care of the matter. The next morning he sought out אלמוני. After some negotiations, בועז was awarded the rights of redemption and he proceeded to marry רות. Within a few hours, בועז died, on the day that presumably had been determined the previous יום כיפור. What would have happened if רות had delayed meeting בועז by even one day? How different would history have been if בועז had procrastinated with his plans to be appointed the redeemer? It was only due to their זריות that they merited being the forbearers of דוד מלך המשיח and המלך.

Often in life we sense a feeling of התעוררות – a spiritual awakening, a desire to take another step in our lifelong quest for improving our רוחניות and relationship with the עולם של עולם. But all too often we delay just a little – and a little becomes too late. Our enthusiasm wanes and our best intentions remain just that – intentions.

The גמרא in עבודה זרה² tells the story of אלעזר בן דורדיא who led a life of depravity. In the midst of one of his sinful acts, he suddenly felt the urge to do תשובה. He turned to the mountains, to the land and the sky and to the heavenly bodies begging them for assistance, but his requests were denied. Realizing that it was solely up to him, he began to cry uncontrollably and died. A heavenly voice announced that ר' אלעזר בן דורדיא was invited to a life of עולם הבא. When Rebbe, יש קונה עולמו, רב יהודה הנשיא, heard the story he cried and said - בשעה אחת - A person is capable of acquiring the World to Come in one moment.

² עבודה זרה יז.

The story is uplifting, but why did Rebbe cry? Rav Chaim Shmuelevitz זצ"ל explains: It is true. A person can acquire his עולם הבא in one brief moment. But how many people are presented with that one moment and fail to take advantage?! The opportunity presents itself, but all too often we delay until it is too late.

You have merited spending the year learning in ארץ ישראל and developing a love of תורה and יראת שמים. These feelings can leave an everlasting impression on your lives, but only on condition that you seize the opportunity to incorporate them in your decision making, your actions and your goals. You have experienced a ten month "שנה אחת". Use it well, and בעזרת ה' you will acquire the ability to thrive in this world, and reap the benefits לאחר מאה ועשרים.

בברכת כל טוב

Eliezer Lerner

ערב זמן מתן תורתנו תשע"ב

פסוקים **Inscribed on Jewelry***

I. Introduction¹

In recent years, it has become popular in the Jewish community for young women to wear jewelry that has been engraved with verses from the Torah or quotes from rabbinic literature.² Unfortunately, some serious halachic issues arise when dealing with this type of jewelry or other materials that contain *pesukim* (verses), such as embroidered cloth or yeshiva sweatshirts. In this article, we will address and analyze the various halachot related to this question to determine whether it is permitted to buy them, wear them, and bring them into the bathroom or other unclean areas.³

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¹ I would like to thank Rav Daniel Mann, *Dayan* at *Kollel Eretz Chemdah* and *rebbe* at the Gruss Kollel in Jerusalem for his help and suggestions in preparing this article.

² See for example <http://oneofakind-store.com/main.sc> and <http://www.judaicawebstore.com/jewish-jewelry-C2.aspx> and the vast range of options available on these sites for engraving jewelry with Jewish sayings. This author discovered that many of his American seminary students studying in Israel for the year either already own or have thought about purchasing such jewelry.

³ The halachic issues discussed here overlap somewhat with the general question of properly disposing of Torah works through burial, commonly referred to as *geniza* or *sheimot*. However, we will focus mainly on those sources relevant to our discussion as well. For a summary of the numerous sources and *poskim* who address that issue, see for example *Piskei Teshuvot* (Orach Chaim 154:#15-18),

II. The two concerns of the Rambam

The first source to deal directly with a similar issue was none other than the Rambam (*Teshuvot HaRambam* 268), who was asked about whether embroidering a *pasuk*, or verse, on a garment was permissible:

Concerning a garment (“*tallit*”)⁴ on which a person chose to place *tzitzit*, and he wanted to beautify himself with mitzvot and embroidered its edge using superior craftsmanship and wrote on the edges a *pasuk* from the section of “*Vayomer*” (*Bamidbar* 15:37-41)... please instruct us our teacher, is that which this person did appropriate and permitted [for others] to follow in this, or has he sinned... The answer is that this action is considered a sin and is not permitted in any way...

Thus, the Rambam rules that it is not permitted, and then offers two reasons to justify his *psak*.

Sefer Halacha Berurah by R.Dovid Yosef (*Orach Chaim* 154:16-17); R. Yechezkel Feinhandler, *Sefer Ginzei HaKodesh* (the entire sefer is about this topic); Rabbi Jacob Schneider, “Sheimot and their disposal,” *Journal of Halacha and Contemporary Society*, Fall 1991; Rav Eliezer Melamed, *Peninei Halachah Likutim I*, p.139; and *Techumin* Volume 30, pp.472-496 (addressing the problem of disposal of Shabbat *parsha* pamphlets known in Israel as *alonim*).

⁴ Rambam here uses the term “*tallit*” to describe the garment, which in earlier times often referred to a standard garment (see for example the Mishna, *Bava Metzia* 2a) as opposed to what we often refer to as *tallit* today, namely the full size *tallit* which is worn exclusively in shul. See footnote #15 for a discussion about whether our type of *tallit* would be included in this prohibition.

Reason #1

“The first reason is that one may not write individual verses from the Torah [outside of a Torah scroll], rather he may [only] write three words and no more.” As the Rambam goes on to explain, it is forbidden to write individual sections of the Torah, and certainly individual *pesukim*, outside of a *Sefer Torah* or *Chumash*. This is based on the Gemara (*Gittin* 60a) which states that individual sections of the Torah may not be written down for a child to study, either because the Torah was given all together (“*chatumah nitnah*”) or because it was given in sections but eventually transmitted together as one unit (“*megilah nitnah v'idabak*”). According to some opinions, this halachah may be Biblical in origin.⁵ Both Rambam (*Hilchos Sefer Torah* 7:14) and *Shulchan Aruch* (*Yoreh Deah* 283:2) rule in accordance with this Gemara, permitting only an entire book of the *Chumash*, such as *Bereshit*, to be written individually, but nothing less than that.

However, many later *poskim* have noted⁶ that following this ruling would create serious concerns, since many shuls and

⁵ See *Turei Even* (*Megillah* 8b) who maintains based on Rambam (*Hilchos Sefer Torah* 7:1) that this halachah is a Biblical one. Rambam there states that the mitzvah to write a *Sefer Torah* is derived from the verse “And now write for yourselves this song, (*Devarim* 31:19)” which he interprets to mean that the Torah must include this song (*Parshat Haazinu*) in it, but one cannot write any individual *parsha* by itself. Since writing a *Sefer Torah* is a biblical mitzvah, *Turei Even* proves that the prohibition of writing individual sections must also be biblical in origin. However, others suggest that it is only rabbinic and not Biblical.

⁶ See *Rosh* (*Gittin* 4:20) who explains the Rif mentioned below as being concerned that most people at the time could not write an entire *Sefer Torah* from which to study. See also *Shach* (*Yoreh Deah* 283:3), *Taz* (*Yoreh Deah* 283:1), *Bach* (*Yoreh Deah* 283:1), *Beer Heitev* (*Yoreh Deah* 283:1), and *Pitchei Teshuvah* (*Yoreh Deah* 283:1) who all allow this practice.

educational facilities at the time lacked sufficient copies of the regular *Chumash*, thus making it difficult for children to study Torah, among other things. Therefore, they claim that we can rely on the *rishonim* such as Rif (*Gittin* 28a in pages of the Rif), Mordechai (*Gittin* 407), and others, that do not rule in accordance with this Gemara, based on the concept of “*Eit Laasot L’Hashem*,”⁷ “It is a time of emergency,” which is occasionally employed by the Gemara to permit violating certain prohibitions to ensure that the Torah not be forgotten.⁸ This has indeed become the widespread universal custom, and even today it is assumed to be permitted to write individual sections of the *Chumash*.

Based on this, it might appear that this reason of Rambam is not a relevant factor in our discussion to prohibit using rings or other jewelry with *pesukim* engraved on them, since the custom has evolved to permit writing individual *pesukim*. However, *acharonim*, later authorities, debate whether the permissive ruling is limited to cases where it is necessary for educational or spiritual purposes, such as studying Torah or davening. Some, such as *Taz* (*Yoreh Deah* 283:1), *Beer Heitev* (*Yoreh Deah* 283:1), and *Mishnah Berurah* (*Orach Chaim* 638:24), recommend against writing such *pesukim* for unnecessary educational purposes,⁹

⁷ Literally translated as “it is a time to do [something] for Hashem,” taken from *Tehillim* (119:126).

⁸ This concept is discussed elsewhere in the same *sugya*, or Talmudic discussion, in *Gittin*, concerning the famous allowance of writing down the entire *Torah She’baal Peh*, the Oral Torah, due to concern of being forgotten despite the prohibition in doing so.

⁹ These *poskim* do not use the expression of an outright prohibition, but rather “*lav shapir avid*,” “it is not appropriate to do so.”

such as writing *pesukim* on the wall as a fortuitous sign,¹⁰ while others do not limit the leniency in this way and permit writing *pesukim* even in such cases.¹¹ According to the more lenient approach, perhaps one could argue that this particular concern of writing *pesukim* is not violated, since the presence of the *pesukim* may serve as a *siman tov*, a positive spiritual sign, or a constant reminder of G-d or some other Jewish value (depending on the particular verse engraved) similar to the writing of *pesukim* on the

¹⁰ The *Mishnah Berurah* here is discussing writing and placing *pesukim* on the wall in a Sukkah, and he forbids the practice for this reason as well as the second reason of disgrace discussed below. See also Maharit (2:3) referred to by *Pitchei Teshuvah* (Yoreh Deah 283:1) and *Machatzit HaShekel* (Orach Chaim 40:1) who is stringent concerning writing verses from scripture above the *bimah* in shul on Yom Kippur to increase the intensity level of the davening. He feels that this is not sufficient reason to be lenient about this question. Interestingly enough, *Magen Avraham* (Orach Chaim 40:1) and *Mishnah Berurah* (Orach Chaim 40:3) actually quote this *Maharit* as being lenient about this question, but in truth he is stringent, at least in the context of our topic (though he rules that the second reason of the Rambam is not a problem in this case). Perhaps they meant that he was lenient concerning the second reason of causing verses from the Torah to be disgraced. It is noteworthy as well that the *Mishnah Berurah* permits having *pesukim* on the wall in shul (see next footnote) yet forbids placing *pesukim* in the *sukkah* partially due to the concern of writing *pesukim* outside of a *Chumash*, which appear to be contradictory.

¹¹ See *Shach ad loc.* who does not specifically limit the leniency as do *Taz*, *Sefer Bnei Yonah*, *Magen Avraham* (Orach Chaim 40:1) and *Mishnah Berurah* (Orach Chaim 40:3). Furthermore, a number of *acharonim* are lenient when the script used is invalid for use in a *Sefer Torah*, such as *Tashbetz* (1:2) cited in *Pitchei Teshuvah* (Yoreh Deah 283:2). Thus, script which does not qualify as Assyrian script, the type of script used in a *Sefer Torah* (discussed later in the article) would be permitted according to them. Rav Eliezer Melamed, *Peninei Halachah Likutim* Vol. I, p.125, rules that one may be lenient on this issue, assuming that the script used is not valid for use in a *Sefer Torah*.

wall.¹² According to the more stringent opinions, it would seem inappropriate to engrave *pesukim* on jewelry, because it does not serve as a critical educational tool for study. Rav Hershel Schachter felt¹³ that this is the accepted approach and such jewelry is therefore prohibited for this reason.

¹² Although one could argue that the presence of a *pasuk* or rabbinic saying simply enhances the beauty of the jewelry but does not specifically add any religious dimension to the experience of the individual wearing it, students this author has spoken to indicate that they specifically choose this jewelry because of the religious element they perceive it contains. Rav Asher Bush (*Shoel B'shlomo Siman* 59), in discussing a *shailah* asked to him about murals or pictures of stories in *Tanach* with *pesukim* written in small letters underneath, comments that based on the above sources, it is problematic to write *pesukim* in this context. Although he acknowledges that perhaps such pictures can create an element of spiritual inspiration, which could perhaps be equivalent to the educational needs described above (at least according to the lenient view and perhaps the stricter view as well), he notes that since the words were so small that they could barely be read, any inspiration derived would be solely from the picture and not from the words. Therefore, Rav Bush felt that writing *pesukim* under the picture was problematic. In our situation though, perhaps one could argue that if this type of jewelry really does inspire a person religiously to constantly think about Hashem and the Torah wherever they go, then this problem is not of serious concern. Interestingly enough, a number of seminary students related that at times when non-religious friends of theirs saw their ring or necklace, they inquired about the nature of the quote and where it was taken from. This, in turn, led to an entire discussion about Judaism and the Torah. This argument, if a person finds to be realistic for them, could be strong enough to obviate this concern, at least according to the lenient opinion. However, unfortunately it does not appear to hold sufficient weight to solve the second concern of bringing it into the bathroom and other unclean areas, in which case it should still be prohibited according to Rambam and *Shulchan Aruch*.

¹³ Written communication from 26 Tamuz, 5772 (July 15th, 2012).

Reason #2

Rambam describes his second concern as “stronger than the first one” and this would therefore appear to be the more serious problem with embroidering or engraving *pesukim*:

“The second problem... is that he brings verses from the Torah to be degraded, since the *tzitzit* are [only] objects used for a mitzvah and do not contain intrinsic sanctity; therefore it is permitted to enter the bathroom with a garment containing *tzitzit*, and to step on it and use it... and how can we free verses from the Torah which were written with sanctity from Hashem to [be exposed to] these unclean areas and degradation?” Thus, Rambam explains that when the *pesukim* are embroidered on clothing, they will inevitably be taken into the bathroom and other places which are considered to be unclean. This is because any garment with *tzitzit*, which are classified as *tashmishei mitzvah*, ritual objects, do not contain *kedusha*, holiness, like that of *tefillin* or *Sifrei Torah*, and are therefore not prohibited from being brought into unclean areas.¹⁴ Consequently, the words of the

¹⁴ In earlier times, most regular garments worn had four corners and therefore were obligated to have *tzitzit* attached to them. Consequently, Rambam here may be referring exclusively to a standard garment and explaining that since one would walk into the bathroom with it, any *pesukim* written on it would be subject to degradation and therefore forbidden. However, it is unclear whether he would also forbid embroidering *pesukim* on the full size *tallit* which is generally worn in shul alone. *Beer Heitev* (*Orach Chaim* 24:4), *Shaarei Teshuvah* (*Orach Chaim* 24:4 citing Radbaz (4:45, note the printer’s error in *Beer Heitev* citing 1:45), *Ginat Veradim* (2:26), and others), and *Mishnah Berurah* (24:9) all cite this rule prohibiting the embroidering of *pesukim* in the context of buying a beautiful “*tallit*” which presumably refers to the full size *tallit*, known as a *tallit gadol* (and *Ginat Veradim* says explicitly he is referring to the *tallit* worn during

Torah on the *tzitzit* will be subjected to terrible disgrace which is prohibited. Although the Rambam harshly criticizes one who embroiders *pesukim* into a garment, it would appear that he agrees the nature of the prohibition is only rabbinic, given the lack of any such direct prohibition in the Talmud, as well as the fact that it is only a decree due to a concern of the potential negative consequences, which is usually rabbinic in nature.

The *Shulchan Aruch* (*Yoreh Deah* 283:4) codifies this Rambam as well, ruling that it is indeed forbidden to embroider *pesukim* into a *tallit*, and the *Beit Yosef*, written by Rav Yosef Karo himself, makes mention of both of these reasons offered by the Rambam.¹⁵ Based on this case, it would appear that even if one would argue that the first reason above is not sufficient to absolutely forbid our case of using *pesukim* in jewelry or other clothing, it would still be prohibited to make, and most probably buy, such an object based on the second reason. Even if a person attempts to be careful not to bring it into unclean areas, it is very difficult to assure that it is never taken to the bathroom. Although some

davening). However, *Leket HaKemach* (*Hilchot Tzitzit*) referenced by *Beer Heitev* suggests that Rambam's ruling does not apply to the full size *tallit*, since most people are extremely careful to treat it properly (see *Mishnah Berurah* 21:14 who notes that the custom is to refrain from bringing it into the bathroom), and he therefore permits making a berachah on a *tallit* which contains *pesukim*. *Ginat Veradim* also allows using a such a *tallit* after it was already made (though he does not sanction doing so initially) by saying that nowadays people do not bring the *tallit gadol* into the bathroom, thus the potential concern is not relevant (and therefore one is not required to store the *tallit* permanently, as the Rambam ruled in his case—see section VII for more on this). See also sources quoted in <http://www.shaimos.org/guidelines.htm>.

¹⁵ See *Shach* (283:6), *Taz* (283:3), and other commentaries that cite both reasons as well.

poskim, such as *Shach* (*Yoreh Deah* 283:6), do permit writing *pesukim* on the Torah scroll covers since it can be virtually assured that they will not be brought to inappropriate places, in our case, there is certainly a much greater chance that people will wear the jewelry into the bathroom, and these objects would not qualify for the leniency used for the *Sifrei Torah*.¹⁶

It is also possible to engrave quotes from sources in rabbinic literature, mainly from *Pirkei Avot*, Ethics of the fathers.¹⁷ Would quotes from the Sages be included in these concerns as well or are they limited to actual *pesukim*? It would seem that they are, since Rambam (*Hilchos Yesodei HaTorah* 6:8) declares that “all holy writings, they and their interpretations and explanations are forbidden to burn or destroy by hand etc.” The expressions “interpretations and explanations” would seem to include the

¹⁶ Many *poskim* discuss similar situations concerning bringing newspapers, magazines, or other material containing words of Torah into the bathroom and treating them with sanctity. See for example Rav Yitzchak Yaakov Weiss (*Minchat Yitzchak* 1:18) who suggests that perhaps in this context, bringing them into the bathroom is not considered a serious degradation to their holiness; Rav Moshe Feinstein (*Iggerot Moshe Yoreh Deah* 2:134) who forbids sending out business cards with blessings or Hashem’s name on it since some people will not treat it properly; Rav Menashe Klein (*Mishneh Halachot* 7:183), and other sources cited in *Piskei Teshuvot* (154:#15). See also *Teshuvot V’hanhagot* (2:466) where Rav Moshe Shternbuch classifies newspapers which include words of Torah in them as regular objects without sanctity, since the majority of the paper contains non-holy words and thus the degradation of bringing a few words of Torah dispersed throughout the publication into the bathroom is not recognizable. This issue may arise concerning newspapers or magazines such as *The Jewish Press* or *Mishpacha*. R.Chaim Dovid HaLevi (*Aseh Lecha Rav* 5:26-27) rules that one may not take any Hebrew newspaper into the bathroom because it is written in *Ktav Ashuri*, Assyrian script. See below in section IV as well as footnote #28.

¹⁷ See a few examples like this at

http://www.oneofakind.co.il/shopassets/files/NEW_WisCohnGodspeedCom.html

words of *Chazal* as well, and this is the source that most *poskim* cite to require burial of old copies of Talmudic texts and commentaries in addition to the Written Torah.¹⁸

III. How many words

Although the *poskim* do prohibit writing *pesukim* in the cases above, they note that if only a few words are written, this does not qualify for either category of prohibition discussed above. In the responsum referenced above as well as in *Hilchot Sefer Torah* (7:14), Rambam states that writing three words or less is not considered to be a Torah quote and hence does not contain intrinsic holiness.¹⁹ This ruling is codified in the *Shulchan Aruch* (*Yoreh Deah* 283:3) as well, and even writing a number of lines with three words on each line is permitted. The *rishonim* derived the source for this idea from the golden tablet designed by Queen Helena, which the Gemara (*Gittin* 60a, *Yoma* 38a) comments had *Parshat Sota*, the section of the Torah discussing a rebellious wife (*Bamidbar* 5:11-31), engraved into it, and were written “*serugin*,” which according to some *rishonim*, including Rambam, *Tashbetz* (1:2), and *RiMigash* (cited in *Tashbetz*), means divided into sections (though *Rashi* interprets the word otherwise). Thus, they interpreted this to mean that if the entire section is written in separate lines consisting of three words each, such an endeavor

¹⁸ See sources referred to in footnote #3.

¹⁹ It is interesting to note that Rambam himself (*Perush Mishnayot Sotah* 2:4) rules that only two words may be written on multiple lines to avoid creating the holiness of a scroll, but three words are forbidden, which contradicts his position in the *Mishneh Torah*. See *Sefer Maftach*, Frankel Edition of the Rambam, *Hilchot Sefer Torah* (7:14), who references sources that deal with this question.

would be permitted.²⁰ Based on this approach, one could allow wearing jewelry that only has three words engraved on it, such as the popular expressions “*Deracheha Darchei Noam*,” “its ways are ways of peace” (*Mishlei* 3:17) or “*V’erastich Li L’olam*,” “And I will betroth you forever.” (*Hoshea* 2:21).

However, some *poskim* are stringent to forbid even three words together, based on the requirement of *sirtut*, scratching straight lines into the parchment of a *Sefer Torah* to guide the scribe as to where exactly to write. The Gemara (*Gittin* 6b) requires writing any *pesukim* using this method of underlining such that an underline must be scratched into the parchment directly beneath the location where the words on each line will be written.²¹ The Gemara records a debate between Rav Yitzchak who holds that writing even three words require *sirtut*, and a Tanaitic statement which states that four words require *sirtut*. Rambam (*Hilchot Sefer Torah* 7:16) rules in accordance with the second opinion that three words are permitted and four are forbidden, and this is how *Tur* (*Yoreh Deah* 284:2) quotes the Rambam’s opinion. But the *Beit Yosef* notes that Rambam (*Hilchot Yibum* 4:5) says that even writing three words is prohibited without underlining. Due to this debate, *Shulchan Aruch* (*Yoreh Deah* 284:2) is stringent and rules that even three words are forbidden to write without

²⁰ Concerning whether this rule of allowing multiple lines with three words each can be applied to our situation, see below, section V and footnote #35.

²¹ The same requirement of *sirtut* applies when writing books from the *Neviim*, Prophets, *Ketuvim*, Scriptures, and *mezuzah*. However, commentaries debate whether *sirtut* is required for writing the *parshiyot*, or Biblical sections, in the *tefillin*. See Tosafot, *Gittin* 6b, s.v. *amar rav Yitzchak*. Both *Shulchan Aruch* and Rema (*Orach Chaim* 32:6) agree that most of the lines do not require *sirtut*, but common custom today is for scribes to do so anyway. For more on this topic, see *Piskei Teshuvot* (*Orach Chaim* 32:#11).

sirtut.²² According to those *poskim*, such as Gra (*Yoreh Deah* 283:4), who equate the halachot of *sirtut* with those of maintaining the holiness of *pesukim*, perhaps even three words should be forbidden to engrave into jewelry or a *tallit*. This position is considered, but not accepted definitively, by many *poskim* addressing our issue. In fact, most of them do not take a stand on this point and consider both opinions.²³ If we accept the first reason above for prohibiting writing these *pesukim* based on not writing *pesukim* outside of a *Sefer Torah*, then perhaps one should be strict about expressions with three words, since that halachah, as mentioned above, may be of Biblical origins for which we are generally stringent in cases of doubt. But if we adopt the second reason of potential degradation to the *pesukim* upon bringing into the bathroom, there may be room to be lenient when necessary for jewelry which contains only three words, since this reason is most likely only rabbinic in origin, for which we are often lenient in cases of doubt.²⁴

²² For more on this question, see commentaries such as *Nekudat HaKesef* (*Yoreh Deah* 284), *Pitchei Teshuvah* (*Yoreh Deah* 284:1), and *Aruch HaShulchan* (*Yoreh Deah* 284:2).

²³ See the responsum of Rav Yaakov Ariel (*B'oholah shel Torah Siman* 42) on our topic referred to below. Interestingly, *Ginzei HaKodesh* (9:3) maintains that if one can understand from the context that a *pasuk* is being cited, even three words would be considered holy, but if no one could extrapolate from those particular words that a *pasuk* is being quoted, then only four words together would constitute a scriptural verse.

²⁴ For rabbis and educators confronted with this problem by students who may not always be willing to listen to a halachic ruling, purchasing jewelry with only three words from a *pasuk* may be a very helpful suggestion to employ for them, given that there is some legitimate halachic basis for allowing it.

IV. Ktav Ashuri

Another issue to confront regarding this type of jewelry is the permissibility of using *Ktav Ashuri* in a disrespectful manner. *Ktav Ashuri* is generally defined as the block Hebrew letters used in writing a *Sefer Torah*. The responsum of the Rambam quoted above raises this as an additional concern with embroidering the *pesukim* into the *tallit*: Since *Ktav Ashuri* used for writing the Torah is holy, it is not appropriate to use it for a mundane purpose. Although the case discussed was referring to a *pasuk*, apparently the Rambam felt that did not qualify as a holy purpose because it was on a garment rather than in a *Sefer Torah* or other holy book. This opinion is quoted by Rabbeinu Yerucham as well as Rema (*Yoreh Deah* 284:2), who cites it as “some say,” as opposed to codifying it as the definitive approach. A number of *acharonim* also accept this ruling as the practical halachah. For example, *Pitchei Teshuvah* (283:3) cites the *Radbaz* (4:45) who seems to be stringent not to use *Ktav Ashuri* on clothing even for regular non-Torah words, since the script itself contains holiness. Furthermore, the *Gilyon Maharsha* (*Siman* 284) cites the *Sefer Beit Hillel* that merchants do not conduct themselves properly when they post signs outside their stores in *Ktav Ashuri* describing the type of food they are selling. Finally, *Aruch HaShulchan* (283:14) also cites this opinion and appears to accept it at least in theory, explaining the logic behind it to be that since there are many secrets hidden in the actual letters, we can’t simply use them for anything we please. However, he acknowledges the reality that the script is widely used for non-holy purposes: “But what we can we do, since the printers print all secular material using Assyrian script and we do not have the power to protest, and He Who is merciful should atone [this] sin, and praiseworthy is the portion of the printer who is careful about this...”

Based on this, it would appear that perhaps it is problematic to use block Hebrew letters (which are sometimes, though not

always used for this jewelry) on such jewelry, due to the concerns of writing with *Ktav Ashuri* for what is possibly a non-holy purpose, plus the fact that this script may well be brought into the bathroom, which is an inappropriate location for a holy script.

However, it is also possible that the custom of using such block letters in general (such as for Hebrew newspapers) as well as in our case of jewelry can be defended for the following reasons:

First, some *poskim* claim that not all Hebrew block letters are included in the category of *Ktav Ashuri*. Rav Moshe Feinstein,²⁵ Rav Yaakov Ariel,²⁶ and Rav Eliezer Melamed,²⁷ among others, claim that any slight change from the original script renders the script permissible. Rav Moshe notes that the Rambam himself supports this notion in his responsum where he comments that “because of this the *Sefardim* modified (“*shinu*”) their writing script and gave the letters different forms (“*tzurot acherot*”), until it became similar to another script (“*ad shenaaseh k’ilu ktav acher*”).” This formulation, claims Rav Moshe, indicates that they slightly modified their script, which eventually led to a new script, but only slight modifications, such that it would be rendered invalid for use in a *Sefer Torah*, were truly halachically necessary to avoid the problem of using *Ktav Ashuri* for regular non-Torah matters.

Second, Rav Yaakov Ariel (in the above responsum) points to a comment by the *Chavot Yair* (*Siman* 109) cited by the *Pitchei Teshuvah* (*Yoreh Deah* 271:20) that it is “appropriate to avoid treating other books printed in *Ktav Ashuri* in a degrading manner,

²⁵ *Iggerot Moshe* (*Yoreh Deah* 3:120:1) in a responsum concerning using Assyrian script for writing a *ketubah*, or marriage document.

²⁶ *B'oholah shel Torah* (vol.1 *Siman* 41) in a responsum concerning Hebrew newspapers.

²⁷ *Peninei Halachah* op cit.

such as wiping oneself with them or throwing them on the ground, etc.”²⁸ According to this opinion, argues Rav Ariel, this script is only treated as partially holy, and would be permissible to use, as long as one treats it respectfully. Thus, in contrast to the first defense above, this argument alone would permit using the script but forbid bringing it into the bathroom, for example. However, Rav Ariel combines the two reasons together and thus defends the custom of all those Hebrew works that use block Hebrew letters.

According to the first lenient opinion, it would seem that from the perspective of *Ktav Ashuri*, a ring or jewelry with block Hebrew letters would not be any more problematic than other papers written this way. Given that the custom is often to be lenient about block letters written in Hebrew newspapers and similar material,²⁹ one should not be particularly bothered by this question, even if the other questions discussed in this article concerning this jewelry may still be problematic.

²⁸ The *Chavot Yair* and Rav Moshe both reference the Gemara (*Bava Batra* 166b-167a) which deals with the writing of *shtarot*, legal documents, which was done with block Hebrew letters, and prove from the examples of the style of letters discussed there that slight changes to the script remove the prohibition of *Ktav Ashuri*.

²⁹ See *Piskei Teshuvot* (154:#16) and <http://www.shaimos.org/guidelines.htm> who cite numerous other sources concerning this question. In fact, Rav Ariel himself in the very next responsum (*B'oholah shel Torah* vol.1 *Siman* 42) uses this consideration as an additional factor to be lenient for jewelry by expanding the argument that perhaps the only prohibition of writing Torah verses in questionable locations is when they are written in true *Ktav Ashuri*, but otherwise they do not have holiness at all. However, R.Chaim Dovid HaLevi (*Aseh Lecha Rav* 3:45, 5:26-27) does not agree with the first lenient approach mentioned in the text, though he does reluctantly accept it as the common custom. Nevertheless, he strongly argues that such material, even concerning secular topics, may not be brought into the bathroom.

V. Shem Hashem

Our discussion has focused mainly on the potential problems of engraving or writing *pesukim* in locations which may subject them to disgrace. However, Rav Eliezer Waldenberg (*Tzitz Eliezer* 16:30) notes that writing one of the actual names of Hashem is far more problematic in this context (and many others) than simply quoting *pesukim*, due to the additional prohibitions, some of them more severe, that are associated with it. First, a Biblical prohibition exists to erase or destroy Hashem's name, as cited in the Gemara (*Shavuot* 35a, *Makkot* 22a) and codified in the Rambam (*Hilchot Yesodei HaTorah* 6:1) and *Shulchan Aruch* (*Yoreh Deah* 276:9) based on the proximity of the *pasuk* "Lo Taasun Ken L'Hashem Elokeichem," "You should not do so to Hashem your G-d," to the command to destroy the mention of all idol worship in the Land of Israel (*Devarim* 12:3-4). In contrast, the prohibition of causing disgrace to *pesukim* appears to be only a rabbinic prohibition, as evidenced from the Rambam (*Hilchot Yesodei HaTorah* 6:8) who states that "holy scriptures are forbidden to destroy or burn, and one who does receives rabbinic lashes." Second, the Rema (276:13) states that a special prohibition exists to write Hashem's name outside of a Torah or other holy book, since it could become disgraced, and therefore it is not used in personal letters. Third, Rav Waldenberg points out that one is forbidden to stand unclothed in front of Hashem's name, as recorded by Rambam (*Hilchot Yesodei HaTorah* 6:6), a situation which could occur frequently with such a ring or piece of jewelry.

In this context, the *Pitchei Teshuvah* (276:27) cites the *Chavot Yair* (*Siman* 16) who discusses a question very similar to ours, namely whether it is permitted to write the name of Hashem on a ring which it is certain will not be disgraced or brought to an unclean location. He continues that even if this is permitted, perhaps it should still be forbidden due to a prohibition from deriving benefit from Hashem's Name. The *Pitchei Teshuvah* then

cites Rav Yaakov Emden (*Sheeilat Yaavetz siman 140*) who believes that a prohibition to derive benefit does indeed exist, and suggests covering Hashem's Name with something else if you want to use the ring, which he argues thereby avoids the prohibition to derive benefit. Other authorities disagree,³⁰ but Rav Moshe Feinstein (*Iggerot Moshe Yoreh Deah 2:136*) still concludes that it is appropriate to act in accordance with the stringent opinion in this case.

In sum, engraving and wearing a ring with the Name of Hashem on it involves many more problems than simple *pesukim*, and therefore should be treated even more stringently than cases of *pesukim* on clothing or jewelry.

Although most of the jewelry in question in fact does not contain actual Names of *Hashem*, they are often substituted by the letter *Daled* or *Hey* with a dash written as 'ד or 'ה.³¹ Does this qualify for the extra restrictions applied to the Name of Hashem as well? Rav Moshe Feinstein (*Iggerot Moshe Yoreh Deah 2:138*), in discussing the practice of writing ב"ר, which stands for *Baruch Hashem*, Blessed is Hashem, on the heading of papers, compares this to the case of the *Terumat HaDeshen* (*Siman 171*) cited by the Rema (*Yoreh Deah 276:10*) that writing Hashem's Name as two *Yuds* does not contain sanctity. Therefore, explains Rema, it is permitted to erase it, but only for a *tzorech*, or necessity, which the *Shach* (*Yoreh Deah 276:14*) interprets to mean a *tzorech gadol*, a great necessity, since the letter *Yud* is actually the first letter in Hashem's name and as such should be treated appropriately.³² So

³⁰ See *Panim Meirot* quoted in *Pitchei Teshuvah* (276:25), as well as *Iggerot Moshe* (*Yoreh Deah 2:136*).

³¹ See many of the examples that are in this category at http://www.oneofakind.co.il/shopassets/files/Psukim_Names.html

³² See also *Yabia Omer* (8:Yoreh Deah 26) who has a comprehensive discussion of this issue.

too, claims Rav Moshe, *Hey* is one of the letters in Hashem's name and should be treated equivalently. However, other *acharonim*, such as *Aruch HaShulchan* (*Yoreh Deah* 276:28), argue that this type of form has no sanctity whatsoever,³³ and the Rema's case of two *Yuds* is more stringent, presumably because *Yud* is the first letter of Hashem's name, while *Hey* is not.^{34,35}

According to this, *Daled*, which is not one of the letters in His name, should be entirely permitted according to all authorities. On the other hand, *Hey* on jewelry or other surfaces, when written with intention to refer to Hashem's name, would seem to be subject to the aforementioned debate. Nevertheless, Rav Yaakov Yeshaya Blau (*Tzedakah Umishpat* 16: note #88) claims that simply walking into bathroom with it is acceptable,³⁶ and only directly degrading the paper itself, such as using it as toilet paper, is forbidden.³⁷ Consequently, the name of Hashem spelled in this

³³ *Aruch HaShulchan*'s specific examples include writing בעזרת ד', "with Hashem's help," using a *Daled* for Hashem, and אם ירצה, *Im Yirtzeh Hashem*, "if Hashem wants," using a *Hey* for Hashem. The second case should be parallel to Rav Moshe's case of *Baruch Hashem* using a *Hey*.

³⁴ It should be noted that although *Aruch HaShulchan* appears to perceive these cases as somewhat more lenient than the case of two *Yuds*, he still forbids them to be used for a degrading type of use, as does Rav Moshe. It is debatable whether bringing into the bathroom would be included in this category, see below in the text and footnote #32.

³⁵ See *Piskei Teshuvot* (154:#18) and <http://www.shaimos.org/guidelines.htm> for a full list of halachic authorities who have debated this question and the various opinions.

³⁶ He does add that this may be specifically ("*b'frat*") when it is in a pocket. See below where the issue of coverings in the bathrooms is discussed at length.

³⁷ In fact, both *Aruch HaShulchan* (cited above and in 276:24) and *Iggerot Moshe* focus primarily on cases of directly degrading the name, such as burning the paper, discarding it in an unclean location, and wiping oneself with it in the

manner would not add any additional halachic problems to those already discussed concerning such jewelry or similar materials.

VI. Possible factors to permit the jewelry

Although we have seen that there are some complications with buying and wearing this type of jewelry, there are other factors to consider which may avoid the problem in certain situations.

1. Words on multiple lines and abbreviated pesukim

The *Pitchei Teshuvah* (*Yoreh Deah* 284:1) cites authorities in the context of *sirtut* that permit writing only two or three words on one line, and then continuing the citation on the next line. Since Rambam (*Hilchos Sefer Torah* 7:14) rules similarly that no sanctity exists for a scroll containing multiple lines with three words each, it is reasonable to argue that this solution may be effective also for avoiding the question of writing a *pasuk* in our situation, and would not render the jewelry as a holy article. This is in fact the ruling of Rav Yisrael Belsky and possibly of Rav Moshe Feinstein in the context of wedding invitations.³⁸ Although

bathroom, indicating perhaps that they both might allow simply bringing such a paper into the bathroom. It is also important to note that *poskim* debate the status of Hashem's name when written in English or other languages. See *Shach* (*Yoreh Deah* 279:11), *Magen Avraham* (*Orach Chaim* 334:17), *Iggerot Moshe* (*Yoreh Deah* 1:172), & other sources cited in *Piskei Teshuvot* (*Orach Chaim* 154:18) and <http://www.shaimos.org/guidelines.htm> (note #12).

³⁸ Rav Belsky is cited at <http://www.shaimos.org/guidelines.htm> (notes #124-126) discussing this option in the context of wedding invitations with *pesukim*, while Rav Moshe's opinion is discussed in *Iggerot Moshe* (*Yoreh Deah* 4:38) where he mentions this suggestion. Although he states that this opinion "is seemingly a correct reason," since verses in the Torah are not written in this

most of the jewelry under discussion is not actually written this way, it may also be relevant when designing yeshiva or seminary sweatshirts. In fact, this year's MMY sweatshirts had the verse "*Harimi b'koach kolech mevaseret Yerushalayim*," "Raise your voice up with strength, announcer of Jerusalem," (*Yeshayah* 40:9) designed on the sweatshirt with the first three words on one line and the last two words on the next. Thus, according to those who permit three words to be written together (and only forbid four), this may be permitted to design and bring into the bathroom. However, *Sefer Ginzei HaKodesh* (9:9 and footnote #30) rules in the name of Rav Eliashiv and Rav Nissim Karelitz that although perhaps valid in the context of *sirtut*, such a solution would not be allowed in our context, based on the Rambam himself in his responsum, where he notes that it can only be permitted when the lines are far enough apart that they would not be easily read together as one verse. Thus, in most cases where the lines are quite close together, it would be forbidden.³⁹ An additional leniency is cited by the *Pitchei Teshuvah* (*Yoreh Deah* 283:2) that if some of the words are expressed only by abbreviations or by

manner ("*sheharei lekka shurot elu b'kra*"), he still concludes that it is better not to write any *pesukim* on invitations, and notes elsewhere (*Iggerot Moshe Yoreh Deah* 2:135) that he refrained from ever using *pesukim* in any form on the wedding invitations of their children. We should also note that even if Rav Moshe did allow it, he may have done so in that case because as he notes, placing the words on multiple lines demonstrates that the intention is just to use the words as a *beracha*, or blessing to the couple. In our case, though, the intention is probably to refer to the actual verse, even if written on multiple lines.

³⁹ It is somewhat difficult, though, to resolve this condition with *Hilchot Sefer Torah* where Rambam does not mention anything about how far apart the lines are and whether they can easily be read together as one or not, implying that those factors are irrelevant. See Rambam, *Frankel Edition, Hilchot Sefer Torah* 7:14, *Mekorot V'Tziyunim* where he raises this question and leaves the matter unresolved. He also notes that Rambam (*Perush Mishnayot Sotah* 2:4)

cutting off the last few letters with a dash, this does not qualify as full words. This might be another method of avoiding the problem when fashioning the jewelry or designing a sweatshirt.

2. Switching the order of words

Rabbi Moshe Rosenstein reports⁴⁰ that some *poskim* permit switching the order of the words in the *pasuk* to avoid the problem, since the current form is not read exactly the same as the actual *pasuk*. For example, the popular verse “*Kol Sasson V’kol simcha*,” “the voice of happiness and the voice of joy (Yirmiyahu 33:11 among other verses that use this phrase)” often used in reference to weddings either on invitations or in songs would be switched to read “*Kol simcha v’kol sasson*.” However, oral reports have circulated that Rav Eliashiv does not approve of this practice and does not consider it to be a valid leniency.⁴¹

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http://www.jemsem.org/index.php?option=com_content&view=article&id=414&Itemid=54.

⁴¹ See

http://www.jemsem.org/index.php?option=com_content&view=article&id=414&Itemid=54. See also *Halichot Shlomo* (20:note #72) citing R. Shlomo Zalman Auerbach and *Sefer Ginzei HaKodesh* (9:note #18) who allow slightly modifying the language of the *pasuk* (which is different than simply reversing the order of the phrases). Thus, for example, they would change “*Aaleh as Yerushalayim al rosh simchasi*,” “I will place [mourning for] Jerusalem above my own rejoicing (*Tehillim* 137:6)” to “*Naaleh es Yerushalayim al rosh simchasenu*,” “We will place [mourning for] Jerusalem above our own rejoicing.

3. Other types of expressions found

It is important to note that although much of this type of jewelry worn contains references to verses from the Torah or sayings in *Chazal*, a significant number of them utilize other sayings. For example, the phrase “tamid bisimcha,” “always [be] in [a state] of happiness,” “ein davar omeid bifnei haratzon,” “nothing can stand in the way of a desire,” and “gam zeh yaavor,” “this too will pass,” are also quite commonly used,⁴² but are not halachically problematic due to the lack of content from the Torah or *Chazal*. Purchasing such jewelry with these types of expressions is probably one of the best suggestions to offer to individuals who wish to avoid the halachic problems.

4. Use for protection

Rav Eliezer Waldenberg (*Tzitz Eliezer* 16:30) rules that jewelry with Torah content is permitted to be both fashioned and purchased when worn specifically for the purpose of protection. Although when worn for medicinal value it would be forbidden due to a separate prohibition of curing oneself through words of Torah,⁴³ Rav Waldenberg says he understands that in this case, this jewelry is often worn to engender special Divine protection and therefore it should be permitted to do so, assuming that it is covered properly in the bathroom (see below). However, Rav Daniel Mann (*Living the Halachic Process*, volume 2 pp.245-247) points out that today it is unusual for people to wear such adornments specifically for Divine protection. Although one might suggest that

⁴² See for example many of the quotes listed at

http://www.oneofakind.co.il/shopassets/files/NEW_Faith.html.

⁴³ See *Shulchan Aruch* (Yoreh Deah 155:1).

those who wear jewelry with specific verses related to protection on them, such as “*Hashem Yishmorcha MiKol Ra*,” “Hashem should protect you from all evil, (*Tehillim* 121:7)” may in fact be doing so for this protection, it is still somewhat difficult to argue that in today’s society, people truly believe that these *pesukim* will in fact protect them from harm when worn this way.

VII. Intention

Another factor relevant to the discussion is whether the artisan who fashioned the jewelry intended to use the phrase as a *pasuk* or simply as a catch phrase. The significance of this distinction can be seen from the *Shulchan Aruch* (*Yoreh Deah* 284:2) in the context of *sirtut*, where he rules based on Rabeinu Tam (cited in *Tosafot Gittin* 6b s.v. *amar rav yitzchak*) that one who employs phrases from verses in the Torah in his personal letters is not required to use *sirtut*, since his intention is simply to express a certain thought rather than use the words specifically to refer to a *pasuk*.⁴⁴

Furthermore, Rema (*Yoreh Deah* 276:2) states that if a scribe wrote the expression “*elohim acherim*,” “other gods,” (based on *Shmot* 20:2) which refers to other idolatrous gods, the word

⁴⁴ It should be noted that *Shach* does disagree on this point, claiming based on the *Yerushalmi* that one should be stringent to require *sirtut* even when using *pesukim* in a personal letter. However, Rav Shmuel Vozner (*Shevet HaLevi* 7:167) feels that the accepted halacha follows the *Shulchan Aruch*, and therefore permits using phrases from *pesukim* in a newspaper to wish a *mazal tov*. Rav Moshe Shternbuch (*Teshuvot V'Hanhagot* 2:466) also accepts this premise in the context of newspapers and magazines which contain a passing reference to words of *Chazal*, but are not written for the purpose of teaching or learning Torah. See also *Yabia Omer* referred to below as well as other sources cited in *Piskei Teshuvot* (154:#14 and note #99) concerning currency with the name of Hashem on it.

elohim is not sanctified even if the scribe intended it to refer to Hashem's name, because the context proves that it refers to pagan gods rather than to Hashem. Based on these and other sources, many authorities state that any letters forming the name of Hashem are not treated with sanctity, including names of people or locations such as Beit El, Nechemya, and others.⁴⁵ Although some act more stringently, this is considered to be the standard halachah.

Based on the considerations above, Rav Yaakov Ariel (*B'oholah shel Torah siman 42*) argues that perhaps there is room to be lenient that not only may one wear jewelry or rings (or sweatshirts) with Torah verses on it, it may even be permitted to bring them into the bathroom, since perhaps the verses are intended not as Torah content, but rather simply as an expression of friendship. For example, the phrase of "*Ani L'dodi V'dodi Li*," "I am to my beloved as my beloved is to me," found on a ring may not have been intended to refer specifically to the verse in *Shir HaShirim* (6:3), but rather is simply being used as a "catch phrase" to demonstrate a person's affection or friendship for another individual. Similarly, someone who gives his wife a necklace with the expression "*Eishet Chayil Mi Yimtza*," "A wife of valor who can find," may possibly have in mind that she is a wonderful person rather than the specific pasuk in *Mishlei* (31:10) from which the quote is derived.

Rav Ariel explains, based on a responsum of Rav Ovadia Yosef (*Yabia Omer 4:Yoreh Deah 21*), that we must ascertain the intention of the artisan who fashions the jewelry for these purposes, not that of the person who wears or buys the ring.⁴⁶ If the

⁴⁵ See *Pitchei Teshuvah* (*Yoreh Deah* 276:28), *Sdei Chemed*, and *Piskei Teshuvot* (*Orach Chaim* 154:18).

⁴⁶ Rav Ovadia's responsum discusses the halachic status of Hashem's Name engraved on a coin, and after citing numerous sources in his usual style, he

artisan intended to refer specifically to the *pasuk*, then it would retain sanctity, while if he wanted to employ the phrase as a catchy line, then it would not be sanctified.

Consequently, Rav Ariel suggests that without additional information, perhaps it can be presumed that the craftsman who fashioned the jewelry belongs to the majority of individuals who would not specifically employ the expression as a verse from *Tanach*. This is an especially logical conclusion given the fact that the prohibition of causing degradation to Torah verses is only rabbinic in origin, as discussed above (in contrast to the Name of Hashem). However, Rav Ariel limits his potential leniency to a case when the actual source in *Tanach* is not mentioned on the jewelry, but if the jewelry actually contains the citation of the verse, such as noting that the verse “*Eshet Chayil Mi Yimtza*” cited above comes from *Mishlei* chapter 31, then clearly the craftsman does refer to the *pasuk*, and thus the jewelry would contain sanctity.

Rav Daniel Mann (*Living the Halachic Process*, volume 2 p. 247), however, does not fully subscribe to this avenue for leniency primarily because he believes that most artisans do indeed intend to refer to the *pesukim* when engraving these expressions. He comments that “if the words are borrowed from the Torah to be used as a catch phrase to describe a friend(ship) (e.g., *ani l’dodi*

concludes that the coin does not contain sanctity since the individuals that fashion it do not have the intention of infusing it with holiness. One of his primary sources proving this contention is the Gemara (*Arachin* 6a) concerning a utensil containing the name of Hashem on it, where part of the issue revolves around whether the person who fashioned it intended for the Shem or not, but the intention of the purchaser is irrelevant. The same conclusion can be drawn from the examples involving *elohim acherim* as well as numerous other cases discussed in the laws of writing Hashem’s Name in a *Sefer Torah* where it is clear that in cases when intention is relevant, we follow the intention of the scribe who wrote it.

...), they may have no restrictions. However, usually the phrase is intended to recall its Torah content (e.g., “*im eshkacheich ...*”).

Moreover, one could argue that perhaps in our case the majority of jewelry containing Torah verses is fashioned by traditionally inclined artisans who are well versed in *Tanach*.⁴⁷ If that is correct, one would surmise that most of the verses used are indeed being quoted specifically because of their religious content, and would not necessarily be subject to Rav Ariel’s limitation here.⁴⁸ Truthfully, even Rav Ariel himself concludes at the end of his responsum that despite the room for leniency, “it is not recommended to purchase a pendant of this type.”

Nevertheless, Rabbi Moshe Rosenstein notes that even if we do assume that many of these expressions are intended as *pesukim*, certain expressions clearly are intended solely for their cultural content and not for their reference to *pesukim* or words of *Chazal*. Thus, phrases used commonly by the general populace and not meant to refer specifically to *divrei Torah* such as “*im ein*

⁴⁷ One of the primary suppliers of such jewelry is a company called “Hadaya Jewelry” which is owned and run by traditional (though not necessarily religious) Jews. When this author questioned them (through their website) about this point, they responded that “we have a book of sayings, most of which have biblical or rabbinic sources... You can have WHATEVER you like engraved as long as there is room for it...” It would seem that they intentionally use quotes from Torah sources, and therefore the engraved quotes would contain the sanctity of the original phrase. In addition, all of the quotes on their website are source referenced, perhaps indicating that they do intend to quote the *pesukim* themselves, even for those that are common expressions. However, they also noted that some religious customers request that they change words from the *pasuk* in order to avoid some of these problems, a request they are happy to accommodate. However, this may only be effective if the rest of the *pasuk* does not qualify as *Kitvei HaKodesh* based on the rules above, such as having three or four words directly from the *pasuk* that make it clear what is being quoted.

ani li, mi li” or “*bimakom she’ein anashim, hishtadel lihiyot ish*,” would be permissible, despite their origins in *Pirkei Avot*.

VIII. Using this jewelry if the person is not the one who bought it

We have seen up to this point that one should not purchase such jewelry when it contains *pesukim* or sayings of Chazal with more than three or four words, aside from the exceptions discussed above. This is indeed the position of Rav Ariel as mentioned, Rav Hershel Schachter,⁴⁹ and other contemporary *poskim*, despite the fact that the Rambam and *Shulchan Aruch* formulate the prohibition as not embroidering rather than not owning or purchasing. Rav Moshe Feinstein (*Yoreh Deah* 2:136), in discussing wearing a ring with Hashem’s Name on it, also acknowledges the halachic difficulties in selling and buying such a ring due to concerns of being placed in unclean locations (which applies even to *pesukim* that don’t include Hashem’s Name). However, in contrast to wearing a ring with the Hashem’s Name on it, which the *acharonim* explicitly do not recommend wearing, it is not entirely clear from the sources whether it is appropriate or permitted to wear jewelry containing *pesukim* once it has already been purchased. Is it permitted to use if one receives it as a gift (they are very popular gift items)? Alternatively, if a person only discovered the halachic issues involved subsequent to purchasing it, is a person required to dispose of it or place in storage indefinitely? Or would we say that given that such jewelry is quite expensive, the person may be more lenient when they did not purchase it themselves? What should they do if a close family

⁴⁹ Oral communication from July 15th 2012.

relative gave it to them and will be extremely upset and insulted if it becomes known that the person never wears it?

On one hand, the Rambam and *Shulchan Aruch* formulate the prohibition specifically as one of embroidering (and engraving on the garment would be equivalent) and not as one of wearing it (though certainly one has to be careful while wearing not to bring into an unclean area). Furthermore, perhaps one can argue that once it is already in the person's possession, it turns into a *bedieved*, or *post facto* question, for which the halachah sometimes rules more leniently, so perhaps we would not be so stringent as to forbid wearing it altogether. This may be especially true according to Rambam's first concern of writing *pesukim* outside of a *Sefer Torah*, since here the consumer did not write the *pesukim* themselves. On the other hand, given that the entire second reason of Rambam focuses on the dangers inherent in constantly wearing it, it would seem logical that we should always discourage or forbid wearing it as well, since the danger of bringing into the bathroom or other unclean areas most certainly is relevant.

An additional point to consider in this context is that the Rambam towards the end of his responsum states that it is praiseworthy for the owner of the garment with the *pesukim* on it to cut them off and bury them, and "this is obligatory to do." This conclusion of the Rambam is indeed referred to by R.Moshe Chagiz (*Leket HaKemach Hilchot Tzitzit*) and *Ginat Veradim* (*Orach Chaim* 2:25),⁵⁰ which would indicate that indeed one may not wear or even keep such objects around the house. However, the *Shulchan*

⁵⁰ Cited above in footnote #14. It is interesting that the *Ginat Veradim* actually only quotes the first part of the phrase that the person who cuts off the *pesukim* is praiseworthy, but then writes "*ad kan leshono*," "this is the end of the quote," and does not write "*v'chulei*," meaning etc. It is thus unclear whether *Ginat Veradim* believed it is obligatory or just praiseworthy to cut off the *pesukim* and bury or store them.

Aruch and many of the other *acharonim* discussed above do not mention this comment of Rambam, so perhaps this is not required as practical halachah.

Rav Hershel Schachter⁵¹ and other *poskim* felt that one should not wear or even keep such jewelry around the house, but should make sure to keep it stored away where no one will see or use it. However, the author has heard some contemporary *poskim* rule that although perhaps unwise, it is permitted to retain and possibly wear once it is already in the person's possession, especially in the situations described above where large sums of money were already spent or family relationships are at stake.

IX. Bringing into the bathroom

Is it halachically permitted to enter the bathroom while wearing such jewelry, or a sweatshirt with Torah content? Although as discussed ideally a person should not own them in the first place, this question may still be relevant for those *poskim* discussed above who are lenient when necessary and do not require storing or disposing of them when already in the individual's possession. In addition, this may be an important question for rabbis and educators faced with an individual who insists on purchasing or retaining possession of this jewelry, but might agree at least to treating it properly. Based on the sources discussed above, it would indeed appear that according to most opinions, the Torah verses do contain sanctity (except for the possible exceptions discussed above) and thus should not be brought in to the bathroom while worn on one's hand or around one's neck.

Would it be permitted to bring inside the bathroom if one ensures that it is fully covered? To answer this question, we must

⁵¹ Written communication dated July 15th 2012.

turn to a discussion concerning the sanctity of *tefillin* for which similar rules apply. In this context, the Gemara (*Berachos* 23a), codified by the *Shulchan Aruch* (*Orach Chaim* 43:6) states that one can bring them into the bathroom if they are placed inside some other container.⁵² According to the *Mishnah Berurah* (*Orach Chaim* 40:7), a container in this case is actually defined as a covering, even if it does not enclose the holy object on all sides.

However, the *Shulchan Aruch* (*Orach Chaim* 43:7) cites the opinions of *Sefer HaTerumah*, Rabeinu Yerucham, and *Tur* that limit this rule to a bathroom away from home where there are no alternative locations to safely store the *tefillin*; but at home, where one can easily place it somewhere else, one should not bring the *tefillin* into the bathroom at all.⁵³

The implication of this statement, notes the *Magen Avraham* (43:14), is that when at home, *tefillin* may not be brought

⁵² This is the standard rule which is generally followed, however, there are actually numerous distinctions concerning the question of bringing *tefillin* into the bathroom, including whether he plans to don them again upon exiting, whether he actually goes to the bathroom or not, what type of Talmudic bathroom is being used, how big the container is, etc. For a full discussion of the material, see the Talmudic discussion referenced in the text, *Tur/Beit Yosef* (*Orach Chaim* 43), *Shulchan Aruch* there, and its commentaries. Concerning the status of modern day bathrooms which are not usually as dirty as those of old, see for example Rav Yitzchak Yaakov Weiss (*Minchat Yitzchak* 1:60), Rav Ovadia Yosef (*Yabia Omer* 3:*Orach Chaim* 2), Rav Eliezer Waldenberg (*Tzitz Eliezer* 7:5), and *Piskei Teshuvot* (43:#2, 83:#4). For an English summary of the material, see Rabbi Dr. Ari Zivotofsky, "Your camp shall be holy: Halacha and modern plumbing," *Journal of Halachah and Contemporary Society*, Spring 1995.

⁵³ *Ateret Zekeinim* and *Machatzit HaShekel* in their comments to this halachah both note that according to this, even outside the house if one can easily place the *tefillin* somewhere safely when entering a bathroom, such as having a friend hold them or placing them in one's wagon (or car in today's times), it would still be prohibited to bring into the bathroom with one covering alone.

into the bathroom even when concealed in some other container. However, *Machatzit HaShekel*, cited by the *Mishnah Berurah* (43:24), suggests that if one places the *tefillin* container inside another covering or pocket of some sort which is not designated specifically for holding the *tefillin*, such as a pants pocket, it would always be permitted to bring the *tefillin* into the bathroom. This is because an object stored inside two containers is considered entirely halachically permitted.^{54,55}

How do these rules concerning *tefillin* apply to jewelry or other materials with scriptural verses on it? It would seem logical that these would be subject to the same rules as *tefillin* and should not be taken into the bathroom with one covering, and perhaps not at all. Indeed, the Gemara (*Berachos* 23a) reports that Rav Yochanan gave some of his Torah writings to his students before entering the bathroom. However, in reality authorities debate this issue extensively, and three major approaches emerge from the *acharonim*. *Magen Avraham* (*Orach Chaim* 43:14), followed by *Beer Heitev* (*Orach Chaim* 43:11), claims that in contrast to *tefillin*, one can allow entering the bathroom with *pesukim* using one covering or container alone which covers it entirely. He proves this by noting that *Shulchan Aruch* (*Yoreh Deah*

⁵⁴ Some *poskim* are stringent to forbid even a case of two containers, see *Aruch HaShulchan* (*Orach Chaim* 43:13) who does not quote this leniency and *Kaf HaChaim* (*Orach Chaim* 43:30) who doesn't understand why this solution was invented if they can easily be placed somewhere else, and therefore recommends not relying on this leniency. However, the lenient view taken by the *Mishnah Berurah* has been accepted as the mainstream halachic approach, as pointed out by the *Piskei Teshuvot* (*Orach Chaim* 43:#3) and others.

⁵⁵ For a discussion and list of sources concerning the necessary qualifications for two coverings, which types of utensils are considered to be designated specifically for *tefillin*, and the status of a *tallit* bag, see *Piskei Teshuvot* (40:#5 and 43:note #12) and Rav Dovid Yosef's *Sefer Halachah Berurah* (Siman 40, #6-7).

282:7), based on the Gemara (*Shabbat* 62a) and Rambam (*Hilchot Sefer Torah* 10:6), allows one to enter a bathroom with an amulet (which usually contained the name of Hashem on it) provided that it is covered with leather. Other *acharonim* rule this way as well, including *Radbaz* and *Pri Megadim* (*Ashel Avraham* 14), and this would indeed seem to be the simplest approach based on the sources. However, the *Shulchan Aruch HaRav* (43:6) claims that this leniency applies only to a bathroom outside the house where it may be difficult to find a safe place to store the holy object, but inside the house, he says one should be stringent since it can be placed anywhere in the house. A third approach offered by other authorities, such as *Eliahu Rabbah*, holds that one must be more stringent that other holy objects and scriptural writings always require two coverings and entirely parallel the halacha for *tefillin*, where two coverings are required.⁵⁶

Applying these opinions to our case, it would seem that according to the *Magen Avraham* and those authorities who follow his opinion, it would always be permitted to remove the ring or jewelry and place into a shirt or skirt pocket before entering the bathroom, which is not such a difficult solution. However, for those outfits that do not contain pockets, avoiding this problem may involve more difficulty. Perhaps in such situations, at least for necklaces, one can simply tuck it in underneath one's shirt so that it is covered with at least one covering.

According to the *Shulchan Aruch HaRav*, the above approach only applies outside of one's house where no easy solution exists to safely leave the jewelry outside of the bathroom, but inside one's house, one would be obligated to remove it and place

⁵⁶ See *Shaarei Teshuvah* (43:11) who cites this opinion and then claims that parents who place amulets with Hashem's Name on them on their children require two coverings all the time, since children sometimes go to the bathroom in their clothes.

it down before entering. The same should apply even outside the house in any situation where an easy solution exists, such as giving the jewelry to a friend, or placing in a backpack which remains outside, etc.⁵⁷ One may also rely on the leniency of *Machatzit HaShekel* and *Mishnah Berurah* and place the jewelry inside a container of some sort and then place in one's pocket, thus qualifying as two containers, but it may be easier to simply remove them completely and place down somewhere. Of course, a sweatshirt with Torah material would not be easy to place into any containers, and it would seem that removing it before entering the bathroom is the best option.

According to *Eliahu Rabbah* and the more stringent approach, one must always either remove the jewelry entirely or place inside two coverings, such as a container inside a pocket, or a container in a backpack, in order to permit entering the bathroom with it.

Which of these opinions is accepted by recent authorities as practical halachah? The *Mishnah Berurah* (43:25 and *Shaar Hatziun* 16-18) cites all of the above opinions without issuing a clear definitive ruling.⁵⁸ *Aruch HaShulchan* (*Orach Chaim* 43:13) in contrast simply quotes the Rambam allowing an amulet covered with leather to be brought into the bathroom, indicating that one covering alone suffices in his opinion. Finally, *Kaf Hachaim* (*Orach Chaim* 43:28) takes the other extreme and suggests that it is appropriate to always be stringent if possible not to bring them

⁵⁷ See above footnote #45.

⁵⁸ In the *Mishnah Berurah*, he first cites the *Magen Avraham*'s lenient approach, and then cites the more stringent approach of *Eliahu Rabbah* only as "others say" rather than as the definitive ruling, while the *Shulchan Aruch HaRav*'s middle approach is cited only in the *Shaar HaTziun*. Thus, it would seem that he primarily accepts the lenient approach, but does not rule this way absolutely.

into the bathroom at all, and certainly not with just one covering.^{59,60}

In the absence of a clear stringent ruling by the majority of halachic decisors and especially given the fact that the entire concern here is only a rabbinic one, if this situation arises it would seem that there is room to be lenient on this point when needed. Rav Daniel Mann and Rav Moshe Rosenstein both appear to adopt this approach as well.

X. Summary and conclusion

Let us summarize and organize our findings concerning this issue.

1. It is halachically problematic to fashion or purchase jewelry which contains verses from the Torah or words from rabbinic literature, either because of the issue of writing *pesukim* out-

⁵⁹ Rav Eliezer Melamed (*Peninei Halacha Likutim I* p.123) states that most *poskim* adopt the lenient approach but others are more stringent. He too does not give an absolute ruling, but appears to indicate that one can be lenient if they choose but those that wish to be stringent can do so as well.

⁶⁰ Concerning *sefarim* and other papers containing words of Torah, many *poskim* have ruled that one covering suffices when it is necessary to bring them into the bathroom, due to a combination of factors: 1) Printed or photocopied words of Torah may not contain sanctity anyway. 2) The binding may count as one covering as well. 3) Script which is not *Ktav Ashuri* may have a more lenient status, as discussed above. 4) The status of our modern bathrooms today is debated by the *poskim* and despite the fact that we are generally stringent, they are not definitively considered to be unclean. See Rav Eliezer Waldenberg (*Tzitz Eliezer* 11:5) and other sources cited in *Piskei Teshuvot (Orach Chaim 43:#3)* and *Sefer Halachah Berurah (Orach Chaim 43:8)*. However, reasons #1 and #2, which are generally viewed as the primary ones, do not apply to jewelry containing scriptural verses, and therefore it is more difficult to rule conclusively that one covering is always permitted.

- side of a *Chumash* for non-educational purposes or more importantly due to the concern of potential disgrace of bringing such items into unclean places such as the bathroom.
2. If only two or three words (depending on which opinion is followed) are engraved in total or placed on one line, it would be permitted to buy as well as bring into the bathroom, since it does not contain any sanctity.
 3. If only part of a word is used, the last letter(s) are cut off from the name, or abbreviations are used instead of the complete word, it would be permitted to treat them normally.
 4. Hebrew text written in block Hebrew letters may also be problematic according to some *poskim* due to the issue of using *Ktav Ashuri* for mundane topics.
 5. Jewelry which either contains phrases or sayings not found in the Torah or *Chazal* are permitted to buy and wear normally.
 6. Sayings which are clearly being used for their social content rather than for their reference to a *pasuk* or words of *Chazal* may be permitted to buy and wear normally according to many authorities, at least if the source of the quote is not cited.
 7. If one knows or suspects that the craftsman was either not familiar with or did not intend to associate the quote with the *pasuk* and does, it may be permitted according to some *poskim*, but it is best to avoid these as well.
 8. Jewelry containing an actual name of Hashem on them may be more halachically problematic than others and should be avoided even more so than the others.
 9. If an individual has already purchased the problematic jewelry or is given it as a gift, *poskim* debate whether it is permitted to wear it and retain it in the house, but it certainly must be treated with the proper respect.
 10. In #8, one must cover the jewelry in a container or covering of some sort before bringing into the bathroom, and some require using two coverings or not bringing it in at all.

It is clear from the above discussion that serious halachic questions exist concerning this type of jewelry, both in purchasing as well as in wearing it. Although it may be commendable that many individuals today desire to keep some reminder of Hashem or the Torah with them at all times, it does not appear to be worth the halachic risk to do so. The best alternative options one can suggest, as previously mentioned, are purchasing those with sayings from other sources, or possibly three word expressions. Rav Yaakov Ariel, after proposing possible avenues of leniency as noted above, still concludes with the remark that “ideally it is not recommended to purchase such a piece of jewelry.”

Similarly, Rav Mann comments:

We often attempt to justify customs even when their correctness is questionable. However, not every practice is a custom, and the rabbinic reaction to a practice helps determine whether it becomes a custom. It is nice to see how popular Torah has become. However, our “vote” is that *p’sukim* are better in *sefarim* than on jewelry or t-shirts. This fashion causes *halachic* problems for all and is forbidden for one who is not careful.

Rav Mann also notes that aside from considerations of buying it, many individuals often forget to remove their jewelry when entering the bathroom, thus violating a prohibition every time this occurs. One who finds themselves in the situation of owning or wanting to purchase one of these should certainly consult a *rav* for personal guidance. But it is hoped that the discussion of various problems associated with such jewelry in this article will generate increased awareness concerning this not so well known area of *halacha* and encourage extra caution at keeping the *kedusha* of *pesukim* intact.