

This Shabbat is the 164th day (of 383); the 24th Shabbat (of 55) of 5765

...וְסִלְוֵיתָ לְעוֹנֵינוּ וְלִזְוָפְאֵתֵנוּ וְנִזְוֹלְתֵנוּ: שמות כ"ז

# Which will it be for you?

Let's start with a well-known analysis of the presentation of the Mishkan in Truma, T'zaveh, and the first part of Ki Tisa, and again in Vayak-hel and P'kudei. And then we'll carry it one step further.

For two and a third sedras, the Torah tells the people to voluntarily contribute materials for the construction of the Mishkan, commands us to make a Mikdash to G-d, and then details the making of the Aron, Shulchan, Menora, coverings of the Mishkan, wall panels and sockets, Mizbei'ach for Korbanot, the courtyard, the mitzva of the Menora, garments of the Kohein Gadol and the regular kohanim, the procedures of the inauguration of the Mishkan, the Golden Incense Altar, the mandatory collection of the half silver shekel for funding the day-to-day functioning of the Mishkan, the washing basin and its base, the compounding of the spices for the incense and the anointing oil, and the selection of the chief artisans for the actual carrying out of the many tasks involved in fulfilling the command V'ASU LI MIK- DASH. Finally, a third of the way into Ki Tisa, we have the reminder of the sanctity and supremacy of Shabbat in the whole picture.

At the beginning of Vayak-hel, we have a reminder of the sanctity of Shabbat and a restatement - with full details - of all of the above-mentioned phases of Mishkan construction and everything that goes along with it.

Between the two large sections on Mishkan, we have the episode of the Golden Calf and its aftermath, including Moshe's ascent of Har Sinai again, to prayer for forgiveness, receive it, and the new Luchot, and the 13 Divine Attributes.

We see the concept of Mikdash first as a natural continuation of Revelation at Sinai; a way of keeping the Divine Presence in our midst as we live our lives as Torah Jews.

We also see the concept of Mikdash as some kind of Tikun and Antidote for the Sin of the Golden Calf and this has tainted the

## Word of the Month



A weekly feature of Torah Tidbits to help clarify practical and conceptual aspects of the Jewish Calendar, thereby better fulfilling the mitzva of HaChodesh HaZeh Lachem...

The 16th of Adar is listed in Megilat Taanit as a **Yom Tov**, in celebration of having received permission from the Persian king **Koresh** to build the second **Beit HaMikdash** (3390, which was 370bce).



The 20th of Adar is the **yahrzeit** of...

**5393 - HAHARAM SCHIFF HAKOHEIN**, 17th cent. German Talmudic scholar, Rav of Fulda at age 17! Wrote commentary on whole Talmud, but only some of it survived. Died at age 36 in Prague.

**5400 - R' Yoel Sirkis**, known as the **BACH** commentator on Tur Shulchan Aruch and Gemara. Prominent Polish Rav.

**5755 - Rav Shlomo Zalman Auerbach**, one of the foremost halachic authorities and **Rashei Yeshiva** of recent times. He was well-loved; his funeral was attended by over 300,000 people.

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**OTHER Z'MANIM**  
Correct for Jerusalem

**Candle Lighting and Havdala Times**  
Standard (Winter) Time

Correct for TT 657 • Rabbeinu Tam (l'm) - 6:50pm

<b>4:58pm</b>	Jerusalem	<b>6:11pm</b>
5:18pm	Gush Katif	6:15pm
5:15pm	Raanana	6:13pm
5:14pm	Beit Shemesh	6:12pm
5:14pm	Netanya	6:13pm
5:15pm	Rehovot	6:13pm
4:55pm	Petach Tikva	6:13pm
5:14pm	Modi'in	6:12pm
5:16pm	Be'er Sheva	6:13pm
5:14pm	Gush Etzion	6:12pm
5:14pm	Ginot Shomron	6:12pm
4:58pm	Maale Adumim	6:11pm
5:06pm	Tzfat	6:10pm
5:14pm	K4 & Hevron	6:12pm

Ranges are THU-THU 15-22 Adar Alef (Feb 24 - Mar 3)

Earliest Talit & T'filin - 5:22-5:14am
Sunrise - 6:12-6:04am
Sof Z'man Sh'ma - 9:02-8:57am (8:17-8:12am)
Sof Z'man T'fila - 9:58-9:55am (9:29-9:25am)
Chatzot (halachic noon) - 11:52-11:51am
Mincha Gedola (earliest Mincha) - 12:23-12:21pm
Plag Mincha - 4:22-4:26pm
Sunset - 5:38-5:43pm (5:33-5:38½pm)

In the Wolinetz Family Shul  
OHHEL SHMUEL (entrance floor)  
Shabbat afternoon shiur 3:45pm  
**Yaacov Peterseil & Co.**  
Mincha 4:45pm  
Motza'ei Shabbat, 8:30pm  
**R' Yaacov Yisroel Bar Chaiim**

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concept of Mikdash and given some people that Mikdash exists only because of the weakness of human nature. "See how much gold in the Mikdash? It's because of the Calf. See this korban or that? An atonement for the Eigel." Etc.

Bur remember: the command to make a Mikdash was part of Torah at Sinai. No Calf yet. Mikdash is a pure concept of Sanctity of Place. A mitzva that allows us to focus our religious and spiritual energies positively.

So this is what it boils down to. Which will it be for you? How do you and how will you view the Mikdash and everything that goes with it? The Torah presented it both ways; which way speaks to your heart?



## Ki Tisa Stats

21st of 54 sedras; 9th of 11 in Sh'mot

Written on 245.17 lines in a Sefer Torah, rank 8th

14 Parshiot; 10 open, 4 closed

139 p'sukim - ranks 10th, 1st in Sh'mot

2002 words - ranks 5th, 1st in Shmot

7424 letters - ranks 8th, 1st in Sh'mot

Large sedra in general plus relatively long p'sukim, which explains the jump in rank from 10th for p'sukim to 5th for words. Only 4 other sedra have more than 2000 words.

## Mitzvot:

Contains 9 mitzvot; 4 positive and 5 prohibitions

In loving memory of our mother and grandmother,  
רחל בת ר' יחזקאל ע"ה on her 7th yearzeit

## Aliya-by-Aliya Sedra Summary

Numbers in [square brackets] are the Mitzva-count of Sefer HaChinuch AND Rambam's Sefer HaMitzvot. A=ASEI (positive mitzva); L=LAV (prohibition). X:Y is the perek and pasuk from which the mitzva comes.

[P> X:Y (Z)] and [S> X:Y (Z)] indicate start of a parsha p'tucha or s'tuma respectively. X:Y is Perek:Pasuk of the beginning of the parsha; (Z) is the number of p'sukim in the parsha.

## Kohen - 1st Aliya - 45 p'sukim - 30:11-31:17

There are three sedras that have fewer p'sukim than the first Aliya of Ki Tisa. It's the longest First Aliya in the Torah, by far (but not the longest for Monday, Thursday, previous Shabbat Mincha reading, since we don't read all of the first Aliya at those times). The reason it is so long is so that the episode of the Golden Calf will be in the second Aliya, which is read by/for a Levi - the only one who need not be embarrassed by the story of the Calf.

[P> 30:11 (6)] The first 6 p'sukim of the sedra are the portion of the Mitzva of the Half-Shekel [105,A171 31:13], which we will read again as the Maftir for Parshat Shkalim, two weeks from now.

The half-shekel was used to count the People and to create the fund for the purchase of communal offerings throughout the year, as well as other spiritual needs of the community. The half-shekel was required of males from age 20 and up. It was optional for women. (Since the half-shekels were used to count the standing army, it was necessary to keep separate records of a woman's optional contribution. Nonetheless, women could participate in this mitzva.) Although Kohanim were also required to give a half-shekel, they were not forced by the courts in the way that non-kohanim were, as a courtesy to their standing and function in society.

Sh'kalim were NOT accepted from non-Jews. (There were funds in the Beit HaMikdash to which a non-Jew may contribute, but NOT the half-shekel. It is sort of like membership dues in Klal Yisrael - for members only.) Collection took place in Adar, so that the fund would be ready for Nissan, the beginning of the "Beit HaMikdash year". The mitzva applies during the time of the Beit HaMikdash, at which time even Jews living abroad were required to contribute.

Without the Beit HaMikdash, we do not perform the mitzva, but we have commemorative practices, namely the reading of Parshat Sh'kalim and the giving Zeicher L'Machatzit HaShekel before Megila reading. Remember: Today we don't give Machatzit HaShekel, we just commemorate it. This is an important distinction.

We can say that participation in the mitzva of the Half-Shekel indicated that a person wanted to be part of Klal Yisrael, thereby including the individual in the atonement of the People.

[P> 30:17 (5)] The next portion deals with the Laver (KIYOR) and its stand (V'KANO), for the Kohanim to wash their hands and feet before their sacred work [106,A204 30:19]. A kohen who does not wash (sanctify) his hands and feet before doing "service" in the Beit HaMikdash is liable to "death from Heaven" and the korban he has brought is invalid.

What might this say to us? Our Sages have commanded us to wash our hands before eating a bread-meal. (This "Rabbinic Mitzva" is attributed to Shlomo HaMelech and his Sanhedrin.) There are several p'sukim in the Torah that are considered to be the inspiration for the mitzva

to wash our hands. This is one of them, based on the famous concept that our (dining) table is like the Altar. We are challenged to elevate the mundane act of eating and invest it with a spirituality which is the hallmark of Judaism and a Torah way of life.

Before we approach our "Altar" to serve G-d, we too wash our hands. Just like the Kohen. Not with the same penalty for not washing properly, (thank G-d). Could you imagine a Heavenly death penalty for not washing for HaMotzi? No. But the comparison SHOULD prompt some serious reflection on our part, and hopefully, an improvement of the way we relate to this everyday mitzva.

Concerning our Netilat Yadayim, First, are you careful about washing for HaMotzi? You should be. You are? Good. Are you careful to dry your hands BEFORE washing, so that the water has its intended purpose of removing ritual impurity in the best way. It might seem like a small matter, but there are opinions that washing wet hands does not fulfill the mitzva properly. And do you properly dry your hands after washing? And do you complete the bracha before your hands are completely dry? That too is important. Are you careful not to interrupt between washing and HaMotzi? Of course. Good. You don't talk until after HaMotzi (until after the first swallow of the HaMotzi). But silence is also an interruption (less severe) and one should try to minimize the gap between washing and HaMotzi. It's not always practical, but it can be done. The point is, to THINK about what we do and why we do it, and HOW we do it. Washing for HaMotzi is an example of a mitzva that is easy to take for granted, to go on "automatic pilot". But if we do, we'll be missing so much. Let's wash better, bench better, daven better, do mitzvot better, treat each other better. Let's be thinking and feeling Torah Jews all across the board.

**[P> 30:22 (12)]** Next follows the command to take specific quantities of various spices, mix them with olive oil, and prepare the special "anointing oil". The Kohen Gadol and kings of Israel are to be anointed with this oil **[107,A35 30:31]**, as were the sacred vessels of the Mikdash. It is forbidden to use this oil for personal use **[108, L84 30:32]**, or even to dare dishonor the Mikdash by compounding the special mixture privately **[109,L83 30:32]**.

**[S> 30:34 (5)]** We are next commanded to compound the K'toret, the incense offered twice daily in the Mikdash. The mitzva of K'toret is presented and counted in T'tzaveh; here we have the prohibition of compounding the same formula for personal use **[110,L85 30:37]**.

**[S> 31:1 (11)]** G-d tells Moshe that B'tzalel shall be in charge of the actual construction and fashioning of the Mishkan and its contents. His assistant shall be Aholiav of Dan, and a team of skilled artisans shall join in the work. All the objects in and of the Mishkan are enumerated, as the task list of B'tzalel and Co.

**[P> 31:12 (6)]** At this point, G-d reminds Moshe that the Shabbat may not be violated, even for the construction of the Mishkan. (We might have thought otherwise, due to the sacredness of the endeavor, hence, the reminder.) Shabbat is the eternal sign between G-d and the People of Israel.

**SOT** *Shabbat and Mikdash "rub elbows" several times in the Torah. They complement each other, in that Mikdash represents the Sanctity of Place, and Shabbat represents the Sanctity of Time. One may not build the Mikdash on Shabbat, but the functioning in the Mikdash "pushes aside" Shabbat. And we learn many rules and details for Shabbat from the construction of the Mishkan. There is an equation of sorts, certainly a link established, with the pasuk - My Shabbats you shall preserve, and my Mikdash you shall revere.*

**SOT** *We know that Shabbat steps aside for Piku'ach Nefesh (life-threatening situations) and for Communal Offerings in the Beit HaMikdash (and for testifying for Kidush HaChodesh). That these things are able to be done on Shabbat, we learn from specific sources in the text of the Torah. That Shabbat steps aside for ANYTHING is learned from the passage here - ACH ET SHABTOTAI TISHMORU.*

*The word ACH - but, however - is generally considered to be limiting. My Shabbats you shall keep, would mean, with no exceptions. ACH - indicates that there are situations when that which is usually forbidden on Shabbat can be done. Again, what the specific things are, are learned from other p'sukim. The ACH here teaches us the general state of affairs - Shabbat can be "violated", under specific circumstances.*

*[Note too. It is not the word ACH that teaches us its meaning; it is our Oral Law that teaches us the meaning of the ACH, when it applies and when it doesn't.]*

## Levi - 2nd Aliya - 47 p'sukim - 31:18-33:11

The longest Second Aliya in the Torah, tied with that of Parshat Pinchas in number of p'sukim, but longer in words and letters.

**[S> 31:18 (7)]** The Torah now returns to telling us of Matan Torah, which was "interrupted" (so to speak) by the parshiyot of the Mishkan. G-d gives Moshe the Tablets of stone... When the People saw (or thought) that Moshe was delayed in returning from Sinai, they feared that they would be leaderless, and they appealed to Aharon to do something. Exactly what he did is the subject of speculation, but his delaying tactic resulted in the emergence of the Golden Calf. Most of the people were confused and did nothing (that was part of the problem), but 3000 men arose and reveled in the Calf.

**[P> 32:7 (8)]** G-d told Moshe to see what the People were doing in his absence. G-d indicates to Moshe that the People are deserving of destruction.

The first part of Moshe's reaction is PRAYER. (This isn't always first on his list, but it is here. Part of the greatness of Moshe Rabeinu is his knowing when to pray long, when short, and when to take action immediately and leave prayer for later. This is something that we try to learn from him). His petition before G-d starts with the practical argument, "what will Egypt say?". Then Moshe mentions the Avot and asks G-d to forgive the people because of them. and the promises G-d had made to them. The combination of these two points seem to succeed, because Moshe is "rewarded" with G-d's expression of regret (so to speak) for what He had said He would do to the people.

**[P> 32:15 (21)]** Next, Moshe turns and descends the mountain with the Luchot in his hands. When he sees the Calf, the Tablets either slip from his hands and break or he intentionally smashes them (opinions differ). He seizes

the Calf, destroys it, spreads its ashes over the water, and prepares a potion for the people to drink. He asks Aharon what happened.

He calls to those "who are on G-d's side"; the Leviyim rally to his call and kill those who dared "worship" the Calf.

On the following day (the exact sequence of events is debated by commentators), Moshe castigates the people, tells them of the enormity of their sin. Then he tells them that he is returning to G-d (so to speak) up the mountain, to continue pleading Israel's case before G-d. G-d promises to punish those at fault.

[S> 33:1 (11)] As a result of the Golden Calf, G-d distances Himself from the People. He does, however, reiterate His promise to give them (us) the Land. And, He tells Moshe to have the people continue towards Eretz Yisrael, but without G-d in their midst. The People are distraught by G-d's words. Moshe too removes himself and his tent from the midst of the camp. Moshe remains in direct contact with G-d... and Yehoshua was constantly in the Tent.

### **Shlishi - 3rd Aliya - 5 p'sukim - 33:12-16**

[P> 33:12 (5)] Moshe argues that G-d must remain in the midst of the People in order to demonstrate that He truly chose us. One senses the unique relationship between G-d and Moshe that permits Moshe to speak to Him the way he does. At the same time that our relationship with G-d was changing because of the Golden Calf, Moshe was asking G-d for a more intimate understanding of the Divine Essence.

### **R'vi'i - Fourth Aliya - 7 p'sukim - 33:17-23**

[P> 33:17 (7)] G-d agrees to Moshe's request, because of His special feelings towards Moshe. Then Moshe asks that G-d reveal more of Himself to him (Moshe). G-d tells Moshe that such a revelation is impossible, but that Moshe will be able to experience more of G-d's essence. This, with the understanding that it won't be everything. The p'sukim in this portion of very enigmatic. Commentaries try to unravel the mysteries of the portion.

**Here's a thought...** Is it not strange that specifically when Bnei Yisrael is in the midst of a very rough time that Moshe asks G-d to reveal Himself to Moshe more than He already has? Perhaps Moshe had a bit of a "spiritual panic" in that G-d, Who had been so close to the people at Sinai was about to distance Himself from us. And Moshe feared that he too would lose out. Mixed with his efforts on behalf of the people, Moshe wants to safeguard and enhance the relationship that he has with HaShem. This will also help in his pleading for and leading of the people.

### **Chamishi - 5th Aliya - 9 p'sukim - 34:1-9**

[P> 34:1 (26)] This portion (read on Fast Days) contains the 13 Divine Attributes. One can say that not only did G-d forgive the People for the Golden Calf, but He also gave them (us) the method of approaching Him in prayer. Not only are we to recite these 13 Attributes, but

we must emulate as many of them as possible. "Just as He is merciful, so too must we be merciful..." In this way we will KNOW His Attributes, live by them, and not just mechanically recite them.

G-d next tells Moshe to cut new stones to replace the ones he had broken. Moshe again ascends Sinai to receive the Luchot, the Attributes, and Divine Forgiveness. This 40 day period - Elul through Yom Kippur, became days of special approach between G-d and the People.

### **Shishi - 6th Aliya - 17 p'sukim - 34:10-26**

Our position relative to other nations is conditional upon our keeping of the mitzvot. We are forbidden to make covenants with the nations in Eretz Yisrael. Specifically, we are forbidden to eat or drink of idolatrous offerings [111, not on Rambam's list here - it is very rare that the Chinuch deviates from Rambam's count 34:15]. All this to avoid falling to their temptations and to avoid intermarriage. We must destroy their idols.

We are commanded to keep Pesach in the Spring. In a direct link to the Exodus, we have three types of B'CHOR mitzvot - human, kosher farm animals, and donkey.

## **MITZVA WATCH**

A human B'CHOR must be redeemed (even though the text of the ceremony for Pidyon HaBen has the Kohein offering a choice to the father, there is no real choice.)

In the case of cow, goat, and sheep, it is forbidden to redeem the firstborn. It must be given as a gift to a kohen, and he must bring it (if it is fit) as a korban. Attempted redemption is forbidden, and results in both the original B'chor and the attempted exchange-animal (T'MURA) being holy.

The firstborn of a donkey SHOULD be redeemed (exchanged for a sheep or its value). If the owner refuses to redeem the firstborn donkey, it must be destroyed. This destruction (with no one benefiting from the carcass) is also a mitzva (though less desirable than redemption).

Pidyon HaBen applies today, as we well know. So does Pidyon Peter Chamor (donkey). Technically, it is an easy mitzva to avoid, but it should not be bypassed. Kiddush B'chor (of cow, goat, sheep) also applies today, but our Sages insisted that we avoid this mitzva by bringing in a non-Jewish partner in token ownership of the pregnant animal, so that its firstborn will NOT be sacred). They commanded this because without the Mikdash, the mitzva cannot be brought to its proper conclusion, without a Mikdash.

Shavuot and Sukkot complete the cycle of the Pilgrimage Festivals; males are required to appear at the Beit HaMikdash (and not empty-handed). This mitzva (and others) guarantees our hold of the Land. Shabbat and the Land's Shabbat, Shmita [112,A135 34:21], are mentioned.

Korban Pesach may not be offered while its owner has Chametz, nor may we leave K.P. over to the morning.

Bikurim are to be brought to the Mikdash and meat-milk

mixtures (that are cooked together) may not be eaten [113,L187 34:26]. Rabbinic law forbids eating mixtures of milk and meat even if they have not been cooked.

## Sh'vi'i - 7th Aliya - 9 p'sukim - 34:27-35

[P> 34:27 (9)] G-d commands Moshe to write the Written Torah (and not the Oral Law and explanations, which must be transmitted orally). Moshe spent 40 days and nights on Har Sinai, neither eating nor drinking, during which time, the second pair of Luchot were written.

When Moshe came down from the Mountain, he was unaware of the spiritual radiance that glowed on his face. Aharon and the People were afraid to approach. Moshe called to Aharon and the Leaders of the People, and spoke to them words of Torah and their explanation. Then all the people came to Moshe to be taught what G-d had spoken to him at Sinai.

When Moshe finished speaking to the people, he covered his face with a hood (or mask or veil), which he removed whenever he spoke to G-d. He would then transmit those words to the people.

This would be repeated over and over again. Moshe would cover his face until the time he communicated with G-d.

The final three p'sukim are reread for the Maftir.

## Haftara - 39 p'sukim - Melachim Alef 18:1-39

The main part of the haftara is the famous confrontation between Eliyahu HaNavi and the 450 prophets of Baal on Har HaKarmel, the result of which was the reaffirmation of faith in G-d by the fence-sitting people of Israel. The parallel to the sedra is obvious. In the sedra, there were a relatively small number of people who "worshiped" the calf, and most of the rest of the people who weren't sure what to do in the situation. Eliyahu too had the prophets

of Baal and the vast majority of the people who were PO-S'CHIM BEIN SHTEI HA-S'IPIM, wavering between two opinions. Rabbi Jacobs points out that both Moshe and Eliyahu did things in their "emergency" situations that were ordinarily improper to do (to say the least) - Smash the Luchot and bring a Korban outside the Mikdash.



Sefardim read only from pasuk 20, the episode of Eliyahu on Mt. Carmel. Ashkenazim begin at the beginning of the perek (thereby reading 19 more p'sukim).

The sedra begins with the command to count the people. The abacus is for keeping tally, and the half-shekel (NIS) coin represents the half-silver-shekel that was used for the count. The faucet stands for the washing basin and the kohein's requirement to wash hands and feet before doing service in the Mikdash. To the right of the faucet is a mortar & pestle, used to grind the spices for the incense (K'TORET) and the special anointing oil. In the upper-right is a bottle of olive oil for that same SHEMEN HAMISHCHA. Then we see the two artisans checking the blueprints - they represent Betzalel and Aholiav, the two chief craftsmen in charge of the construction of the Mishkan. Finally, to complete the topics of the first Aliya in Ki Tisa, we have Shabbat candles, representing the reminder of the command to keep the Shabbat.

Lower-right is an edited version of Davka's Golden Calf graphic, and to its left is another Davka graphic of Moshe holding the Luchot high (perhaps just before he smashed them and/or upon his return to the people with the second pair). The hatchet can be that which Moshe used to destroy the Eigel, or the tool used to fulfill the commands at the end of the sedra to destroy the Avoda Zara in the Land of Israel upon our entry and conquest. Above Moshe and the Luchot is a graphic (probably hard to make out) of a slab of meat together with an ice cream pop in a frying pan over a camping stove. This, of course, stands for the prohibition of MEAT-IN-MILK.

Below the bottle of oil is a welder's mask, which might be the most appropriate method of shielding the people from Moshe's radiance. The quill and feature remind us of the command of G-d to Moshe to write the Written Torah down for the people. Matza is matza, as in a reiteration of the command to eat matza on Pesach.

We - actually, you - are left with three "unexplained" items in the ParshaPix to treat as visual Ttriddles.

## THE JERUSALEM INSTITUTE OF JEWISH LAW

Rabbi Emanuel Quint, Dean

Lesson # 273 (part six) • Labor Law

We continue with the sub-topic:

### The Employer Fires the Employee

However, if the employer fires the employee after the employee shows up for work, it is deemed that work has commenced and the employee is entitled to compensation for the period worked and the minimum wage for the balance of the period of employment. Once it is deemed that the work has commenced, even for a moment, and the understanding between them is for a long period of time, for example, five years, the laws of the prior sentence apply. If the employer then tells the employee that he has no work, the employer must compensate the employee even if there was no other work that the employee could have obtained at the time that the employer hired him. If the situation is such that the employee cannot work because he

was hired to plow in a field and the field is inundated, making it impossible to plow, it is as if the employer has told the employee not to continue to work. The same applies if the employer hires the employee as a delivery man to go to a destination close by to obtain an object for delivery and when the employee gets there, there is no object to be delivered. The employer must pay the employee the wages of an unskilled idle worker who has just been hired. However, if the distance to which the employee must go to obtain the object for delivery is a far distance from his point of origin, and there is no object there, the employer must pay the employee the agreed-upon wages.

If the delivery man is an independent contractor, and he sent the delivery man with a letter to deliver to Shimon, and the delivery man went there and did not find Shimon there, the employer must pay the wages of the delivery man whether the distance is close by or far away. Or he was hired to deliver medicine or a gift to a sick person and the sick person dies or recovers before the delivery man makes delivery, he must be paid the

agreed-upon wages. In these cases the employee was hired to travel to do the job and differs from the situation where the employee is hired to irrigate a field and through an act of God the field was watered, as by rain. In the former case the essence of the job is traveling and this was done; it is not the delivery man's fault that the desired result was not achieved. In the latter case the essence of the job is to irrigate the field, and this the employee cannot do.

In a 13th-century case, the employee was hired to accompany the employer on a journey. The employer died in the midst of the journey and it was held that the estate of the employer must pay the employee for the entire journey. In another 13th-century case, a husband hired a messenger to go to the husband's estranged wife to try to convince her to return to her husband. The messenger went to the wife and she refused his overtures to return to her husband. It was held that the husband must pay the messenger for his work; it is not his fault that the desired result was not achieved.

## Force Majeure Affects the Relationship

All that is said regarding the liabilities of the parties one to the other does not apply if the inability to perform results from force majeure.

For example, there is a death of a close relative for whom the employee must mourn and cannot work, or the employee or a member of his immediate family becomes seriously ill. In such situations the employee is paid the same way that he is paid if the force majeure prevented the employer from providing work for the employee, that is, he is paid to the time of termination of the work and then paid the minimum wage for the balance of the term of employment.

Regarding force majeure as it applies to the obligations of the employer, (1) if both the employee and the employer knew of the force majeure situation and the employer did not inform the employee not to come to work, then the employer is free of obligation. Similarly, (2) if neither knew of the force majeure situation and the employer did not tell the employee not to appear for work, the employer is free from obligation. (3) If only the employer knew or should have known of the force majeure situation when he hired the employee and the employee did not know, the employer cannot rely on force majeure to excuse his failure to inform the employee not to come to work; the employee will be entitled to compensation as any other wrongfully fired employee. If the employer did not provide the work because of force majeure, the employer is not even designated a person lacking faith. The employer hires the employee to plow his field and the employer knows that the field is flooded and impossible to plow and yet hired the employee to plow the field, the employer cannot rely on force majeure to excuse his liability. However, if the employee knows of the situation (for example, it had been raining for many days and it was to be expected that the field was flooded) or should have known, even if the employer also knew; or both reasonably did not know, (for example, when the employer hired the employee the weather forecast was for fair weather and overnight there was an unexpected storm that flooded the field), it is considered force majeure, and the employer is not liable to the employee. The employer is not liable even in those situations where there was other employment available when the employee was hired by this employer. If an independent contractor agrees that he will complete the work and will be responsible even if force majeure intervenes, he will not be held to this agreement if the force majeure is so very remote that it

could not have been contemplated by the parties. Beth Din will have to decide if the particular force majeure was within the scope of the contractor's undertaking.

The employer hires the employee to plow his farm and then rain descends all night making it impossible to plow, the employer is not liable. Or the employee is hired to come the next day to irrigate the employer's field and the river dries up at noon in the midst of the work of the employee, the employer is not liable to the employee if this river ordinarily does not dry up or the employee knows that the river may dry up.

If people have to evacuate a town because of air pollution, this is force majeure and the employee loses out.

Next sub-topic relates to Teachers, Other Religious Functionaries, and Artisans

*The subject matter of this lesson is more fully discussed in volume IX chapter 333 of A Restatement of Rabbinic Civil Law by E. Quint. Copies of all volumes can be purchased via email: orders@gefenpublishing.com and via website: www.israelbooks.com and at local Judaica bookstores. Questions to quint@inter.net.il*

## MEANING IN MITZVOT

by **Rabbi Asher Meir**

*Each week we discuss one familiar halakhic practice and try to show its beauty and meaning. The columns are based on Rabbi Meir's Meaning in Mitzvot on Kitzur Shulchan Arukh*

### Finalizing a Purchase

The Tzemach Tzedek, one of the early Chabad Rebbes, provides a fascinating explanation of the supernal parallels to the seemingly mundane laws of commerce.

According to the Amora Reish Lakish, Torah law recognizes acquisition of moveable goods effected either by drawing the good into the buyer's domain, or by picking it up. The Amora Rebbe Yochanan rules that giving money also effects an acquisition according to Torah law, but by Rabbinic decree giving money does not finalize a bargain; if the good has not been handed over, the seller can give the money back or the buyer can ask to have his money returned (SA CM 198:1. But this is considered bad-faith dealing - SA CM 204). The halakha is according to Rebbe Yochanan. Rebbe Yochanan also rules that purchases from non-Jews are not effected by money according to Torah law. (There is a dispute if we rule this way; see e.g. the commentaries on Rambam Zekhi'a 1:14.)

The Tzemach Tzedek points out that God is known as "The Master [koneh, meaning purchaser] of the heavens and the earth" (Bereshit 14:19), and goes on to explain how He effects this "acquisition".

The foundation for the Tzemach Tzedek's explanation is a widespread convention in Chasidut which distinguishes a particular process in our service of Hashem. The usual order is that first man has to arouse himself to a "lower awakening" (itaruta deletata) of longing towards God; this is then reciprocated by a "supernal awakening" (itaruta deleaila) whereby God showers us with His love and beneficence.

The process of bringing our spirits to Hashem brings with kesef - the word means "money" but also "longing". This longing initiated by man enables Hashem to "draw" our spirit upwards into the higher realms of holiness; this Divine response is the "drawing" of the object which according to Rebbe Yochanan typically follows the giving of money.

This drawing must be into the domain of the purchaser; drawing an object into the public thoroughfare is invalid (SA CM 198:9). The Tzemach Tzedek explains that our souls here below are in a world of separation and alienation, a "domain of the many". Our spirit becomes devoted to Hashem only when it is drawn out of this world into the "private domain" - literally, the domain of the one which we liken to the domain of the One.

The main insight is that "money effects an acquisition" - our longing for Hashem, our lower awakening, is enough to guarantee that our spirits will be borne aloft and be drawn to Hashem.

This is not the case with non-Jews. They too are able to attain closeness to Hashem, to be drawn aloft, but the process is not so automatic. The special love of Hashem to the Jewish people and our special spiritual aptitude means that our turning towards Hashem is certain to be reciprocated, but a non-Jew faces more obstacles. But for others, the "acquisition" or devotion of the soul is certain and irrevocable only after the "drawing" - the actual experience of Divine awakening.

The Tzemach Tzedek also points out that the Land of Israel is generally referred to in the Torah as the Land of Kenaan (Canaan). The word "Kenaani" (Canaanite) is likewise used often in Scripture as a synonym for merchant. This hints that the land of Israel is a particularly auspicious place to carry out this special kind of acquisition, this special "deal" between God and His people.

Based on Derekh Mitzvotekha pp. 72-74

**Publication Update:** *Rabbi Meir's book on Jewish business ethics, The Jewish Ethicist, is now in print! It has also just been named "Book of the Month" on the shamash.org website. It is available through Ktav publishing house, or ask your local bookseller.*

*We are also in the final stages of preparing Meaning in Mitzvot for print; revisions and proofreading are completed and we are now putting together the index and other front and end matter.*

## TANACH

Spiritual and Ethical Issues in the Historical Books of Tanach; JOSHUA, JUDGES, SAMUEL, KINGS (Nevi'im Rishonim) by

**Dr. Meir Tamari**

### Righteousness and Kingship [1]

There are books of the Tanach that although they are not textually part of Neviim Rishonim, are so in their style, subject matter, persona and historically, therefore it is fitting that we deal with them within our frame work.

The first of such books is the Book of Ruth. Although it is one of the Five Megilot, it actually has nothing in common with any of the other four, but is rooted in the historical books of the Tanach. Its opening verse bears witness to the connection with Shoftim: "It came to pass in the days of the Shoftim". Furthermore, Shoftim and Ruth have a common author, the Prophet Samuel, and therefore are written in a common style and language. Ruth was written as the Yichus book of David HaMelech in order to recompense him for the secretive way in which Samuel, out of fear of Saul, anointed him as the new king and founder of the eternal Royal House of Israel. Apart from this connection with the Book of Samuel, there is also the fact that Goliath the giant Philistine whom David killed, was the descendant of Orpa, sister-in-law of Ruth.

At the heart of Megilat Rut is Chesed; it is Chesed from the beginning the end. So too, is Torah: At the beginning Hashem clothes the naked [Adam and Eve] and at the end He buries the dead [Moshe]. However, just as the Chesed of Torah finds its fulfillment in the balance with Justice: "In the beginning Elokim [with His merit of Justice] created the Heavens and the Earth", so too, in Ruth the Chesed finds its fulfillment in the balance with Kingship - Malchut Yisrael. In the Book of Judges this balance was disturbed as there was no king in Israel, so chesed was also perverted. The absence of kingship is linked to the idol of Micha, but that absence is also linked to the Pilegish BaGiv'a and the subsequent decimation of the tribe of Binjamin. So, in that social-religious environment, our story begins with an act against Chesed.

Elimelech takes his wife Naomi and their two sons from Bethlehem across the Jordan to nearby Moab in order to escape the famine that struck Judah. There, he and his sons die prematurely; the latter without children. The reasons advanced for their deaths by our various commentators, all express important perspectives on issues that lie at the foundation of our story.

The Tana Shimon Bar Yochai, who lies buried in Meron, chastises them for leaving Eretz Yisrael. This nationalist approach is in keeping with his record of opposition to the Roman rule during the last days of the Mishnaic Period. Not only nationalism was involved in his opposition but also a criticism of their attitude to Chesed. He saw all their civilizing contributions to Mankind as being motivated not by Chesed but purely by their own self-interest. "They build roads [many of which remain to this day] only so that they can move their armies of conquest rapidly, they build bath houses [that we marvel at because of the sophisticated plumbing] solely for immoral sexual practices, and their markets exist only for their slave trading". Contrast this with the Midrash concerning Ya'akov's actions when he arrived from Padan Aram to Shechem: "He built markets so that the inhabitants could buy their necessities cheaply, he established a stable currency for them, and built bath-houses so that they could improve their health. Said Bar Yochai when he left the cave near Meron in he had hidden from the Romans, "Now I will also do something beneficial even as my fathers did".

The argument that Elimelech sinned by leaving Eretz Yisrael, is similar to the criticism by the Ramban of Avraham's leaving for Egypt when faced with a famine, seeing this as a lack of faith in G-d who had promised him the Land. Our Sages, however said that one may not rely on miracles and so they ruled halakhically, that one may leave Eretz Israel to study Torah, to find a wife, and when ones livelihood demands it.

There is general agreement, however, with the idea that Elimelech sinned by a disregard for Chesed and the sons sinned by acquiescing to his actions. The text reads, "And there was an 'Ish' who went from Bet Lechem"; the term Ish always denotes somebody of substance, a person of property and a leader. Our Sages deduced from the text that Elimelech was a wealthy person, somebody on whom his extended family and the whole community looked to for help. It was precisely this help that Elimelech withheld even though he was able to give it. In the fear of being besieged by everybody, he was prompted to make his descent to Moav.

We should not think that Elimelech's thinking was strange or special; rather it is all too common. The thought that we will not have enough or that somebody else is benefiting from our

money, often prevents us from doing Chesed. Often, people ask me why they should lend money interest free as the Torah demands, and lose the benefits that that money would otherwise earn for them if invested, when the recipients are going to earn a profit with that money. Rabbi S.R. Hirsch comments that all our wealth is given to us by Hashem. Some is for our own use and that of our families but some of it is intended solely for the purpose of doing chesed. That portion of our wealth, as it were, does not belong to us, so how can we take ribbit from that which really belongs to the recipients of our Chesed.

*This is the 73rd installment in Dr. Tamari's series on "Tanach and its messages for our times"*

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[1] From the virtual desk of the OU **VEBBE REBBE**

*The Orthodox Union – via its website – fields questions of all types in areas of kashrut, Jewish law and values. Some of them are answered by Eretz Hemdah, the Institute for Advanced Jewish Studies, Jerusalem, headed by Rav Yosef Carmel and Rav Moshe Ehrenreich, founded by HaRav Shaul Yisraeli zt"l, to prepare rabbanim and dayanim to serve the National Religious community in Israel and abroad. Ask the Rabbi is a joint venture of the OU, Yerushalayim Network, Eretz Hemdah... and the Israel Center. The following is a Q&A from Eretz Hemdah...*

**Q:** If one's parent died in the month of Adar in a PLAIN year (12 months; one Adar), when does he observe yahrtzeit in a SHANA M'UBERET (leap year)? Is the answer the same for the bar mitzva of a boy born in a simple year who turns 13 in a leap year?

**A:** The two questions should be answered together, although the answers may differ. Bar mitzva (we refer to becoming obligated in mitzvot, not to the celebration) depends on the passage of 13 years. Although this occurs on one's birthday, it is the passage of time, not the date per se which is critical. Regarding yahrtzeit, the date is the factor. A related distinction is that one can become bar mitzva only once, whereas it is possible for two days to commemorate a yahrtzeit some years.

The Rama (Orach Chayim 55:10) rules unequivocally that in the situation you describe, the boy becomes bar mitzva in Adar II. (It is clear that the Shulchan Aruch agrees- see Mishna Berura, ad loc.). Several sources support this claim. The Yerushalmi (1st perek of Megila) and Tosafot (Nedarim 63b) say that the leap month is Adar I, whereas Adar II corresponds to the regular month of Adar. The Mahari Mintz (Shut #9) also points out that when one rents a house for a year and there is a leap year in the interim, the renter always gets the extra month (Bava Metzia 102a) even if the rental is from Adar to Adar II.

Regarding yahrtzeit, the situation is more complex. The poskim discuss the matter primarily in regard to the custom that some accept upon themselves to fast on the yahrtzeit. The Shulchan Aruch (ibid. 568:7) says that here too, the yahrtzeit is in Adar II. However, the Rama (ad loc.) says here that the preferred day is in Adar I. Why the change? Most seem to understand that Adar I is also Adar, and the question is which Adar to give precedence to. Tana'im debate this question in Megilla 6b. R. Eliezer says that we should perform the mitzvot of Adar in Adar I, because we do not pass up the opportunity to do mitzvot. Rashbag, whose opinion we accept, says that we perform them in Adar II because they should be in proximity of Nisan, which is related because it is the month of redemption. Terumat HaDeshen (#294) derives from that gemara that in relation to a mitzva that it is not related to redemption, we do the mitzva at the first opportunity, namely in AdarI. The Rama prefers this opinion (see also Yoreh Deah 402:12). However, he mentions that there are those who are stringent and fast both days. The Shach (402:11) seems to accept that stringency.

The simple understanding of the Rama's stringency is that we do not know which opinion is correct, and thus we "cover our bases." However, the Magen Avraham (568:20) and GR"A (on 568:10) believe that when there is no special reason to prefer one Adar to the other, we consider that there are actually two yahrtzeit days, one in each Adar. Although the Magen Avraham points out that one can accept upon himself the minhag of fasting, if at all, however he wants, we would advise him to keep both days. The Mishna Berura (ad loc. :42) seems to concur, as does Igrot Moshe (YD III, 160). It appears that most Ashkenazim's minhag is like the Rama's main ruling (Adar I) and Sephardim follow the Shulchan Aruch (Adar II). Those who want to keep both days or come from a place with that minhag, are invited to act in that way.

What about other practices of yahrtzeit? The same opinions are basically pertinent, but one can decide to keep two days as far as visiting the grave, learning, and/or saying kaddish, but perhaps not fast twice. We should note that even the Magen Avraham says that one has the right to say kaddish only once. He refers to the times when only one person would recite a Mourner's Kaddish, and a yahrtzeit would uproot a mourner during his year of mourning. This situation exists in relatively few shuls these days, but the principle precludes one from asking to get an aliyah or to be chazzan because of the yahrtzeit in both months of Adar.

*Ask the Rabbi Q&A is part of Hemdat Yamim, the weekly parsha sheet published by Eretz Hemdah. You can read this section or the entire Hemdat Yamim at [www.ou.org](http://www.ou.org) or [www.erezhemdah.org](http://www.erezhemdah.org). And/or you can receive Hemdat Yamim by email weekly, by sending an email to [info@erezhemdah.org](mailto:info@erezhemdah.org) with the message: Subscribe/English (for the English version) or Subscribe/Hebrew (for the hebrew version). Please leave the subject blank. Ask the Vebbe Rebbe is partially funded by the Jewish Agency for Israel*

## [2] Candle by Day

It is equally a mistake to assume that we can get by with thinking alone as that we can get by without thinking at all. without thinking at all. without thinking at all. without thinking at all.

From A Candle by Day by Rabbi Shraga Silverstein

### [3] CHIZUK and IDUD

(for Olim & not-yet-Olim respectively)

Usually, the name of the weekly sedra hints at the content of the opening verses. Parshat Ki Tisa is a notable exception, given the fact that the word "Tisa" can mean "forgive" (Bereshit 4:13), "carry" (Bereshit 37:25), "elevate" (Bereshit 40:30), "take an oath" (Shemot 20:7), "accept" (Shemot 23:1), or "take a census," as in our sedra.

Rashi, quoting the Talmud (Megila 29b), points out that the half-shekalim contributed by those eligible to be counted were used to fashion the foundation sockets which secured the planks surrounding the Mishkan. In explaining verse 3: "And this is what every one shall pay... a half shekel...", Rashi quotes Midrash Tanchuma, which says that God showed Moshe a coin of fire, directing him that "this" is what should be given in the forthcoming census. Throughout his commentary on the Torah, Rashi tries to distill the peshat - the plain meaning of the verse. It may be asked: How does Rashi's comment on this verse illuminate our understanding of the text?

An anonymous commentator in the 19th century raises a question about the aforementioned midrash: Why did the Almighty show Moshe a "coin of fire," rather than a fiery metal coin? This commentator explains that God was not instructing Moshe about the coin itself, but rather describing the state of mind that should accompany the giving. Being counted as part of Klal Yisrael involves a lot more than simply paying one's financial obligations to the community. When one is privileged to be counted, the giver of the coin has to ask "what does this payment really demand of me." The "coin of fire" represents the zeal that must accompany the performance of the tasks that devolve upon us as members of the community.

In today's world, Aliya to Israel is the paradigm of the fiery coin. Aliya requires a steadfastness of purpose, an unyielding zealous commitment and a clear sense of mission in order to join those who are valiently striving to realize in our time the fulfillment of Jewish destiny.

**Rabbi Mordechai Spiegelman, Jerusalem**

*TORAH THOUGHTS as contributed by Aloh Naaleh members for publication in the Orthodox Union's 'Torah Insights', a weekly Torah publication on Parshat Ha'Shavuah*

### [4] MicroUlpan

The things in a car that you press with your foot in order to GO, STOP, or (in some cars) to change gears (HILUCHIM) are pedals. In Hebrew?

**דוֹשָׁה • דוֹשׁוֹת • דוֹשׁוֹת הַמְּכוֹנִית**

And what about the thing you use to raise the car in order to change a tire? Jack,

in English. Hebrew? **MAG-BEI-AH מַגְבֵּיהַ**

### [5] A Touch of Wisdom, A Touch of Wit

Two men once came to R' Avraham Yitzchak of Karlitch for his decision in a dispute between them. For hours, they both spoke, each bringing up all the possible points in his favor. Finally, after they had said everything they wished to say, R' Avraham

Yitzchak retired to decide the case. In a short while, he summoned them back and rendered his verdict, one which they both accepted immediately. They left, friends once more.

After they had gone, one of his friends asked R' Avraham Yitzchak, "Rebbe, if you could decide the verdict in so short a time, why did you allow them to go on and on?"

"Had I cut them off before each had his full say", replied R' Avraham Yitzchak, "neither of them would have been satisfied. Both would have felt that an injustice had been done. After I gave them all that time to say everything they had to say, they felt that justice was done, and they accepted the verdict gladly."

*Shmuel Himelstein has written a wonderful series for ArtScroll: Words of Wisdom, Words of Wit; A Touch of Wisdom, A Touch of Wit; and "Wisdom and Wit" — available at your local Jewish bookstore (or should be). Excerpted with the permission of the copyright holder*

### [6] Did you know...

If you have a minyan of exactly 10 men, the Chazan must wait until all 9 others finish their Amida before he begins the repetition (Shacharit and Mincha). But at Maariv, he needs to wait for at least six to finish in order to say Kaddish.

### [7] New Feature: Parsha Points to Ponder

**(1) What does G-d mean when He says, "Keep My Sabbaths" (Shabtotai) in plural? (Sh'mot 31:13)**

**(2) There is a basic principle that G-d forgives after a person goes through a process of repentance. Given the fact that the Jews did not display any repentance after their sin, why did G-d forgive the Jews for the sin of the golden calf solely based on the prayers of Moshe Rabbeinu?**

**(3) G-d promises the Jewish people that while they travel to Jerusalem for the holidays to perform the mitzva of Aliya L'Regel, none of their enemies will attack the vacated cities (34:24). Why did G-d not mention this promise in Parshat Mishpatim (23:14-17), the first time this mitzva was taught?**

Parsha Points to Ponder is prepared by Rabbi Dov Lipman, Ram and Director of Student Life, Yeshivat Yesodei HaTorah, Beit Shemesh. Answers may be submitted to him at: [ravlipman@yesodei.org](mailto:ravlipman@yesodei.org) Answers will appear next week. Correct submissions will be acknowledged.

TT readers: This new feature is experimental. Your feedback (to [tt@ou.org](mailto:tt@ou.org)) will be greatly appreciated.

### [8] Divrei Menachem

Parshat Ki Tisa reintroduces the Mitzva of observing Shabbat, not once but three times in the same paragraph: "You shall observe my Shabbatot... and you shall keep the Shabbat... and the Children of Israel shall keep the Shabbat (Shmot 31:14,16). Which brings us to ask, why the repetition of the command?

Harav Shimshon Raphael Hirsch equates these three statements about Shabbat to three characteristics that define a Shomer (guardian) who temporarily takes possession of someone's

property. Besides the rights of the guardian, the Shomer also has responsibilities that fall into 3 categories: "Shlichut Yad", "Peshi'a" and "Aveida".

These terms indicate that as Shomrim we must never allow the Shabbat out of our sight nor misuse it according to our subjective ideas. Moreover, we must protect this sacred treasure from harm.

Noting the use of the plural terminology, "Shabbatot", Rav Hirsch reminds us that every individual Shabbat in all time demands our dutiful care. And each Shabbat is to be protected not only from our mundane weekly pursuits: Shabbat is to be guarded from even the holiest of tasks, the Melachot, that were dedicated to the highest of spiritual purposes, the building of the Mishkan. Such, we see, is the power and importance of Shabbat.

**Shabbat Shalom, Menachem Persoff**

## **SHEYIBANEH BEIT HAMIKDASH..**

*A series of articles on Beit HaMikdash-related topics by Catriel Sugarman intended to increase the knowledge, interest, and anticipation of the reader, thereby hastening the realization of our hopes and prayers for the rebuilding of Jerusalem and the Beit HaMikdash.*

### **Shechita - the Slaughter of Sacrificial Animals**

*Shemuel from Har Nof asks, "You wrote about eating meat in Temple times. Did they shecht (slaughter) animals then the same way we do now? Was there a difference between (the slaughter) of Korbanot and Chulin (non-sacrificial meat)?"*

Immensely ancient, the laws of Shechita - kosher ritual slaughter - were strictly observed in the Beit HaMikdash. These laws were (and are) considered Halachot LeMoshe MiSinai, laws orally revealed to Moses on Mt. Sinai. This is intimated in the Biblical verse; '...you may slaughter from your cattle and from your flocks...as I have commanded you.' (Devarim 12:21). Since nowhere in the written Torah are there Halachot explaining how animals are to be slaughtered, this Pasuk is considered one of the classic proofs of the existence of a Torah She'be'al Peh, an authentic Oral Tradition coeval with the written Torah. The Gemara in Chulin 28a reads, "The Pasuk 'And you shall slaughter... as I have commanded you' teaches us that Moses was instructed concerning the gullet (esophagus, Veshet) and the windpipe (trachea, Kaneh); that the greater part of one of these organs must be cut in the case of a bird, and that the greater part of both of these organs must be cut in the case of cattle." The Ramban comments, "...originally G-d commanded us that all meat eaten were to be offered as Shelamim, but when He permitted Chulin - non-sacrificial eating - He said, 'you may slaughter from your cattle and from your flocks... as I have commanded you'. Slaughter them in the same way as you did when all animals slaughtered were offered as Korbanot" (Devarim 12:21). Though Shechita was not considered an Avoda, the Shocheit in the Mikdash, whether Kohein or non-Kohein, had to have Kavana (special intent) when slaughtering a sacrificial animal (Menachot 110a). (Birds which were to be sacrificed were killed by another method called Melika. Melika was only applicable for Korbanot and not for Chulin; a bird killed by Melika today would not be Kosher.)

Private Korbanot did not have to be slaughtered by a Kohein. In fact ideally, private Korbanot were slaughtered by the Ba'al HaKorban (the person bringing the sacrifice) himself. In addition, "We learned in Zevachim 31b that women were permitted to slaughter their own sacrificial animals" (Tosafot).

If the Ba'al HaKorban needed assistance, expert Shochemim were on hand to help. Leviyim fulfilled this important function in the great Passovers celebrated by Kings Hezekiah and Josiah in the days of Bayit Rishon (II Divrei HaYamim 30:17 and 35:6). The slaughter of animals was entrusted by the Halacha only to those who were well-versed in the laws of Shechita, skilled in their work, and were Shomrei Mitzvot. The Shocheit could not be a deaf-mute, imbecile, someone who was intoxicated, or a minor. But if an expert supervised them and validated their Shechita, it was valid (Chulin 1:1). However, Korbanot Tzibur - the communal sacrifices - were always slaughtered by Kohanim. The Temidin - the two daily obligatory Olot - were slaughtered by Kohanim chosen in the second of the four priestly "lotteries" which the Mikdash authorities arranged to determine which Kohein performed which particular Avoda (Yoma 2:3). Each of the 24 Mishmarot - "companies" of Kohanim had its own set of slaughter-knives which were stored in the Beit HaChalifot, chambers located at the north and south ends of the Ulam - the entrance hall of the Bayit. The knives had to be extremely sharp, smooth, and without notches. The many sub-Halachot of the laws of Shechita were condensed by the Sages into five major classifications. If the Shocheit made any of the following errors, the Shechita was invalidated (Chulin 9b).

- SHEHIYA (delay or pause). There should be no delay or pause in the act of slaughtering. The knife had to be kept in continuous motion forward and backward until the windpipe and gullet were completely cut through. (Shehiya is discussed at length in Chulin 32a. Rambam discusses Shehiya in even greater detail in the beginning of the third chapter of Hilchot Shechita.)
- DERASA (pressing the knife). The knife had to be gently drawn horizontally across the neck of the sacrificial animal; the Shocheit could not press down. Derasa is discussed at length in Chulin 30b. See Rambam, Hilchot Shechita 3: 11
- CHALADA (passing the knife under cover). The knife had to be drawn over the throat and every part of the knife had to be visible at all times. (For example, if the wool of a sheep concealed the knife from view, the Shechita would be invalidated.). Note Chulin 32a, Rambam, Hilchot Shechita 3:9,10
- HAGRAMA (cutting in a slanting direction). The knife could only be drawn across the area between the large ring in the windpipe to the upper lobe of the lungs when they are inflated. Slaughtering above or below these limits is called Hagrama and invalidates the slaughter. Note Chulin 18a, Rambam Hil. Shechita 3:12
- IKUR (uprooting or tearing loose). If either the windpipe or the gullet was removed or torn from its regular position during Shechita, the slaughter was invalid. The knife had to have a perfect edge. Ikur is discussed in detail in Chulin 32a and 85a. See Rambam, Hilchot Shechita 3:14

After every animal was slaughtered, the Shocheit had to re-examine his knife to ascertain that no Pegimot (flaws, nicks) had developed. If he found a disqualifying notch, the Shechita was invalidated. Similarly the Shocheit was obligated to examine the throat of the slaughtered animal and insure that the windpipe and gullet were indeed cut according to Halacha (Chulin 9a). In addition the innards and especially the lungs of the animal had to be thoroughly checked for disqualifying blemishes. If the animal was killed without Shechita or the slaughter was defective or if it died, it was considered Neveila ("carrion") and was not permitted to be eaten or offered as a

Korban. In the Mikdash, a private individual slaughtering his Korban recited the Beracha, ...Asher Kideshanu Bemitzvotav Vetzivanu Al Hashechita ....who sanctified us with His commandments and commanded us (the laws of) Shechita. (Rambam, Hil. Shechita 1:2). A Kohein slaughtering the Tamid would insert "the priestly addition" into the Beracha, "Asher Kideshanu Bekedushato Shel Aharon and then conclude the Beracha, Vetzivanu Al Hashechita.

The Sifri notes, Ma Kodashim Beshechita, Af Chulin Beshechita". The Halachot for the slaughter of Korbanot in the Mikdash and that of non-consecrated meat for private consumption were identical.

*Catriel's book in progress: The Temple of Jerusalem, A Pilgrims Perspective; A Guided Tour through the Temple and the Divine Service*

## Towards Better Davening and Torah Reading

YL writes... In the TBDATR column of TT issue 656, Phil (I always call him "Reb Pinchas") added a "personal" note, saying that he knows I (YL) will take him to task for not "talking AYIN vs. ALEF". He then went on to present the problem quite fairly:

1) halachic sources warn us to distinguish between ALEFs and AYINs, especially in SH'MA.

2) Some argue that the "Ashkenazi" non-pronunciation of an AYIN is simply wrong, while he (Phil) clings to the view that it is the "Ashkenazi way" to consider an AYIN silent - even though it really isn't.

I'd like to add the following - with Phil's permission - to this presentation:

The root of the matter is that there really is no "Ashkenazi way" about it: at no stage in the development of the Ashkenazi galut (golus) did any (Ashkenazi or other) halakhic authority take any decision about "declaring kosher", if I may put it that way, this lack of distinction between ALEF and AYIN (by the way, neither are "silent letters" by nature, though the ALEF can be silent under certain circumstances, the AYIN - never). The so-called "Ashkenazi" way came about as the result of simple sloppiness combined with assimilation, linguistic assimilation - that is. It must have been rough for Ashkenazi readers of Hebrew to maintain a pronunciation of AYIN when the entire linguistic vicinity in which they found themselves never had any sound even closely approximating the original AYIN, and I can certainly appreciate that it was rough. I can also understand why it must have been with a sigh of relief that the first or second generation of linguistic assimilationists found they could treat the AYIN as a silent letter and get away with it! (At first, I'm sure rabbanim must have corrected them, but probably gave up as they saw they were losing the battle).

But now we are no longer in that all-embracing, smothering "Ashkenazi" linguistic environment, and there is no longer any justification (even b'di'avad) to continue mispronouncing (or not pronouncing) our AYINs, especially in Torah reading and in davening, and in SH'MA in particular. How else, by the way, are we to distinguish between VA'AVAD-TEM (with an AYIN) and VA'AVAD-TEM (with an ALEF), both of which appear in SH'MA - with entirely different meanings? Point to ponder.

## TTRIDDLES...

*are Torah Tidbits-style riddles on Parshat HaShavua (sometimes on the calendar). They are found in the hard-copy of TT scattered throughout, usually at the bottom of different columns. In the electronic versions of TT, they are found all together at the end of the ParshaPix-TTriddles section. The best solution set submitted each week (there isn't always a best) wins a double prize a CD from Noam Productions and/or a gift (game, puzzle, book, etc.) from Big Deal*

## Last issue's (T'TZAVEH) TTriddles:

[1] HaB'gadim: 5-2, who & who?

[2] one of 12, one of 7, prophet's port

[3] Besides this week's sedra...who to whom and what?

[4] Three that share this unit of length

[5] A label on a pot you want to tovel is like what stone?

[6] plus two elements from the Parsha Pix

## And the envelope, please...

[1] The word HAB'GADIM occurs seven times in the Tanach. Five times, it is referring to the garments of the Kohein Gadol. Twice it refers to the garments of the King. Hence, the "score" is 5-2, K.G. vs. Melech.

[2] Personal favorite of this batch of TTriddles. Several correct solutions for this one. One of 12 stones on the CHOSHEN (breastplate of the Kohein Gadol), one of 7 advisors to Achashveirosh (in Megilat Esther), and the port from which the prophet Yona attempted to flee from his "assignment" to warn the people of Ninvei that they faced destruction because of their sins. Answer: TARSHISH.

[3] V'ATA T'TZAVEH, And you shall command... We know this two-word phrase well from Parshat T'tzaveh. How many other times does the phrase appear in Tanach? Only one other time. That time, G-d was speaking to Yehoshua, saying that he should command the Kohanim who were carrying the Aron to stand at the bank of the Jordan River.

[4] The unit intended here is the ZERET, a span, one-half an Ama. Based on the distance from the tip of the thumb until the tip of the pinky (which is also called ZERET) of a spread out hand. It is the measure of the CHOSHEN in T'tzaveh (and P'kudei, length and width after it is folded in half). It also shows up in the haftara of T'tzaveh, where we find the dimensions of the Mizbei'ach. The only other occurrence of ZERET as a measure in Tanach is in the description of the height of GOLYAT (Goliath) as 6 Amot and a Zeret

[5] This was the only TTriddle not solved by anyone - which detracts from the rating of the TTriddle. A highly rated TTriddle must be solvable, but not too easily. (There are other factors which also affect ratings.) The closest anyone came to a solution was CHATZITZA to CXHATZATZ, which is gravel. Sort of like stone. But not, of course, one of the CHOSHEN's stones. The other attempted solution was closer to the CHOSHEN, but... "A label on a pot is like lipstick on a woman and both are a chatzitza and you can't tovel like that. Lipstick is Odem in Hebrew which is the first stone in the list. Nice try. Here's the intended answer (like it or not). The second part of Shulchan Aruch is YOREH DE'A. Y"D consists of 403 SIMANIM, sections. The middle section, no. 202, discusses CHATZITZA on vessels, like a label on a pot. Get where we are going with

this yet? The four parts Shulchan Aruch are known as the ARBA'A TURIM, the same term used to describe the rows of stones on the CHOSHEN. So the middle stone of the second row would correspond to the middle section of Y"D. That stone is the SAPIR. And that is the answer to this TTriddle.

[6] The easier one of the two "unexplained" elements of the ParshaPix was the crossword puzzle in the lower right. In Hebrew, a crossword puzzle is TASHBEITZ. This is the same word used in the Torah for the pattern of weave of the KUTONET.

[7] Which brings us to the chest of drawers, also known as a dresser. As such, it hints to Moshe Rabeinu who was first dresser for Aharon and his sons, being commanded to put the holy garments on the kohanim.

A fair number of solvers this week. Top honors to a relative newcomer to TTriddle-solving, and a relative (pun intended) of

veteran TTriddle-ace YYW. This week's winner is BYS. Be in touch re prizes.

BTW, when submitting solutions, you may use the corresponding numbers to the Hebrew letters. We might change back too, but not yet.

### **This week's TTriddles:**

[1] In Ki Tisa, it could be anyone; the only other time the word appears, it refers to whom?

[2] They split the butterfly

[3] Archer's first novel could have been inspired by this

[4] The murmuring of the people, the corruption of Eli's sons, the failure of Shaul HaMelech

[5] plus three elements from the Parsha Pix

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