

This Shabbat is the 248th day (of 383); the 36th Shabbat (of 55) of 5765 • We read/learn the THIRD perek of Avot

... ויקראתם דרור בארץ לכל-ישיביה... ויקרא כהי

B'har's Promises and Challenges

Of course, we can look at Parshat B'har as a small 57-pasuk sedra with 24 mitzvot in it. But we can look at some of its mitzvot and their details as promises from G-d and challenges to us.

Sh'mita is a serious mitzva. (Yes, they all are, but...) And we observe it on some levels in our time. But goes into full force at some time in the future, when certain conditions exist. Let's leave it at that for the moment. Yovel does not exist in our time. Yet. Looking at its details, we can see not only requirements and prohibitions, but promises of a time more spiritual than we know now, freer, with a stronger sense of interpersonal relationships. And a deeper commitment to G-d, the Torah, the Land, and the People. part of the Sh'mita/Yovel life is the deal - Keep the mitzvot and we will dwell securely in our Land. When the Torah presents us with an if-then, we have a challenge and a promise rolled into one. We should be thrilled with the prospect of dwelling securely in the Land and of prosperity, AND we must take seriously the challenge of mitzva-observance and a Torah way of life, upon which our good fortune depends..

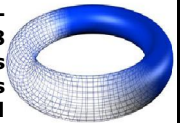
One of the details of Yovel that takes on a life of its own is the prohibition of selling land in Eretz Yisrael on a forever basis. Interestingly, this cannot be done, because land reverts to its original owners during Yovel, but the attempt to sell land forever is the violation. Rambam considers this prohibition to apply between Jew and Jew. Ramban says it forbids Jews from selling (or giving) part of Eretz Yisrael to non-Jews (even if they are not sworn enemies - how much more so...) Even if one believes that we will eventually get the land back, it is still forbidden to sell or give it "presumably" forever. This prohibition also presents us with a challenge, as well as promising great things for us as a People, if we remain true to G-d and Torah.

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...

Last opportunity for Kid-dush L'vana is 14 days, 18 hours and 22 minutes after the molad. That is halfway from one molad to the next. It is the moment when the moon is at its fullest and then begins to diminish. (Since we use average figures for the calculation of molad and nigud, there will most often be a deviation between real full moon and the last op for KL. For practical purposes, it makes no difference if the actual moment of opposition (full moon) is earlier or later than our Sof Zman KL - we use our calculated time. For Iyar, it comes to Monday, May 23rd, 14 Iyar, at 2:09pm Israel Summer Time (adjustable for your locale). That means, of course, that Sunday night is really the last opportunity. Motza'ei Shabbat is better still. (More preferable is to have already said KL this month by the time you read this.)



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OTHER Z'MANIM
Correct for Jerusalem

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regular and (earliest)
CANDLE LIGHTING
HAYDALA TIMES
Israel Summer Time (DST)
Correct for TT 668 • Rabbeinu Tam (I'm) - 7:53pm

6:57pm (6:06)	Jerusalem	8:14pm
7:15pm (6:09)	Gush Katif	8:17pm
7:14pm (6:08)	Raanana	8:17pm
7:13pm (6:07)	Beit Shemesh	8:15pm
7:15pm (6:08)	Netanya	8:17pm
7:14pm (6:08)	Rehovot	8:16pm
6:55pm (6:08)	Petach Tikva	8:16pm
7:13pm (6:07)	Modi'in area	8:16pm
7:13pm (6:07)	Be'er Sheva	8:14pm
7:12pm (6:06)	Gush Etzion	8:14pm
7:13pm (6:07)	Ginot Shomron	8:16pm
6:57pm (6:06)	Maale Adumim	8:14pm
7:09pm (6:07)	Tzfat	8:16pm
7:12pm (6:06)	K4 & Hevron	8:14pm

Ranges are THU-THU 10-17 Iyar (May 19-26)

Earliest Talit & T'filin - 4:43-4:39am
Sunrise - 5:40-5:36am
Sof Z'man Sh'ma - 9:07-9:06am (8:15-8:12am)
Sof Z'man T'fila - 10:16-10:16am (9:42-9:40am)
Chatzot (halachic noon) - 12:35½-12:36pm
Mincha Gedola (earliest Mincha) - 1:11-1:12pm
Plag Mincha - 6:05-6:09pm
Sunset - 7:37-7:41½pm (7:32-7:36pm)

In the Wolinetz Family Shul
OHHEL SHMUEL (entrance floor)
"Early Shabbat" Davening
Mincha 5:51pm (15 min. before Plag)
Shabbat afternoon shiur, 5:00pm
Yaacov Peterseil & Co.
Mincha at 6:00pm

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SHMITA EITZEL HAR SINAI is used in modern Hebrew to mean, What does one thing have to do with the other.)

The unusual nature of the pasuk is based on the rare additional words in the otherwise very familiar pasuk: And G-d spoke to Moshe saying. The mitzvot that follow deal with Shmita, the Sabbatical year. A basic element of our belief is that the whole Torah was revealed by G-d to Moshe (and by him to us) at Sinai (and not just the Ten Commandments, as many people - Jews and non-Jews - would claim). Why then mention the location of this particular set of commands? One of the principles by which the Talmud teaches us the Oral Torah is "when one issue is singled out for special treatment, the teaching not only applies to the one issue, but to the whole group from which it came". Here the teaching is this: Just as Shmita with its details was given at Sinai (it says so specifically right here), so too were all mitzvot given at Sinai with their details (and not just "Chapter-headings"). This idea is an important feature of the Chain of Tradition, and is an essential component of "Emunat Chachamim", the trust, faith, and confidence we must have in each link of the Chain.

On another level we still can ask the question: "why was this particular set of mitzvot chosen by G-d, so to speak, to teach us the general rule?" One commentator offers the following insight: The mitzva of Shmita teaches us (among other things) that G-d is concerned with the mundane things of this world. He cares about us and our earthly fields and trees. And He exists, not only in the lofty realm of the heavens, but His Essence fills the world. G-d's choice of lowly Har Sinai as the venue for giving us the Torah, was meant to teach us the same idea. How appropriate that the Torah tells us that it was at Sinai that G-d commanded us the laws of Shmita.

Here is another idea as to why specifically Sh'mita is singled out as the mitzva to teach us that all mitzvot of from Sinai with full detail. It makes the Eretz Yisrael connection. The purpose of our being taken out of Egypt and being given the Torah was to bring us to Eretz Yisrael and that we should live a Torah life in this Land. There is no better choice to make this additional point.

"When you come to the Land..." The Land is to be rested each seventh year. For six years one works the fields, and on the seventh there is to be a Shabbat to HaShem for the Land; neither land [326,L220 25:4] nor trees [327,L221 25:4] may be worked. Even that which grows on its own, may not be harvested (in a normal manner) from the land [328,L222 25:5] or trees [329,L223 25:5]. (The Torah uses the term "vineyard", but means to include all trees.) Shmita year is for all to benefit from the land (without the usual sharp distinction between land- owner and others); and for the animals. (Shmita gives the land a chance to restore itself, and gives us a chance to put our relationship with the environment and with the other creatures who share the Earth with us, in perspective. It helps us get our priorities straight.) Shmita reminds us of who created and still rules.

MITZVA WATCH

Note that there are four prohibitions here in Bhar pertaining to Shmita, and there is a positive command to rest the land in the seventh year, in Parshat Mishpatim. It is noteworthy, though not that unusual, that an area of Jewish Law is presented to us by the

B'HAR STATS

32nd of 54 sedras; 9th of 10 in Vayikra
 Written on 99 lines in a Sefer Torah, ranks: 50th
 7 parshiyot; 1 open, 6 closed
 57 p'sukim, rank: 50th; last in Vayikra
 737 words, rank: 50th; last in Vayikra
 2817 letters, rank: 50th; last in Vayikra
 A very short sedra. Only 4 are shorter,
 viz. the last 4 of the Torah: Nitzavim, Vayeilech,
 Haazinu, V'zot HaBracha

MITZVOT:

Contains 24 mitzvot - 7 positive, 17 prohibitions
 Only 7 sedras have more mitzvot. 9 sedras (B'har included) contain 409 mitzvot. 17% of the sedras contain 67% of the mitzvot. 17 sedras (31%) have no mitzvot. That leaves 28 sedras (52%) with the remaining 33% of the mitzvot. Very uneven distribution

Aliya-by-Aliya Sedra Summary

Numbers in [square brackets] are the Mitzva-count of Sefer HaChinuch AND Rambam's Sefer HaMitzva. 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 - First Aliya - 13 p'sukim - 25:1-13

[P> 25:1 (7)] One of the most famous sedra openers in the Torah: "And G-d spoke to Moshe AT HAR SINAI saying...". (So popular, that Rashi's question MA INYAN

Torah in this way - with both positive mitzvot and prohibitions (and not necessarily from the same portion of text). Shabbat, Shmita, Yom Kippur, Yom Tov, kashrut (to an extent), et al all are heavily sprinkled with serious prohibitions. As such, we are duty-bound to "toe the mark" lest we violate G-d's Law. Our motivation would tend to be "fear of heaven", fear of sin, fear of punishment. Strong motivations, but not as beautiful and powerful as the motivation of "Love of G-d" that is at play when one strives to scrupulously fulfill G-d's commands. One should not see Shmita merely as a series of "don't do this", don't do that". We should rejoice in the opportunity to serve G-d, demonstrate our faith and confidence in Him, be freer to study His Torah and perform mitzvot. Observing Shmita is not just avoiding the prohibitions. It is a positive statement of our belief in the Creator and Master of the World.

[P> 25:8 (17)] (When the majority of Jews are in Israel and the infra-structure of Torah life in Israel is intact,) the Sanhedrin is required to count seven successive seven-year cycles - 49 years [330,A140 25:8]. On the Yom Kippur of the 50th year, the Shofar is to be sounded (as we do each year on Rosh HaShana, and as we do in symbolic fashion at the conclusion of Ne'ila each year) [331,A137 25:9]. This 50th year is to be proclaimed "kodesh" as Yovel - the Jubilee year [332,A136 25:10]. Farming the land is forbidden [333,L224 25:11] (as during Shmita), as are harvesting that which grows on its own [334,L225 25:11] and gathering the fruit of the trees in a normal manner [335,L226 25:11]. Yovel is holy; we "eat of the land". During Yovel one returns to his estate.

There is an important connection between the blowing of the Shofar on Yom Kippur of the Yovel year, and the annual Shofar-blowing on RH - in fact, we learn about the blowing of Shofar on Rosh HaShana from that of Yovel. The word SHOFAR is not used in the Torah in the context of Rosh HaShana. RH is to be a T'RU'A DAY, but we would really have a difficult time knowing what to do on RH had it not been for the Oral Torah teaching us the parallels to Yom Kippur of Yovel. Comparing the texts of the two days, we find a Tishrei-Tishrei match and a T'RU'A-T'RU'A match. The Gemara teaches us that we answer the question as to how to make a T'RU'A in Tishrei (Rosh HaShana), by doing it the same way as the other Tishrei T'ru'a is produced - with a Shofar. This method of learning RH from YK of Yovel is known as a G'ZEIRA SHAVA. It is one of the methods by which the Written Word and the Oral Law are linked. G"Sh is part of the Tradition passed down through the generations.

Levi - Second Aliya - 5 p'sukim - 25:14-18

In business with others, one must deal ethically [336,A245 25:14] (the mitzva is actually the command to the courts to carefully carry out the rules of business conduct); it is forbidden to cheat in business [337,L250 25:14] (since land returns to its original owners at Yovel, real estate purchases are only for a specific period. Prices therefore, should reflect the number of years remaining until the next Yovel. This is the context of the general mitzvot regarding proper business practices.)

MITZVA WATCH

Here is yet another example of an area replete with prohibitions of a wide variety with a positive mitzva commanding us to conduct ourselves in accordance with the letter and spirit of halacha. Perhaps this is one of the reasons for the positive mitzva in these areas. Technically, the positive command is "unnecessary", since avoidance of all the prohibitions would already bring us to compliance with G-d's Will. The positive mitzva, then, can be understood as requiring us to put our hearts into what we are doing, not even violate the spirit of the law, and be prepared to go "beyond the call of duty" (lifnim mishurat hadin). Furthermore, it is through the positive mitzva that we can attain higher levels of sanctity, as we are challenged with K'doshim Tih-yu.

Rambam describes certain situations in business in which one can technically get away with something, but he is considered not to have acted in "a proper Jewish manner". Perhaps the positive commandment also comes to teach us not to take advantage of the technical loopholes, but rather to conduct ourselves with the highest standards of business ethics, in recognition that this is G-d's Will.

On another note... Let's say that an art dealer passes off a good-quality fake as an original master. To be sure, the art dealer has violated the halacha against cheating in business. But whose law has been violated? Do we consider this type of cheating to be a rabbinic prohibition inspired by the Torah's statements regarding the particular example of cheating vis-a-vis the years remaining until Yovel. No. We say more. We say that our Oral Tradition teaches us that Yovel is the particular context for a wide category of prohibition. In other words, in this case, we are not dealing with Torah-inspired rabbinic extension of Torah Law. We are dealing with Talmudic DEFINITION of Torah Law. These are not the same; the distinction between them is significant to our keeping things in proper perspective. **Not only must one not take unfair advantage of his fellow in money-matters, he must be careful not to "oppress" or deceive others with words [338,L251 25:17].** This prohibition is very serious, as evidenced by the link the pasuk makes between it and the mitzva to revere (fear) HaShem.

Safeguard and obey the statutes and laws of the Torah and dwell in security on the Land. (This link between observance of Torah and continued peaceful, secure living in Israel, is an oft-repeated theme, one that must be kept in mind in modern Israel.)

Shlishi - 3rd Aliya - 6 p'sukim - 25:19-24

The Land will yield its bounty and we will eat our fill and dwell in the Land in security. No one should question where food will come from (with two years in a row of Shmita restrictions). G-d promises to bless the land during the sixth year (two years before Yovel) so that the land will yield enough for three years; the planting of the year after Yovel will supply our needs thereafter.

SDT *One commentator says that the pasuk states that if someone were to ask what are we going to eat..., then G-d will command His blessing to give us an abundant yield.*

However, one should not ask. If we are completely faithful and believe without reservation or question that G-d will provide for us, then He won't have to command the blessing to come; it will happen as a natural reaction to that faith.

The land must not be sold forever [339,L227 25:23] since it is to return to its original owners during Yovel [340,A138 25:24].

MITZVA WATCH

Rambam defines the prohibition against selling the land "forever" in the context we find the prohibition. The basis here is that land returns to its original owners in Yovel. An owner isn't really an owner; he's a guardian of the property until Yovel. So here's a person who ATTEMPTS to sell a piece of land forever. Intending that it should not revert to its original owners. Guess what? That cannot be done. The land goes back to its original owners regardless of a transaction to the contrary. The ISUR here is really "attempted" selling of land in E.Y. forever. It cannot actually be done. Rambam.

Ramban takes the mitzva out of its context and explains the ban as forbidding the selling of land in Eretz Yisrael to non-Jews, who we can assume will not abide by the Yovel rule of reversion of ownership.

It would seem obvious from Ramban (and other sources) here and other places in the Torah that it is forbidden to give part of Eretz Yisrael into the hands of non-Jews, certainly ones that are our sworn enemies.

R'vi'i - Fourth Aliya - 4 p'sukim - 25:25-28

[S> 25:25 (4)] If a person were forced to sell off hereditary land because of poverty, he or a relative may redeem the land by paying a proportional amount (depending upon how many years remain until Yovel). If not redeemed before Yovel, the land reverts to its hereditary owners with Yovel.

Rashi says that we learn from these p'sukim that ordinarily, one should not sell a field in Eretz Yisrael, except for the extenuating reason of poverty.

Chamishi - 5th Aliya - 10 p'sukim - 25:29-38

[S> 25:29 (6)] If someone sells a house in a walled city (walled, that is, from the time of Yehoshua, i.e. original conquest), he has up to one year to redeem it; if not, it remains the new owner's forever. Redemption during the year is by returning the full amount paid, i.e. no deduction for the time that the buyer lived there. (This is technically an exemption from the Torah's ban against interest.) Redemption of a house in a walled city is a mitzva [341,A139 25:29]. On the other hand, houses in non-walled cities have the same rules as land - viz., redemption is possible until Yovel, at which time the house reverts to its original hereditary owners. Houses in Levite cities (even walled cities) are redeemable beyond the one-year limit, and do revert to the Levi at Yovel. The Levi has hereditary rights to those special (42+6) cities. It is forbidden to alter the areas around those cities by selling off parts of the land on a permanent basis [342,L228 25:34].

[S> 25:35 (4)] We are obligated to help our fellow who has fallen on hard times. We may not take interest for personal loans made to help him out [343,L235 25:37]. "I Am G-d Who took you out of Egypt, to bring you to the Land, to be your G-d."

(This is definitely NOT a non sequitur - it emphasizes G-d's desire, so to speak, for His People to care about each other. It is as if G-d says to us: Look and remember what I did for you. Now you be nice to your fellows.)

Shishi - 6th Aliya - 8 p'sukim - 25:39-46

[S> 25:39 (8)] If a Jew sells himself into servitude because of poverty (or any other reason), his master may not treat him contemptibly [344,L257 25:39]. He shall be treated like an employee, and stays with his master only until Yovel. (This is the maximum; under normal circumstances, the Jewish manservant goes free much sooner.) At Yovel, he and his family return to their hereditary land. We are servants of G-d (and should not be subservient to other people); no Jew shall be sold in the degrading way of the slave market [345,L258 25:42]. Do not subject him to hard, spirit-breaking labor [346,L259 25:43].

Jews (according to Torah law) may own non-Jewish slaves, such slaves becoming hereditary property. These slaves are not released at Yovel, but remain the permanent property of their owners [347,A235 25:44].

Sh'vi'i - 7th Aliya - 11 p'sukim - 25:47-26:2

[S> 25:47 (11)] If a Jew becomes a slave to a non-Jewish master, we may not permit him to remain so [348,L260 25:53]. Redemption should be by his close relatives, or himself if he obtains the means. Equitable calculation should be made for compensating his master. We must not let his master break his spirit. All this is because Israel is subservient to G-d, Who redeemed us from Egyptian slavery. We are to be committed to Him; we may not make false gods nor idols or sacred pillars; nor may we kneel on a "decorated stone" [349,L12 26:1].

"Keep My Shabbat and revere My sanctuary, I Am G-d. It is likely that Shabbat here refers to Sh'mita. If so, it makes a matched bookend with the beginning of the sedra. On the other hand, if Shabbat means Shabbat, then the juxtaposition to idolatrous prohibitions also makes the point that desecration of the Shabbat is tantamount to idolatry.

Haftara - 22 p'sukim - Yirmiyahu 32:6-27

Yirmiyahu spent most of his prophecy "career" warning the people of the upcoming destruction of the first Beit HaMikdash. In a move geared to encourage the people, as a sign that after exile the people will return to Eretz Yisrael, the prophet arranges for the purchase/redemption of a plot of land that he was "related to" (had the right of redemption). The redemption is done in an overly demonstrative manner, so that all can see what was

going on. This is one of the topics from Parshat B'har, hence the choice of Haftara. The "business" transaction is accompanied by the prophecy that we in our time are witness to the fulfillment of (may it continue forever): For thus says HaShem Tz'vakot, the G-d of Israel - houses and fields and vineyards shall be bought again in this land.

THE JERUSALEM INSTITUTE OF JEWISH LAW - Rabbi Emanuel Quint, Dean

Lesson # 284 • Theft of Intellectual Property

We are living in times where there are new intellectual ideas coming to the forefront almost every moment. Does halacha endeavor to keep up with this speedy advancement and to protect the inventors and developers of such new ideas?

Halacha recognizes theft of intellectual property, such as copyrights, patents, music cassettes, the work of artists, musicians, composers, or teachers, recorded lectures and concerts, and all other types of endeavors where an author, musician performer, writer, inventor, or any other person has contributed his intellect to create a work.

As stated in the Ethics of the Fathers (6:6) "Whoever repeats a thing in the name of the one who said it brings redemption to the world, as it is said: "and Esther said to the king in the name of Mordechai" (Esther 2:22). Conversely, the protection afforded by the law of the land will govern, since the laws of the land are generally not in conflict with halacha in this area. Most countries have laws protecting intellectual property and many countries belong to international conventions in these areas. Such laws are part of halacha, especially when they afford protection to authors of Torah works. Halacha recognizes that authors have the right to protection; their works cannot be republished. However, while this protection was generally held to protect the author for the time that the first edition of the work was still being sold, there is also minority authority that the protection lasted for a reasonable time, such as the author's lifetime and that of his heirs. This was especially so if the author did not live to have his work published and it was the heirs who published it. Most of the cases dealing with authors were about Torah publications and books. The author would be able to obtain from a prominent rabbi a ban in the book's approbation which would usually state that the ban was in effect until the first edition was sold out or for a specific number of years. It was generally held that the failure to publish such ban with the work enabled anyone to copy the work. The ban was generally universal during that period. The purpose of the ban was to promote the publication of Torah works; without the ban, publishers would be reluctant to invest money in the publication. However, to make the ban permanent might stifle the dissemination of Torah. Halacha in each case sought to find an equitable solution between the rights of the author and his publisher and the rights of the public to obtain Torah at the cheapest possible cost; the copier would have a much smaller investment since the type was already set and there were no royalties to the author. There are decisions in certain European communities that issued permanent edicts protecting the rights of the author and his publisher. Also one may not take the permission of the owner of a book or manuscript dealing with Torah subjects with the intent to return it after he studied the contents or made notes therefrom; the study of Torah, no matter how important, cannot be seen as giving one permission to take something that is not his. In such case he is guilty of both stealing and robbery.

There are instances where the author in publishing his work granted permission to anyone who wanted to reproduce the work to do so; in some instances the permission was granted to reproduce the work without any changes whatsoever. There is an instance where the work stated it could be reproduced, but that such person would've to donate a certain amount of money to libraries and yeshivas.

In the area of photocopying from books and other publications, halacha to a great extent also follows the law of the land. Halacha sees photocopying as stealing someone else's product. This applies when the copier sells photocopies or else distributes them to students in large amounts so that the sale of the work is reduced. Even if there is not any payment made for the copies, they are still prohibited since the copier used it for the purpose of the reader not having to purchase the original, resulting in reduced sales of the work. Thus schools should not buy one copy and have photocopies made for all of the students. The restrictions against photocopying are sometimes included in the work itself, and if there is photocopying, the copier has violated the implied agreement with the author that he entered into when he bought the work. There is recent authority holding that if one does photocopy from a work to an extent that the author and/or publisher is deprived of income, the copier should compensate them or be in violation of the laws of stealing. The copier must make a self-appraisal whether he is guilty of stealing. Did he cause a loss to the author by photocopying and by not buying the book?

The question of copying also arises in copying of tapes of music and the like. There is authority that tapes cannot be copied without consent of the publisher and to do so is the equivalent of stealing. Thus if a lecturer states at the outset that he does not want his lecture taped, then it is prohibited to tape the lecture. The lecturer may feel that he has not developed the subject matter sufficiently for it to be taped. If the lecturer does not make such a condition, then if he lecture is taped, there is authority that such tape may not be copied for others.

Regarding patents, the law of the land is to be followed as stated above. This is usually dispositive of the question of patent infringement. Halacha also recognizes that infringement is a tort that has remedies. There is the theft of an idea and there is also confusion in the public's mind regarding the article. The confusion may arise if the infringer palms off the infringing article as being made by the inventor and it may damage the inventor's reputation if the infringing article is inferior in quality to the infringed article. The infringer may have to pay the inventor and/or patent holder a share in the cost of development and registering the article infringed. There will also be an injunction issued by Beth Din to cease the infringement; Beth Din can also assess money damages.

The entire field of stealth of intellectual ideas in halacha is in a state of development, as it is in other fields of intellectual property, and the rabbis and Beth Dins of various communities are aware of the fast changes that are taking place in these areas. More often the rabbis are aware of these changes and recognize that creative ideas must be protected and those who steal such ideas are robbers.

[Ed. note: Similar issues are discussed concerning copying computer software.

The subject matter of this lesson is more fully discussed in volume IX chapters 348 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

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 by

Rabbi Asher Meir

LAG BaOMER

Next/This Thursday night is Lag Ba-Omer, the 33rd day of the Omer period. Since the time of the Rishonim, this has been considered a day of respite from the mourning of the Omer period; according to the most widespread custom today, it marks the end of the mourning period.

Two main reasons are brought for celebrating on Lag BaOmer. A number of Rishonim connect it to the original reason for the mourning, which is the tragic death of the students of Rabbi Akiva during this period. According to some accounts the ravage stopped on Lag BaOmer. According to other accounts there were only 33 days of the scourge scattered throughout the S'fira period, so only 33 days of mourning are called for; these are observed together from the beginning of the counting.

Many sources starting in the early Acharonim mention a tradition that this day is the *yahrzeit* of the Tanna Rebbe Shimon bar Yochai. While this would seem to be a sad day, it becomes a day of rejoicing because on this day he ascended to heaven to attain the reward for his righteousness, and also because on the day he passed away he transmitted many precious secrets of the Torah to his students.

However, some authors suggest original reasons, not based on known traditions, for singling out Lag BaOmer as a day of rejoicing and the cessation of mourning. Let us examine two of these.

The Benei Yissachar connects the Lag BaOmer rejoicing with the idea of the counting as a spiritual ascent from the exodus on Pesach to receiving the Torah on Shavuot. Viewing the counting as a gradual spiritual ascent is found in many ancient sources. The Zohar Chadash refers to 49 gates of impurity from which the children of Israel rose (Zohar Chadash Yitro, II:51a); the Zohar likens it to the count of days from ritual impurity to purity when a married couple can be together. What the Benei Yissachar adds is that Lag BaOmer is a kind of critical threshold in this count; it marks a stage of progress so significant that we pass from a state of counting away from Pesach to a state of counting forwards towards Shavuot.

"When our time arrives, the time of affection in the commandment of our count towards subduing the heart [LEV] towards receiving the Torah, at the completion of counting 32 days [32 is the gematria of LEV], then is revealed the good, the hidden light which was concealed in the Torah." (Benei Yissachar on Lag BaOmer in section on Iyar.)

The Chatam Sofer [Yoreh Deah 233] suggests a number of foundations for the special status of Lag BaOmer; one is a Midrash that implies that the Jews in the desert began eating manna on this day. (The Chatam Sofer himself points out that this varies from the account in the Talmud, which says that the manna began three days earlier. Both accounts agree that the bread of Egypt gave out thirty days from the Exodus; the Midrash adds that they went three days without any bread.)

[Ed. note: This last idea would be consistent with the people going hungry and complaining about lack of food.]

What both of these explanations have in common is that Lag

Baomer does not mark any special event or a division between two periods which have an inherent distinction. Rather, this day constitutes a stage in a process that by nature is gradual. Each day our insight becomes clearer, but on this day we attain a special degree of insight. Each day we reduce our dependence on our Egyptian past as the bread of Egypt is slowly exhausted from our stores and then from our bodies; on this day we stop looking to the past for our sustenance and are compelled to start looking forward towards direct dependence on Hashem.

Both approaches to Lag Baomer remind us that significant breakthroughs don't always depend on momentous events. Just as often, they can come as the result of slow and methodical progress, a little bit each day.

TANACH

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

Dr. Meir Tamari

"To flee before the Lord" (Yonah 1:1) [1]

The book of Yonah is included in 'The 12 Prophets - Trei Asar', but in its style, language and content has more in common with Neviim Rishonim than it has with the prophets like Hoshea, Amos, Malachi contained in that book. Yonah has no written prophetic revelation; rather its message is in his story that includes revealed miracles that occur to the prophet. In all these respects, this book is similar to that of Elijah and Elisha in the Books of Kings, so that it seems appropriate to include it in our series.

We have in the text of Yonah no information of who he was, his place of birth, his parentage or even when he prophesied. There is however, a reference to Yonah in Melachim Bet that puts him in the Northern Kingdom during the reign of Yer'avam [the Second] ben Yo'ash. Chazal saw Yonah as the son of the widow of Tzarfat who fed Eliyahu during the drought that he had brought on Israel. In return Eliyahu miraculously brought him back to life when the boy suddenly died; hence his name Yonah ben Amitai 'son of truth'. In the same way as the war against idolatry was the keynote of Neviim Rishonim and Chesed and Kingship that of Megillat Rut, Teshuva is of the essence of the book of Yonah. That is why it is the appropriate haftara for Mincha on Yom Kippur.

"Arise and go to Nineveh the great city, since their evil has arisen before Me. And Yonah got up to flee to Tarshish" (Yonah 1:2-3). Ibn Ezra comments that Nineveh was a great city full of *tzadikim* but in Yonah's days they had slowly declined, so Hashem in His Mercy for these gentiles sent Yonah to bring them back in teshuva. Abarbanel maintains that they were extremely great in their evil and deserved destruction. However, Hashem wished to preserve them as a weapon to punish the Kingdom of Israel so He sent Yonah to cause them to repent. This dichotomy regarding Nineveh is reflected in the various commentaries that we will consider. However, either way, Yonah's act of fleeing is contrary to the reaction of Israel's prophets to their Divine missions as shown in all of the books of the Tanach. Although many of them were indeed more than reluctant to take on the prophetic role, this was only due to their consideration of their own suitability for the task. So Moshe protested "Who am I that I should go to Pharaoh"? Jeremiah said, "I am only a youth", and Amos recalled, "I am only a dresser of sycamore fruit [not a prophet]". Therefore Yonah's

fleeing alone, raises a number of important spiritual and conceptual issues.

The Malbim comments that we may not imagine that Yonah was fleeing from G-d since it is impossible to escape from Him who exits everywhere and who is never ending. He notes that our text tells about fleeing from before Him - 'mi-lifnei' often used in the Tanach to denote an occasion of receiving revelation or performing a service - and not 'mipnei' - from Him, His Presence or Majesty. So that here it would simply mean to remove himself from the mission. Furthermore, he points out that this revelation contains no actual message only the instruction to go to Nineveh so there is no attempt to escape bearing a prophecy; something forbidden to a prophet.

There is no validity in the idea that in those days, people believed in Hashem as a tribal god only existing in the land of Israel and therefore he could leave Eretz Yisrael in order to escape. Rather Yonah thought that if he would go to Chutz LaAretz, the mission would be given to somebody else. After all, in Chutz LaAretz there is no Kedusha, the essential prerequisite condition for prophecy. The ship bound for Tarshish seemed ideal for this purpose. Commonly associated with present day Spain, Tarshish was not even close to Eretz Yisrael and so cut off from its Kedusha, unlike adjacent countries such as Bavel that have a certain connection that could make prophesy possible. Yechezkel, for instance, received prophecy in Bavel. Yonah, unlike him, never had prophecy before and this mission would not be a continuation of prophetic status. However, Hashem has many emissaries and so the great storm came on to the ship and Yonah was forced to go to Nineveh, even against his will.

Yonah fled because he believed that Divine Justice demanded that people should be punished for their sins; Mercy that accepted teshuva and forgave those sins, was an unfitting distortion. When Hashem heeds the teshuva of the people of Nineveh, "It was bad in his eyes and he prayed; "This is why I fled from my land to go to Tarshish. I knew that You are All Merciful and All Forgiving, Long Suffering and All Righteous. Take now my life, for death is better than my living" (Yonah). In this he was indeed a true disciple of Eliyahu, as we read in the Mechilta [although there is the alternative view there of Rabbi Yochanan that we will consider later]. "Moshe was zealous for the welfare of the son [Israel] as he said when Hashem wanted to wipe out the nation and continue through Moshe: "If You wish to do this rather wipe me out of Your book". Yermiyahu was zealous for the son and for Hashem the father as he said: "We have sinned but You have not forgiven". Eliyahu was zealous for Hashem the father but not the son when he said: "Your people broke down Your altar and killed Your prophets. I have been zealous for the Lord" (Melachim Alef). Eliyahu, despite this, went to Horev, to the cave where Moshe had been taught the 13 Attributes of Divine Mercy and Yonah quotes the same attributes in his anger. Moshe was rewarded when he descended with the Second Tablets from Sinai where he pleaded for Israel's forgiveness; "And the face of Moshe shone [with the Divine Presence]". In contrast Hashem said to Eliyahu at Sinai, "Go and anoint Elisha as a prophet instead of you and Yehu to eradicate the house of Achav".

This is the 83rd installment in Dr. Tamari's series on "Tanach and its messages for our times"

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[7] From the desk of the director

[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 I am unsure what day of the omer it is, may I count both possible days in order to “cover my bases”?

A: Several poskim mention that it is preferable to recite S'firat ha'Omer with a minyan. Your question provides one more reason to do so, as someone in shul will certainly know the correct count. Nowadays, even people who are traveling (the case discussed in the poskim) can and should normally call someone to find out the count if they are in doubt. However, we will deal with the question, which still arises, and touches on important concepts.

The matter begins with the question of the Ba'al HaMa'or and Ran (very end of Pesachim). They ask why, in Chutz La'Aretz, one does not count two different days of the Omer each night in order to take into account the possibility that the second day of Yom Tov was the real day? In other words, when they recite day 5 in Israel, abroad they should be saying 5 and 4. They answer that since if one does this throughout the S'fira period, he would have to count day 49 on Shavuot, this would be a disgrace to Shavuot, and so they didn't institute a count of doubt. The clear implication of these important Rishonim is that, in theory, it is possible to make a “double count” out of doubt, except when additional factors preclude it.

On the other hand, there are Acharonim (see Yabia Omer VIII, OC 45, who cites some) who give a more fundamental answer. They claim that it is not considered counting to recite contradictory numbers without knowing which is correct. S'firat ha'Omer, they reason, is not a mitzva to recite a text, which would allow one to recite multiple texts out of doubt. Rather, the mitzva is to give verbal expression to the knowledge of the correct day in the series. The Avnei Nezer (YD 248) seems to object mainly to reciting contradictory numbers. Some go further, saying that even if one guesses correctly and counts only the correct day, he does not fulfill the mitzva with the recitation because he guessed rather than knew.

Despite the appeal of the Acharonim's logic, the prominence of the Rishonim's opinion seems to outweigh theirs (see D'var Avraham I, 34). Therefore, if a person remains in doubt, he can perform a double count and continue a normal count with a

b'racha upon finding out the correct one on a subsequent night (Yabia Omer,ibid.). (Remember that it is a machloket whether one who did not count or counted wrong one night can count on other nights with a b'racha).

The remaining question is whether one can make a b'racha on the double count while he is in doubt. There are two hesitations. Firstly, as we saw, some question such a counting's validity, and we avoid making b'rachot when there is a question whether the mitzva will be done properly (safek b'rachot l'hakel). Secondly, if the first number recited turns out to be wrong, it might be considered a hefsek (a problematic break) between the b'racha and the correct number. This may depend on the nature of a hefsek and whether some-thing done to try to fulfill a mitzva but turns out to be improper creates a hefsek (see Mikraei Kodesh, Pesach II67). Rav Kook (Orach Mishpat 126) has an idea to obviate the problem, which could work in at least some cases. Although (or because) it is hard to decide on the matter, we suggest that one refrain from a b'racha if and when he is forced to make such a double count. (Lack of a b'racha in no way disqualifies the mitzva.)

When carrying out such a count, it is better to try to decide which number one thinks is more likely to be correct and recite it first with as much conviction as he can muster. If one is anyway not making a b'racha, it is proper to break for several seconds between the first count and the second. If the counts are separated, it is possible that the Avnei Nezer and others would not consider it a self-contradictory count.

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 or www.erezhemdah.org. And/or you can receive Hemdat Yamim by email weekly, by sending an email to 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

We must be thankful not only for what is given to us, but also for what is not demanded of us.

From A Candle by Day by Rabbi Shraga Silverstein

[3] CHIZUK and IDUD

(for Olim & not-yet-Olim respectively)

The ideas of ERETZ (Land) and ACHUZA (possession; inherited property) in this week's Parsha remind us of the sanctity of Eretz Israel. Included among Behar's mitzvot hateluyot ba'aretz (commandments dependent on the Land), are several regarding SHMITA and YOVEL. Our keeping these mitzvot will result in God's blessing us "in the sixth year, and [the land] will yield produce for the three years" (see 25:21-22).

Other conditions and blessings that seem very apropos to our present situation are (vv. 18-19): "You shall carry out My statutes and keep My laws and practice them, and you will [then] live securely in the Land. The land will produce its fruit, and you will live there securely." The Ketav Sofer explains the repetition of LAVETACH - securely: The Torah refers here to two types of anxiety: 1) unrest, and 2) insecurity. The first is due to a scarcity of food, when "the land does not yield its crop". This may lead to problems, such as stinginess, strife and theft. The second is due to a threat from neighboring countries,

caused by enemies who covet our blessed land and want to possess it. We may have plenty of rain, a rich harvest, a booming economy - but still feel insecure. Keeping God's laws and statutes will bring us security in both senses.

SHMITA is mentioned at Har Sinai, says the Ketav Sofer, to remind us of the importance of Israel's unity, as it is written: "Israel [in the singular] camped there facing the mountain." What better way is there to show love for our fellow than to renunciate ownership of our produce during SHMITA

May our love for each other, our dedication to Eretz Israel, and our faith and trust in God -- by observing Shabbat, SHMITA, and the other "laws and statutes" -- result in our houses in the Land remaining in our possession (25:30) LITZMITUT, permanently, and may we and our children live in them securely.

Rabbi Yaakov Yosef Iskowitz, 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] A Touch of Wisdom, A Touch of Wit

R' Yaakov of Lissa, author of Chavas Da'as, came to Nikolsburg. R' Mordechai Benet, the local rabbi, who was also a great Torah scholar, came to visit him and they spent a delightful time talking in learning. R' Mordechai honored R' Yaakov by inviting him to give a discourse in the shul, to which he invited all the scholars of the town.

R' Yaakov began the lecture, and showed his brilliance. At one point, R' Mordechai asked a question. R' Yaakov thought for a while and then stopped his talk, implying that the question was so solid that it had undermined his entire thesis.

When R' Mordechai went back home and checked the sources, he found that he had been wrong and that R' Yaakov had been right. He immediately ran to the inn where R' Yaakov was staying and said to him:

"I realize that you were correct after all. Why then did you break off your talk rather than answer my question?"

"I knew," said R' Yaakov, "that I was correct, but I said to myself that it was preferable for me, a visitor, to be embarrassed than, Heaven forbid, to embarrass a rabbi in his own home town."

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

[5] Parsha Points to Ponder

for B'HAR:

1) Rashi (25:31) explains that the words BEHAR SINAI mentioned in conjunction with the law of SHMITA teaches that just as broad parameters and fine details of Shmita were given at Sinai, so, too, all of the 613 Commandments of the Torah were related at Sinai in all of their detail. Why is this concept taught specifically through the mitzva of SHMITA?

2) Why aren't houses that were sold in walled cities returned to the original owner at YOVEL like all other homes and properties that were sold elsewhere (See 25:29-31)?

3) The Torah concludes the laws of RIBIT (that loans must be

interest free) by stating (25:38), I AM G-D WHO REDEEMED YOU FROM EGYPT. Based on this statement, the MIDRASH teaches that a person who does not accept the laws of RIBIT shows that he denies that G-d took us out of Egypt. What is the connection between these two concepts?

Last week's Parsha Points to Ponder (for EMOR)

(1) The Parsha begins with the seemingly redundant phrase, SPEAK TO THE KOHANIM... AND YOU SHOULD SAY TO THEM (21:1). Rashi explains that this teaches that the Kohanim should make sure that their children do not become contaminated. Why does this specific mitzva require a special warning regarding the children?

The Slonimer Rebbe explains in Nesivos Shalom that a kohein becoming impure is an extremely serious transgression since a leader with spiritual failings impacts the entire population. Thus, all precautions are required, even training the young kohanim, to avoid impurity.

(2) The Torah instructs us to count the omer on THE DAY AFTER THE SHABBAT (23:15) which, according to Chazal, refers to the first day of Pesach. Why is the first day of Pesach called SHABBAT?

Nesivos Shalom explains that Shabbat is the day which gives us the physical and spiritual energy for the coming week. The seven weeks of sefira were, and still remain, a preparation for receiving the Torah. How did the Jewish people find the strength to grow from the lowest levels of impurity to the level where they were worthy of receiving the Torah? The experience of leaving Egypt under the guiding hand of G-d was their inspiration. Thus, the first day of Pesach, when they actually left Egypt, served as the physical and spiritual catalyst for their growth during the days of sefira. Therefore, the Torah is telling us that the first day of Pesach should function like a Shabbat, providing us with the physical and spiritual inspiration as we strive towards our personal kabalat haTorah on Shavuot.

3) Why does the Torah repeat the laws of Pei'ah and Leket in this Parsha (23:22), especially since it uses precisely the same words used for these commands in last week's Parsha (19:9)?

In Parshat Kedoshim, these laws are listed, according to the Netziv, together with other laws which generate peace amongst the Jewish people. Rav Hirsch explains that they are taught in Parshat Emor, not necessarily as a new command but rather to explain the Torah's promise that through the Omer and Shte HaLechem, every Jew will be blessed with food and an independent existence. Through these mitzvot, even the poor and the landless become equal partners with the landowners thus explaining how this blessing of "independence" covers all Jews.

Parsha Points to Ponder is prepared by Rabbi Dov Lipman of Beit Shemesh ppp@israelcenter.co.il • Answers will appear in the next issue of TT

[6] Quiz: When and who?

[1] The Jews have inherently evil character traits that Muhammad warned Muslims about in the Koran.

[2] The Jews have been the source of conflict throughout all of history: "The Jews are a virus similar to AIDS, from which the entire world is suffering."

[3] The persecution of Jews throughout history is presented as

natural responses of self-defense by numerous countries against the evil of the Jews. Britain, France, Portugal, Czarist Russia, Nazi Germany, all persecuted and/or expelled Jews – as acts of self-defense and revenge.

[4] Zionism was created by Britain in order solve its Jewish problem by sending them to Israel.

[5] God has predetermined that the Jewish problem will be solved with the extermination of the Jews.

[6] Israel has no right to exist and will be destroyed.

Old stuff, right? Wrong.

Not our potential partners in peace? Wrong again.

The above oft-repeated statements above were most recently heard as part of the sermon delivered by Sheikh Ibrahim Mudayris on Friday, May 13, '05. His sermon was televised by the PA TV authority, under the complete control of the Palestinian Authority, and funded by monies from the governments of the United States, Germany, and Israel. His sermons are televised far more than any other sheikh's, about 60% of the time. His sentiments, in essence, constitute Palestinian Authority doctrine.

In light of the above, can anyone explain what in the world our PM (under US and EC pressure) is planning on doing in a few months?

Source: The Palestinian Media Watch Bulletin www.pmw.org.il

[7] Divrei Menachem

Parshat Behar discusses the status of Jews who fall on hard times, largely, according to Rashi, for their lack of faith in keeping the laws of Sh'mita and Yovel. Inter alia, the Torah relates to the status of Jews who do business with both Jews and non-Jews.

One command forcefully urges Jews who do business to avoid grieving one another (Vayikra 25:14). Rashi draws from this verse that in business it is forbidden to cheat and that one should give preference to a fellow Jew. The underlying concept is that a Jew should help his brothers in any way possible. Assisting someone to earn a living, Rambam teaches us, is one of the highest forms of Tzedaka.

Towards the end of Behar we learn of a Jew who is so desperate that he sells himself to an idol-worshipping non-Jew as a woodchopper or water-drawer (cf. Rashi; Kiddushin 20a). Should we still help a Jew who has so degraded himself? The Torah's unequivocal answer is yes: we are commanded to redeem the Jew as soon as possible, even though he would go free in the Jubilee year.

Moreover, the Torah rules that a fair reckoning of the slave's worth is made in partial consideration, it appears, of the Chilul Hashem involved in cheating a non-Jew (cf. Bava Kama 113b). Indeed, R. Bachya reminds us, if we learn from Ya'akov's sons who returned the Egyptian's money (Breishit 43:12), we will learn an important and still relevant lesson about integrity and Kiddush Hashem.

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.

More on Bi'ah Reikanit ("Empty Entering")

Last week I noted the surprising opinion that the area above Kodesh HaKodashim, and not the Kodesh HaKodashim itself, was considered the most sacred place in the entire Beit HaMikdash and the explanation of the Tiferet Yisrael based on Pesachim 86a. "Even though there were two curtains separating the area above the Heichal and the area above the Kodesh Hakodashim, they made these markings (in the floor to separate these areas, Midot 4:5) because of the extreme holiness of the area above the Kodesh HaKodashim, the holiness of which exceeded Kodesh Hakodashim itself. After all, the area above Kodesh HaKodashim was entered once in seven years (while the Kodesh HaKodashim was entered every year) (TY 47). Is it possible that the sanctity of a place only depends on people rarely entering it? Can one really compare Kodesh HaKodashim, that inner sanctum where the Kohein Gadol entered one day a year to beseech and hopefully obtain atonement for K'lal Yisrael, to a room where maintenance men passed through - more occasionally to be sure - so they could be lowered down and examine the walls of Kodesh Hakodashim for cracks? I found no cogent answer.

Basing himself on the Sifra (Acharei 1:5,6), Rambam rules, "All Kohanim were admonished not to enter the Kodesh or Kodesh Ha-Kodashim except at the time of Avoda as it is said. '(Speak to Aaron your brother), that he should not come at all times to the Kodesh (or) within the curtain (...so that he should not die...) Kodesh- this is the Kodesh HaKodashim; within the curtain - this is a warning (for Kohanim not to go anywhere) in the Mikdash (unnecessarily i.e. not during the time of Avoda, Bi'ah Reikanit)" (Hil. Bi'at HaMikdash 2:2). The Kesef Mishneh, classic commentator on the Rambam, summarizes the Sifra. "Even though only Aaron is the direct subject of the Divine command, the Sages derived from the (seemingly redundant word "brother" in the quoted pasuk) that the warning was addressed to all Kohanim. In the Pesikta (the name of several Midrashic works) they quoted the pasuk, 'And Avram heard that his "brother" (Lot) was taken captive (B'reishit 14:14). Lot was Avram's nephew not his brother.'" The Sages derived from this that other relatives can also be called "brothers" and that the admonition to Aaron was also addressed to his sons i.e. the ordinary Kohanim. Rambam in his Sefer HaMitzvot (Lo Ta'aseh 68), again basing himself on the Sifra, adds, "...he should not come at all times', this refers to Yom Kippur; 'to the Kodesh', this expands the prohibition of (unnecessarily entering Kodesh HaKodashim and the rest of the Mikdash) to include all the other days of the year..." Similarly if a Kohein entered the Mikdash with the intention of performing an invalid Avoda, he was guilty of Bi'ah Reikanit. Because of the Sadducee predilections of many High Priests in late Bayit Sheini times and their penchant for changing the form of the Avoda and thus invalidating it, the Sages found it necessary to sternly admonish the serving Kohein Gadol before Yom Kippur. The Mishna reads, "The elders of the Court delivered him (the Kohein Gadol) to the elders of the priesthood ... They adjured him ... and said to him, 'My lord Kohein Gadol, we are the delegates of the Court, and you are our delegate and the delegate of the Court. We adjure you by Him who made His

name dwell in this house that you change naught of what we said (i.e. what we have taught you) to do... (Yoma 1:5). After all, during the Avoda of Yom Kippur when the Kohein Gadol entered the Heichal and Kodesh Ha-Kodashim alone and unobserved, no one could really be sure what he did there. A Kohein Gadol who entered Kodesh Hakodashim and willfully changed the form of the Avoda was guilty of Bi'ah Reikanit as well as other serious transgressions and was deserving of death at the hand of Heaven. And, in fact, the Gemara relates the instructive fate of such a rebellious Kohein Gadol. "Our rabbis taught: 'There was a Sadducee Kohein Gadol (who ignoring the admonition of the Sages) arranged the Ketoret (incense) so it smoked outside (the curtains) and then brought it inside Kodesh HaKodashim (as per the ruling of the Sadducees). When he finished, he was exceedingly glad. ... He said, 'All my life I was aggrieved because of the Biblical verse 'For in a cloud shall I appear on the ark cover.' I used to say, 'When will I have the opportunity to fulfill it? Now that I have such an opportunity, should I not fulfill it?' It was said that after a few days, he died and he was thrown on the dung heap..." (Yoma 19b).

If a Kohein entered the Bayit and slaughtered sacrificial animals - even though the Shechita is perfectly valid - he is guilty of Bi'ah Reikanit because while Shechita of Kodashim requires 'special intent', it is only a "quasi-Avoda". A non-Kohein can also slaughter Kodashim. But, interestingly enough, if a Kohein ate the meat of a Chatat (sin offering) in the Heichal and even in the Kodesh HaKodashim, he might not be guilty of Bi'ah Reikanit because his eating the meat is an Avoda and is essential for the atonement process." "And they (Kohanim) shall eat those things wherewith atonement was made (Shemot 29:33). This teaches that Kohanim eat (of the meat) and the Ba'alim - the penitent sinners - obtain atonement (Pesachim 59b). There were also specific prohibitions directed to Kohanim who were Ba'alei Moom (physically invalidated to serve), were drunk, had unkempt hair, or torn vestments from entering the Bayit (Sefer Hamitzvot, prohibitions 69, 73, 163, 164.). Obviously non-Kohanim were also subject to the prohibition of Bi'ah Reikanit.

Strangely enough how one entered the Mikdash also determined whether one was guilty of Bi'ah Reikanit. The Gemara says. "...a ritually impure person who entered the Heichal (strictly forbidden by Torah law) through the roof is exempt (from punishment), as it is said. 'And to the Sanctuary, she shall not come... (Vayikra 12:4, the reference is to a parturient who was banned from entering Mikdash grounds 40 days after giving birth to a male child, 80 days for a female.) The Torah forbade only the normal way of entering" (Shevu'ot 17b). And so Rambam rules, but then he continues, "...nevertheless even though the impure man (who entered by the roof) is exempt from Kareit (premature death by the hand of Heaven), he is subject to the penalty of Makot Mardut (Hil. Bi'at HaMikdash 3:19). (i.e. lashes administered by Beit Din at their discretion for willful disobedience and should not be confused with Malkot administered by the Courts to those violating Biblicallaw. A Mishna illustrates the difference. "R. Yehuda says, 'If she does not incur the 40 Stripes - Malkot - she must nevertheless suffer Makot Mardut for her disobedience" (Nazir 4:3). Fulfilling their role of "making a fence around the Torah", the Sages ordained Makot Mardut to "discourage creative miscreants" who might want to somehow "legally" sneak into the Mikdash, either "by way of the roof", or in some other convoluted way, and thereby evade a richly deserved punishment. <to be continued>

Towards Better Davening and Torah Reading

Veteran TBDATR column feed backer DK emailed two of his pet gripes in the mis-accenting department. We will try to deal with them in detail in future columns, but here are the RASHEI P'RAKIM (the chapter headings). Many songs and z'mirot almost force the singer to accent the wrong syllable of many of their words. It takes more work to correct this, than in regular davening and Torah reading because of the habits created by familiar melodies. At first, corrections will make the song sound stilted, but after a while we will be singing MI ha-ISH he-cha-FEITZ cha-YIM as easily as we used to sing ...CHA-feitz CHA-a-yi-im. Etc. Etc. The other matter is KADDISH, which has many words to work on in order to break old habits, especially among the native English-speaker's inclination to over-MIL'EIL many words. E.g. ...bir-CHA-ta v'shi-RA-ta tush-b'CHA-ta v'ne-che-MA-ta... - all of which are mis-accented.



At the bottom: Har Sinai with a pair of Luchot at the top. Next to a scene of a horse pulling a plow that is being guided by a farmer. There is a negation circle over the plowing, because it is forbidden during Sh'mita year. The question mark between the two represents the famous question from the beginning of the sedra- namely, MA INYAN SHMITA EITZEL HAR SINAI?

The abacus on the top is for counting the seven years of each Shmita cycle and the seven Shmita cycles of Yovel. The Shofar is blown on the Yom Kippur of Yovel. The Liberty Bell is inscribed with the partial pasuk: AND PROCLAIM LIBERTY THROUGHOUT THE LAND TO ALL ITS INHABITANTS

The adding machine is to calculate the fair price of land, depending upon how many years remain until Yovel.

The NOT FOR SALE sign is a reminder of the prohibition in the parsha.

Upper-right is a fellow lending money at the Torah-approved interest rate for personal loans between Jew and Jew - 0%.

What Shabbat in the last pasuk referring to? That's why the pair of Shabbat candles has a question mark between them.

The price tag in the middle of the ParshaPix indicates that the regular price of the item is 100, and it is being sold for 117. That mark-up exceeds the halachic limit of 1/6 and so there would be a violation of ONA'AH.

The house with feet goes with "V'KAM HABAYIT", and the house gets up.

Calling someone Dum-Dum probably violates ONA'AT D'VARIM.

Monopoly card is a deed for Anatot (Haftara).

That leaves a new old TTriddle.

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 (EMOR) TTriddles:

- [1] Shabbat, RH, YK, SUK, Shmini Atzeret, and what?
- [2] Double him, them, and them - double
- [3] 20 times until we see where
- [4] Pasuk that contains a Purim self-contradiction
- [5] plus one visual TTriddle from the Parsha Pix
- [6] and one "hidden-in-plain-sight" TTriddle

And the envelope, please...

[1] This is a tricky one, but straightforward and honest at the same time. The answer is SHABBATON. The word appears 11 times in Shmot and Vayikra, and nowhere else in Tanach. First occurrence is in the phrase SHABBATON SHABBAT KODESH LASHEM in the context of the MAHN when it fell in double amounts on the first Erev Shabbat. In the pre-Mishkan building warning, Shabbat is called SHABBAT SHABBATON KODESH LASHEM (in Ki Tisa) and again as SHABBAT SHABBATON LASHEM (in Vayaqhel). In Parshat Acharei, in the context of the AVODA of YOM KIPPUR in the Mikdash, the day is called SHABBAT SHABBATON. In Vayikra 23 (Parshat HaMo'adim in Emor), we find SHABBAT SHABBATON referring (probably) to Shabbat and then again to Yom Kippur. In addition, the word SHABBATON, without SHABBAT, giving it a connotation of a lower sanctity than SHABBAT, the word describes Rosh HaShana and the first and eighth day of Sukkot. Its use for these holy days makes it synonymous with YOM TOV. When in the same phrase with SHABBAT, it implies the higher level of MELACHA restrictions, and higher K'DUSHA of Shabbat and Yom Kippur. The word SHABBATON is not used in connection with Pesach or Shavuot. But, in Parshat B'har, SHABBATON appears its two final times, once as SHABBAT SHABBATON and once as SH'NAT SHABBATON - both referring to the SH'MITA year. And that is the answer to this TTriddle. SH'MITA.

[2] If anyone gets this one, please let us know.

[3] We count the Omer 20 times - i.e. the first 20 nights of the Omer - before we read about the mitzva of the counting of the Omer in Parshat HaShavua. (We did read about it on the second day of Pesach, i.e. on the first day of counting, so this TTriddle has a weak spot, but...)

[4] Don't look in Parshat Emor; you won't find it. But look in the haftara - Yechezkeil 44:21. No kohein shall drink wine when he enters the CHATZEIR HAP'NIMIT, inner courtyard. Really referring to the Mikdash, the term is familiar from Megilat Esther referring to Achashveirosh's palace. Based on what went on in Achashveirosh's court, no wine is a contradiction to the term CHATZEIR HAP'NIMIT.

[5] There is a needle and below its eye is an eye, making it AYIN TACHAT AYIN. (FYI - the phrase occurs twice - in Mishpatim and Emor.)

[6] The past two issues of Torah Tidbits (and this one too) have a graphic that is a visual wordplay, making it a hidden-in-plain-sight visual TTriddle. The first week, no

reference was made to it at all, and no one volunteered a solution. Last week its existence was mentioned, and AW/NJ found it and emailed the correct solution. A CD as a prize is already on its way to New Jersey by airmail. On page 2, Word of the Month, there is usually a graphic of the Zodiac symbol (Mazal) of the month. For Iyar, the bull for Taurus was replaced by a geometric solid, donut-like shape known as a TORUS. TORI is the plural, and TOROID is the more general type of shape. A torus is one kind of toroid.

This week's TTriddles:

- [1] HBS would have mixed feelings about part of B'har
- [2] Partial fulfillment of Va'eira's opener
- [3] When the previous afternoon is NOT like the day itself
- [4] The Shma-like pasuk makes G-d's intentions clear
- [5] possibly implies not to read Torah Tidbits during davening
- [6] Confused dispute-partner of Amora Rav Yosef
- [7] Maybe it's the 13th year
- [8] Besides Sh'mita, B'har's other Har Sinai connections
- [9] plus one element from the ParshaPix

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Phil Chernofsky

Eishet Chayil Award
Perel Joseph-Azaria

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