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Mitzvos

TALLIS
an
On and Off Experience

RABBI DR. DARRELL GINSBERG

At times, when we involve ourselves in repetitive halachic activities, we sometimes fail to realize the developmental analytical process that led to a specific performance. A large part of the beauty of the halachic system is the thought process involved in achieving the result, rather than the result itself. One such example involves the daily activity of putting on and taking off a tallis.

The concept of atifah (wrapping) with a tallis is mentioned in a secondary manner throughout the Talmud. The main example cited by poskim is found in Moed Katan (24a), when, in the context of a debate about aveilus, Shmuel explains that "any atifah that is not like the atifas yishmaeilim is not considered an atifah". This statement is qualified by the actions

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Method



a Unique
Metaphor

RABBI MOSHE BEN-CHAIM

"And the settlement of the Jews which they lived in Egypt was 430 years. And it was at the end of 430 years, in that very day there departed all of God's troops from the land of Egypt. A night of watching was it to God to bring them out from the land of Egypt. That was this night to God: watched for all the Children of Israel for their generations". (Exod. 12:40-42)

The problem is this: the Jews did not dwell in Egypt for 430 years. Rather, it was 210 years. The Torah cannot contradict facts. Therefore, we must discover the true intent of this time frame, as it is not literal. Then, we must understand why God saw it necessary to formulate this lesson in a non-literal manner.

Sforno and Ibn Ezra teach that 430 years earlier marks the date of Avram's (Avram's) exit from Ur Kasdim. But they don't go further to explain the

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CANDLE LIGHTING 5/27

Boston	7:51	Moscow	8:37
Chicago	7:56	New York	7:58
Cleveland	8:31	Paris	9:21
Detroit	8:40	Philadelphia	8:01
Houston	7:56	Phoenix	7:11
Jerusalem	7:18	Pittsburgh	8:21
Johannesburg	5:07	Seattle	8:35
Los Angeles	7:37	Sydney	4:41
London	8:42	Tokyo	6:29
Miami	7:47	Toronto	8:29
Montreal	8:12	Washington DC	8:05

Weekly Parsha

Bemidbar

RABBI BERNIE FOX

"And Hashem spoke to Moshe and Aharon saying: Do not cause the tribe of the families of Kahat to be cut off from among the Leveyim. Do this for them, so they should live and not die, when they approach the Holy of Holies. Aharon and his sons

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(BeMidbar cont. from pg. 1)

Weekly Parsha

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shall come and appoint each man individually to his task and his load. They shall not come in to see when the holy [vessels] are being wrapped up, lest they die.” (BeMidbar 4:17-20)

The Mishcan – Tabernacle – was the central feature of the camp of Bnai Yisrael in the wilderness. When Bnai Yisrael camped, the Mishcan was erected. When the nation traveled to its next encampment, the Mishcan was disassembled and transported by the Leveyim – the Levites – to this new location. Parshat BeMidbar describes the disassembly of the Mishcan. The various families of Leveyim were assigned the responsibility of transporting specific portions of the Mishcan. The family of Kahat was assigned the responsibility of transporting the most sacred elements. These elements included the altars, the Table of the Shewbread, the Menorah, and the Aron – the ark.

Our passages describe the special treatment of these sacred objects. As the Mishcan was disassembled, the Kohanim – the priests – placed each of the items assigned to the family of Kahat in its own individual wrapping. Only after each item was wrapped was it assigned by the Kohanim to members of the family of Kahat for transport. The Kahati – the member of the family of Kahat – was not permitted to unwrap the object or gaze inside the wrapping. The passages indicate that if a Kahati unwraps the object or looks into the wrapping, he is subject to death.

Maimonides does not include the prohibition against unwrapping these objects or looking into their wrappings as one of the six hundred thirteen commandments – Taryag mitzvot. Maimonides outlines the reason for this exclusion in the second principle of his Sefer HaMitzvot. He explains that in order for a commandment to be included within Taryag mitzvot, it must apply for all generations. Any commandment that is only applicable in a specific period of time cannot be included. The injunction against unwrapping these sacred objects or looking within their wrappings only applied in the wilderness. Once the Bait HaMikdash – the Holy Temple – was built this injunction became meaningless. The components of the Mishcan were no longer transported from one encampment to the next. The sacred objects were no longer placed in their special wrappings for transport. So, the injunction no longer had a context.

Maimonides acknowledges that there is a difficulty with his position. The Talmud explains that a person who steals one of the sacred vessels of the Mishcan or Bait HaMikdash is subject to death. The Talmud cites the final passage above as the source for this law. This passage can alternatively be translated to prohibit stealing one of the sacred vessels and as assigning the penalty of death for violation of this prohibition. This alternative translation is not the literal meaning of the passage. The literal meaning is that the Leveyim cannot unwrap the sacred vessels or gaze within their wrappings. However, the alternative translation provides an allusion to the restriction against stealing a sacred vessel and to the penalty of death for the violation of the prohibition.[1]

This prohibition does exist throughout the generations. Therefore, it seems to meet the standard required for inclusion within Taryag mitzvot. Why does Maimonides not include this prohibition?

Before we can consider Maimonides' response to this question, additional information is needed. As previously explained, the penalty for stealing one of the sacred vessels is death. However, in this instance, the death penalty is not executed in the typical manner. Generally, the death penalty is administered by the courts. An individual who witnesses a crime or sin punishable by death does not have the authority to execute the penalty. He must bring the violator to courts for judgment. However, there are four instances in which the courts do not and cannot execute the

death penalty. Instead, a righteous zealot is authorized to execute the violator. One of the four special instances is the stealing of a sacred vessel. In this instance, the courts do not execute the death penalty. Instead, it is left to the righteous zealot to execute the offender.

Maimonides outlines two considerations that dictate excluding this prohibition for Taryag mitzvot. First, the Talmud explains that our passage is merely an allusion to the prohibition. Maimonides explains that in order for a prohibition to be included in Taryag a more direct reference in the Torah to the prohibition is required. An allusion to the prohibition is not adequate. Second, Maimonides explains that a person who steals a sacred vessel is not subject to the death. This implies that he has not violated one of the 613 commandments.

(continued on next page)

This second consideration seems bizarre. A person who steals a sacred vessel is subject to execution by any righteous zealot! How can Maimonides contend that he is not subject to the death penalty? Apparently, Maimonides does not equate execution by the righteous zealot with application of the death penalty. In other words, the thief is not subject to the death penalty. Nonetheless, the righteous zealot is permitted and encouraged to execute the violator.

Nachmanides objects to Maimonides' position. He asserts that the prohibition against stealing a sacred vessel is one of the 613 commandments. The source for the commandment is our final passage. Nachmanides also dismisses Maimonides' second consideration. He explains that it is impossible to assume that the Torah allows and encourages the righteous zealot to execute one who steals a sacred vessel if the thief is not in fact subject to the death penalty. If the righteous zealot can execute the thief, he must have violated a commandment that is subject to the death penalty. Therefore, the authority of the righteous zealot to carry out the execution clearly indicates that a commandment associated with the death penalty has been violated.[2]

Nachmanides' argument seems compelling. How is it possible for the righteous zealot to execute a person who steals a sacred vessel if this person has not violated a mitzvah punishable by execution? In order to understand Maimonides' position another issue must be considered.

Maimonides explains in his code of law – Mishne Torah – that there are circumstances in which the courts can execute a person even though the individual has not violated a mitzvah that is punishable by death. Let us consider one of these instances. A person violates a commandment that is punishable by lashes. The lashes are administered. The person then violates the same commandment and lashes are again administered. The person violates the same commandment a third time. The courts do not administer lashes a third time. Instead, the person is subjected to kipah – imprisonment. He is imprisoned and placed on a restricted diet that ultimately results in digestive distress and death.[3]

There are a number of difficulties with Maimonides' treatment of kipah. First, he does not indicate the source for the courts' authority to administer this consequence. In other words, the person has repeatedly violated a commandment punishable by lashes. The courts are authorized by a specific commandment to administer lashes. But the person has not violated a commandment punishable by death. From where do the courts derive the authority to administer the consequence of kipah? Second, Maimonides places his discussion of kipah in the chapter of his Mishne Torah that deals with the commandment that authorizes

the courts to administer lashes. What is the connection between the commandment authorizing lashes and this consequence of kipah?

Maimonides provides a hint to his position in the opening of this chapter. He explains that lashes are administered in three instances. The first instance is the violation of a negative commandment associated with karet – forfeiture of the afterlife – and there is no death penalty administered by the court for the violation of this mitzvah. The second instance is the violation of a negative commandment associated with the death penalty, but the penalty is not administered by the courts; instead it is left to the heavenly court to administer. The third instance is the violation of a negative commandment that involves an action but for which no punishment is specified. In all of these instances, the courts are required to administer lashes. This seems to be a cumbersome formulation. Maimonides could have expressed himself far more concisely. He could have explained that lashes are the general – or default – punishment for the violation of any negative commandment involving an action. If the violation is not associated with any other punishment carried out by the courts, lashes are administered. This simple principle would cover all of the instances enumerated by Maimonides. Why did Maimonides provide a listing of all of the individual instances in which lashes are administered rather than providing a simple, concise principle?

Maimonides' formulation reflects his fundamental understanding of the punishment of lashes. Lashes are not a typical punishment. It is not engendered as a direct consequence of the violation of a specific commandment. Maimonides seems to contend that the courts are charged with the responsibility of enforcing observance of the commandments. In order to carry out this responsibility they are invested with the authority to administer the punishment of lashes in cases in which a severe violation of the Torah takes place. Maimonides opens the chapter by listing the types of violations that are regarded as adequately severe as to require the courts to administer this punishment. Maimonides adopts this formulation in order to communicate that lashes are not administered by the courts as a direct result of the violation of the commandment. Instead, lashes are administered in order to enforce overall observance of the Torah. Therefore, the violation of any commandment of adequate severity requires that the courts respond with the administration of the punishment of lashes.

An example will help illustrate this distinction. If a person commits murder, he is subject to the death penalty. This punishment is a direct result of the violation. The violation carries with it the punishment of death. In contrast, if a person eats meat and milk, he receives lashes. It seems that

according to Maimonides, this is not a direct result of the violation. It is not completely proper to assert that the violation carries with it the punishment of lashes. Instead, the violation is of sufficient severity as to require a punitive response from the courts. Lashes are the punitive response that the courts are authorized to administer.

This interpretation of the punishment of lashes provides an explanation of Maimonides' treatment of kipah. The consequence of kipah is applied in an instance in which standard tool provided to the courts to respond to violations of the Torah has proven ineffective. The person has received lashes for the violation on multiple occasions without effect. He continues to violate the same mitzvah. The commandment authorizing the courts to administer lashes charges the courts with the responsibility of assuring observance of the Torah. Implicit in this commandment is the responsibility to take more effective measures – such as kipah – in instances in which lashes are ineffective. Maimonides places the law of kipah in this chapter that discusses lashes in order to communicate the source of the courts' authority to utilize kipah. The commandment that authorizes lashes implicitly charges the courts with the responsibility to take this more drastic measure when lashes prove ineffective. This interpretation explains the placement of the law of kipah in the chapter is devoted to the commandment authorizing lashes and identifies the source of the courts' authority to administer this consequence. In short, the commandment authorizing lashes implicitly empowers the courts to resort to measures – such as kipah – in instances in which the typical judicial punishment of lashes is ineffective.

Let us now return to Nachmanides' criticism of Maimonides' position regarding stealing a sacred vessel. Both acknowledge that in this instance the righteous zealot is authorized to take the life of the thief. Nachmanides argues that this authority presumes that a mitzvah has been violated. Maimonides argues that this consequence is unique. It does not imply the violation of a commandment. Nachmanides' criticism is simple. How is it possible for the Torah to authorize an execution if no commandment has been violated?

In order to answer this question, three additional points must be noted. First, Bait HaBechirah, in his comments on this issue notes that the act of stealing a sacred vessel does not meet the technical legal requirements required for the act to be regarded as theft. In halacha, the crime of stealing always involves the violation of the owner's right of possession. The crime presumes the existence of an owner. A sacred vessel does not have an owner in the typical sense. The object is a component or element of the Bait HaMikdash or

Mishcan. But its identity as an element of the Holy Sanctuary is not regarded as ownership.

Second, Bait HaBechirah explains that the stealing of the vessel is not prohibited by any commandment that explicitly prohibits this activity. Instead, it is derived from our passage. Bait HaBechirah acknowledges that our passage's fundamental message is that it is prohibited for the Leveyim to glance at the sacred vessels as they are covered by the Kohanim in their wrappings. Nonetheless, he indicates that this passage serves as a derivation for the prohibition against stealing one of these vessels.[4]

Let us consider this second point more carefully. Bait HaBechirah seems to maintain that the stealing of a sacred vessel is clearly prohibited. However, on technical grounds it is not considered a violation of the standard commandment prohibiting stealing. Nonetheless, our passage does communicate that the activity is prohibited. He makes no mention of the Talmud's device for relating the prohibition to the passage though an alternative translation. He seems to imply that this alternative translation is not the fundamental link to our passage. Instead, this device merely brings to our attention a more fundamental link. What is this link?

The covering of the sacred vessels in their wrappings and the prohibition against looking upon them implies that these objects are to be treated with extreme deference. This deference prohibits the Leveyim from directly handling the objects. They can only transport them once they are installed in their wrappings. This deference does not only prohibit the Leveyim from handling the objects. It also prohibits even gazing upon them! It seems that Bait HaBechirah is suggesting that stealing such an object is clearly inconsistent with the attitude of extreme deference required by the Torah. So, although the Torah does not state an explicit commandment prohibiting stealing one of the sacred vessels, it is quite clear that such behavior is an affront to the sanctity of the object. In short, no specific commandment prohibits stealing the sacred vessel. But the Torah's overall treatment of these objects clearly communicates that this behavior is grossly inappropriate.

The third point that must be noted is Maimonides' placement of this law in his code – Mishne Torah. Maimonides places his discussion of stealing a sacred vessel and the consequences for this act in the same chapter that discusses the commandment authorizing lashes and kipah![5] Why is the discussion placed in this chapter?

As explained earlier, the commandment authorizing lashes fundamentally authorizes the courts and charges them with the responsibility of ensuring observance of the Torah. This responsibility is the basis for the administration of lashes and kipah. But both of these measures can only be

taken by the courts. The courts can only act when a specific commandment has been violated. Stealing a sacred vessel presents a unique dilemma. Because of technical considerations, no specific commandment has been violated. The courts are powerless to respond. Nonetheless, an egregious violation of Torah principles has taken place. How can this dilemma be addressed?

Maimonides seems to maintain that the commandment authorizing lashes is not restricted to the courts. The nation is charged with the enforcement of the Torah. The courts are the agent of the nation. But in an instance in which the courts are not empowered to act – when no specific commandment has been violated – then the nation is responsible to respond with extra-judicial measures. The righteous zealot is authorized and expected to redress the violation.

We can now understand Maimonides' position. The key to this understanding is to recognize that Maimonides contends that the actions of the righteous zealot are an extra-judicial measure. It is specifically because no explicit commandment has been violated, that an extra-judicial response is required. There is no question that stealing the sacred vessel is an egregious violation of Torah principle. But the court cannot act as no specific mitzvah is violated. Therefore, the same commandment that authorizes the nation to administer lashes -- or kipah -- through the courts authorizes and urges the righteous zealot to take action.

This interpretation of Maimonides' position resolves another issue. There is a general principle that when a person commits a violation that simultaneously subjects him to two possible punishments, the courts apply the more severe of the two punishments. For example, if a person ignites a fire on Shabbat and this fire burns someone's crops, the violator is executed for the violation of Shabbat. But, he is not required to first make payment for damages.[6] Based on this principle Rav Eliezer Shach Zt"l raises a simple question. In addition to a person who steals a sacred vessel, there are other instances in which the righteous zealot is permitted and encouraged to execute the violator. One of these involves a violation which the courts can punish with lashes. Rav Shach asks: If the person can be executed by the religious zealot, how can the punishment of lashes ever be administered? The principle discussed above should apply. The person should be left to the zealots to execute and the courts should not be permitted to administer lashes.[7] Similarly, this question can be expanded to include all instances in which lashes are administered. If the violation continues, the more severe punishment of kipah can be administered. How can the courts ever administer lashes, if the violation is ultimately

subject to this more severe punishment?

Rav Shach offers a number of insightful answers to his question. However, the above analysis suggests an obvious response. The principle that the potential of a more severe punishment exempts the violator from the less severe punishment only applies when dealing with the typical punishments administered by the courts. According to Maimonides, any punishment executed by the righteous zealot is extra-judicial. It is not court-administered. Therefore, this principle does not apply. This explanation also explains the administration of lashes despite the potential for the more severe punishment of kipah. Kipah is not a typical punishment. It is a completely different class of response. It is only allowed when the standard response of lashes has not been effective. Because it is only permitted in such circumstances, it is not proper to argue that the potential application of this punishment exempts the violator from the standard punishment of lashes. ■

[1] Mesechet Sanhedrin 81b.

[2] Rabbaynu Moshe ben Nachman (Ramban / Nachmanides), Critique on Maimonides' Sefer HaMitzvot, Principle 3.

[3] Rabbaynu Moshe ben Maimon (Rambam / Maimonides) Mishne Torah, Hilchot Sanhedrin 18:4.

[4] Rabbaynu Menachem Me'eri, Bait HaBechirah, Mesechet Sanhedrin 81b.

[5] Rabbaynu Moshe ben Maimon (Ramban / Maimonides) Mishne Torah, Hilchot Sanhedrin 18:6.

[6] Rabbaynu Moshe ben Maimon (Ramban / Maimonides) Mishne Torah, Hilchot Genayvah 3:1-2.

[7] Rav Eliezer Shach, Avi Ezri, Commentary on Maimonides Mishne Torah, volume 4, p 303.

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A LESSON

in

Restraint & Wisdom



RABBI REUVEN MANN

In Pirkei Avot the Rabbis teach “Be Deliberate in Judgment.” On the most primary level this admonition is directed at judges who are responsible to run the courts and adjudicate legal questions. At first glance it is not clear what deeper principle they are trying to impart. We assume that judges like all professionals conduct their business in an organized, methodical manner. What message is conveyed by the notion that they should be “slow” in reaching decisions?

I believe that this is a very significant teaching which is relevant to people in all areas of life. There is a powerful human tendency to “jump to conclusions.” Many people, especially those with expertise in an area tend to overestimate their own powers and feel that they intuitively know the answer to complicated problems. Often they arrive at conclusions instantaneously, without giving the matter sufficient thought and examination. The Rabbis are instructing us to resist the egotistic temptation to overestimate our feelings and intuitions about significant issues. We should be humble and recognize the complexity of the questions that confront us and the need to think matters over carefully and consider the opinions of others before arriving at conclusions.

In this context I believe we can learn an important lesson from the disciplined and

judicious manner in which Prime Minister Netanyahu conducted himself at the White House meeting with President Obama last week. Many of us who regard themselves as loyal Americans and staunch supporters of Israel were dismayed by the remarks made by President Obama before his scheduled meeting with Netanyahu. The President seemed to imply that negotiations between Israel and the Palestinians would be based on the premise of Israel having to return to the pre six day war boundary which Abba Eban had famously dubbed the “Auschwitz lines.” The statement sent shock waves throughout the world and alarmed Jewish and gentile supporters of Israel. The very next day Netanyahu met for two hours with the President. Afterwards President Obama said a few words and then turned the floor over to Netanyahu. One can imagine the extreme pressure he was

under. His performance was nothing short of masterful. He spoke with calmness and respect and with very carefully chosen words pointed out the serious dangers in the President’s flawed approach. The Prime Minister was not angry or defensive, but calm, confident and eloquent in his presentation of the Israeli position. Anyone watching would have to be impressed by

the wisdom of his position and the firmness of his commitment to his understanding of Israel’s security needs. I had great admiration for Prime Minister Netanyahu. He fulfilled the dictum to be “deliberate in judgment.” He put all emotion aside, thought the matter over carefully and on the President’s “home court” had the courage to express with respect and eloquence, the truths behind the Israeli position and the dangers inherent in Obama’s formulation.

Let us all learn to approach provocative statements with the same calmness and equilibrium. Let us learn not to rush to judgment but to always be thoughtful and disciplined. May the Jewish people overcome their many differences and learn to work together with wisdom, dedication and an overarching love of Am Yisrael and Eretz Yisrael. Shabbat Shalom. ■



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the

MAKING

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TALMID

RABBI ARI GINSBERG

This week's parsha, Bamidbar, describes the promotion of the Leviim into a priestly tribe, entrusted with the duty of protecting the Mishkan and Beis Hamikdash from desecration. In introducing the ascension of the Leviim, the Torah enunciates the role of Aharon and his sons as kohanim, primarily responsible for serving in the Mishkan. Although this minimal introduction appears to be redundant and unnecessary, chazal derive important lessons that highlight the nature of teaching Torah to others. These pesukim subtly demonstrate the unique relationship forged between a rebbe and their student through the process of Torah study.

The Torah states, "These are the offspring of Aharon and Moshe, on the day in which Hashem spoke to Moshe at Har Sinai. These are the names of the sons of Aharon, the eldest is Nadav, then Avihu, Elazar, and Isamar. Nadav and Avihu died before Hashem because they offered a foreign fire before Hashem; they had no sons, and Elazar and Isamar served as kohanim in the face of Aharon their father." (Bamidbar 3: 1-3) Rashi and the Ramban both quote the gemara Sanhedrin 19B to answer an obvious question that emerges from the above sequence. The pesukim begin by recalling the offspring of Aharon and Moshe, however, the Torah only recounts the sons of Aharon? Why are Aharon's sons mentioned, whereas Moshe's children are omitted? The gemara therefore responds by teaching that whoever teaches his friend's child Torah, it is as if they had given birth to that child themselves. In truth, the Torah treats the sons of Aharon as Moshe's children as well, because Moshe had taught them Torah.

Although this idiom is superficially beautiful, its real meaning demands analysis. In what sense is teaching Torah analogous to begetting offspring? Furthermore, why do chazal focus on teaching a friend's child Torah, shouldn't this concept apply to teaching anyone Torah? The Torah Temimah quotes another gemara (Sanhedrin 99B) in reference to this chazal, which is almost identical. The gemara explains that anyone who teaches his friend's son Torah, it is as if he has fashioned him. This is learned from a pasuk referring to Avraham and Sarah, "and the soul which they had made in Charan." (Breishis 12:5) Rashi explains that Avraham would convert the men of Charan to monotheism, and Sarah would convince the women of Charan to adopt monotheism. As such, the Torah considers it as if they had created them; giving support to the statement that teaching Torah to someone is similar to fashioning that person. Why does chazal express these two statements in different ways? What is the difference between fashioning a person, and begetting a person, in conjunction with teaching Torah?

Perhaps, these two chazals reveal the distinct and wondrous effects of teaching Torah. The comparison made between teaching Torah and producing offspring demonstrates the impact of the rebbe's Torah on the student. A child can certainly be viewed as a reflection of their parents. They typically possess similar physical characteristics, personality traits, and intellectual ability. So too, a student picks up on the method of thinking and analysis of their rebbe, and thus emulates their teacher as a child would emulate a parent. It is very common to hear a speaker express an idea or concept that is independent, but clearly demonstrates

the influence of their rebbe. In this sense, teaching Torah is akin to producing offspring. The Torah of the student naturally echoes the Torah that has been received from the rebbe. In addition to this concept, the process of teaching Torah is compared to the making of the individual. Every person innately possesses raw abilities which include but are

not limited to the intellectual and emotional realms. The job of the rebbe is to mold and fashion these talents into a functioning unit that has a proper direction and purpose. Through Torah study, a Jew should be able to approach life with greater clarity. This explains the relationship between teaching Torah and fashioning the student. The student's natural strengths and weakness are synthesized into a new entity that is capable of further spiritual growth.

Both of the aforementioned gemaras focus on teaching Torah to a friend's son, as opposed to any Torah seeking Jew. Why? The idea seems to point to an underlying psychological association that is necessary for Torah to have its greatest effect. The son will undeniably view his father's friend as an authoritative figure, which will foster the ability of the rebbe to fashion the student's outlook. Further, this relationship will also result in a greater probability that the student will reflect the style and method of their teacher. However, when one teaches a colleague, it is more difficult to have this impact because they have already potentially adopted an unwavering viewpoint. Even so, the gemara is not excluding the limitless impact of Torah on any person; it is merely expressing Torah study in its most optimal situation.

Chazal utilize a seemingly unnecessary section in this week's parsha to illustrate the boundless effects of Teaching Torah to others. Through the process of teaching Torah, the rebbe is capable of having a permanent and lasting imprint on their student. One should therefore appreciate the exceptional properties of Torah teaching and Torah learning, and give gratitude to Hashem for this gift. ■

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Jewish Holidays – 60 pages

correlation between his departure 430 years earlier, and the Egyptian Exodus. They merely give us the significance of that date. To be clear, an accurate verse would state, either, that Avram left Ur Kasdim 430 years earlier, or the Jews lived in Egypt 210 years. But our verse combines elements from two, disparate historical accounts – Avram's departure from Ur, and of the Jews' departure from Egypt. Thereby, the Torah scripts a time range of the Jews' Egyptian settlement, 220 years longer than reality. Let's review God's earlier communication with Avram concerning the impending bondage:

"After these matters, the word of God came to Avram in a vision saying, "Do not fear Avram, I am your shield; your reward is very great." And Avram said to God, "God, Governor, what shall you give me, and behold I go childless, and the steward of my house is the Damascene Eliezer." And Avram said, "Behold to me you have not given seed, and behold the houseman will inherit me." And behold, the word of God was to him saying, "This one will not inherit you, rather, one who comes from your innards, he will inherit you." And He took him outside and He said, "Gaze at the heavens and count the stars. If you are capable of counting them, so too shall your seed be." And he believed God, and God considered it a righteousness [to Avram]. And He said to him, "I am God who took you out of Ur Kasdim to give to you this land as an inheritance." And Avram said, "God, Governor, with what shall I know that I shall inherit it?" And He said, "Take Me three heifers, three goats, three rams, a turtledove and a young dove." He took all these, he cut them in them in the center and placed each piece opposite its counterpart..." (Gen. 15:1-9)

"And He said to Avram, "Know with certainty that your offspring shall be aliens in a land not their own, and they will serve them, and they will oppress them, 400 years. But also the nation they will serve, I will judge..." (ibid 15:13,14)

This 400-year forecast in Genesis commences from Isaac's birth and ends with the Egyptian Exodus. These 400 years are identical to "And the settlement of the Jews which they lived in Egypt was 430 years" stated in Exodus, only they are counted 30 years prior to Isaac's birth. In Genesis, the 400 years is not specified as limited exclusively to "dwelling in Egypt". The Jews' lived as aliens in foreign lands long before their stay in Egypt. Thus, Egypt is merely one of many foreign lands, in which the Jews would be aliens. This starts to answer the problem: the Jews didn't actually live in Egypt for 430 years. The total 430-year period intends to highlight a period of some "form" of subjugation. Only 210 of those years were spent in

Egyptian servitude. So what was the "subjugation" of the previous 220 years? And we must still uncover why the verse in Exodus gives such a literal impression that they did reside in Egypt that long. Let us examine Avram's vision and line-up the questions:

1) Primarily, why did the Jews deserve this forecasted oppression? What sin demanded this punishment? And we know the Jews sinned, as God says, "But also the nation they will serve, I will judge" — emphasis on "also," to include God's judgment of the Jews too. This judgment must teach of some sin. And how does oppression correct or atone for the sin?

2) Why did Avram desire his own seed promulgate his monotheistic teachings, rendering Eliezer insufficient for this role?

3) Why did Avram accept — without question — the promise of numerous offspring, and the forecast of oppression of his seed...but he does question the basis that his seed would inherit the land?

4) Why is Avram satisfied with God's answer for the basis for this inheritance: dividing a few animals?

5) God does not always tell His prophets the future of the nation. Why does He do so here?

6) Why does God wait to identify Himself, only upon announcing the land as an inheritance, and not at the very commencement of this prophecy?

7) What is the term "night of watching" to teach us?

8) Finally, how do we interpret the 430 years and what is the relationship to the Egyptian exodus?

Sforno (Gen. 15:13) says the Prophet Ezekiel blamed the Jews' idolatry as the cause of the bondage in Egypt: "But they rebelled against me and would not hearken to Me; they did not — every man — cast away the detestable things of their eyes, neither did they forsake the idols of Egypt; then I said I would pour out My fury upon them in the midst of the land of Egypt." (Ezek. 20:8) Sforno adds (ibid) that the while tribes (Jacob's sons) were alive, no servitude began, as they were righteous individuals. Thus, the Jews lived in Egypt freely and without sin, for a while. Eventually they were attracted to the Egyptian idolatry, as Ezekiel teaches, and were oppressed due to God's will, as punishment.

Idolatry is one of the worst sins, as it rejects the most primary idea, and the sole reason that we exist: to recognize that the universe has a Creator and Governor, that He is one, non-physical, and to study His wisdom as revealed in the universe and in the Torah.

Maimonides commences his great work, the Mishneh Torah, with the words "Fundamental of fundamentals, and pillar of all wisdom: to know there is a First Existence". (He actually spells-out God's name with the first letters of the first four words) Knowledge of God — He who caused all else — must precede all other knowledge. For without knowledge of God, we have no knowledge at all. We may see a universe, study its laws and learn to harness and manipulate its resources to create marvels in technology. But if this universe offers man no reflection of the Creator, his knowledge is purposeless. "The fear of God is the beginning of knowledge..." (Proverbs 1:7) "The beginning of wisdom is the fear of God..." (Psalms 111:10) Kings Solomon and David make this clear.

We now appreciate that the Jews' idolatry required a response, if they were to deserve continued existence. God caused our slavery, and we finally cried out to Him. We turned back towards the Creator, and renounced idolatry. The Paschal Lamb was required for the Jews' redemption. This is in consonance with the dividing of the animals that God commanded Avram in the vision. Meaning, the denouncing of animals as deities earned the Jews God's providence. Avram did not inquire about God's promise to make the Jews as numerous as stars. God can perform His will. He also did not ask why the Jews would be oppressed, since man too can perform his will, including sin, and he will deserve punishment. What Avram did inquire of, was the basis for God's redeeming the Jews. What would they do to deserve salvation? God's answer was to kill the animals. Avram understood this response, and asked nothing further. This made sense as a basis for their redemption, that the Jews would kill the very deities they once worshipped.

The reason God says the Exodus was a "night of watching," is, as Ramban teaches, because God "awaited" this great day. It was the goal that the Jews leave Egypt and idolatry, and become a nation unto God. Such a momentous occasion is termed as waited for, or "watched".

In the vision, God only identifies Himself as the one who took Avram out of Ur Kasdim, only as He is about to promise the inheritance of Israel. For this was the reason He gave Avram the land: that Avram's monotheism could flourish. Only in connection with his monotheistic teachings, is there relevance of Ur Kasdim.

And Sforno teaches that God revealed the future oppression in that vision, so years later, the Jews might not view it as happenstance, but as God's will. Only through a received, prophetic transmission that the bondage was an act of providence, could the Jews know they were enslaved by God's will, and repent.

(continued on next page)

(Metaphor continued from page 7)

Method

We also asked why Eliezer was not Avram's choice to carry on monotheism. Avram understood that his teachings would have greater affect on his children, if taught by his children. Human nature is to favor one's familial ties and culture, as opposed to notions of alien origin.

Now, how do we answer the main question?

By stating the Jews dwelled in Egypt 430 years — when in fact they did not — God associates the Jewish settlement in Egypt with Abraham's exodus from Ur Kasdim 430 years earlier. There is a relationship: Ur Kasdim was a hotbed of idolatry, and the Jews were enslaved due to idolatry — the identity of Ur Kasdim — and ultimately expressed on a national level in Egypt. The Jews did not literally live in Egypt 430 years. It was only 210 years. However, God wishes to warn mankind of the greatest of dangers. Therefore He referred to the idolatrous influence in tangible terms, by stating that the Jews "lived in Egypt 430 years". This means to equate the "influence" of idolatry that spread from Ur Kasdim, with the actual living in an idolatrous environment. Those 220 years prior to Egypt were as if the Jews were already immersed in Egypt's physical environment, permeated with idolatry. It didn't matter that they were not in Egypt, since the idolatrous trends were all around.

This equation is well-founded. For it is the psychological effect of idolatry that damages man; not the mere existence of idols and idolaters. And in order to teach man that regarding idolatry, it is the internal, psychological world that is most real, God talks about these internal effects, as if they are externally experienced, as if living in Egypt. So it can be said metaphorically that the Jews "lived in Egypt 430 years". However, this case of metaphor is different than most, since idolatrous influence is truly internal, and did exist 430 years.

We learn that God communicates with man, in a manner that the primary lesson is delivered in the most effective way. Since man initially views physical reality as more real than internal and psychological forces, the Torah depicts idolatry in spatial terms. Additionally, such an overt historical "error" of the Jews settlement in Egypt causes the Torah student to spend more time delving into the matter to resolve the glaring problem. This in turn creates a greater impression on the Torah student regarding this vital matter of God's exclusive role as Creator, and the rejection of idolatry.

"One who denies idolatry, is as if he affirms the entire Torah. One who affirms idolatry is as if he denies the entire Torah". (Maimonides, Mishneh Torah, Laws of Idolatry 2:7)

Thank you to Avi for raising this question. ■



RABBI MOSHE BEN-CHAIM

“Man cannot understand me while alive” was God’s response to Moses after he requested to understand God’s essential nature. Man can grasp only those ideas that are connected to the universe. For example, a blind man can not comprehend the concept of color, or light. This is because the idea itself has no means of registering on the human mind, unless connected with some sense perception. And although there is an abstract explanation of light, such an explanation makes no sense to man unless correlated to a sensual experience. This is simply due to our design. Similarly, I cannot grasp what resides inside a close, opaque, soundproof box, since none of my senses can penetrate that enclosure.

For this reason, man cannot know what God is, since God is completely removed from the physical universe. Thereby, man has no channel through which he might approach a understanding of God's nature. All that we can know about God is what He revealed through the Torah, or by our study of creation. But this knowledge is not of God Himself. Rather, it is the knowledge of His manner of managing man, the universe, and His manner of creation.

Therefore, statements like “God contracted (tzimtzum) Himself in Creation” can only be understood metaphorically to mean that God revealed but a portion of His wisdom in the universe. That is, His creation reveals but a portion of His knowledge to man, since the physical world does not contain all of His wisdom.

But it is heretical to suggest that God occupies space, and physically contracted Himself to “make room” for the physical universe. ■

(Tallis continued from page 1)

Mitzvos

of Rav Nachman, who would cover his body up to the sides of his face with the tallis, and is understood to mean a complete covering of the head, face and body (atifah gemura). There is a debate as to whether this is the exact manner in how one should perform atifah after saying the bracha. According to the Geonim, atifah must be done as cited in the Talmud, the atifas yishmaelim. However, the Baal Haitur (among others) argues that the Talmud was only referring to the situation of aveilus. He writes that as a person puts on his shirt, at times it covers his head and at times it does not. Therefore, atifah need not be a complete atifah as the Geonim maintained; instead, a "normal" atifah (which would include the head) is what one should do. The position of the Baal Haitur is a bit difficult to understand. The bracha one recites, "lehisatef b'tzitzis" clearly indicates a specific action of atifah – why not use the standard as mentioned in the Talmud? If one looks at atifah like any other halachic performance, then there is no room for the rationale posited by the Baal Haitur. For example, when one makes the bracha of "lehaniyach tefillin", he then proceeds to follow the strict halachic implementation of hanachas tefillin, with the tefillin being put on in a precise manner. The position of the Geonim, then, would simply be that atifah is a halachic performance, a maaseh atifah, thereby necessitating an objective method. The Baal Haitur is indicating that how one puts on his tallis is subjective – how does he come to this conclusion? It is important to keep in mind that a tallis is actually a begged, a type of clothing that is worn, albeit with a halachic designation. What he is describing is a different notion of atifah, referring to the process and result of donning the garment. In other words, atifah does not refer to a halachic action. Instead, it is the way of putting on a garment like a tallis. Much like a pair of pants is pulled on, a tallis has its own way of being donned, atifah. And just like one person may put his left leg in first while another may do the right, the Baal Haitur is maintaining that in putting on the tallis, one person's head might be covered, while another would not. The upshot is that from the perspective of wearing clothing, atifah refers to the normal way a garment such as a tallis would be worn. The Baal Haitur does maintain, however, that one should strive to ensure his head is covered when putting on the tallis after the bracha is recited.

For the most part, the poskim line up in support of the Baal Haitur's position, but offering different variations of atifos. For example, the Mishneh Berurah's method (OC 8:2 S.K. 3), which is quite prevalent, has the person cover his face up to his mouth with the tallis, and swing the four tzitzios over his left shoulder, holding it there for a few moments. Both Sefardim and Yekkes have unique ways based on different poskim as well. There is also the Vilna Gaon (Maase Rav 15), who writes

that one need only cover his head after reciting the bracha, explicitly stating that there is no need to perform atifas yishmaelim.

What about if one removes his tallis? The concern there involves the requirement to make a new bracha if it is removed. The Tur (OC 8) writes of a safek as to a conclusive pesak, this same safek noted by various Rishonim before him (such as the Ritvah and Nemukei Yosef). If one removes his tallis, with the mindset he will not be putting it back on anytime soon, he of course must recite another bracha if he puts it on again. However, the Tur was in doubt about the case of a person who takes off his tallis with the specific intent of putting it back on immediately. The uncertainty surrounds the issue of whether the person is required to make a new bracha or not, based on a universal halacha derived from tefillin. The Talmud (Succah 46a) notes that if tefillin is moved from its required place on one's head/arm and returned back immediately, a person must recite the bracha again before moving it back into place. The question is whether the tefillin was moved by the individual with this intent, or it moved on its own, and when discovered, would be moved back immediately. In the latter case, one clearly would have to make a new bracha, while in the former, one would not. In our case, the question is which scenario applies to the tallis removed intentionally. One practical result from this distinction is a near universal acceptance of the pesak that if a tallis falls off the individual on its own, the person must recite the bracha again before donning it. How do we further understand these two possibilities raised by the Tur?

Normally, when it comes to the intent of the individual, there are certain actions that the person engages in that demonstrate his mindset, gilui daas. For example, a group of people at a seudah who get up and leave demonstrate a break in their relationship to the meal. We see a similar concept as well if someone falls into a deep sleep during a seudah. In such a case, the state of sleep is a clear indication that this person is no longer involved in the meal. In both these scenarios, there is hesech hadaas, an interruption in the person's relationship to the situation (ie – seudah) at hand. In the case of the tallis, the question is whether or not there is a concept of hesech hadaas in removing the tallis. One possibility is that a person's mindset has no relevance to the wearing of a garment like a tallis – once it comes off of him, there is now an interruption in his performance of the mitzvah (hefsek) and he must recite a new bracha. Therefore, there would be no distinction between whether it came off on its own or he took it off – either way, it is a hefsek. On the other hand, one could argue that there indeed is a revelation of daas when it comes to tallis. As in the case of the meal, there has to be a clear indication that he is no longer part of the seudah. In the case of tallis, it is not the removal per



se that would produce the break in mindset – if this were the case, there would be nothing to discuss. Rather, it is the feature of immediacy (miyad), where he will put the tallis back on soon after removing it, that determines whether there is a break in his tziruf to the tallis. This concept need not be time bound, as there is no actual shiur of how long miyad actually is. We see certain scenarios introduced by various poskim, such as removing a tallis and leaving/returning to shul, or removing it before entering the bathroom (which, incidentally, is not actually an obligation), where there is a debate as to the application of miyad or not. Therefore, it is the lack in immediacy that ultimately will demonstrate the daas of the individual. In the case of where the tallis falls off on its own, there is no ability to gauge the mindset of the individual, as there was no intent. Without this barometer, the phenomenon of hefsek naturally enters into the picture, and he would also be required to make a new bracha.

Of course, please consult your rav for pesak regarding these different issues. ■

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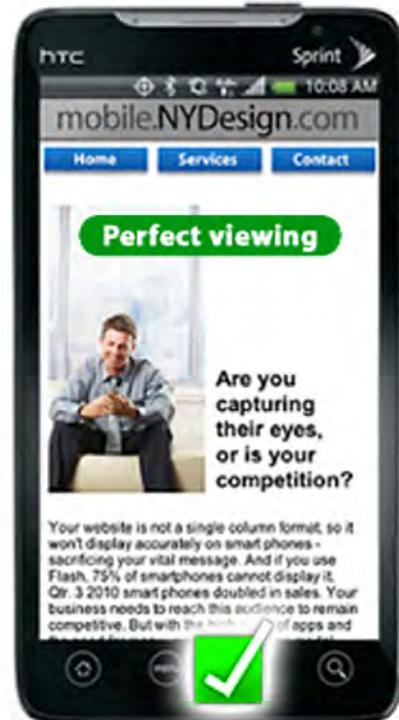
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