



## Rabbi Reisman – Parshas Kedoshim 5784

### 1 – Topic – Where does Korbanos come in to Parshas Kedoshim?

As we prepare for Shabbos Parshas Kedoshim and our concern for Acheinu Bnei Yisrael in Eretz Yisrael grows. We Daven for Shalom, for peace in Eretz Yisrael. Parshas Kedoshim – it seems that whenever I learn the Parsha there is always something new. Could it be, a few Pesukim in when they Lain, they come to a description as is found in 19:5 (וְכִי תִזְבְּחוּ זֶבַח שְׁלָמִים, לִירֵרָה) in middle of Kedoshim. The Parsha has nothing to do with Korbanos at all. It is talking about different Mitzvos, so many Mitzvos here, and in middle it says (וְכִי תִזְבְּחוּ זֶבַח שְׁלָמִים) and it doesn't say any other Korbanos. It tells us the rules of Piggul, Nosar. What is it doing here? Very surprising that not everybody seems to comment on it.

The new Mikraos Gedolos from Artscroll has Rabbeinu Bachya on the page, and there I saw in Posuk Hei he explains why (וְכִי תִזְבְּחוּ זֶבַח שְׁלָמִים) is here. Interesting. In Posuk Daled the previous Posuk, there was a Hazhara against Avoda Zora (אֶל-תִּפְגְּוּ, אֶל-הֶעָלִילִים). There was a Hazhara against Avoda Zora. Zagt Rabbeinu Bachya, Posuk Hei is telling us (כשתרצו לעבדו עבודה) if you have a desire to do Avoda (לא תעשו כן לאילימ) don't do it to Avoda Zora (אלא לשם המיוחד) do it to HKB"Y.

In other words, what he is saying is that the reason it is here is because people are going to have an urge to be Oved Avoda Zora, so the Torah tells you if you have an urge to do some type of Korban do it (וְכִי תִזְבְּחוּ זֶבַח שְׁלָמִים) to HKB"Y. Amazing. Rabbeinu Bachya's explanation of these Pesukim is exactly Shittas Harambam.

The Rambam's Shittah in Mor'e Nevuchim which the Ramban brings in Vayikra, is that the reason there is a Mitzvah of Korbanos in the Torah, is as a Geder against Avoda Zora. People would have a desire to be Oved Avoda Zora Taiva, we don't understand it. It doesn't exist today, however, there once was a Taiva to be Oved Avoda Zora so in order to balance out the Taiva for Avoda Zora, the Torah says to bring Korbanos to Hashem. This is what the Rambam says. The Ramban is Matmia that he gives such a reason. However, that seems to be what Rabbeinu Bachya is telling us in this week's Parsha. It seems to be what he is saying.

There is a Klal that in Mitzvos Hatorah everything fits in all directions. It is like a puzzle piece, it fits on one side and it fits on the other side. So the Klal in Mitzvos Hatorah is that it fits in all directions. It is not so difficult to say that really Korbanos have their own Taam Ha'etzem, they really have their own reason (רִיחַ-גִּיחֹה לִירֵרָה). It also fits in the way Rabbeinu Bachya or the Rambam explain it as a Geder against Avoda Zora. There is no Kasha on this. It just is that the Nekuda, the point, the idea of the reason it is brought here is for this reason. The takeaway I guess is that we have no inkling of what the Yeitzer Hora to Avoda Zora once was, and

therefore, I guess we don't have an appreciation of this entire message of what we are talking about today.

## 2 – Topic – A Choshen Mishpat Shaila – Ketzos and Igros Moshe

Let's move on to a second topic as this week's Parsha has in 19:11 (לא, תִּגְנוֹבוּ) the Aveira of stealing and cheating people. Let's be Dan a Choshen Mishpat Shaila. Two friends are walking and Rachmana Litzlon, G-d forbid it should happen but it happened, and a thief with a gun comes upon them and says give me your money. So there are two friends Reuven and Shimon, Reuven quickly takes out a \$100 bill and says Shimon I borrowed \$100 from you yesterday here it is and he sticks it into Shimon's pocket. Now of course the thief with the gun quickly takes away the \$100. The question is if in Halacha was Reuven Mekayeim his obligation of paying back the Chov or not? What is the Din?

At first glance it depends on the following question. The question is, how do you estimate the value of something, \$100 is worth \$100. \$100 bill in the pocket of someone who has a thief ready to take it is worth \$0. Do we say that this \$100 bill is worth \$100 and he paid him, or do we say he gave him something worth \$0? How do you estimate the value of an item? This is a general Choshen Mishpat question.

On this there is a Kasha in the Ketzos Hachoshen. It is in Siman Shin Pei Vav, S'if Kotton Yud, and the Ketzos asks a contradiction a Stira between two Gemaras which are probably familiar to you. The Gemara in Bava Kamma 11a talks about an animal that fell into a Bor (pit) and died there. The carcass of the animal has a certain value. The Gemara says (דבבירא שויא זוזא ואגודא שויא (ארבע). When the carcass of the animal was on the bottom of the Bor and you needed to get someone to pull it out, you got to get a machine to pull it out because it is heavy, then it is worth one Zuz. Once it is pulled out if it is on ground level it is worth four Zuz.

Forgetting the context of the Gemara, the words of the Gemara are very clear. The same exact carcass of an animal which is good for dog food (we can't eat it because it is Neveila), so that same animal if it is in the bottom of the Bor it is worth one Zuz, if it is pulled up it is worth four. We see value goes by the place, it is in the same city whether it is in the bottom of the Bor or the top of the Bor. The market value is the same. But you see that depending on circumstances the value changes. Okay, the Ketzos says that we have a Gemara that says it depends on where it is.

Freigt the Ketzos Hachoshen, in Bava Kamma 98a that there is a Mechudash'dika Gemara. The Gemara says (הזורק מטבע של חבירו לים הגדול פטור). If somebody takes someone else's coin and he throws it into the sea, and you can see it on the bottom of the sea, the Gemara says you need a diver to go and get it, so the Halacha is that he is Patur. He says Harei Shel'cha Lefanecha, your coin there it is. The water is still and you can see that it is sitting there in the bottom.

Freigt the Ketzos, it is an open contradiction. Why don't you say the coin on the boat was worth x and down at the bottom of the sea it is worth a fraction of what it is worth because you have to get divers to go and get it. Why by the carcass of the animal you say one thing and by the coin you say something else.

In the Igros Moshe in Yor'e Dai'a Cheilek Beis, Teshuva Kuf Yud Daled, answers the question of the Ketzos with an essential Yesod in all laws of Choshen Mishpat. Rav Moshe is applying it to cases. I will share with you the Yesod. Rav Moshe's Yesod is the following. He says if you have a society in which you have goods that fluctuate in value, how do you determine the value?

For example, someone stole someone's bushel of apples in 1962. A bushel of apples then costed \$1. He is coming now in 2024 to pay for what he took 62 years ago, he says I owe you \$1 as that was the value of the bushel of apples. He says what? You owe me a bushel of apples. Today a bushel of apples is much more than \$1. The Gemara in Perek Hazav says, society has something called Kiba. Kiba is currency. All value is pegged to currency. It is fair, it is not fair, it doesn't matter. Society works with a stable currency. Everything else fluctuates. It could be that apples went from \$1 to \$100 that would be 100 times as much.

What about an electric calculator which was \$20 in 1962? Today it is worthless. You broke his calculator or you stole his calculator in 1962. What does he owe him? He owes him \$20. This is because everything is pegged to Kiba. Kiba is currency and Peira is merchandise, is goods. It is a law in Choshen Mishpat that everything is pegged to the constant. The constant is Kiba.

Therefore, says Rav Moshe, when a coin is in the bottom of the Bor it doesn't matter where it is. A coin is Kiba, it always has a constant value. With the carcass of an animal, it is goods and goods fluctuates depending on circumstances. This is the rule for all Choshen Mishpat. All of Choshen Mishpat is pegged to Kiba. If you borrowed \$100 from someone, you tell him I will pay you back in 10 years but I will pay you, no Ribbis just the inflation rate the amount that it goes up. Nothing doing, that is Ribbis. Kiba is constant. Currency is constant in the eyes of Halacha and that is the rule.

Now we come back to our original Shaila. A thief is standing there pointing a gun. Reuven owes Shimon \$100. It depends, if Reuven tells Shimon I owe you \$100. Here is a gold bracelet that is worth \$100. I am paying you back and he puts it in his pocket. He hasn't paid him back anything. He gave him a gold bracelet that is worth \$0 because there is a Ganaf standing right here. However, if he gives him \$100 bill that is Kiba. \$100 bill is always worth \$100. So then he has paid him back. He is Yotzei paying him back and Sholom Al Yisrael. This would seem to be the Halacha. I know there is room to Mefakfeik for other reasons perhaps, but the Pashtus this seems to be the rule. So it would come out that technically he got away with it as he paid him \$100. He gave it to him and he put it in his pocket. He was Kon'e it. Of course when I said two friends were walking in the street they were friends in the beginning and at the end they won't be friends. He used a loophole. He found a loophole in Halacha and he got away with it he gave \$100. Is it the right thing to do? No. it is not the right thing to do. Nobody would say that it is the right thing to do, however, we deal with Choshen Mishpat and this is the way it would come out.

Besides telling you the rule of Kiba and Peiri, I want to tell you something else. Not every time is a Heter in Halacha do you have to use it. Rav Belsky told me in regards to a certain Shaila that Rav Moshe told him, Nisht Aleh Heteirim Darf Mir Nuttin. Not every Heter has to be used. Now you have to know, you can't abolish Choshen Mishpat in Shulchan Aruch, there are Heteirim in Chazal. There are Heteirim in the Torah. But people who live a life of trying to keep the Torah and using every loophole no. It is not the way it is supposed to be. A person has to deal in the

Torah with a proper Yir'as Shamayim, a proper attitude, a proper sense. That Rabbosai is the second lesson that comes from a Choshen Mishpat deal that we are talking about. (קדשים תהיו) keep the Torah the way it is supposed to be kept. That is the lesson of the Parsha.

I want to wish one and all an absolutely wonderful, fantastic, extraordinary Shabbos where no doubt you are all going to look up the Ketzos which of course you want to see in Shin Pei Vav, S'if Kotton Yud. The Igros Moshe which you want to see in Yor'e Dai'a, Cheilek Beis, Kuf Yud Daled. Agav you will see a tremendous Chiddush, a Kula in Hilchos Maisros. You will have a very Geshmake Shabbos because you will be Tumuling and everybody will tell me why the fellow who paid \$100 at the point of a gun still owes him the money. Maybe for other reasons. A Gutten Shabbos to one and all!

## **Rabbi Reisman – Parshas Acharei Mos – Kedoshim 5783**

### **1 – Topic – A Question on the Parsha**

As we prepare for Shabbos Kodesh Parshas Acharei Mos – Kedoshim. A little bit of a Pele, I was listening to the Laining today and the first part of the Parsha describes the Avodah on Yom Kippur. A Davar Pele, it doesn't mention a word about Yom Kippur. 16:3 (בְּזֹאת יָבֵא אֶהְרֹן, אֶל-הֵקֵל). Starting from Posuk Aleph, I don't think that Yom Kippur is mentioned until Posuk Chaf Tes. Halo Davar Hu! Isn't it strange? That is something which needs an explanation and I am not sure I have one now. What it sounds like is (בְּזֹאת יָבֵא אֶהְרֹן, אֶל-הֵקֵדֶשׁ), when Klal Yisrael is deserving Aharon Hakohen will coשְׁהֵקֵדֶשׁ. So now it is only on Yom Kippur, however, at least in theory it could happen some other time. That is what it sounds like from the Posuk. Tzorech Bi'ur

### **2 – Topic – A General Topic in Shas that probably comes from a Posuk in the Parsha**

As you know, those who learn Gemara are aware that the Gemara talks about Jews who are Ochlei Chullin B'tahara. We find many times there were Yidden who ate Chullin B'tahara even though they weren't obligated to.

As a matter of fact, you find a second thing, you find sometimes in Shas Jews who ate Chullin B'taharos Hakodesh. They ate Chullin with the rules of Tahara that apply to Hekdesh. The food was not Hekdesh, but they ate it as if it was Hekdesh. What is the difference between Ochlei Chullin B'tahara and those who eat it B'taharos Hakodesh? There are many differences.

One of them is a T'vul Yom. Somebody who went to the Mikva that day, afterwards, he is Tahor and he is not Metamei Chullin. If he touches Chullin it remains Tahor. However, if he touches Kodshim it becomes Tamei. Therefore, that would be a Nafka Mina. Be that as it may, my point is that there were Jews who ate Chullin B'tahara even though there was no Halachik reason for them to do so. It was a behavior.

There is a Machlokes Rishonim on this. The Rambam in (Sefer Tahara), Hilchos Tumas Ochlin Perek Tes Zayin, Halacha Ches – Yud Bais discusses the idea, and he says very clearly. All Dinai Tumah V'tahara exist only for the Halachos of Terumah, Kodshim, the Bais Hamikdash and Kohanim. There is no need for Hilchos Tumah V'tahara except as it regards them.

Kodshim and Terumah - certain types of food, the Bais Hamikdash – a certain place, and Kohanim are not allowed to be Tamei Meis. For a Hedyot, there is no Halachik reason to be Makpid on not eating Tumah. The Rambam does write that the Middas Chassidus, the Chassidim and Anshei Maiseh would be careful because at the end of the day Taharah affects a person in a positive way.

Tosafos in Chullin 2b disagrees. Tosafos holds that it is a Chiyuv Gamur. If there is no reason to eat Tumah, sometimes there is a reason. A person could be Tamei for many reasons, maybe a Niddah or Baal Keri, if one goes to a Levaya, but if there is no need to eat Tumah then even Chullin should be eaten B'tahara. So there is a certain amount of disagreement. There are two places where the Magen Avraham brings this, the Magen Avraham as you know is the Shulchan Aruch. He brings it twice, fascinating.

In Siman Reish Pei in Hilchos Shabbos, he talks about people who ate Chullin B'tahara presumably on Shabbos, and he says why would it be Al Taharas Hakodesh. Eating B'tahara I understand, but why Al Taharas Hakodesh? He says in the name of the Ran and Rashba in Maseches Niddah Daf Vav, that the reason is to be ready for when Moshiach will come and we will be Zoche to eat Kodshim, that we should be accustomed to eating it B'tahara, we should know the Halachos. That is the reason L'hargil B'kodshim.

In the Magen Avraham in Siman Taf Reish Gimmel which is the Halachos of the Aseres Yemai Teshuva he says a bigger Chiddush. He says that the Arizal was Makpid on the Aseres Yemai Teshuva only not to eat anything that is Tamei. Eat nothing that is Tamei. You will say hold on a minute, how is that possible? Everybody today is a Tamei Meis, the Arizal himself was a Tamei Meis. How could he possibly eat only Tahor food?

The answer says the Magen Avraham, is that he ate fruits and vegetables that were not Muchshal L'kabeil Tumah. He used wheat to bake bread that was not Muchshal L'kabeil Tumah, meaning it was never made wet with one of the seven Mashkin, and therefore, even though a Tamei person touches it, it is Tahor. So Mimeila, Zagt the Magen Avraham the Arizal was Makpid to eat Chullin B'tahara by eating only food that had never become wet and drinking only Mei B'air, only water from a spring (spring water). The Beis Meir says he must have put his mouth to the water and drank straight from the water, otherwise it would be Tamei when removed. This was the Chumra, the Kepaida of the Arizal to eat only Chullin B'tahara.

Here we have a concept in the Gemara and we have two Magen Avraham's. Where does this come from? It comes from the Posuk 20:7 (וְהִתְקַדְּשְׁתֶּם--וְהִיִּיתֶם, קְדָשִׁים). A Posuk in the Torah in Parshas Kedoshim we find this Posuk. I do have to tell you that we find the identical Posuk in Shemini 11 (כִּי קְדוֹשׁ אֲנִי) so I am unsure which one of the two Pesukim that Tosafos is referring to when he brings down this Posuk. However, this is an Inyan of eating Chullin B

There is a Nafka Mina L'halacha from this Magen Avraham even for all of us who are not on the Madreiga of the Arizal. Onah of a Talmid Chochom is from Leil Shabbos to Leil Shabbos. It is the custom of a Talmid Chochom to be Mekayeim the Mitzvah of Onah with his wife on

Shabbos. So how can a person do what the Magen Avraham says which is to eat Kodshim B'tahara if on Shabbos the person himself is a T'vul Yom? Even if he will go to the Mikvah before he eats, but he is a T'vul Yom and the Magen Avraham says that the Minhag was to eat Kodshim B'taharas Hakodesh and that is certainly a problem.

Now on a weekday I would understand because you can eat fruit and vegetables that are not Muchshar L'kabeil Tumah. No problem. But on Shabbos you have to eat bread and bread is made with water. If bread is made with water how does that work, how does a Talmid Chochom get away with being Yotzei Sholosh Seudos? Not only that, how did the Arizal eat Sholosh Seudos on Shabbos? If he didn't eat any flour that came from a kernel that was Muchshar L'kabeil Tumah, so that means that he would have had to take the food and not mix it with water. He would have to mix it with fruit juice, or something else that is not Mekabeil Tumah (like date honey as honey from a bee is one of the 7 Mashkin that is Huchshar L'kabeil Tumah). (Ed. Note: the 7 Mashkin are taught to us in Maseches Machshirin 6:4 ( שבעה משקין הן--הטל, והמים, ( והיין, והשמן, והדם, והחלב, ודבש דבורים)).

To clarify, the question is this, it says that the Arizal was Makpid during the Aseres Yemai Teshuvah which presumably includes the Shabbos of Aseres Yemai Teshuvah and the Magen Avraham in Reish Pei says that for everybody it is a benefit to eat on Shabbos only foods that were never Muchshar L'kabeil Tumah, how is it possible? You need to eat. How are you going to eat anything? As soon as you touch bread which is flour mixed with water it is going to become Tamei?

The Pri Megadim in Siman Reish Pei answers and says that it means that he ate Pas that was kneaded with fruit juice, and therefore, it still remained not Muchshar L'kabeil Tumah. No water touched it.

Zagt the Steipler in Berachos, we see from here a big Chiddush that you can be Yotzei a Seudas Shabbos with Pas Haba B'kisinin, with cake. With flour made into Mezonos. Okay, so we learned a Halacha. Says the Steipler, it causes a Chiddush. Let's say you have a man who forgets R'tzai on Shabbos in Bentching. What is the Halacha?

The Halacha is that for the first two meals you have to repeat Bentching, because you have to eat bread. Mashe'ain'kain the third meal where because you don't have to eat bread for the third meal you don't repeat Bentching. Freigt the Steipler, let's say you have a man who went to a Kiddush after Davening and he ate some cake there and then he gets home and eats the day Seuda and forgets R'tzai. In his mind this is the second Seuda and he has to Bentch over. But in the eyes of the Pri Megadim it is not, because when he ate at the Kiddush he was Yotzei a Seuda and since he was Yotzei eating at the Kiddush, the Seuda in his house which he is calling his lunch time Seuda is actually the third Seuda of the day. He had one at night, one at the Kiddush and one now. Says the Steipler, if you are Yotzei with Pas Haba B'kisinin you cause a big issue in cases of people who eat at a Kiddush and then go home and eat a Shabbos meal and forget R'tzai that they think you have to Bentch over and that is not correct. Be that as it may, this is the Ha'ara of the Steipler and he says maybe it is that way.

### **3 – Topic – Haneshama Lach V'haguf Pa'alach**

Haneshama Lach V'haguf Pa'alach. We say Hashem, the soul is Yours and the body is your handiwork. What is the difference between Lach and Pa'alach? I once saw the following. Haguf Pa'alach, means Your handiwork. The work of your hands. It is past tense. Haguf Pa'alach, You made the Guf in the past. That is the idea of Haguf Pa'alach. You're the source of the Guf. However, Haneshama Lach that is current tense, that is right now.

The idea of Lashon Ho've, now, is to recognize that even this moment the Guf is HKB"H's. That recognition is Haneshama Lach. So, we say Haneshama Lach currently, V'haguf Pa'alach, He made the Guf in the past. Zechus Al Hamalach. Haneshama Lach V'haguf She'lach Asei L'maan Shemecha. Then we tell HKB"H we recognize that it all comes from You and it is ongoing. It is Yours Kavayochel, Asei L'maan Shemecha, do to help Klal Yisrael, L'maan Shemecha – because of Your holy name, because of K'vod Shamayim.

The Nekuda of course is the V'haguf She'lach, Haneshama Lach, that it is Yours currently, it is Yours presently and that recognition that HKB"H's Neshama is with us all the time, what a Mechaye. Gevaldig! With that extraordinary thought I would like to wish everybody an absolutely wonderful and meaningful Shabbos Kodesh. Kol Tuv!

### **Rabbi Reisman – Parshas Kedoshim 5782**

#### **1 – Topic – Two Basic Dinim in Harkovas Ha'ilan**

As we prepare for Shabbos Parshas Kedoshim. A Parsha that has many Mitzvos in it and a Parsha which we can spend quite a bit of time and I am sure we will. I hope we will in learning just the Pesukim and the different Mitzvos of the Parsha. I would like to talk today about the Issur of Kilayim which is in this week's Parsha which is as it says in 19:19 (שָׂדֶה לֹא-תִזְרַע כְּלָאִים) the Issur to plant Kilayim in a field.

I would like to share with you a few points that are not well-known. The best way to illustrate is to share with you a Shaila that somebody in Shul asked me a number of years ago. This individual had a small orange tree growing out of a large pot which was in the corner of his living room. He decided to decorate it. What he did was he went to the earth from which it was growing, and he planted a bunch of tomato seedlings in a circle around the orange tree, and it gave it some really nice color and added to the orange tree. It was a decoration in his living room.

He had a guest and the guest told him it is Kilayim and you are being Over an Issur D'oraissa. You are planting tomatoes and the oranges one next to the other. Therefore, it should be a problem. So the question is, is he right. The answer is that there are two known points which are simple and basic but Frum Yidden don't know because we are not farmers and we are very distant from the Halachos of farming. The Shaila being asked shows a lack of knowledge of two basic fundamental ideas.

One is that the Issur of Kilayim does not apply in Chutz L'aretz. In Yoreh Dai'a Siman (רצ"ז סיף) (ב') it says (ומותר לישראל לזרוע כלאי זראים בידו בחו"ל ואפילו לערב הזרים לכתכילה ולזרעם בחו"ל מותר) (ודברים אלו דברי קבלה). That there is no Issur of planting things together in Chutz L'aretz. What do you know? That means that in Brooklyn where many people have backyards with a piece of earth where there is no concrete which is about 7 or 8 feet long and about 4 feet across, I am not sure if any sunlight ever gets there but if you want to plant you can plant things and there is no Issur Kilayim. The Issur does not apply to Chutz L'aretz. I imagine that if you tell this to people they will say what? You would have to pull out a Shulchan Aruch in Yoreh Dai'a Siman (רצ"ז סיף ב')

There is an even more fundamental piece of knowledge that is missing and that is that even in Eretz Yisrael there is no Issur to plant things, things meaning anything next to trees. There is an Issur of (כלאי זרעים) planting things next to each other if they are vegetables or grains, and there is an Issur of (כלאי הכרם) which is planting things together with a vineyard, but there is no Issur of Kal'ei Ilan. That is not 100% true as there is an Issur but the Issur of Kal'ei Ilan has nothing to do with planting next to each other.

Again, open up a Shulchan Aruch in (סימן רצ"ה) (הלכות כלאי אילן) and it says the following, the Posuk from our Parsha (כלאי האילנות הרי הם בכלל מה שנאמר שדך לא תזרע כלאים). Trees are included in the Posuk of (המרכיב אילן באילן)? What is the case of Kal'ei Ilan? (כיצד). Grafting one tree into another tree. (וכן המרכיב ירק באילן). Any type of grafting. You are not allowed to graft your trees. But planting things next to each other, that is not included in (כלאי אילן). How do you like that?

(כאחד) (זרע אילן) and tree seeds (רצ"ה סיף ג'). (מותר לזרוע זראים) next to each other. (וכן מותר לערב זרעי אילנות ולזרעם כאחת). You can mix different trees and plant them next to each other. (שאין לך כלאים באילנות אלא הרכבה בלבד). The only Kilayim by Ilanos is grafting. And so, the first Dvar Torah on the Parsha is not from any Acharon. It is two S'ifim in Shulchan Aruch. Two basic Halachos in Kilayim.

As a matter of fact, if you want to add a little bit of Gan Eden in this world, if you want a little Geshmak in this world, tonight when you finish Mishmar and you have a few minutes, open up a Shulchan Aruch Yoreh Dai'a to Siman Reish Tzaddik Hei. It is one page the whole Dinnim on Kalei Ilan. You can learn it and have a Geshmak.

If you want to have a super Geshmak go to [www.MP3Shiur.com](http://www.MP3Shiur.com) and look under Rabbi Yisroel Reisman and look for Yoreh Dai'a 295 (Hilchos Kalei Elanos - Shiur 1 Yoreh Deah 295 1:7 by Rav Yisroel Reisman :: mp3 available online for free download (mp3shiur.com)) and you can listen to the Shiur on this and you can listen to the Shiurim and learn the S'if with the Shiur, IY"H you can Daven Vasikin and be ready for a Geshmake Erev Shabbos.

## **2 – Topic – The importance of being Mekabeil on ourselves the Mitzvah of (ואהבת לרעך כמוך) before Davening and an appreciation of (עלינו לשבת).**

We have in this week's Parsha the Mitzvah that is found in 19:18 of (ואהבת לרעך כמוך). Love you friend as you love yourself. There is a Minhag Arizal that before Davening a person should say

Hareini Mekabeil Atzmi Mitzvos (ואֶהֱבֵיתָ לְרַעְיָךְ כְּמוֹדֵי). That a person should be Mekabeil this Mitzvah before Davening. The Kasha is why before Davening. I would think you should say be Mekabeil (ואֶהֱבֵיתָ לְרַעְיָךְ כְּמוֹדֵי) before you leave Shul and you are going out among people. During Davening you are sitting as an individual Davening to the Ribbono Shel Olam. What has that got to do with being Mekabeil (ואֶהֱבֵיתָ לְרַעְיָךְ כְּמוֹדֵי). What does one thing have to do with the other? What does that have to do with Davening?

I once heard a beautiful Bi'ur based on the Derashos of the Chasam Sofer. The Derashos of the Chasam Sofer says how does it help if one Jew Davens for another? He explains that all of Klal Yisrael are one Guf. What does it mean when one Jew Davens for another? We are all one Guf and since we are all one so it is like different parts of the body Davening for each other. He says you go to a Gadol B'yisrael for a Beracha. What is a Beracha? A Tefila. When the Gadol B'yisrael Davens for you it is the head of the Guf of Klal Yisrael. It is a much more significant Tefila. Therefore, you are Mekabeil (ואֶהֱבֵיתָ לְרַעְיָךְ כְּמוֹדֵי) that you should be all one Guf, you should feel one Guf and in that way your Tefila will help for Klal Yisrael and Klal Yisrael's Tefila will help for you. To the degree that you feel one with Klal Yisrael you are Zoche and you have a Zechus to be a piece of Klal Yisrael. Then the Tefilos of Klal Yisrael help for you.

What do we say before we go out? We say (עָלֵינוּ לְשַׁבַּח לְאֲדוֹן הַכֹּל). Aleinu was written by Yehoshua when Klal Yisrael entered Eretz Yisrael. Why does this Tefila get put at the end of Davening? Why does it get put right before you leave when people are running out? Aleinu that Yehoshua wrote came before Dovid Hamelech. Why isn't Yehoshua's Tefila given more respect? You say it on the way out?

The answer is you have to know what (עָלֵינוּ לְשַׁבַּח) is. When did Yehoshua write (עָלֵינוּ לְשַׁבַּח) when Klal Yisrael entered Eretz Yisrael. What does it have to do with Eretz Yisrael, where does it talk about Eretz Yisrael in Aleinu? The answer is this generation grew up in the Midbar and they never saw the nations of the world. They lived isolated, from the day they were born they saw only other Jews. Now they are going into a world where they are going to be exposed to the nations of the world and the nations of the world have very different values than us. Yehoshua said every day you should Daven and praise Hashem (עָלֵינוּ לְשַׁבַּח לְאֲדוֹן הַכֹּל). (שְׁלֵא עָשָׂנוּ כְּגוֹיֵי). הֵאֲרִצוֹת. וְלֹא שָׁמְנוּ כְּמִשְׁפָּחוֹת הָאֲדָמָה) Every human being has to appreciate the gift that he has. While we need to be respectful to everybody, we need to recognize the gift that Klal Yisrael has. (וְנִבְחַנּוּ) (כַּפֹּרְעִים וּמִשְׁתַּחֲוִים וּמוֹדִים לְפָנֵי מֶלֶךְ מַלְכֵי הַמְּלָכִים הַקְּדוֹשׁ בְּרוּךְ הוּא). Our recognition of HKB"Y.

When do we say that? When Yehoshua goes into Eretz Yisrael among the nations of the world. That is why we say it at the end of Davening. You are in a Shul that is (כָּלֵם אֱהוּבִים. כָּלֵם בְּרוּרִים) all of Klal Yisrael. You are going out among the nations of the world, stop a minute. (עָלֵינוּ לְשַׁבַּח). (לְאֲדוֹן הַכֹּל). It is a moment to fortify yourself for the exposure to the nations of the world.

This explains why we say Aleinu after Kiddush Levana. People think that we say Aleinu after Kiddush Levana because we don't say it at the end of Maariv and we run out. That is not true at all. We say Aleinu by Maariv and then we go out to Kiddush Levana and we say it again. Why do we say Aleinu a second time? The answer is that when we say Kiddush Levana we recognize that Klal Yisrael is compared to the Levana and the nations of the world are compared to the sun. The Levana waxes and wanes and has times of maximum light and times of minimum light like

Klal Yisrael in the Galus. Different time periods. L'asid Lavo when the moon will have the full light back like the sun, the Jewish people are Nimshal to the Levana. At that moment you say (שלא עָשָׂנוּ כְּגוֹיֵי הָאֲרָצוֹת) (עָלֵינוּ לְשַׁבֵּחַ לְאָדוֹן הַכֹּל). which is very appropriate.

Another place, after a Bris Milah they say Aleinu. People think that you didn't say Aleinu after Davening you say it after the Bris. It is not true. You said Aleinu after Davening. We always say Aleinu after Davening. Then there is a Bris and they say Aleinu again. The answer is what is a Bris? A Bris is a Bris between Klal Yisrael and the Ribbono Shel Olam. (שלא עָשָׂנוּ כְּגוֹיֵי הָאֲרָצוֹת. (ולא שָׁמְנוּ כְּמַשְׁפָּחוֹת הָאֲדָמָה). So that, Aleinu if you understand what it is, is a different Aleinu. It is a Tefila, a preparation for going out into the world. An appreciation of (עָלֵינוּ לְשַׁבֵּחַ לְאָדוֹן הַכֹּל).

So in our 15 minutes or less we have learned two S'ifim of Shulchan Aruch Yoreh Dai'a and getting prepared to learn Siman Reish Tzaddik Hei IY"H later tonight after Mishmar, and we understand the importance of being Mekabeil on ourselves the Mitzvah of (וְאָהֲבָה לְרֵעֵךְ כְּמוֹךָ) before Davening. We also appreciate 15 (עָלֵינוּ לְשַׁבֵּחַ) minutes well used. Whether you are listening or not at least I should be listening. I hope that my next (עָלֵינוּ לְשַׁבֵּחַ) will be meaningful with a lot of Kavana with Shvach and praise to HKB"H. With that I wish you all (קְדוּשִׁים תְּהִיּוּ). Be Kodesh. How are you Kodesh? Go to Mishmar and say (עָלֵינוּ לְשַׁבֵּחַ) properly and (וְאָהֲבָה לְרֵעֵךְ כְּמוֹךָ). A Gutten Shabbos to one and all!

## **Rabbi Reisman - Parshas Acharei Mos - Kedoshim 5781**

### **1 – Topic – A Mussar Vort of a Message of Faith and Bitachon**

As we prepare for Shabbos Parshas Acharei Mos – Kedoshim. We are halfway through the Sefira and on our way B'ezras Hashem to Kabbalas Hatorah. As you know, Parshas Acharei Mos begins with the Avoda of Yom Kippur. It has the famous Posuk as is found in 16:30 (כִּי-בְיוֹם הַזֶּה ) (וַיִּכַּפֵּר עֲלֵיכֶם, לְטָהֵר אֶתְכֶם (מִכָּל, חַטֹּאתֵיכֶם, לִפְנֵי יְרוּר, תִּטְהָרֶי) We understand that the Gmar Din of what is going to happen in the coming year is on Yom Kippur. As the Gemara says in Rosh Hashana 16a (21 lines from the bottom) (וּגְזַר דִּין שְׁלוֹ נַחְתָּם בְּיוֹם כ"ב).

One of the items with which Chazal struggle is to understand if Yom Kippur is the Gmar Din, if everything for the coming year is already decided on Yom Kippur, what is it that we do every day when we Daven? When we Daven for Refainu, Bareich Aleinu and any time he has a need and he says a Kappital Tehillim. How does that work, as I thought the Chasima of the Din is on Yom Kippur?

This is something that is addressed and the Gemara does say in Rosh Hashana that ( **יפה צעקה** ) ( **לאדם בין קודם גזר דין בין לאחר גזר דין** ) Yafa Tze'aka Afilu Achar G'mar Din, that Tze'aka works even after the Gmar Din and it needs an explanation.

Tosafos there talks about if someone is decreed an illness on Yom Kippur (דמתי יחלו נגזר). When he will be sick was Nigzar, (מתי יתרפאו לא נגזר). When he will get better that depends on Tefilla.

So definitely I am not questioning that Tefilla certainly helps, but I would like to give a possible insight into our Tefillos based on that everything is Paskened on Yom Kippur.

To do so I want to step back and share with you something that the Chofetz Chaim says in his Sefer Sheim Olam, Cheilek Beis and I believe that it is Perek Ches. The Chofetz Chaim there brings the issue of whether Bitachon, having faith in HKB”H that Hashem will help you, makes sense only if you have Zechusim, you have merit, or can Bitachon somehow be Po’el if you have no Zechusim at all? In other words, what is Bitachon? Is it something blind that if a person has Bitachon it is going to help him or it depends on the merits, of whether a person has to have some sort of Zechusim for it to work.

The Chofetz Chaim there brings B’sheim the Vilna Gaon, the GR”A who says Af Adam She’aino Hagun Ubotei’ach Ba’shem Koach Habitachon Maigen Alav U’mischaseid Imo Hashem Yisborach. Even if a person is not deserving, a person really should not be getting whatever it is, but the Koach Habitachon, the Bitachon itself is Maigen Alav U’mischaseid Imo. The Koach Habitachon works for itself. On that the Chofetz Chaim says Kain Kasuv HaGR”A D’lo K’Chovos Halevavos.

The Shittah of the Chovos Halevavos is that it doesn’t make any sense to have Bitachon. You have faith that Hashem will help you. If you have Zechusim, if you have merits you could have faith that you will be helped. But if you have no merits then what does it help to have Bitachon. Zagt the Chofetz Chaim, the GR”A disagrees and holds that it is not that way.

The same Machlokes is mentioned in the Krai’na D’igrasa, the Steipler’s letters in Cheilek Gimmel, Igeres Hei where he calls it not the GR”A’s Shittah but the Ramban’s Shittah. He calls it a Machlokes between the Ramban and the Chovos Halevavos. The Ramban is in his Emunah U’bitachon in the first Perek. He says Af Al Pi Sh’ain B’yadam Maisim, even if a person has no merits and if a person knows about himself that he is not worthy, Al Kol Zeh B’tach Ba’shem Ki Hu Baal HaRachamim V’yiracheim Alecha. Still have Bitachon. There are no guarantees, but having Bitachon helps. That is the Shitta of the Ramban K’negged as the Steipler calls it the Ramban against the Chovos Halevavos.

The Chofetz Chaim writes they are arguing in Pshat in a Posuk in Tehillim 33:18. The Posuk says (לְמַיְתָרֵי יְרֵרָה; אֶל-יְרֵאָיו; לְמַיְתָרֵי יְרֵרָה) and 33:19 (לְהַצִּיל מִמָּוֶת נַפְשָׁם; וּלְחַיּוֹתָם, בְּרָעַב). Hashem’s eyes are to those who fear him, those who have Bitachon, to save them from death (וּלְחַיּוֹתָם, בְּרָעַב) and to give them life in time of hunger. What is the Teitch of the Posuk? The Chovos Halevavos learns (לְמַיְתָרֵי יְרֵרָה; אֶל-יְרֵאָיו; לְמַיְתָרֵי יְרֵרָה). It is one person. Hashem helps those who fear him and have Bitachon and look to his Chesed. The GR”A says no. It doesn’t say Yerai’im Hame’yachalim L’chasdo, it says (אֶל-יְרֵאָיו; לְמַיְתָרֵי יְרֵרָה). So the GR”A says Ela Trei Devarim Heim (אֶל-יְרֵאָיו) and (לְמַיְתָרֵי יְרֵרָה).

In other words, it says that the GR”A is Teitching that Dovid Hamelech is telling us that if you are (יְרֵאָיו) you deserve and if you are (לְמַיְתָרֵי יְרֵרָה), your eyes are to the Chesed Hashem that helps you as well. What comes out is that we have here a Chalukai Dai’os. The Chovos Halevavos takes a very strict stance, however, the Ramban and the GR”A after him say and the understanding of both the Chofetz Chaim and the Krai’na D’igrasa is that we understand that to

be the Ikkur, that if a person puts his faith in HKB”H and he looks to HKB”H with a whole heart to help him. If he says Hashem I am not worthy but I want to be Zoche to your Chesed, that that itself is something that can help a person.

L’fi Zeh we can come back and understand the Gemara in Rosh Hashana ( **יפה צעקה לאדם בין קודם** ( **גזר דין בין לאחר גזר דין** ). The Yom Kippur Din is Din, it is something based on a person’s merits, based on a person’s Tefillos. It is Din. That is Yom Hakippurim. That is Nechtam. What you are worthy of, the calculation that is Nechtam. However, Tefilla that comes from Bitachon, Tefilla that comes from a faith in HKB”H’s kindness, that has nothing to do with Yom Hakippurim. If Bitachon itself is a merit then that works. That would explain our Tefillos and that would explain why it is an Avoda Sheb’leiv. In order for Tefilla to work you got to put your heart into it, you got to put your mind into it. It doesn’t have to be intense, it just has to be simple thought. HKB”H help me despite the fact that I am not worthy. Af Al Pi She’aini K’dai. Help me anyway.

In the Shulchan Aruch it says that you shouldn’t say Hashem I am not worthy. But he says you should say Hashem I am not worthy but help me either Biz’chus Avosai or Biz’chus Rachamecha Harabim. If you say it that way then HKB”H will answer. A message of faith and Bitachon.

## **2 – Topic – A Geshmake Technical Vort Regarding Kisui Hadam.**

This is a technical Vort and this is a Geshmake technical question. We have in our Parsha, in Acharei Mos the Mitzvah of Kisui Hadam. The Posuk refers to an Oif and Chaya in 17:13 ( **אֲשֶׁר יֵאָכְל** ). To birds or wild animals that are eaten. That on these animals there is a Mitzvah of Kisui Hadam, covering the blood that spilled during the Shechita. Chazal say ( **אֲשֶׁר יֵאָכְל** ) is only if they are eaten. If you have an animal or a bird that was slaughtered Shelo K’din, that is Nevaila and there is no Mitzvah of Kisui Hadam. If you have a bird or an animal that is slaughtered and is found to be a Treifa there is no Mitzvah because Kisai Hadam is only ( **אֲשֶׁר יֵאָכְל** ).

The Gemara in Chullin 86a (top of the Amud) says what about it you have a bird that was Shechted and according to the Mitzvah D’oraissa, according to the Torah you are allowed to eat it. But there is an Issur D’rabbanan whatever it may be that prevents you from eating it. Is there a Mitzvah of Kisui Hadam?

Do we say Min Hatorah it is edible, and therefore, Min Hatorah there is a Mitzvah of Kisui Hadam, or do we say in practice you can’t eat it so there is no Mitzvah of Kisui Hadam? The Gemara over there says that there is a Mitzvah of Kisui Hadam and we go according to the D’oraissa which is logical. For that is all fine and well.

The question that I have is the following. There is a Mishna L’melech in the Halachos called Hilchos Naarah, Perek Beis Halacha Hei and it is a long Mishna L’melech but it is Dibbur Hamaschil V’hinai. The Mishna L’melech establishes a rule that is contrary to what I just told you. It can’t be contrary to a Gemara but it seems to be. The Mishna L’melech there says that when the Torah says something it takes into account the D’rabbanans.

I will give you an example. He mentions four examples and I will mention two of them, the easier ones. It says in Parshas Shoftim 20:8 by war that the Kohen Gadol would announce (-מי- הָאִישׁ הַיָּרֵא וְרָדָה הִלָּכְבּ) who is afraid, go home. Rav Yosi Hag'lili in the Gemara (Ed. Note: Sotah 43a, bottom line) says it means (רבי יוסי הגלילי הא אמר ורך הלבב זה המתירא מעבירות). Who is afraid of an Aveira, go home. There it is very clear in the Sugya that it is talking about even an Aveira D'rabbanan and the Gemara gives examples.

Zagt the Mishna L'melech even an Aveira D'rabbanan you go. Why? Because the Rambam holds that every D'rabbanan is really a D'oraissa of Lo Saser. Since the Torah commands to go after the D'rabbanan so it is included in the Torah. When the Torah says you are afraid of a sin, we Teitch it even a D'rabbanan type of sin.

Another example. A Kohen is not allowed to be Metamei except for the seven relatives. One of the seven relatives is his wife. What if he married his wife B'issur? It was someone that he was not allowed to marry. He is a Kohen and he married a divorced woman. He is not allowed to go to the Levaya. He is a Kohen and this marriage is an affront to the Kehuna. He is not allowed to go to the Levaya of someone he married Shelo K'din.

What happens if he married someone who is an Issur D'rabbanan, a Chalutzah is an example. A woman had Chalutzah. He married a woman who is an Issur D'rabbanan. Is there an Issur D'oraissa for him to go to such a Levaya?

The Mishna L'melech brings that yes that there is and he explains it based on our Yesod that when the Torah talks it includes D'rabbananans in its discussion. Since the Torah itself commands us to follow the Halachos of the Rabbanan, so the Rabbanans are included in the D'oraissa discussion.

A very Geshmake Yesod certainly based on the Rambam's Shitta that every D'rabbanan is really a Kiyum of a D'oraissa since the Torah says follow the Rabbanan. So the Mishna L'melech has a rule that when the Torah speaks it includes a discussion of the Rabbanans.

My Ho'ara to you is that this does not fit with the Din of Kisui Hadam. The Din of Kisui Hadam that I mentioned earlier says that when the Torah says (אֲשֶׁר יֹאכַל) it means anything that you are allowed to eat Min Hatorah there is a Mitzvah of Kisui Hadam. It doesn't say that anything that you are allowed to eat even Mi'D'rabbanan because if the Rabbanan prohibited you from eating it there is still a Mitzvah of Kisui Hadam. Why don't we say that (אֲשֶׁר יֹאכַל) means that you are allowed to eat even Mi'D'rabbanan. We don't say such a thing. Tzorech Bi'ur. It certainly needs an explanation.

I will sneak in that in Sukkah 23a (23 lines from the top) it says that a Sukkah has to be Rau'i L'shiva. A Sukkah on Sukkos has to be Rau'i L'shiva (סוכה הראויה לשבעה שמה סוכה). It doesn't have to stand for seven days as you are allowed to take it apart. But the Sukkah has to be Rau'i L'shiva, it has to be capable of standing for seven days.

The Gemara has a discussion with a Machlokes of Rav Yehuda and Rav Meir, what happens if I have a Sukkah and this Sukkah is on a tree so it is not Rau'i L'shiva because I am not allowed to

climb a tree on Shabbos and Yom Tov. Can I use it on Chol Hamoed? It is a dispute between Rav Yehuda and Rav Meir.

Rav Yehuda holds that it is not Rau'i L'shiva so you can't climb up on the tree and it is a Pasul Sukkah. Rav Meir says that is an Issur D'rabban and Min Hatorah it is Kosher because it is Rau'i L'shiva. Are they arguing in our issue?

According to the Mishna L'melech Rav Meir should say the Torah includes D'rabbanans. Anyway, this is more of a complicated topic for a call on a Thursday afternoon, however, I am sure that you are all capable of taking this concept and running with it IY"H because it has connections to many aspects of Torah. Wishing one and all an absolutely wonderful Shabbos Kodesh and a preparation for Kabbalas Hatorah B'karov. Good Shabbos!

### **Rabbi Reisman - Parshas Acharei Mos - Kedoshim 5780**

1 - Topic - A thought on Parshas Kedoshim.

As we prepare for Shabbos Parshas Acharei Mos - Kedoshim. Parshios that have many Halachos in them and we come to a time where we hope we are stepping out of this time of great Sakana IY"H. We still have to be vigilant, but the great Refuah, it is almost appropriate the name Acharei Mos - Kedoshim for this coming Shabbos.

I would like to share with you a thought on the Parsha and then a thought in general. In Parshas Kedoshim the Posuk says in 19:3 (אִישׁ אָמוֹ וְאָבִיו תִּירָאוּ, וְאֶת-שַׁבְּתֹתַי תִּשְׁמְרוּ). In the same Posuk it repeats the Mitzvah of Shabbos which is mentioned many times together with the Mitzvah of Yir'as Imo V'aviv. Because they are both in the same Posuk, the Gemara in Yevamos (bottom of 5b says (יכול יהא כבוד אב ואם דוחה שבת). I would think that Kibbud Av V'a'im overrides Shabbos. That if your father says cook a meal for me, or Shect an animal for me, or drive me somewhere, I would think that Kibbud Av V'a'im is Do'che Shabbos, (ת"ל) the Torah teaches us (איש אמו ואביו) (תיראו ואת שבתותי תשמורו כולכם חייבין בכבודי Mechaleil Shabbos there is no Mitzvah of Kibbud or Yir'a in order to listen to him.

What is the Hava Amina that you should listen to him? There are three Shut'fim in a person, a father, a mother and the Ribbono Shel Olam. That is what the Gemara says that there are three Shutfim in a human being. It turns out that if you take the Gemara literally, that the father is a 33% Baal Habas, the mother is 33% and G-d is 33%. If so, then father and mother have a majority say. It would seem to make sense that if your father and your mother say do something and G-d says do something else, that you should go by the majority which is 66.67% is two thirds and 33.33% is one third, the majority should override. What is wrong with that logic?

So an accountant will tell you right away that the logic is faulty. Why is that so? There are three Shutfim in your birth, your father 1/3, your mother 1/3 and G-d 1/3. However, your father himself was created through three Shutfim. His father, his mother and the Ribbono Shel Olam. So of the 33% that is your father, 11% is still G-d. Of the 33% that is your mother 11% is still the Ribbono Shel Olam. 11 + 11 = 22%. Add it to G-d's inherent 33% = 55%. So G-d is so to speak the majority.

The Gemara says (יכול יהא כבוד אב ואם דוחה שבת ת"ל איש אמו ואביו תיראו ואת שבתותי תשמורו כולכם) (חייבין בכבודי). Your father and mother also have an obligation to G-d. Therefore, the total is 55% which means G-d is your main creator. It is a Vort of Charifus which doesn't add to the Mussar of the Gezairas Hakasuv, but it is a Charifus that is said in the name of different Gedolei Yisrael.

I should mention that there is a Kasha, I believe that it is a Lechem Mishna's Kasha or maybe it is a Mishna L'melech, I remember that it is under the Rambam. The Lechem Mishna asks if your father tells you to be Mechaleil Shabbos what is the Hava Amina to listen to him? The Halacha is that Aviv Rasha, if your father is a Rasha then you are not obligated to listen to him. There is no Kibbud Av V'aim. If so, what is the Hava Amina that if your father says to be Mechaleil Shabbos that you would listen? It is a Gevaldige Kasha. There are different Pilpulim that are said to try to resolve the Kasha.

When I was learning Yevamos, I couldn't understand this Kasha because of the following Cheshbon. Your father says cook for me on Shabbos. He is a Rasha. Hold on a minute. If the Halacha would be that Kibbud Av V'aim is Do'che Shabbos, if that would be the Din, if that would be the Halacha, the Gemara says (יכול יהא כבוד אב ואם דוחה שבת), then your father is not a Rasha. He is telling you to do something that you are allowed to do. So I Takeh don't understand the whole Lechem Mishnah's Kasha in the first place. What do you mean the father is a Rasha why do I need a Posuk? He is not a Rasha!

If the Halacha is that Kibbud Av V'aim is Do'che Shabbos, so then he is telling you to do something that you are entitled to do. It sounds like a good Kasha to me. Obviously it is not. I remember learning Yevamos and I could not find anybody who asked the Kasha. So I leave it for you IY"H at your Shabbos table, or if you are sharing Divrei Torah with your Kinderlach Erev Shabbos, then whenever you come up with a Teretz I will be happy to hear it.

2 - Topic - A general thought regarding the study of Mussar.

The Chazon Ish has a Sefer Emunah U'bitachon. I would like to share with you a thought in Perek Daled primarily Os Zayin, Ches and Tes and you may want to see it. To explain this I have to give you a little bit of history which you probably haven't heard. As you know, Rabbi Yisrael Salanter started a Mussar movement to study the Heilege Mussar Seforim and to make them a primary focus in Avodas Hashem.

What is not so well-known is that the Mussar movement was not popular in all circles of the Yehsiva world even among Gedolei Yisrael. Rav Yisrael Salanter's Talmidim who opened Slabodka and Kelm, followed. Most of our Roshei Yeshivos that established Torah in America were Talmidim of the Slabodka line of Yeshivos. A Mussar Seder was part of those Yeshivos.

You should know that there were other Yeshivos that disagreed. That felt the primary learning should be the learning of Gemara and Halacha and from that to come to a world of Mussar. Not to say that Mesilas Yesharim that there is G-d forbid anything wrong with it, but to say that the primary aspect that Rav Yisrael Salanter put was a subject of great disagreement. Rav Boruch

Ber was one in that camp, in that group. We don't live in a generation where people care so strongly about it to make a Shittah out of it but L'mayseh that is what happened.

Someone once showed me the Derech Sicha, Rav Chaim Kanievsky's Divrei Torah in the first volume in Parshas Eikev (page Taf Kuf Lamed Beis). Rav Chaim Kanievsky is quoted as saying that Aba Zatzal, the Steipler, used to learn Mussar every night, however, he didn't want anyone to know about this. Later on that page it says, I saw the Chazon Ish Zatzal one time with a Sefer Sharei Teshuva and it wasn't even during the period of the Yomim Noraim.

Someone showed it to me and said what is the Chiddush in this? The Chiddush in this is that there were Gedolei Yisrael who held that Avada the Sharei Teshuva and Mesilas Yeshorim are Heilege Seforim but the primary Mussar Sefer is the Shulchan Aruch. Is the guide to how we behave all of the time.

Getting back to the Sefer Emunah and Bitachon, in Perek Daled Os Zayin, the Chazon Ish writes what is the path to have good Middos? Shemiras Halacha, being careful and being disciplined to keep what Halacha tells you to keep. It is a tremendous discipline.

In the next paragraph it says Dikduk Hadin, Ush'miras HaShulchan Aruch, being careful to follow the Halacha, those are the best ways to fix Middos. In the next paragraph in Os Tes he says, it is almost certain, that being careful and following Halacha is the only path to Tikkun Hamiddos.

What does that mean? That means that somebody who is careful to do everything Al Pi Halacha is constantly doing things and thinking about what is says in Shulchan Aruch and that is the greatest discipline.

One of my memories, and I have so many fond memories of Ohr Sameiach in Eretz Yisrael in Yerushalayim, where I go in the summer and I am inspired. A young man from England and his first name was Ryan his Hebrew name was Rachamim but somehow to me the name Ryan hit his personality better. He was a fireball, full of energy. Somehow Ryan fit. Maybe because I remembered a fastball pitcher by that name. Ryan was a person who had learned Aleph Beis a little over two years earlier. He was there in what they called the center program and he Bein Haz'manim was learning Shulchan Aruch. You could go into the Ezras Nashim which was quiet at the time, and he would learn B'kol, with a loud voice the Shulchan Aruch with all of the Likut Seforim around him and Shteiging. With such a beautiful Geshmak to understand the Halacha. I would sit near him just to hear him. Of course since he was new to a lot of this he would come to me with Shailos very often. I enjoyed his company and I wonder where he is today.

Once I was learning in the Beis Medrash in the evening, and Ryan came running in. He had in his hand one of the large forks which you use when you grill a steak or in Ohr Sameiach it was probably chicken cutlet, I don't know if they have steaks. He had a Shaila.

He said that they were roasting the meat using olive oil and he just learned the Halachos of washing your hands before you eat any food Shetibulo B'mashka. Halacha requires that if you eat an apple or grape which are wet from being washed and it is still wet, and Laf Dafka an apple

or grapes. If you take a cookie and you dip it into milk, and therefore, it is wet from one of the seven Mashkim, one of the seven liquids, Halacha requires that you have to wash your hands without a Beracha beforehand.

So Ryan came to ask me whether this meat being roasted using olive oil fell into that category or maybe since it is normal to eat it with a fork and knife you don't have to wash or maybe you do. So he came to ask me the question.

I said to him Ryan, you are standing there ready to go eat, so you came from the dorm building to look for me in the Bais Medrash to ask me this Shaila. Isn't it just easier for you to just go to the sink, wash your hands, eat dinner and ask me the next day or when we meet again?

This Bochor from who I was amazed in general, he was in the Mussar Yeshiva of Sifrei Halacha. By him, his behavior was guided by Halacha. He turned to me and he said, I learn Halacha. Am I going to move forward without knowing the Din? Am I going to behave going forward without knowing the Halacha? He was right. I thought the Chazon Ish would love this fellow.

It reminded me of a Shlah Hakadosh. The Shlah Hakadosh says on a Gemara in Berachos 8a (8 lines from the bottom) (גדול הנהגה מיגיעו יותר מירא שמים). Someone who has Hana'a from his hard work more than someone who fears G-d. Teitches the Shlah, if someone has a Shaila, he has a food and in the kitchen he doesn't know if he made it Treif. (גדול הנהגה מיגיעו) you have one person who goes and pulls out the Chochmas Adam or the Shulchan Aruch and figures out the Din. He looks up the Din. What do you know it is Muttar and he goes and eats it.

You have another person who has the same Shaila and he is a Yir'ai Shamayim and says oh no this is a Shaila and I am just throwing it out. So you would think that the Yir'ai Shamayim is on a higher level, Zagt the Shlah (גדול הנהגה מיגיעו) somebody who learns the Halacha and establishes the right thing to do is greater than the Yir'ai Shamayim who throws it out.

During this time period we all have unique Shailos, unique questions. Things that we never had to look up before. The Shulchan Aruch is Klal Yisrael's Mussar Sefer. It is a guide. I don't mean to knock those who have Mussar Sedorim in other Mussar Seferim. But the Shulchan Aruch and the Mishna Brura that is our Mussar Seder. You should do it. You are at home and Shailos come up and you are just Machmir. Don't just be Machmir. Look it up. Find out what the Din is. As the Chazon Ish says, for Tikkun Hamiddos it is in Shulchan Aruch.

With that thought I want to wish everybody a Good Shabbos, a Gevaldige Shabbos a meaningful Shabbos. A Shabbos based on Torah, Tefillah and Avodas Hashem. IY"H we look forward to the day that we will be able to come back to our Shuls with a greater new found respect for the Batei Medrashim. A greater love for the Beis Medrash. A Kabbalah to be more careful in the Bais Medrash. Can't wait to see that day B'karov Mamash. A Gutten Shabbos to one and all!

## **Rabbi Reisman - Parshas Kedoshim 5779**

### **1 – Topic – Rav Druk on Kedoshim Ti'yu**

As we prepare for Shabbos Kodesh Parshas Kedoshim which is going to be three weeks into the Omer. So let me share with you three thoughts, two on the Parsha and one regarding the upcoming Lag B'omer. On the Parsha, in 19:2 – (קְדוּשִׁים תִּיְיֻ) Kedoshim Ti'yu, we are told Kadesh Atzmecha B'mutar Lach. Now that is of course a very high Madreiga. Somebody who Assurs on himself something that is technically Mutar. Wow, not such an easy thing to do.

I saw an extraordinary Pshat in Kadesh Atzmecha B'mutar Lach which makes it more palatable and this I saw in Rav Druk's Sefer Darash Mordechai (page 191) B'sheim Anashim Gedolim and he doesn't say who they are. He says the following.

He says Chazal teach us that if someone does an Averia and repeats it numerous times, Naaseh Lo K'heter. That is the way it is. There are things we should not be doing and we do it because Naaseh Lo K'heter. Of course people have difficulty behaving and not talking in Shul. They were raised in a Seviva of people talking in Shul. People have a problem refraining from Lashon Hora. People were raised in a Seviva where people spoke Lashon Hora.

Rabbi Smith told me that he once gave a Shiur on Hilchos Lashon Hora in the Stoliner Bais Medrash and a Europai'isha Yid came over to him and he said the Chofetz Chaim made up this whole Lashon Hora business. He said what are you talking about? The Yid said I came from a Shtetl in Europe and the Rav Hat Ge'redt Lashon Hora, the Dayan Hat Ge'redt Lashon Hora, my Tatte Hat Ge'redt Lashon Hora, the Chofetz Chaim made it up. I am sure that this person doesn't recall properly but the point is that it is Naaseh Lo K'heter, he thinks that it is Muttar.

Zagt Rav Druk, Kadesh Atzmecha B'mutar Lach. Make yourself Kadosh by abstaining, by being Mechazeik yourself to not do the things that are Naaseh Lo K'heter. Then he asked that is Kedusha? Kedusha is if you never did it. Kedoshim Ti'yu is because things became Muttar to you? That is Kedoshim Ti'yu?

He says yes and he brings an incredible thought from Chazal. Someone who is Tamei and becomes Tahor. He goes to the Mikva and has the Parah Aduma sprayed upon him, the Torah says he is Tahor. The Torah says that after 7 days he is Tahor. So the Torah says Eidus on a Tamei person who became Tahor that he is Tahor.

A person who never became Tamei is Tahor because he never became Tamei. It doesn't say that in the Torah. The Torah doesn't declare him Tahor. He is Mimaila Tahor. It is a higher Madreiga, a higher level is someone who the Torah declares Tahor. Kadesh Atzmecha, the Kedusha comes when you abstain from things that are Naaseh Lo K'heter. Not being careful to Bentch properly, not saying Berachos in the morning properly. It is a good thing to work on. You are saying the Beracha anyway so say it with Kavana. Kadesh Atzmecha B'mutar Lach. The things you do wrong that is Naaseh Lo K'heter, that is Kedusha. Rav Druk's thought is Gevaldig!

## 2 – Topic – A Dvar Halacha on the Parsha

We have in the Parsha in 19:16 (לֹא סֵאמֹד אֶל דַּם רַי'עָחָא) Lo Sa'amod Al Dam Rai'echa, if you see someone else in danger of losing his life you have to go and rescue him. Lo Sa'amod Al Dam Rai'echa. The Kesef Mishna in (Sefer Nezikin), Hilchos Shmiras Hanefesh in 1:14 talks about the Shaila of do you have to put yourself in a Safeik Sakana to save a person who is in a Vadai Sakana. In other words, the person is definitely going to die, is another Jew obligated to put himself in danger to save that person?

There is a lot of discussion about this Shaila. The bottom line is the Mishna Brura Siman Shin Chaf Tes S'if Kotton Yud Tes, who says that you are not obligated to put yourself in a Safeik Sakana to save someone else who is in a definite Sakana. Although of course the Mishna Brura says that it is a Midas Chassidus, but it is not an obligation.

The question is why? Why is it not an obligation to save someone's life? If you are in Safeik Sakana, isn't a Safeik Sakana worth trading and getting into in order to save a Vadai Sakana? It needs an explanation as to why this is so?

The second question. Does a person have to give up one of his Eivarim, one of his organs to save someone else's life? The Radvaz has the Shaila. A king in medieval times had sentenced a Jew to death and another Jew came and pleaded for mercy. So this king said you want him to be saved? If you let me cut off your ear I will spare his life. The question is if a person has to give up an Eiver, an organ in order to save someone else's life?

The Shach in the Yor'e Dai'a in Siman Kuf Nun Hei says Tzorech Iyun, however, V'nir'a Li D'patur. He doesn't explain why. So you don't have to give up an Eiver to save someone's life. Why not?

Both these rules need explanation. You don't have to go into a Safeik Sakana to save someone's life. Why? You don't have to give up an Eiver. Why?

The answer is that to have a Halachadika look at our obligations. Why are you commanded to save someone else's life? For one reason. The Torah has a Mitzvah of Lo Sa'amod Al Dam Rai'echa. That is the only reason. It is not because of logic. Logic doesn't obligate you. It is because the Torah says Lo Sa'amod Al Dam Rai'echa.

The rule is that on a Mitzvas Asei a person only has to give up Chomesh Minichasav, a person only has to give up 1/5<sup>th</sup> of what he owns in order to do a Mitzvas Asei. The Pischei Teshuva brings that any Mitzvah B'kum V'asei even if it is a Lav, but if the Mitzvah is B'kum V'asei then the individual only has to give up 1/5<sup>th</sup> of his Nechasim.

Saving someone's life is a Mitzvah of Lo Sa'amod Al Dam Rai'echa. Why do you have to do it? Because the Torah says it. It is a Lav that you are Mekayeim B'kum V'asei, by getting up and doing it. You only have to spend 1/5<sup>th</sup> of your Nechasim. You would spend 1/5<sup>th</sup> of your Nechasim to save an ear or to save an Eiver. You would spend 1/5<sup>th</sup> of your Nechasim to save a

Safeik Sakana. Mimeila you are not obligated to give up an Eiver for Lo Sa'amod Al Dam Rai'echa. It is a Halacha'dika way of looking. A beautiful explanation.

### **3 – Topic – A thought regarding Lag B'omer.**

There is a question that is asked in numerous places, all contemporary within the last 50 years about Rav Shimon Bar Yochai in the M'eorah, in the cave who subsisted on the Ba'xur, the Charuvim that were growing in the cave.

The question that is asked is the first three years that a tree grows is Orlah, how was he allowed to eat the Ba'xur the first three years? If you tell me it was Sakana then the question is still a valid question. It is not logical that G-d is going to save Rav Shimon Bar Yochai's life by giving him something that he is not allowed to eat, by Treifos. It is not logical. So the question then is why is it not Orlah. Orlah is a prohibition on a tree for the first three years.

It is interesting that I don't find this question in earlier sources. I do find it in Rav Elyashiv in his Shiurim on Masechta Shabbos where I believe it is Daf 33 and Rav Shteinman and Yibadal L'chaim, Rav Chaim Kanievsky where he has this in Derech Emunah and Dinai Orlah is the last Perek of Maaser Sheini. There in the B'ur Halacha he asks about Rav Shimon Bar Yochai eating Orlah. There are a few different Teirutzim. Either the Teretz of Rav Elyashiv that something which grows by itself in Rishus Harabim that wasn't planted is Patur from Orlah.

He questions whether that applies if it is not a physical Rishus Harabim and it is a place where there are no people because it is a cave where physically people don't go there but it is a possible Teretz. Not all the Rishonim agree with that ruling.

Rav Shteinman says that Ba'xur is not really edible. It is not a normally harvested fruit. The Gemara says that it is Kashe L'guf K'charavos. I don't know how that fits with other Gemaros, but at any rate this is what he says.

Rav Chaim Kanievsky says that it was a tree that grew by a miracle. Since it grew by a miracle, rules don't apply. This reminds us of the famous Rav Chaim Brisker about the Shemen of the Menorah, Shemen Neis. That you can't be Yotzei Hadlaka Menorah for the Mitzvah with oil of a Neis. It is sort of a Kasha.

I would like to add my own possible Teretz and bring a Raya to it. When HKB"H put a Ba'xur tree in a cave, Hashem miraculously created a three year old tree. It was in truth just a day old but Hashem created a three year old tree. What does that mean?

When Hashem created Adam, Adam looked to be 40 years old. Maybe 30 maybe 60 but certainly he was created as over a Bar Mitzvah. Did he have a Din of a Gadol on the first day? Certainly. This is because Hashem created a Gadol. Do I have Raya? Yes.

In the Teshuvos Chacham Tzvi in Teshuva Tzaddik Gimmel or so, he has a question if someone creates a Golem whether that person can count for Minyan. He does not deal with the fact that

that person is not 13 years old. If he created a Golem he is one day old. This is because if someone is created miraculously as a 13 year old, then he is a Gadol.

If a tree is miraculously created as three years old then the tree is past Orlah. If you ask me what about Rav Chaim Brisker who says that the oil of a Neis is not Kosher for the Menorah only Shemen from a Zayis tree? It is the same thing. Hashem created oil of a Zayis tree and it is Kosher.

Let me tell you a surprise. Rav Dovid Soloveitchik in his Shiurim on Menachos 65b says that Rav Chaim never said that and it is not true. That Rav Chaim ever said that Vort. This is because if Hashem creates miraculously Shemen Zayis then it is Kosher.

There is a Kuntras Eilu Yemai Hachanukah and there it is brought an Eidus from Rav Menachem Ben Menachem who is known in Eretz Yisrael and one of the Roshei Yeshiva in Tifrach. He said as a boy that he heard Eidus from a Zakein (an elderly person), who walked over to Rav Chaim Brisker and said to him I have another Teretz on your Kasha how are you Yotzei the Menorah on the Ner Chanukah with Shemen Neis and Rav Chaim said I never asked the Kasha. It is not a Kasha.

And so, we have a new Mehaleich both for Chanukah and for Orlah that if Hashem creates a tree that is more than three years old, the Ba'xur tree might have been created as 70 years old, there is no Dinai Orlah. Hashem creates Shemen Zayis and even though it didn't come from a Zayis tree but Hashem created it as Shemen Zayis. It is fine. A new Teretz and it might explain why the Kasha from Orlah was not asked in previous generations. Maybe this Teretz was understood. And so, three thoughts for this week and with that I wish one and all an absolutely wonderful, delightful, extraordinary Shabbos Kodesh and continue preparing for Chag Hashavuos!

## **Rabbi Reisman - Parshas Acharei Mos - Kedoshim 5778**

As we prepare for Shabbos Parshas Acharei Mos - Kedoshim and we have come past the halfway point of Sefiras Ha'omer and we feel the excitement building towards the renewal of our Shevua at Har Sinai.

### **1 - Topic - Further Discussion into Last Week's Question of the Kaddish at a Siyum.**

Last week I asked a question which engendered a lot of response. The question was, at the Siyum Kaddish we make a long Nusach. Lately, the new Gemaras that have come out add the words Vayatzmach Pirkunai V'kareiv Mishichai. The Gemaras and Mishnayos, many of them that were printed before the year 2000 or certainly before the year 1990, none have the words Vayatzmach Pirkunai V'kareiv Mishichai. It was added at least in parenthesis in the newer Shas'in and I always assumed that the old Gemaras came from Vilna and were Nussach Ashkenaz and it was correct to add Nusach Sfarad.

However, it makes zero sense. It really doesn't make any sense. If you think about the meaning of the words of this Kaddish is what I asked last week that it makes no sense at all to say Yisgadeil V'yiskadeish Sh'mei Rabba and talk about B'alma D'hu Asid L'ischdasa Mai'saya

Ul'asaka L'chayei Alma Ul'mivnei Karta D'rushaleim Ul'shachleil Heichlei B'gava. Talking about Tech'i'as Hameisim and the rebuilding of the Bais Hamikdash. Ul'me'ekar Pulchana Nuch'ra Mai'ar'a, Ul'asava Pulchana Dish'maya L'asrei. Having the Jewish kingdom of Malchus Bais Dovid come back. And then say Vikarai Mishichei that Moshiach should soon come. The order just doesn't make any sense. So I asked that I am not right and everybody is wrong and there must be an explanation. So I asked for an explanation which I did not receive.

However, I did receive two items of great consequence. A) That the Adas Hamizrach, the Syrian community, the real Nusach Sfarid Yidden do not have Vayatzmach Pirkunai V'kareiv Mishichai in their Kaddish. B) I was told that the Rambam in his Siddur does have Vayatzmach Pirkunai V'kareiv Mishichai which makes it all very interesting.

Where is the Rambam's Siddur? At the end of the Cheilek Ahava in his Yad Hachazakah and I ran to look it up. Listen to what I found. When the Rambam has this Kaddish which he calls Kaddish D'rabbanan which is the Kaddish that we say at Siyumim, the Rambam says after we say Ul'asava Pulchana Dish'maya L'asrei, V'yamlich Kudsha Brich Hu B'malchusai he adds Vayatzmach Pirkunai V'yiva Mishichai. He doesn't say V'kareiv Mishichai which wouldn't make any sense. Yiva Mishichai like the Lashon Yabi'a Omer. It is a Lashon of Moshiach spreading, being known throughout the world.

You might say what is the Raya as the Rambam never has Vayatzmach Pirkunai V'kareiv Mishichai as he always has V'yiva Mishichai. No! I looked in the Rambam's Siddur by the regular Nusach of Kaddish he has Vayatzmach Pirkunai V'kareiv Mishichai which makes sense. By this Kaddish it is Vayatzmach Pirkunai V'yiva Mishichai which means not V'kareiv Mishichai which doesn't make sense but Yabi'a Mishichai.

It sounds like after all is said and done my Ha'ara is right and everybody else is wrong. I may be wrong but Tzorech Iyun. Of course it is not an Aveira to say Vayatzmach Pirkunai V'kareiv Mishichai but it is a question of what is the correct way to do it.

Probably my biggest Ha'ara is that people say a Kaddish without having any clue of what it means and we are talking about people who are capable to know what it means. If you are capable of knowing what it means at least know and think. If you do, I think that you will find greater meaning in general to the whole Kaddish.

## **2 - Topic - An insight into Kedoshim Ti'yu (קדושים תהיו).**

Let's turn to Achacharei Mos - Kedoshim, to the Parsha. We find in 20:7 (וְהִתְקַדְּשְׁתֶּם--וְהִיִּיתֶם, ) (קדושים תהיו) the Mitzvah of Klal Yisrael being Kadosh. (קדושים תהיו) is the Mitzvah to be Kadosh.

Freigt Rav Hutner in one of the letters of Pachad Yitzchok (Toch Devarav) in letter 76 a Gevaldige Kasha. Why do you need the Mitzvah of (וְהִתְקַדְּשְׁתֶּם--וְהִיִּיתֶם, קדושים) and (קדושים תהיו) we already have the Mitzvah of (וְהִלַּכְתֶּם, בְּדַרְכֵי) which is Mitzvah Taf Reish Yud Aleph, a Mitzvah to go in the ways of Hashem which is mentioned multiple times in the Torah. So that

should include (קדושים תהיו), that should include that you should be Kedoshim. So why do I need (והלכתה, בדרךךיו). This is the Kasha.

Rav Hutner answers briefly but it is something which he himself discusses in numerous places in the Pachad Yitzchok, one of them in Rosh Hashana, Maimar Lamed Aleph Os Daled. The question (והלכתה, בדרךךיו) you are supposed to be like Hashem. What about as it says in Tehillim 94:1 (קל-נקמות ירוך)? What about as it says in Nachum 1:2 (קל קגוא ונקם)? What about Hanhagos of HKB"H that are obviously not to be emulated. What are we to do with that? A Gevaldige Kasha.

Rav Hutner brings from the Maharal who says that (והלכתה, בדרךךיו). The Din of (והלכתה, בדרךךיו) only has a connection to HKB"H's Middas Hachesed. Meaning, you should go in Hashem's ways, Ma Hu Rachum Af Ata Rachum. Ma Hu Chanun etc. the things that have to do with the unique characteristics of Hashem that are related to Chesed.

Now, therefore, that answers that (קל-נקמות ירוך) that Hashem was Kano V'nokeim has no Shaychus of course. Coming back to us, one might think to answer that (והלכתה, בדרךךיו) has nothing to do with Kedusha. Kedusha is not Chesed. Kedusha is not part of Chesed. No! The Vort is that I would have a Hava Amina that Kedusha is not part of Chesed, that Kedusha is not Shayich to Chesed and I would think that (והלכתה, בדרךךיו) doesn't refer to it. So the Torah says (והתקדשתם--והייתם, קדושים: כי אני ירוך, אלו ריכם). It is part of (והלכתה, בדרךךיו) to be a Kadosh. It is part of Kedusha, part of holiness is to be a Baal Chesed. Is not to be into yourself, it is to be giving to others.

The whole concept of Kedusha that the Rambam brings is the idea of a person doing more than is absolutely demanded of him. That is the idea of being Kedoshim, of being Kadosh. Doing something more. Isn't that something? That is not only in Avodas Hashem. But it relates. When you do something more in Avodas Hashem you become a Baal Chesed. You do more for others as well. An insight into (קדושים תהיו).

### **3 - Topic - The Mitzvah of Orlah.**

Let's move on to one of the Taryag Mitzvos that is mentioned in this week's Parsha the Mitzvah of Orlah. Orlah of course is a Mitzvah that if you have a tree, the first three years the fruits are forbidden. It is completely Assur even B'hana'a. The Mitzvah of Orlah even though it is a Mitzvah that is connected to the ground Af Al Pi Kein, nevertheless it doesn't change anything. It applies in Chutz L'aretz as well as in Eretz Yisrael and people are not aware of it. People have trees in their backyards and they don't realize it and they ask me okay I can't take the fruit but can I give it to my non Jewish neighbor? The answer is no. It is Assur not only B'achila but B'hana'a as well. Kach Heim Hadevarim. That is the Mitzvah of Orlah.

The Yesod of Orlah, Zagt a beautiful Maimar in the Sichos Mussar titled Misinin, patience Taf Shin Lamed Gimmel. Misinin is patience, an incredible concept that the next generation doesn't have.

The Gemara in Beitzah 25b (7 lines from the top) says (נטיעה מקטע רגליהון דקצביא). Farmers who plant and keep the rules of Orlah they cut the legs of butchers. Which butchers are they cutting the legs of? Rashi says ( נטיעת ערלה שאמרה תורה להמתין שלש שנים מלאכול פירות מקטע רגלי הקצבים ) (הממהרין לאכול קודם הפשט ונתוח ופעמים שנמצאת טרפה and don't have the patience to wait. They cut out the meat and quickly sell it or roast it and then later they check for Treifos. They are allowed to do that because the animal is assumed to be Kosher. Occasionally, after having eaten it or even having sold it they will find that the animal is Treif. Nu what they were Over they were Over B'shogeig and they relied on Rov. It is Muttar to rely on Chezkas Heter.

Zagt the Gemara, people who plant and wait with Orlah teach us that Mesinus, patience is an extraordinary attribute. That attribute is something that the (דקצביא) Katzvaya should learn about

The Gemara in Berachos on 20a (22 lines from the top) says (מתון מתון ארבע מאה זוזי שויה) patience patience is worth 400 Zuz. It tells the story of somebody who lost 400 Zuz because of impatience.

The first Mishna in Pirkei Avos says (היו מתונים בדין) be patient in a Din Torah. Of course a Dayan in a Din Torah has to listen to all of the sides patiently and think before he Paskens. The Gemara in Sanhedrin 7b (15 lines from the bottom) says how do you know to be patient? It says in Shemos 20:22 (ולא-תעלה במעלת, על-מזבחי) and it says that next to 21:1 (המשפטים) (ואלה, המשפטים). So we learn out that in Mishpatim you also have to be patient. What? Going up a ramp and not steps to the Mizbaiach is a measure of Tzniyus. What does Tzniyus have anything to do with (היו מתונים) (בדין)?

The answer that the Sichos Mussar gives is really the Kohen was wearing pants. There was no Gilui Eruvah, there was no improper exposure if he would walk up the steps, but the Kedusha of the Makom obligates an extra level of Zehirus. The Kedushas Hamakom of going on the Mizbaiach requires an extra level of Tzniyus and patience.

The same thing is true when you are dealing with others, when you are in a Din and you are dealing with a Din Torah between two sides. They are not fighting, they are honest people. They are coming and are asking you what is the Din. You should know, that you have to be patient when it comes to other people. (היו מתונים בדין). Be patient when you are dealing with others. If you are in a time, if you are in a place, in a situation which requires Zehirus Yisaira, if that Zehirus Yisaira requires patience. We are in a rushed, stressed country and within the country those of us who live in NYC are probably in the most stressed and rushed city of this extraordinary country and Klal Yisrael who need more hours in the day than others. L'havdil, we Daven and we learn, we are the most stressed. (היו מתונים בדין) What do you learn from Gedolei Yisrael, how they are Tarid and busy and each thing they do they are focused on properly and do it right. We have to learn from that. (היו מתונים בדין) to be patient not only when it comes to a Din Torah but any time that you are dealing with things that have to do with other people.

And so, we will be bigger and better people having taken in Parshas Acharei - Mos & Kedoshim and preparing for our upcoming Mattan Torah. Please, Shavuot is coming, put it to mind as you count the days of the Sefira. An absolutely wonderful Shabbos to one and all!

## **Rabbi Reisman - Parshas Acharei Mos - Kedoshim 5777**

As we prepare for Shabbos Acharei Mos - Kedoshim and we note that we are reaching the halfway mark in Sefiras Ha'omer as we count towards Kabbalas Hatorah. It should be something that we note. Counting Sefira is supposed to make a Roshom on a person and it should be a reminder that we are preparing for Kabbalas Hatorah.

### **1 - Topic - Rav Druk - Why did Aharon Hakohen need another warning**

Parshas Acharei Mos - Kedoshim begins with the very first Rashi where Rashi tells us ( וַיְדַבֵּר ( וַיְדַבֵּר , אֶל-מֹשֶׁה, אַחֲרֵי מוֹת, שְׁנֵי בְנֵי אֶהֱרֹן--בְּקִרְבָּתָם לִפְנֵי-יְהוָה, וַיָּמָתוּ היה רבי אלעזר ) that Moshe Rabbeinu was told to command Aharon Hakohen the different Tzavaos that have to do with the Mishkan and Acharei Mos says Rashi why does it say after they died as we know that it is after they died ( בן עזריה מושלו משל לחולה שנכנס אצלו רופא ). Like someone who goes to a doctor and the doctor says don't do that, he may or may not listen. If the doctor says that don't do that because Ploni did it and he died it is an extra warning. The same thing here, Aharon Hakohen is being told be careful, look what happened to your children, you don't want it to happen to you. It is an extra warning. That is what Rashi says.

Rav Druk (in Sefer Darash Mordechai page # 176) brings that the Baalei Mussar (he quotes specifically Rav Leib Chasman) is Matmia. Does Aharon Hakohen need to have that type of a level of warning? Does he need to be warned that you are going to die if you don't do it? Aharon Hakohen was the Gadol Hador. He needs to be warned of the punishment? He certainly served Hashem with great love. Zaggin the Baalei Mussar, says Rav Leib Chasman, yes. No matter who you are, you need extra warnings, extra care.

I once heard from Rav Avigdor Miller, he said that people think that Avodah Mai'Yir'as Ha'onesh, serving HKB"H from fear of punishment is a very low Madreiga of serving Hashem. He said that everyone needs it. You see that even Aharon Hakohen needed it.

Zagt Rav Druk, come on. Aharon Hakohen, if you want to warn him not to learn Torah on Tisha B'av, I understand that he needs an extra careful warning. But to warn him not to drink wine when he goes into the Bais Hamikdash, Aharon Hakohen needs such a warning? Aharon Hakohen who was Shomer all Mitzvos needs a warning for such a thing? It doesn't make sense.

Therefore, Rav Druk gives an explanation of the Teretz. This explanation fits perfectly with what I spoke out two weeks ago Parshas Shemini regarding the death of the Bnei Aharon.

What I spoke out then was that the Bnei Aharon died from an Aveira, whatever the explanation of the Aveira might be. From an Aveira that involved a tremendous Ahavas Hashem, a tremendous closeness and Ahava to Hashem. An unbridled Ahavah, and it went so far that they couldn't control themselves. They brought a new Aish to Hashem. It was a tremendous Mesiras Nefesh that they had and that brought them down.

Zagt Rav Druk, of course Aharon Hakohen doesn't have to be warned about punishments for simple Aveiros. But an Aveira that involves letting loose with a tremendous Ahavah. Aharon

Hakohen was Nis'veh for such a Kiruv to HKB"H. Through this Ahavah to have such a tremendous Hiskarvus. Moshe Rabbeinu after all said, look they were greater than us in the area of Ahavah. You see when you understand the Cheit of the Bnei Aharon in the way that we are explaining, in the way that Rav Schwab explains that it came from a tremendous Hiskarvus, then you can understand that Aharon Hakohen had to be warned.

Zagt Rav Druk, look, in Parshas Ki Sisa, Moshe Rabbeinu said to the Ribbono Shel Olam as it says in 33:18 (הֲרָאֵנִי נָא, אֶת-כְּבוֹדְךָ). Show me your honor, show me a vision of yourself, of the Ribbono Shel Olam. The HKB"H says 33:20 (לֹא-יִרְאֵנִי הָאָדָם, וְחַי). No one can see me and continue to live.

Zagt Rav Druk, Moshe Rabbeinu knew that, he knew that to see HKB"H Kavayochel, to see Kavod Hashem means to leave this world. It was worth it for him, it was Kedai for him. Moshe Rabbeinu said I want to serve Hashem with a tremendous Ahava. As it says in Tehillim 84:3 (כָּל־תְּהֵא, נִפְשֵׁי-- לְחַצְרוֹת יְרוּרָה), I have a tremendous Ahavah. That tremendous Ahavah should be Ad Kedai Kach, should go to the degree that Ahavah that I am even willing to die for it. That is a different type of Cheit. That is a Cheit of Hiskarvus to HKB"H to such an extraordinary degree. Now we can see that the warning had to be a strong warning.

Misas Tzadikim is Mechapeir like Misas Nadav and Avihu. Is it a wonder that Aharon might have a Taiva to reach that type of a level? Therefore, he needed the warning. It is a whole different picture in the Kavana of Rashi, in the Cheit etc. Ad Kan our Vort this week on the Parsha.

## **2 - Topic - A thought on the Haftorah - Why is it Sukkas Dovid and not Sukkas Shlomo**

The next thought has to do with the incredible extraordinary Haftorah in Sefer Amos 9 (הָלוֹא כִּבְנֵי (כְּשֵׁיִם אַתֶּם לִי בְנֵי יִשְׂרָאֵל). The Haftorah that we are going to Lain this week that refers to Klal Yisrael with an extraordinary language of love. In this Haftorah we find the Posuk (בַּיּוֹם (הַהוּא, אָקִים אֶת-סֵכֶת דָּוִד הַנִּפְלֵת). When Moshiach will come HKB"H will rebuild the fallen Sukkah of Dovid, the Bais Hamikdash. Sukkas Dovid? Is the Bais Hamikdash Dovid's building? Don't you remember from Nach that Shlomo Hamelech built it? It is not Dovid's building. Why do we call it Sukkas Dovid Hanofales? Dovid wanted to build it and he asked for permission to build it but the Ribbono Shel Olam said no. Harbei Dam Shofacto, you can't build it. Shlomo will build it. L'mayseh, why is it called Sukkas Dovid Hanofales. It is true that Dovid had tremendous Teshukah and desire to build it and he said (לְחַצְרוֹת יְרוּרָה --). But he didn't build it, it is a building of Shlomo.

We seem to learn from here that having the desire and the Teshuka to build, coming up with the idea and talking about it, is also a level that creates Sukkas Dovid. But wait, it is still Sukkas Shlomo. Dovid had a hand in it because he had a Teshuka and desire for it. It may well be true. But still the question is that it is still Sukkas Shlomo.

The answer is no. Shlomo built a building of stones, wood and valuables. It is destroyed and it doesn't exist anymore. Dovid Hamelech built a Beis Hamikdash which had no physical entity. Dovid built and created the desire, the Teshuka, the Ratzon to build a Bais Hamikdash. That

Ratzon was not destroyed with the Churban. That Ratzon still exists to this very day. We still have that Ratzon that Teshuka to build that Dovid had.

When the Bais Hamikdash is rebuilt it is not Shlomo's Bais Hamikdash that is rebuilt because that was destroyed. It is Dovid's Bais Hamikdash that was rebuilt. Dovid's Bais Hamikdash was never destroyed. It is a Bais Hamikdash of Ratzon, of desire to be close to Hashem. When the Bais Hamikdash stands in one form or another, we have a tremendous desire, a Teshuka to be close to Hashem and that doesn't disappear. That stays with Klal Yisrael forever and ever.

This Yesod answers the following Kasha. Every year around Tisha B'av time we hear the following thought. A Meis is Nishtakach Min Haleiv. It is a Gezaira that something dead is forgotten. The fact that we mourn the Bais Hamikdash for all of these years is a proof that the Bais Hamikdash is not Meis, that the Bais Hamikdash still exists.

I have a Kasha. It is not true. The Bais Hamikdash does not exist. The Bais Hamikdash was destroyed. What is it a proof that it exists, it doesn't exist. It is gone. You will answer me that it is gone temporarily and it is coming back when Moshiach will come it will come back. So it is not gone.

But I have a Kasha. Gezaira Min Hameis She'Nishtakach Min Haleiv. The Meis is also not gone forever, there will be a Techias Hameisim. We believe when Moshiach comes that Maisim will come back. The Gezaira on a Meis that it is Nishtakach Min Haleiv is when he disappears from this world even though he is going to come back in Moshiach's time. So the Bais Hamikdash too, the Bais Hamikdash it should be Nishtakach Min Haleiv. The fact that it will come back in Moshiach's times why does that change anything?

The answer is that the Meis is not here. By Techias Hamaisim there will once again be this person who is alive. But right now the human being is gone. Nishtakach Min Haleiv.

The Bais Hamikdash of Shlomo Hamelech is Takeh gone, it is Nishtakach Min Haleiv. Do we remember what it looked like? But the Bais Hamidash of Dovid (הַרְחֵמֵנוּ הוּא יְקִים לָנוּ אֶת סֵכֶת דָּוִד (הַנּוֹפֶלֶת)). We Daven for a return to the Bais Hamikdash of Dovid. The Bais Hamikdash of Dovid is not gone, it is very much alive in the hearts of Jews everywhere. Klal Yisrael in all of our Doros dream of the rebuilding of the Bais Hamikdash. That Teshuka, that image, that desire of the Bais Hamikdash, the Sukkas Dovid, that always exists.

This connects well to what I said last year or maybe two years ago. I said to you on this Thursday afternoon why is it called Sukkos Dovid it should be called Bayis Dovid and I told you that a Bayis that is destroyed is gone forever. You can build a new house but the house is gone. A Sukkah by definition is something that is taken apart and put back. It is something the same that comes back. Sukkas Dovid, the Sukkah that exists in the heart of Dovid is always there. It comes back. When it comes back it is the same Sukkah that I had last year. That is why when the Mishkan is taken apart and put back together, the Kerashim were put in exactly the same shape, in the same order, they were numbered as the year before. They were identical, they could have physically been switched but we wanted to go back to the old one, a Hemshich. (הַרְחֵמֵנוּ הוּא יְקִים (לָנוּ אֶת סֵכֶת דָּוִד הַנּוֹפֶלֶת)). You want to have a rebuilding of the Sukkah of Dovid. The Sukkah which

is rebuilt and comes back, which does not come to an end. And so, one thought on the Parsha and one thought on the Haftorah.

### **3 - Topic - A thought on Sefiras Ha'omer - Hakkaras Hatov**

You may have noticed that we were just counting 1, 2, 3, 4... we are already counting 21, 22, 23, 24. Before you know it, we will be at 41, 42, 43, 44. One at a time the time goes. That is life. ( כִּי (הֵם חֲיִינוּ וְאֵרֶךְ יְמֵינוּ). The counting of Sefira is an example of life. We go from one year to the next. We are Bar Mitzvah Bochurim, we are Zoche to get a little older, Zoche to get married, Zoche to have a family. HKB"H gives us the opportunity that we are Zoche to have homes and a few dollars in the bank. The years follow one from the other. Before you know it, you are at the end of the Sefiras Ha'omer. Oy, what a Mussar!

A) We have to realize where we are headed but B) we should realize a Hakara, a recognition of what HKB"H has given us. We go day to day and we take things for granted. Even during Sefira, you can make a Shehechyanu, however, not during the three weeks. You can make a Shehechyanu as it is a reawakening of the Beracha of Shehechyanu which for many of us is something that we don't do.

The Rama is 223:1 says that people don't make Shehechyanu every time they should. The Magen Avraham in S'if Kotton Aleph says that people don't do it but it is wrong. You should say it. You see Shehechyanu depends on Simchas Haleiv, on appreciating the things that you have. Appreciating the things that HKB"H gives you. If you have more and you can afford more, does that mean that you should appreciate it less?

A piece of furniture that you buy needs a Beracha of Hatov V'hamaitiv. A vehicle that you buy needs a Beracha as well. Hatov V'hamaitiv is the plural of a Shehechyanu. A Shehechyanu is for a suit (i.e. something used by one person) and Hatov V'hamaitiv is the same Beracha but made on something like a couch or a car which is something used by many. The point is an appreciation of the things that HKB"H gives us.

The years go by and we take for granted. May HKB"H give us the Zechus that we have so much that we do take it for granted. But let's not! Let the Yeitzer Hora take it for granted. We should appreciate the things that we have. May HKB"H shower us with Beracha and more importantly may he shower us with the wisdom to appreciate the things that we have. A Gutten Shabbos, a Gutten Hachana for Kabbalas Hatorah to one and all.

### **Rabbi Reisman - Parshas Acharei-Mos/Kedoshim 5772**

Today I would like to share with you one Vort on the weekly Parsha and one Vort on Pesach Sheini which is coming up on Sunday. Both come from the Satmar Rebbe, one a Dvar Mussar and one a Dvar Halacha, both really beautiful.

Let's begin with the Parsha. In Parshas Acharei-Mos we have in 18:2 & 18:3 ( ב דָּבַר אֶל-בְּנֵי יִשְׂרָאֵל, ) & ( וְאִמְרַתְּ אֲלֵהֶם: אֲנִי, יְרוּר אֱלֹדֵיכֶם ג כְּמַעֲשֵׂה אֲרֶז-מִצְרַיִם אֲשֶׁר יִשְׁבְּתֶם-בָּהּ, לֹא תַעֲשׂוּ; וְכַמַּעֲשֵׂה אֲרֶז-כְּנַעַן אֲשֶׁר אֲנִי )

(מביא אתכם שמה, לא תעשו, ובחוקיהם, לא תלכו in Egypt. Similarly, the actions of the Cannani people the land to which you are going are not actions which you should emulate. A very general Hazhora. Rashi says ( כמעשה ארץ מצרים: מגיד ) & (שמעשיהם של מצריים ושל כנעניים מקולקלים מכל האומות, ואותו מקום שישבו בו ישראל מקולקל מן הכל אשר ) (אני מביא אתכם שמה: מגיד שאותן עממין שכבשו ישראל מקולקלים יותר מכולם the Mitzrim and Cannanim who are so terrible. Don't do the terrible things that they do. There are 2 difficulties with this Rashi.

The Klei Yakar asks that it is a Pele. Rashi is saying that the Posuk is telling us not to do the Issurim that the Mitzri'im do. The Mai'sim M'kulkalim that the Mitzri'im do and they are the worst of the nations. The reverse should be in the Posuk. It should pick the best of the nations and say even the best ones don't have actions to be emulated. It doesn't make sense that the Torah would pick the most Mikulkal, the worst of the nations the Mitzrim and Cannanim and say don't do the Aveiros that they do. Because you shouldn't do the Aveiros even that the best of the nations do. This is the Kasha of the Klei Yakar.

Besides that, there is an additional Kasha. That is that this Posuk does not seem to be breaking any new ground. What is it telling us that we didn't know until now? Issurim are Issurim. It's telling us that because the Mitzrim do it it is not a reason for you to do it. What is the Chiddush in that?

The Satmar Rebbe answers by pointing to a Ramban in Parshas Re'ey. The Ramban in Parshas Re'ey where we find a very similar Azhara in 12:29 & 12:30. There the Posuk says that when you come to the land of Canaan and Hashem will give you the land (וְיִרְשֶׁתָּ אֹתָם, וְיִשְׁכַּתְּ בְּאַרְצָם) & (הַשָּׂמֶר לָךְ, פֶּן-תִּנְקַשׁ אַחֲרֵיהֶם, אַחֲרַי, הַשְּׂמָדָם מִפְּנֵיךְ; וּפֶן-תִּדְרֹשׁ לְאַלְהֵיהֶם לֵאמֹר, אֵיכָה יַעֲבֹדוּ הַגּוֹיִם הָאֵלֶּה אֶת-) (אֲלֵהֵיהֶם, וְאֶעֱשֶׂה-כֵן, גַּם-אֲנִי לֹא-תַעֲשֶׂה כֵן) 12:31). Be careful after you destroy them you may follow in their ways and say let's see how they serve their Avoda Zora and I will do that to. 12:31 (לֹא-תַעֲשֶׂה כֵן).

What is going on here? What is the Hazhara in the Posuk? It is telling you that there is an Issur of being Oved Avodah Zora? Of course there is an Issur of being Oved Avodah Zora there is nothing new? In addition, it is not logical that after these nations are destroyed that anybody would chose to follow their Avoda Zora.

Says the Ramban, the Posuk is not coming to tell you that you should not serve their Avoda Zora. It is telling you that even if you see good things that they do and you would like to emulate it. Things that they do for their Avoda Zora which look attractive, which look pleasant, which look nice. They have a very nice way of dressing up their house of worship, they have a very pleasant way of serving their Avoda Zora. So it is bad because they are serving stone and wood, however, I will take the same type of an action and use it for the good. I will use that action to serve Hashem, that is not Assur. Says the Posuk, it is Assur and that is the Chiddush of the Posuk says the Ramban. The Chiddush of the Posuk is that that too you should not do. ( אבל פירוש ) הפרשה, כי עד הנה ציוה פעמים רבות כי בבואנו אל הארץ נעקור ע"ז ומשמשיה ונאבד את שמם, וציוה שנעשה זה מיד כאשר אנחנו יורשים אותם מיד, ועתה אמר כי כאשר יכרית ר' הגויים ההם מפנינו וישתקע שם ע"ז מן הארץ ונשב בארצם לבטח, לא נחשב בלבנו הנה הכרית השם מפנינו עובדי אלוהים אחרים בעבור שהיו עושים כבוד בעבודה שלמה למעשה ידי אדם עץ ואבן, ואין ראוי לתת כבודו לאחר ותהילתו לפסילים כי כן אסר זבוה וקטור ונסוך והשתחוואה

בלתי להשם לבדו, והנהוג במלכים כי המתהדר בכבודם לתת עטרה בראשו או ללבוש לבוש מלכות כהם אחת דתו להמית, אם כן אעשה אני לשם הנכבד כאשר היו עושים הגויים לאלוהיהם וייתב לפניו.

לכן הזהיר, לא תעשה כן כי הדברים המתועבים לפניו היו עושים לאלוהיהם, ולא אסרם מפני המעשה שהיה נכבד וראוי (לעשותו לפני השם לבדו רק מפני הכוונה שהייתה בהם לעבוד אלוהות).

The Satmar Rebbe says, the same thing here where the Posuk says (כְּמַעֲשֵׂה אֲרָץ-מִצְרַיִם). Of course the Aveiros of the Mitzrim are not things that you will emulate. But you live in a country for so many years and you may have seen some nice things that they do, some good things that they do, some attractive things that they do. You might want to emulate those things. So we are saying don't do it. Because they are Mikulkalim Shebaumos, because they are a nation that is so warped you should not emulate them at all, you might come to emulate them in other ways. The Satmar Rebbe says, there are times that a person can emulate what a Goy does, a person can learn from what a Goy does if what he is doing is good. He brings for example that the Rambam quoted Aristotle. Because when you have a moral ethical lesson to be learned from a non-Jew it is ok to learn from him. The problem is when you follow the actions of immoral people even if they do good things if you see someone who is a movie star, who in life is full of Znus and actions that are unworthy of any human being and you see that that movie star does something good, a good Chesed. Don't emulate them because you are bringing into focus the actions of someone whose actions are unworthy to be emulated. If you see a moral ethical person even among the nations, he says that a person could learn from.

Therefore, it is a new translation of the Posuk, (כְּמַעֲשֵׂה אֲרָץ-מִצְרַיִם אֲשֶׁר יִשְׁבְּתֶם-בָּהּ, לא תעשו; וכְּמַעֲשֵׂה (אֲרָץ-כְּנָעַן אֲשֶׁר אָנִי מְבִיא אֲתֶכֶם שָׁמָּה, לא תעשו, ובְּחֻקֵּיהֶם, לא תלכו). Watch out when you are among the nations watch out who you emulate even for good things. This is his Dvar Mussar.

Turning now to Pesach Sheini is an absolutely beautiful Vort which is in the Divrei Yoel in Parshas Emor regarding Pesach Sheini. Pesach Sheini has of course as its origin later in Chumash Bamidbar Parshas Behaloscha. There we find after Shlishi 9:6 (וַיְהִי אֲנָשִׁים, אֲשֶׁר הָיוּ טְמֵאִים) (לְנַפְשׁ אָדָם, וְלֹא-יָקִלוּ לַעֲשׂוֹת-הַפֶּסַח, בַּיּוֹם הַהוּא; וַיִּקְרְבוּ לִפְנֵי מֹשֶׁה, וַלְפָנָי אֶהְרֶן--בַּיּוֹם הַהוּא). There were people who were Tamei and they could not bring the Korban Pesach on the 14th day of Nissan. So they come to Moshe Rabbeinu and they say (לָמָּה נִגְרַע) why should we be worse?

The Gemara in Maseches Succah 25a (4 lines from the bottom) says (והעוסק במצוה פטור מן המצוה) מהכא נפקא מהתם נפקא דתניא (במדבר ט) ויהי אנשים אשר היו טמאים לנפש אדם וגו' אותם אנשים מי היו נושאי ארונו של יוסף היו דברי ר' יוסי הגלילידיף כה, ב גמרא ר"ע אומר מישאל ואלצפן היו שהיו עוסקין בנדב ואביהוא ר' יצחק אומר אם נושאי ארונו של יוסף היו כבר היו יכולין ליטהר אם מישאל ואלצפן היו יכולין היו ליטהר אלא עוסקין במת מצוה היו שחל שביעי שלהן להיות בערב פסח שנאמר (במדבר ט) ולא יכלו לעשות הפסח ביום ההוא ביום ההוא במת מצוה היו שחל שביעי שלהן להיות בערב פסח שנאמר (במדבר ט) ולא יכלו לעשות הא למחר יכולין לעשות (אין יכולין לעשות הא למחר יכולין לעשות) who are these people that are Tamei? The Gemara says that they were the Nosei Arono Shel Yosef, the ones who carried the bones of Yosef Hatzaddik in the Midbar. Or a second opinion, they were those that became Tamei in burying Nadav and Avihu. There are two difficulties here.

First of all the question of who were these people and why were they Tamei doesn't seem to make sense. Jews died in the Midbar in the natural way just like they died all along. The Leviim who were not punished for the Cheit Ha'eigel also died. They died after they lived their natural

life. There was no suspension of natural death in the generation of the Midbar. Therefore, there were plenty of people that were Tamei. In a group of millions of Jews there were people whose time on this earth had come to an end and passed away. It did not have to be those who carried the Aron of Yosef. Therefore, this is very difficult to understand why the Gemara says who are these Timay'im.

Secondly, they say (לְמָה נִגְרַע) why should we be worse, why shouldn't we bring a Korban Pesach. Here there is an obvious problem. What does it mean why should we be worse, they were worse because they were Tamei. A Jew who is Tamei cannot separate Challah, cannot separate Terumah, there are many things that a Tamei person cannot do. A Tamei person has no right to say (לְמָה נִגְרַע) why should we be worse. There is a reason and it is not a punishment, it is just a fact of life that a Tamei person doesn't bring a Korban.

To answer this question the Satmar Rebbe brings a beautiful thought. There is a Tosafos in Maseches Bava Metzia 114a (מהו שיסדרו בבעל חוב) (Ed. Note The Tosafos is very long so I have not quoted it here) who wonders if the concept of Tzaddikim Aino Metamin, Kivrei Tzaddikim Aino Metamin, a Medrash concept that the graves of even the bones of a Tzaddik does not bring Tumah upon a person. Whether this Aggadata thought has any basis in Halacha and Tosafos Maskana is that it does not. Every human being who passes away is Mitamei someone who touches him or comes into contact with him is Tamei and a Kohen is prohibited from being Mitamei. That the idea that Kivrei Tzaddikim Aino Metamin that the bones of a Tzaddik are not Metamei is nothing more than an Aggadata thought and even that the Tosafos explains the way in which it is brought.

The Satmar Rebbe offers an innovative explanation. He says that really B'etzem a Tzaddik does not bring Tumah upon a person. However, Halacha doesn't work that way. Halacha does not establish rules that are based upon the Penimius Haleiv, the depths of the heart of a person. How do you know if someone is a Tzaddik, you can't know. Therefore, Halacha can't work with that, Halacha says that everyone is Tamei. This is somewhat comparable to a Jew who eats Nivaila and is ordered to suffer Malkus in Bais Din. Let's say that this Jew does a full Teshuva, he really does Teshuva for having eaten that Nivaila. He still will receive the Malkus. Why?

We know that if someone did a full Teshuva in heaven the sin no longer exists. The answer is that Bais Din can't work with that. Bais Din has to work with things that it can see. Bais Din cannot know in a person's heart if he is truly doing Teshuva. Therefore, the laws of the Torah are never dependent on what is going on in the Penimius Haleiv in the depths of a person's heart. Therefore, says the Satmar Rebbe, as a matter of Halacha Kivrei Tzaddikim are Metamei. The bones of a Tzaddik do cause a person to become Tamei. However, in heaven it is known if someone is truly a Tzaddik he does not bring Tumah (ritual defilement) upon a person.

With this, the Sugya of Pesach Sheini is absolutely beautiful. As a matter of Halacha the ones that carried the bones of Yosef were Tamei. They came and said (לְמָה נִגְרַע). They said to Moshe Rabbeinu you and I know that Yosef was a true Tzaddik. You and I know that Nadav and Avihu were true Tzaddikim. Why should we be disqualified from bringing a Korban Pesach. After all you and I know that in heaven we are not Tamei. This explanation answers both Kashas.

Why didn't others come and say (לְמָה נִגְרַע)? There were other people who died naturally in the Midbar. Why weren't those who became Tamei to them coming with a complaint? The answer is that those other people who had died were not known Tzaddikim. It was only those that became Tamei to the bones of Yosef Hatzaddik, they were the ones who could come with a complaint.

It also answers (לְמָה נִגְרַע) why are we worse. The question is not based on the idea that Tamei people can't bring a Korban. That is just saying that they are not truly people who are Tamei.

The Satmar Rebbe says that this is also the reason that the Posuk says (אֲנַחְנוּ טְמֵאִים, לְנַפְשׁ אֲדָם). They didn't say Anachnu Timaihem L'meis. They said (אֲנַחְנוּ טְמֵאִים, לְנַפְשׁ אֲדָם) which is an expression that conveys a sense of Chashivus of importance. Adam is a sign of Chashivus, importance, of significance. Therefore, this explanation I find absolutely beautiful in explaining what is otherwise something of a difficult Parsha.

The question of the week is: this is a question based on something I saw in the first volume of Derech Sicha. We in Yeshiva are learning Maseches Bava Kamma and our Shiur is learning the Sugya of Zeh Nehena V'zeh Lo Chasur a rather famous Sugya in Gemara. Yesterday I opened the Derech Sicha and found in Parshas Kedoshim the following Shaila. It was Yom Kippur and someone purchased Maftir Yona which is the last Aliyah at Mincha on Yom Kippur. Between Mussaf and Mincha there was a break and the individual who had purchased Maftir Yona went home to take a nap. Unfortunately he overslept the reading of the Torah at Mincha. When they came to Maftir Yona he was not there. He had purchased this Aliyah for \$1,000 and since he wasn't there the people of the Shul were not sure who to give the Aliyah to. Someone else had bid \$900 for that Aliyah and the decision was to give it to him. So he got the Aliyah and now it is after Yom Kippur and it is time to pay up and the question is who pays?

This question was brought to Rav Chaim Kanievsky who said that the person who bid \$1,000 and purchased it has to pay for it. He purchased the right to the Aliyah and he got it. The fact that he didn't use it is not relevant. It doesn't matter. If you purchased the right to something whether you use it or not it doesn't absolve you from paying. So there is no question that he has to pay. The person who got the Aliyah pays Ma Shenehena which is a concept in our Gemara. That when you get a benefit you pay what the benefit is worth to you. That is what it says in the Sefer. Of course whatever he pays for the benefit gets deducted from the \$1,000 that the other person has to pay because in total the Tzedaka is not entitled to more than \$1,000.

Here we would seem to have a Kasha. It is Zeh Nehena V'zeh Lo Chasur. When this person got the Aliyah nobody else lost, he benefitted and the other person lost nothing, why does he have to pay at all? The answer would seem to be what Tosafos says on Daf 20b in Maseches Bava Kamma טעמא דניקף הא מקיף פטור. ואפילו רבנן לא פליגי אלא משום דא"ל את גרמת לי הקיפא יתירא וא"ת ואי זה נהנה וזה לא חסר פטור אפילו עמד ניקף נמי וי"ל שאני עמד ניקף דגלי אדעתיה דניחא ליה בהוצאה ולא דמי לדר בהצר and that is if someone showed (he was Migaleh Daas) that he was willing to pay he pays even in a case of Zeh Nehena V'zeh Lo Chasur. This is brought in Shulchan Aruch. However, if that is the case then he should pay a full \$900. After all he is paying based on the fact that he was Migaleh Daas that he showed his intent. He should be paying the full \$900. As is brought in the Derech Sicha it seems as if he does not pay the full \$900. The Shoel had asked if he pays \$900. Rav Chaim is quoted as saying no he only pays Mah

Shenehenis. However, based on this Tosafos and it is in Shulchan Aruch in (Choshen Mishpat) 363:8 that a person pays whatever he was Migaleh Daas. So he should be paying the full \$900 leaving only a \$100 bill to the other fellow.

### **Rabbi Reisman - Parshas Kedoshim 5776**

1. Parshas Kedoshim has a tremendous variety of assorted Mitzvos in it, but certainly the one we have to work on most minutes of our time that we are awake is the Mitzvah of (וְאַהֲבַת לְרֵעֵךְ כְּמוֹךְ). The Mitzvah of Ahavas Rai'im and Ahavas Yisrael which is in this week's Parsha. I would like to share with you a tremendous insight which comes from the Pachad Yitzchok on Pesach, Maimar 29. Rav Hutner there points out that there is a Mitzvah in this week's Parsha of 19:18 (וְאַהֲבַת לְרֵעֵךְ כְּמוֹךְ) of loving another Jew and later in Sefer Devarim there is a Mitzvah of Ahavas Hager 10:19 (וְאַהֲבַת לְרֵעֵךְ כְּמוֹךְ) which is a separate Mitzvas Asei in the Minyan Hamitzvos. As a matter of fact in the language of the Rambam which is found in the 6th Perek of Hilchos Dai'os, it is that when you have love for a Ger you are Mekayeim two Mitzvos. You are Mekayeim the Mitzvah of (וְאַהֲבַת לְרֵעֵךְ כְּמוֹךְ) when you love any Jew and Ahavas Hager you are Mekayeim by both Ahavas Hager and (וְאַהֲבַת לְרֵעֵךְ כְּמוֹךְ).

However, this raises a problem. This is because the Rambam in his rules of counting Mitzvos in the Sefer Hamitzvos Lo Sasei Kuf Ayin, establishes a rule that any Mitzva that is always included in another Mitzvah is not counted in the Taryag Mitzvos as an independent Mitzvah onto itself. Which means to say that let us say for example there is a Mitzvah that applies to all members of Sheivet Levi and the Torah spells it out in regards to Kohanim specifically as well. That is only one Mitzvah. Even though when a Kohen does that Mitzvah or in his example it is a Lo Sasei, he is Mekayeim two Lo Sasei's because he is a member of Sheivet Levi and a Kohen, that doesn't matter. It all counts as one Din. A Kohen can't marry a Gerusha and a Kohen Gadol also can't marry a Gerusha, it is not two Mitzvos, it is one Mitzvah. One is Nichlal in the other.

If so says Rav Hutner, the Mitzvah of Ahavas Hager is always included in (וְאַהֲבַת לְרֵעֵךְ כְּמוֹךְ) so although they are two separate Mitzvos so to speak, but in the counting of Taryag Mitzvos they should be one. Because of this Kasha, Rav Hutner analyzed Ahavas Rai'im and Ahavas Hager and explains the following Chiddush.

He says that the Mitzvah of (וְאַהֲבַת לְרֵעֵךְ כְּמוֹךְ) is not a Mitzvah of Ahavah, to whom does it apply? To a fellow Jew? No. The Mitzvah is to have Ahava for Rai'acha because he is Rai'acha. (וְאַהֲבַת לְרֵעֵךְ כְּמוֹךְ) we are talking now about love for another person. It is not a puppy love, a love that a person happens to love his puppy, happens to love the person next to him, it is a love that has an appreciation for what it means to be Rai'acha. What it means to be a member of Klal Yisrael.

For example, let's say you know somebody and you like him, you naturally love him but as far as you know he is not a Jew, but you love him. He is a fellow worker, a neighbor, he is a good person. It turns out that in Heaven they know that he is a Jew. Your love for that person is not a Kiyum of (וְאַהֲבַת לְרֵעֵךְ כְּמוֹךְ). (וְאַהֲבַת לְרֵעֵךְ כְּמוֹךְ) is Mikuyam Dafka when you have love for someone with an appreciation of the person's position as a fellow Jew. That is the definition of (וְאַהֲבַת לְרֵעֵךְ כְּמוֹךְ).

Similarly, with Ahavas Hager. The Mitzvah is to appreciate what it means to be a Ger. There is a Mitzvah to love him because of what he has accomplished by coming into Klal Yisrael. It turns out, therefore, that since there is a Mitzvah to appreciate him for what he is and the two Mitzvos are not Nichlolim one to the other. If you are Mekayeim (וְאָהַבְתָּ לְרַעְיָךְ כְּמוֹךָ) to a Ger, you have not yet been Mekayeim Ahavas Hager. Ahavas Hager requires another step, an appreciation of what it means to be a Ger. This is a tremendous Nikudah in the message of true love of a person to another person.

A deep love for another person is to appreciate the person. It is an Ahavah that doesn't depend on mood, doesn't depend on circumstance, it is just dependent on the reality of who the other person is. In general, Ahavah between a husband and a wife is in danger of becoming diminished over time because whatever it is that attracted you to your wife in the first place is something that you take for granted. That is why we see incredible things when people are married for a long time. Then they have Sholom Bayis problems or Lo Aleinu get divorced and they say that it is because of this or that shortcoming in their spouse. This or that shortcoming may be true, but compared to the big picture of the things that you have in common over 20 or 30 years it pales in comparison. But you see the Ahavah, the appreciation for who the person is, is long ago gone because it is something that people take for granted.

Rav Pam used to say that you should always remember that you were once dating and whoever you wanted to marry didn't want to marry you and whoever wanted to marry you, you didn't want to marry that person, until your wife came along. She is someone you wanted to marry and she wanted to marry you. Always appreciate it. Our nature is that this is history, it was from a long time ago. The true Ahavah Rav Hutner tells us is an appreciation for the basics, that is Ahavah. To go home and tell your wife thanks for marrying me even though it is a decade or two later, that is a Madreiga of Ahavah. An Ahavah that has a Kiyum, is an Ahavah which has an appreciation for the basics of who the person is. This is a thought on one of the many Mitzvos of this week's Parsha.

2. I would like to point out something that will be an issue of dispute in many Shuls. As you know, this year Parshas Acharei Mos and Parshas Kedoshim are separate Parshios. According to what it says in most Chumashim you would be Laining the Haftorah of Parshas Kedoshim. After all when they are separate you Lain the Haftorah of Kedoshim and when they are together you Lain the Haftorah of Parshas Acharei Mos. As a matter of fact, this year we will be Laining on Parshas Kedoshim the Haftorah of Parshas Acharei Mos. You will ask why?

The answer is the following. Of the two Haftoras, the Haftorah of Parshas Acharei Mos is primary, it is one of the most beautiful Haftoras of the Parshios as is found in Amos 9:7 (הָלוֹא (כְּכַנְי כְּשִׁימ אֶתֶם לִי בְנֵי יִשְׂרָאֵל). When we only Lain one of the two we Lain the Haftorah of Acharei Mos and that is why when they are together we Lain the Haftorah of Parshas Acharei Mos. When they are separate we do two Haftoras so for Parshas Acharei Mos we do (הָלוֹא כְּכַנְי כְּשִׁימ אֶתֶם לִי (בְנֵי יִשְׂרָאֵל) and for Parshas Kedoshim we do its Haftorah which is from Yechezkel which talks about Chisronos of Yerushalayim, the Avlah of Yerushalayim in that time. This year though, Parshas Acharei Mos coincided with Erev Rosh Chodesh and therefore, we did not read (הָלוֹא

(וַיֹּאמֶר-לוֹ יְהוָה, מִתָּר חֹדֶשׁ) we read from Shmuel I 20:18 (כַּבְּנֵי כְשֵׁיִם אַתֶּם לִי בְנֵי יִשְׂרָאֵל) and therefore, this week on Parshas Kedoshim we should be Laining the Haftorah of Parshas Acharei Mos.

If you take out a Mishnah Brura Cheilek Daled, the very last words in Cheilek Daled in 428:26 state this as well. It is something to make sure to do advance work on and let the Baal Korei know, point it out to the Gabbaim of the Shul. It is an especially wrong mistake to make given that the Haftorah that we are supposed to be Laining is one of the shortest Haftoras and if you Lain the Haftorah of Kedoshim it is one of the longer Haftoras which is just I guess an added incentive to get it right. (הָלוֹא כַּבְּנֵי כְשֵׁיִם אַתֶּם לִי בְנֵי יִשְׂרָאֵל) a short Haftorah. Take out a Nach learn the Haftorah. It is one of the most beautiful Haftoras of all of the Haftoras that we Lain in Shul.

I would like to tell you a beautiful Maharal on that Haftorah. The Haftorah (הָלוֹא כַּבְּנֵי כְשֵׁיִם) we have the promise that HKB"H will as is found in Amos 9:11 (בַּיּוֹם הַהוּא, אֶקִּים אֶת-סֶכֶת דָּוִד הַנִּכְלָתָה) make the Sukkos Dovid once again stand and this is the source for what we say during Sukkos in Bentching (הִרְחַמְנוּ הוּא יָקִים לָנוּ אֶת סֶכֶת דָּוִד הַנִּכְלָתָה). According to the Mari Karo the Sukkas Dovid refers to the Bais Hamikdash and this is the way it is usually understood.

The Maharal in Netzach Yisrael in Perek Lamed Hei asks why is the Bais Hamikdash called a Sukkah as Sukkah is a Diras Arai, a very temporary place. It should be called, a palace, it should be called a home, it should be called a Bayis, why is it called a Sukkah. As a matter of fact Chazal say that the Bais Hamikdash has 70 names. The names are generally names of significance. Sukkah? A hut? Hardly a hut!

The Maharal answers beautifully. He says if you have a Bayis, a Paltiren, a palace, and it is destroyed or it is knocked down, when you build a new one you are not putting back the old house it is a new house, a new palace that you are building. It is not a Hemshech of what was. It is not that way with a Sukkah. A Sukkah is a Diras Arai that you are taking apart a Sukkah and put back your Sukkah. When someone takes apart a Sukkah and rebuilds the Sukkah he sees it as a Hemshech, as a continuation of what was once. That is why the Bais Hamikdash is called a Sukkah. This is because the Bais Hamidash although destroyed once and then again, the Bais Hamikdash that will be put up will be a Hemshech, will be a continuation of the old, and therefore, the name Sukkah. How beautiful!

That is why we have a rule in the Mishkan which was taken apart and put together so many times in the Midbar, a wall or beam that had been in a particular spot in the Mishkan, had to be put back in the same place when it was rebuilt the next time. Why? They were identical Kerashim, they were interchangeable? Why do you have to put back the same one in the same spot? The answer is the same message. It is not a new building, it is the old building being put back. Something being reconstructed in the place that it had been. How beautiful!

I might add that there is a beautiful Remez. The Gemara says in the beginning of Maseches Sukkah that we Darshun that we know that there are three walls to a Sukkah from the fact that it says Sukkos three times in the Torah. It is spelled twice Choseir and once Malei. This is a Remez to the Bais Hamikdash which was twice destroyed (Choseir) and the third time to be permanent Bimhaira B'yameinu. A beautiful Vort on the Haftorah for this week.

3. I asked a question a number of years ago that seemed to be very logical. We have in this week's Parsha three Mitzvos regarding Payos. Payos Harosh, Payos Hazokon, and 19:9 (לֹא תַכְלֶה לֹא תִקְצַר (פְּאַת שְׂדֵה לְקַצֵּר). I asked why in the Payo of the field is it enough to leave one Payo. If Payos Harosh is two and Payos Hazakein is five, why don't we say that in the field you have to leave many Payos?

I see that Rav Chaim Kanievsky in his Taima Dikra (page # 144 on 19:27) asks the question in the name of the Radvaz. K'darko Bakodesh, Rav Chaim Kanievsky with tremendous insights into Pshat says a beautiful Pshat.

The Payo is one, however, the head is a specific part of the body with a specific shape. The head has two Payos. It has two spots, two corners, two edges. The beard has five edges. One (on each side) where it meets the Rosh, two where the face turns, one at the corner. It just happens to have two and five Payos. A field on the other hand can have any shape, there is no specific shape. The Torah says leave Payo, then leave Payo. You can't be Mechayeiv more than one. There is no specific shape to a field. It is a beautiful Pshat for its simplicity.

With that I wish you all an absolutely wonderful Shabbos. A Shabbos of meaning Parshas Kedoshim with so many Mitzvos. As we continue on our march towards Kabbalas Hatorah. IY"H let's make it a good one. A good preparation for Sinai, for Kabbalas Hatorah. A Gutten Shabbos to one and all!

### **Rabbi Reisman - Parshas Acharei Mos - Kedoshim 5775**

1. Let me start with a Yesod that comes from a Radak in Sefer Shmuel I 9:6 and it is a very Geshmak Yesod and I think that if we remember it we will find that it answers various difficulties in different places. We have in this week's Parsha, in Parshas Kedoshim, as we have in many Parshios of the Torah, Lavim against different types of magic. The prohibition of a person being involved in Ov and Yidoni and magic that involves Maisim, Lo Sioninu, that involves different times etc. This is something which we are warned about repeatedly in the Torah.

As many of you know, the Rishonim already argued if the Kishuf ever had any reality to it. The Rambam and the Ibn Ezra held that it is Kulo Sheker and the Ramban and the Rashba strongly disagreed and the GR"A strongly endorsed them. That there at least was such a thing as Kishuf that really worked and Lulo She'yeish Lo Emes Lo Haya Tzava'ah Al Zeh. They say had it not been true there would be no commandment prohibiting it.

It happens to be that I am currently learning the Kuzari and the Kuzari in Maimar Daled Os Chaf Gimmel he follows the Ramban and the Rashba. There is a long note in the Kol Yehuda underneath with a very nice, lengthy explanation of this Machlokes. So there was such a thing as Kishuf.

The Radak writes that the Siman to tell the difference between someone who is doing something Al Pi Kishuf (he is using magical ways to know the future) or doing something Al Pi Navi (something is happening because he is a Navi), the difference is that in the case of a Navi every

single bit of what he says will come true. On the other hand, one who is using Kishuf even if they can predict the truth nevertheless, it will not be a complete truth.

The truth is that the Rambam in his Hakdama to Mishnayos already wrote this point, he didn't write it L'gabei magic which he held wasn't real, but what he calls "Chotzei Shamayaim" those who can predict the future but a Navi "Siman Hanivi'im, Yitzdak Hakol Ahd Milah Acharonah" every single word that he says will be correct.

Why is this important? This explains some difficulties. For example, the Gemara says in Maseches Berachos on 4a (13 lines from the top) says that Moshe Rabbeinu by Makkas Bechoros predicted that Makkas Bechoros would happen K'chatzos Halayla, approximately at Chatzos. The Gemara asks why didn't he say at precisely Chatzos? So that they shouldn't say that Moshe is a liar (בדאי הוא).

The Pnei Yehoshua there in Berachos says I don't understand. Moshe Rabbeinu foretold ten Makkos and if it is not going to be exactly Chatzos that makes him a liar? A very difficult Gemara. But according to the Radak's Yesod it is very beautiful. Of course Moshe Rabbeinu accurately foretold what would happen in each of the Makkos. They will say that Moshe Rabbeinu is an excellent magician and that is the reason that he is able to predict. Therefore, Moshe Rabbeinu wanted that every single thing should come true.

Similarly, by Makkas Dever it says as can be found in Shemos 9:7 ( וַיִּשְׁלַח פְּרַעֲזָה--וַיְהִיגָה לֹא-מֵת מִמֶּקְנֵהוּ ( וַיִּשְׁרָאֵל, עַד-אֲחֻזָּה). The Dever came and all the animals of the Egyptians died. Was Pharaoh such a fool, did he have nothing better to do than to see if one Jew's animal died? Mai Nafka Mina? The Makka was a horrible Makka and all the non-Jewish animals were killed.

The answer is the same thing. Pharaoh realized that what Moshe said came true. Is it from Kishuf or is it from Nevuah? So he went and sat down to see if it was that every single word came true. So this is a nice insight and understanding into this particular idea.

2. I would like to move on to a second concept in Parshas Kedoshim and that is the general concept of honesty, the idea of 19:35 (לֹא-תַעֲשׂוּ עֵוָל, בְּמִשְׁפָּט) not doing things that are crooked which is very much the theme of many of the Mitzvos in Parshas Kedoshim. Not to steal, we heard that before. Lo Ti'oninu, not to cheat. 19:11 (וְלֹא-תִשְׁקֹרוּ, אִישׁ בְּעֵמִיתוֹ) to be truthful one to another. 19:13 (לֹא-תַעֲשֶׂק אֶת-רֵעֶךָ), (לֹא-תִלִּין פְּעֻלַת שְׂכִיר, אֶתְּךָ--עַד-בְּקָר) There are many Mitzvos which call for a higher degree of honesty for a member of Klal Yisrael.

I would like to share with you a beautiful Yesod of Rabbeinu Yonah which Rav Hutner brings in a number of places in the Pachad Yitzchok. We find many times throughout Tanach that there are a Krisos Bris, there are covenants made between people. We find by Noach, by Avimelech, by Lavan, that two sides come to an agreement and make a Bris. The question is what obligates keeping a Bris? The Bnei Noach are obligated in 7 Mitzvos, none of the 7 Mitzvos prohibits them from being untruthful and in what way is Krisos Bris, making a Bris something that is binding and makes an obligation?

The Yesod of Rabbeinu Yonah in Shar Gimmel Os Kuf Pei Daled (184) is as he explains "Ha'emes Hu M'yisodai Hanefesh", that being truthful and honest to people who depend on you, the people who have taken your word, people who trust you. Following through on that is from the Yesodai Hanefesh, has to do with the essence of being a human being. It doesn't have to be part of the Mitzvos Hamaisios, part of the Mitzvos regarding which we are specifically commanded. The whole Koach Haddibur, the ability to speak is unique in man and it is holy. While we should always be truthful in every way and certainly when there is a Haftacha, when there is a promise, when something is guaranteed from one person to another in the making of a Bris that is M'yisodei Hanefesh, part of the essence of the person and actually is a Hakdama to Mitzvos.

With this, numerous Kasha of Tosafos in Shas are answered. For example, Tosafos in Maseches Shavuos 29 asks that the Gemara says that Jews are commanded from Har Sinai regarding certain things (Mushba V'omeid). The question is what does a Shevua at Har Sinai accomplish? If a person is willing to agree that whatever he was commanded at Har Sinai is obligatory there is no need to swear that you are going to keep those Mitzvos. You have to keep them because of the obligation of Mattan Torah. If a person feels that Mattan Torah is not enough of an obligation, then even following through with a Shevua is not an obligation. What is the Shevua adding to the Mitzvah? This is Tosafos'Kasha.

According to Rabbeinu Yonah says Rav Hutner, it is not Shver, because a person has to follow through on his word as something that needs a Hakdama to Sinai "Ha'emes Hu M'yisodai Hanefesh" it is something B'etzem that a person should understand that he should want to do and understand that he has to do.

There is another Tosafos. In Maseches Bava Metzia in the Sugya of Mi Shepara on 48b. There we say that if someone gives cash to purchase merchandise but he did no other Kinyan, the Halacha is that it is not Koneh. There is no financial obligation. The items that he paid for are not his. Yet the Gemara says, if a person is going to back out of such a deal he is cursed with a Mi Shepara. Tosafos asks I don't understand, Halacha does not obligate him to follow through on this Kinyan. Cash was given, a real Kinyan was not made. He is permitted to back out. Why should he receive a Klala for that?

Again, Rav Hutner says that according to Rabbeinu Yonah it is good. This is because following through on one's word when someone depends on you, someone who already paid cash for something is really dependent on your honesty. Following through on that "Ha'emes Hu M'yisodai Hanefesh". Someone who doesn't follow through is missing something more important and deserves a Mi Sheparah.

Similarly, we find in Halacha that a handshake has the effect of a Kinyan, obligates a person. Strictly speaking there is no reason that it should be so. Again Rav Hutner says, it is showing that my word is my word. Shaking a hand is an obligation. "Ha'emes Hu M'yisodai Hanefesh".

We find by Avraham Avinu (וּמִצְאָתָאֵת לְכַבּוֹ נֶאֱמַן לְפָנָיִךְ). Hashem found Avraham's heart to be trustworthy. (וְכָרוֹת עִמּוֹ הִבְרִיתִי). How does one follow the other? This is because a Bris, a covenant, is only worth as much as the trustworthiness of the partners to the Bris. (וּמִצְאָתָאֵת לְכַבּוֹ נֶאֱמַן לְפָנָיִךְ).

If you meet someone and you find his integrity to be impeccable, to be (נֶאֱמָן לְפָנֶיךָ). Then (וְכָרוּת) (עֲמֹו הַבְּרִית). Then you can make a Bris with him, then you can trust him. Ad Kan, these are the words in the Pachad Yitzchok in Rosh Hashono Maimar 15 Os 5.

I should add that in the Pachad Yitzchok on Sukkos, on Mamarei Sukkos, the second volume on Sukkos, Maimar 75, Rav Hutner elaborates on this some more.

In learning Nach I found an extremely useful Yedia. For example, we find a number of extreme examples of behavior on the part of Klal Yisrael in observing a Bris. Avraham Avinu made a Bris with Avimelech in Beraishis 21:23 (לִי, וּלְנִינִי וּלְנָכְדִי) a Bris that had a time in which after it would lapse. We find in Nach, that Klal Yisrael did not attack the descendants of Avimelech despite the fact that the required number of generations had easily passed. But because there were specific individuals who lived long enough that we count that generation, it is still obligatory. So still in the time of Shimshon they were observing such a Bris. Later by Dovid Hamelech, hundreds of years later, they were still observing the Avimelech Bris because maybe perhaps it could be interpreted that it is still binding and the Pelishtim had broken the Bris on their end. Ha'emes Hu M'yisodai Hanefesh. When you make a deal with somebody, you want to be truthful not just to him, but to yourself. You want to be truthful because Emes Hu M'yisodai Hanefesh.

There is an even more incredible quote. In Sefer Yehoshua 15:63 (לֹא-יֹוֹכְלוּ, לְאֶ-יֹוֹכְלוּ) (יְכָלוּ) בְּנֵי-יְהוּדָה לְהוֹרִישָׁם). There were certain members of Yevus, not from the Sheva Amimim, not the Yevusim that are counted in the Sheva Amimim, others who were living in Yerushalyim. (לֹא-יֹוֹכְלוּ) בְּנֵי-יְהוּדָה לְהוֹרִישָׁם Klal Yisrael could not chase them out of Eretz Yisrael. Why not? In the Sifri it says Rabbi Yehoshua Ben Korcha Omer, Yecholim Hayu that they had the military power, they were able to do it. However, "Elah Shelo Hayu Resha'im" they were not able to, "Machmas Hashevua Shenishba Avrohom L'Avimelech they were not able to because of the Shevua that they had made to Avinelech and these were the descendants of Avimelech. So many years later? Says the Radak even though the promise was for (לִי, וּלְנִינִי וּלְנָכְדִי) three generations, there was one grandson still alive. (לֹא-יֹוֹכְלוּ) בְּנֵי-יְהוּדָה לְהוֹרִישָׁם). Klal Yisrael could not chase them out of the land. It is incredible, Lo Yachlu, they couldn't do it. Keeping to one's word is a Yesod Hanefesh. Lo Yachlu, they couldn't.

The Sifri says physically they were capable but they couldn't violate the trust, they couldn't violate their word. What an incredible insight. What an obligation on us to really have such an attitude towards the value of our word in general but more so, to people who rely on us. To Bnei Bris, to someone who we marry who relies on us and depends on us. What an obligation.

And so, with these two thoughts, both built on Radak's, I wish one and all an absolutely wonderful Shabbos Parshas Acharei Mos - Kedoshim. The sun has come out and the weather has finally turned beautiful here in NY. It brings out in a person a sense of renewal, a sense of Hishchadshus, a sense of enjoying Toras Hashem. Being faithful and honest to Toras Hashem and to our obligations. A wonderful Shabbos and continue in your preparation for Kabbalas Hatorah.

## Rabbi Reisman - Parshas Kedoshim 5774

1. I would like to share with you today one Inyan of Machshava and one that is a more technical Inyan but certainly has a lesson as well. Let me start with a Machshava topic which is based on the Netziv in his Peirush Hameik Davar on Chumash and the Yesod which I will share with you today the Netziv has in the Chumash in at least 5 different places including in this week's Parsha on Perek 19:24. There, the Posuk is discussing the Mitzvah of Neta Revai, the crop of the 4th year after a tree is planted which is eaten like Maaser Sheini in Yerushalayim. The Posuk reads (ויבשנה, הרביעת, יהיה, כל-פריו--קדש הלולים, לירוך). The Gemara in Maseches Berachos 35a (8 lines from the top) (מנא ה"מ דתנו רבנן קדש הלולים לר' מלמד שטעונים ברכה לפנייהם ולאחריהם) uses this Posuk as the source (Asmachta) for the Halacha of Beracha Rishona. The idea that we make a Beracha before we eat food. Although the idea of a Beracha is a Drabanan, the Gemara brings the Asmachta from this Posuk and the Netziv explains that with a Yesod which he has discussed many times in the Sefer and the first time in Parshas Beraishis 2:5. There, he addresses a fundamental issue.

We know that of all the Mitzvos in the Torah, the phrase Avoda is used specifically for a Mitzvah which is done as an Avoda in the Bais Hamikdash, one of the Mitzvos that is done in the Bais Hamikdash or for Davening. Davening is also called Avoda. Really Avoda just means work. Someone who is an Eved Hashem who so to speak works for the Ribbono Shel Olam, does all Taryag Mitzvos. The question is why the word Avoda is used specifically for Davening nowadays and in the Bais Hamikdash then. The Netziv there establishes a Yesod. His Yesod is that HKB"H put into the nature of the Briya, into the nature of the world, that when a person does his work for Parnasa, as in tilling the land if he is a farmer or working the books as in the case of an accountant. Whatever a person does that is Avoda, it is the work that he does. It is the work that he does to give himself a Parnasa. Part of the Derech Tivi in the Halichos Haolam is that there is an idea that HKB"H put into the nature of the world that just as a person has to work in order to earn his livelihood, so too a person has to talk to the Ribbono Shel Olam and that helps him in his work as well, his Parnasa. So that Tefillah and Beracha, Prayer and blessing brings a greater Beracha to the world. As the Netziv explains it, the Shefa (blessing) that comes from heaven is influenced by a person's Berachos or by a person's Tefillah and that open up the floodgates from Heaven. That opens up the ability for a person to make a Parnasa. Even though Frumma Yidden work far less than their non-Frum or non- Jewish neighbors, we are off as the Gemara says in Maseches Megillah 13b (7 lines from the bottom) (ואת דתי המלך אינם עושים דמפקי ) (לכולא שתא בשה"י פה"י). As Rashi explains (שבת היום פסח היום ואנו אסורים במלאכה) Shabbos Hayom, Yom Tov Hayom. We are off 52 days plus another dozen or so days a year but the Berachos that we say and the Tefillos that we do more than compensates and has the opportunity to open a Shefa of Beracha in Heaven. So that it is in the Teva of the world, the Halichos Olam, the nature of the world, that Tefillah, Bakasha, and Beracha help bring a person's Parnasa. Therefore, it is called Avoda, it is part of your work. Part of your work is this type of thing.

The Sefer Haikrim writes this Yesod in Maimar Daled where he says that even if on Rosh Hashana it was Paskened that you would make a certain amount of Parnasa, it was decreed that you would earn a certain amount of money in the coming year, nevertheless if you don't ask for it you may not get it. If you don't request it you may not have enough Zechusim to be able to get it. So that, Tefilla or Beracha Rishona brings a Shefa of Beracha. Here, that is what the Posuk is

saying. (ובשנה, הרביעית, יהיה, כל-פריו--קדש) really the Posuk could have stopped there. The Peiros of the 4th year are holy. But the Posuk adds (לירון, הלולים). It is a way of establishing praise to Hashem. If you have to go up and be Oleh Regel and go to Yerushalayim and eat the Neta Rivai there, that will be an opportunity to go to the Bais Hamikdash (לירון, הלולים) is what brings a Beracha to the world.

At the end of Bentching we add (במרום ילמדו עליהם ועלינו זכות שתהא למשמרת שלום) it is a very unusual request. We say (במרום) in the higher spheres in Heaven (ילמדו עליהם ועלינו) they will say about us (זכות שתהא למשמרת שלום) and that Zechus will bring us (ונשא ברכה מאת ק. וצדקה מאלקי) (ילמדו עלינו זכות). What is going on? Since when do we say that in Heaven (ילמדו עלינו זכות)? In light of what we are saying, when we make a Beracha and we Bentch which is the ultimate Beracha that opens the floodgates in Heaven, that opens up the Shefa in Heaven to allow a Beracha to come down.

The Mishnah says that the Malachim ask the Ribbono Shel Olam, you write in your Torah in Bamidbar 6:26 (ישא ירון פניו אליה) that Hashem shows favoritism to the Jewish people but on the other hand it also says in Devarim 10:17 (אשר לא-ישא פנים) that Hashem doesn't show favoritism. Isn't that a contradiction? The Malachim answer that Jews Bentch even when they eat a small amount of food and therefore, they are deserving of this extra Beracha. According to what we are saying now we understand that. This is because Beracha brings Shefa and when Yidden Bentch they bring that Shefa from Heaven and therefore, in Bentching we say that (במרום ילמדו עליהם) (ועלינו זכות שתהא למשמרת שלום). That from Heaven the Beracha of (למשמרת שלום) should come down and that is a connection to this Yesod that the Netziv says, the idea that Tefilla in Shamayim brings down from Heaven the ability for there to be a Shefa. Therefore, of all the Segulos of Parnasa the one which counts the most is to Bentch properly, to Bentch with Kavana.

The Netziv adds, the Gemara says in Berachos 35b (2 lines from the top) (א"ר חנינא בר פפא כל) (הנהנה מן העוה"ז בלא ברכה כאילו גוזל להקב"ה וכנסת ישראל) someone who eats without a Beracha is stealing from Hashem and the Jewish people. In what way is he stealing? I guess that Poshut Pshat is that he steals the Zechus from the Jewish people. Says the Netziv that according to my Yesod it is beautiful. Since when a person makes a Beracha, he Bentches, he in fact brings Beracha from Heaven so therefore, one who eats without a Beracha Rishona and without Bentching is Gozeil (literally stealing) taking something away from the Jewish people. So this is the beautiful Machshava of the Netziv.

2. Let me move on to an idea which is really based on something quite technical but important. In Hebrew, there are two words for no. the word Lo (Lamed Aleph) means no and the word Al means no, or means don't. So we have Pesukim like for example Shemos 20:12 (לא תרצה) don't murder. We have other Pesukim that use the word Al like in this week's Parsha 19:31 (אל-תפנו אל-) (האבת) do not pay attention to certain types of sorcery. What is the difference between Lo and Al?

This is a question which we have addressed in the past and the Yesod is that Lo means you better not (לא תרצה) it is a command from a position of authority. (לא) don't do this, you better not do it. While Al is a request of please don't. (אל-נא) the word Na please is connected to Al (אל-נא) never. Someone who says Lo is commanding while someone who says Al is begging. Devarim 33:6 (יהי) (ראובן, ואל-גמת) it is a request from the Ribbono Shel Olam, let Reuvain live and not die. Or

Bamidbar 12:12 (אל-נָא תְהִי, כַּמֵּת) please don't let her be like one who is dead. The most pointed place where we find this is in Melachim I 3:26 where very famously Shlomo Hamelech declares that the baby be cut in half. When he declares that the baby be cut in half the mother begs (וְהִמָּת) (אל-תְּמִיתָהּ). To which the king replies and says to his soldiers 3:27 (וְהִמָּת, לֹא תְמִיתָהּ). The same three words but the change of Al to Lo. Why? The mother said (וְהִמָּת אֶל-תְּמִיתָהּ) I beg you don't kill the child while the king said (וְהִמָּת, לֹא תְמִיתָהּ) don't kill the child. Until here this was Chazara. This is something that we discussed once in the past and can be found in an excellent Artscoll book known as Pathway of the Prophets. Coming to this week's Parsha though we do seem to have a problem. There are commandments with the word Al like 19:4 (אֶל-תִּפְנוּ, אֶל-) (הֶאֱלִילֶם). We have 19:31 (אֶל-תִּפְנוּ אֶל-הָאֲבֹת) (אֶל-תִּחַלֵּל אֶת-בְּרִיתִי, לְהִזְנוֹתָהּ). There are a few Mitzvos that are with the word Al. That seems to be a major problem. The first one is right at the beginning of the Parsha 19:4 (אֶל-תִּפְנוּ, אֶל-הֶאֱלִילֶם) please don't go to Avodah Zorah? Certainly don't go to Avodah Zorah! What is going on?

In the Sefer Haksav V'hakabalah (page # 96) he explains it beautifully. He says that within the Mitzvos of the Torah there are commandments that are Mitzvos Maisios things that we are commanded to do or commanded not to do. There are other commandments which have to do with Machshava, Emunah, faith. In the Mitzvos Maisios there are times when a person puts himself in danger by following certain Hashkafos that are improper. (אֶל-תִּפְנוּ, אֶל-הֶאֱלִילֶם, וְאֵלֶּי) (מִסְכָּה, לֹא תַעֲשׂוּ לָכֶם) the commandment is not to make Avodah Zorah. What leads to making an Avodah Zorah is a person who strays in his thought, Hashkafos thoughts to believe in Elilim. So the Torah is saying (אֶל-תִּפְנוּ, אֶל-הֶאֱלִילֶם) please don't pay attention to the Hashkafos of Avodah Zorah. (וְאֵלֶּי מִסְכָּה, לֹא תַעֲשׂוּ לָכֶם) you shouldn't come to be making an Avodah Zorah. So that the (אֶל-תִּפְנוּ אֶל-הָאֲבֹת וְאֵל-הִידְעֻנִּים) is not the practice, the practice is commanded with Lo, do not. The Al, the word please is the Torah teaching us to stay away from enticing the Yeitzer Hora to go on the path to Aveiros.

He brings other examples. Vayikra 25:36 (אֶל-תִּקַּח מֵאִתּוֹ נִשְׁךְ וְתִרְבִּית) there is one place where Ribbis is mentioned with the word Al. That is used in the Gemara as an Asmachta for what we call Avak Ribbis, Ribbis D'rabbanan. So the Torah is saying (אֶל-תִּקַּח) please don't take. You are not commanded M'doraissa against this type of Ribbis, but if you take certain types of Ribbis which may be permitted (the things we call Avak Ribbis) it will lead you to true Ribbis. Vayikra 25:36 (אֶל-תִּקַּח מֵאִתּוֹ נִשְׁךְ וְתִרְבִּית) or Vayikra 25:14 (אֶל-תּוֹנוּ, אִישׁ אֶת-אֶחָיו) Ona'a is an Issur D'oraissa, cheating someone is an Issur D'oraissa but cheating a person less than 1/6th is not technically Assur. There is a certain leeway in which pricing is allowed to fluctuate. Still the Torah says (אֶל-) (תּוֹנוּ, אִישׁ אֶת-אֶחָיו) don't do it at all. If you start to cheat someone a little bit you will end up cheating him a lot. So there is a lesson here. A lesson in the Al which means please don't, Lo you are commanded not to and the Als of this week's Parsha which there are numerous examples, these Als all teach us to stay away from the Machshava will leads to it. So we have two thoughts on this week's Parsha one is a Dikduk thought and one a Mussar idea as well. The Al and the Lo and the other is the Netziv's Yesod.

## Rabbi Reisman - Parshas Acharei Mos - Kedoshim 5773

1. This week's Parsha and Parshas Kedoshim particularly there are many Mitzvos that are Noge'a L'dina and I would like to begin with what I think is the world's most difficult Mitzva. That is the Aveira of (ולא תטר) as it says in 19:18. The Torah forbids us to take Nekama but more so (ולא תטר) which is an Issur as Rashi says if you ask someone to lend you an item and he refuses and tomorrow he asks you to lend him an item and you say yes I will lend it to you. I am not like you who didn't lend me. I am willing to lend to you. (זו היא נטירה). That is an Aveira. Now that is very difficult. Here where someone refused to do me a favor I am agreeing to do him a favor and I am saying see I am not like you. All right, that is hard. But wait. At least 5 Rishonim say that this Aveira is not only if you say I am not like you and I am lending, but even to think that. That is as Rashi says here 19:18 (שנוטר האיבה בלבו). If in your heart you have this Taina, this complaint, that is the Aveira. The Rashbam on the Posuk says (אפילו בלבבך). The Ramban says (ולא תיטור בלבבך) (מה שעשה לך). In your heart don't hold onto what he did to you. In the Chinuch Mitzvah 242 Shelo Lintar, K'lomar She'nimnanu Milintor Bil'vaveinu Mah She'heira Lanu. The Sharei Teshuvah Rabbeinu Yonah Maimar 3 Os 38 Aino Onesh Bazeh Al Hadibur Ela Al Bidira B'leiv. Now this is the tough one. This is saying that if someone for example didn't invite me to his wedding and now I am making a wedding. If I don't invite him when I otherwise would have that is Nekamah. If I do invite him and I think in my heart well he didn't invite me but I will invite him, that is also an Aveira of Lo Sitor. This is an extremely difficult Mitzvah. It is very very hard and I would like to at least make it a little better with one suggestion. What we said until now is what you should do to work on Lo Sitor not having complaints to people at all.

I would suggest though an exception to this. This is based on a letter of Rav Yisrael Salanter in the Ohr Yisrael page 58 in the traditional print. There, Rav Yisrael Salanter talks about the fact that Chazal sometimes say an expression Ein Lo Alav Ela Tarumos. Chazal sometimes have an expression that you could have complaints to another person. Tarumos seems to be complaints a person has orally or in his heart. It seems from what Rav Yisrael Salanter is saying and I should add that Rav Hutner in the Pachad Yitzchok on Yom Kippur Maimar 20. It would seem that the Issur is only when someone committed a sin of omission to you. That is, he did not invite you to his wedding. He did not lend you something that you asked him to lend. He committed a sin of omission then there is an Aveira of Lo Sitor. If however, he did something to you that is an Avla, he actually embarrassed you or he did something to you actively, now I don't suggest Nekama but the Issur of Lo Sitor it would appear does not apply in such a case. That is what it seems from this letter from Rav Yisrael Salanter.

If you look at the Yad Ketana on the Ramban Hilchos Dai'os 7:10 he seems to have this type of an approach and therefore, the bottom line of what we are trying to accomplish is this. If someone refuses to do you a favor, he refuses to give you a lift, he refuses to help you with something. It is important to have an attitude that he is not obligated to do this. This is not something that he has to do. If he does an Avla to me, if he does something he is not allowed to do to me then the Torah doesn't forbid Lo Sitor but there needs to be an understanding he just didn't do me a favor and didn't lend me something. A person should not have an attitude that the other person has to do me a favor. Lo Sitor. This way this Issur of Lo Sitor becomes somehow more manageable in practical terms.

2. I would like to open up the Derech Sicha and Rav Chaim Kanievsky's comments on Parshas Kedoshim. Here on the Pesukim 19:17 (הוֹכֵחַ תּוֹכִיחַ אֶת-עַמִּיתְךָ) and the Pesukim that follow we have three very interesting Shailos posed to Rav Chaim Kanievsky and I would like to share them and perhaps if I may have a comment on each. On (הוֹכֵחַ תּוֹכִיחַ אֶת-עַמִּיתְךָ) the question posed to Rav Chaim Kanievsky is as follows. Someone is giving classes to Baalei Teshuva and he knows that one of the Baalei Teshuvah is a Kohen and is currently living with a Girusha (divorcee) which is someone who he is forbidden to and the question was asked what should the person giving the Shiur say to this person. If he challenges him at this stage in his life telling him that it is Assur he is afraid that he will alienate the person entirely and the person won't have any connection to being a Baal Teshuvah at all.

Rav Shach is quoted in the Sefer and he was asked a similar question about dealing with Baalei Teshuvah. When you have a Baal Teshuva who you know doesn't observe the Dinim of Taharas Hamishpacha. Do you have to tell him? Rav Shach responded that you don't have to tell him. Let him be Mikabeil the Torah as things go and if you are afraid that if you tell him you will alienate him you don't have to tell him.

I had a similar experience and the Shaila that I asked was to Rav Moshe. There were two brothers that I knew from my camp days and at that stage I was still a Bochur and one of them was becoming Bar Mitzvah. I was very close with them and they were actually in one of the Yeshivos here in Flatbush. The Shaila was the following. They lived at home with parents who did not keep Kosher at home. Shabbasim they came to us but during the week they were at home eating Treif. This boy was turning Bar Mitzvah. If I was going to tell him that he can't eat Treifos anymore I was certain that his mother would pull him from Yeshiva and put him back into public school. Am I obligated to tell him or not. Rav Pam suggested that I ask Rav Moshe and I did. Rav Moshe replied as was his style very concisely and brilliantly with the following sentence. He said to me only a Ger has to be Mikabeil the whole Torah at one time. A Jew doesn't have to be Mikabeil the whole Torah at one time. That message was a message of be Mikareiv him as it goes. That message is important for us as well. Very often people are frustrated that they are not reaching high Madreigos. They want to achieve in learning, they want to achieve in Avodas Hashem and it frustrates them. Nor a Ger Muz Mikabeil Zayn Kol Hatorah Kula B'vas Achas. Only a Ger has to take the whole Torah at one shot. For the rest of us, we can do it patiently one step at a time. What is surprising is that Rav Chaim Kanievsky says regarding the case with this Gerusha that you should tell him that he has to separate from this Gerusha and if he doesn't don't let him come to class. This seems to be different than the advice of Rav Shach and Rav Moshe. In the Derech Sicha a distinction is made which I don't fully understand and I invite you to look at it. This is issue # 1.

Issue # 2 is on the Posuk that is found in 19:32 (מִפְּנֵי שִׂיבָה תִּקּוּם). Rav Chaim Kanievsky is asked a question. Can someone who is over 70 years old be permitted to walk into a room if he knows that the people will not stand up. Or is he Over on the Lav as is brought in 19:14 (וְלִפְנֵי עַנּוּ, לֹא תִתֵּן) as he is putting a Michshal in front of them because they will not stand up? Interestingly, this too is a Shaila that was once asked of me. I was at a wedding and I was called out of the Chuppa room before the Chuppah to help resolve a dispute. What was the dispute? The family wanted the grandparents to walk down the aisle. The grandfather refused because he said I am over 70 years old and people are obligated to stand up and when I am going to walk down the

aisle people are not going to stand up. For the Kallah they stand up and for the Chosson they stand up, they are not obligated to. For me they are obligated to. I am not looking for the Kavod. But how can I walk in and I will walk down the aisle and everyone will see a Zakein walk in and not stand up?

What does Rav Chaim Kanievsky answer to this? Rav Chaim Kanievsky responds there is an Eitza. The Eitza is that he should be Mochel. The Kavod of a Zikna is something that is able to be Mochel and therefore, let him be Mochel.

I would like to add a Ha'ara to this Psak as well. Rav Shlomo Zalaman Auerbach has in his Sefer Minchas Shlomo has a Shaila. If someone is collecting Tzedaka and you know that he is not an Oni, he is not eligible for Tzedaka and he is going around Shul. Are you allowed to give him money? Why you would want to is a separate question. Are you allowed to? L'chora, you are Over (ולפני עור, לא תתן מקשל). He is posing as a poor man. Rav Shlomo Zalaman Auerbach says you have an Eitza in that you can be Mochel him the money and give it to him as a gift. Then Rav Shlomo Zalaman says this is not a good Eitza because Tosafos in Masseches Kiddushin on 39b (Ed. Note - I couldn't find the Mar Makom) says that you are Over (ולפני עור, לא תתן מקשל) if you give somebody something which would be an Aveira and in his mind it is an Aveira and he does the Aveira and really you are Mochel. Tosafos says that you are still Over (ולפני עור, לא תתן מקשל). Therefore, Rav Shlomo Zalman says that if you give the Oni the money and you say that it is a gift it is ok. If he thinks that it is Tzedaka he thinks it is an Aveira it is still (ולפני עור, לא תתן מקשל).

Getting back to Rav Chaim Kanievsky's Eitza which was to be Mochel. According to this Psak of Rav Shlomo Zalman he would have to notify them that he is Mochel. I mention this as well for the Mussar Shebo. We have to be more Zahir in this Mitzvah. To stand up when a Zakein or Talmid Chochom walks into the room. To stand up as Halacha requires. People are lazy and are negligent. If in Shul an elderly person walks in of course you should be standing up.

The third Psak Halacha from Rav Chaim Kanievsky is the most incredible. On the Posuk in 19:17 (הוֹכֵחַ תּוֹכִיחַ אֶת-עַמִּיתְךָ) a Shaila was asked. Somebody suffered from robberies. Somebody was climbing up the windows of his apartment, coming in, and stealing from him. He realized that this person was utilizing ropes there that was part of the building and this person was pulling himself up by these ropes and getting in the window which was on a high floor. This person asked the following Shaila. Can I will replace those ropes with ones that can't hold the weight of a person. So that when he climbs up the rope will snap and he will fall. He may be killed because he may climb up one or two stories and then fall. Am I allowed to do it?

A second similar Shaila. Somebody is stealing my food so am I permitted to put poison into the food and in that way I will catch the person who is stealing it and then eating it. Someway to catch him. Privately Rav Chaim Kanievsky says that it is Muttar. He says that it is a Braissa in Masseches Derech Eretz where it says that Rav Yehoshua had a guest who he thought might be a thief and at night when the guest was asleep in the attic Rav Yehoshua removed the ladder by the staircase. During the night the thief stole Rav Yehoshua's items, swung it over his shoulder, and left. There was no staircase so he fell to the bottom floor and broke his neck. Rav Chaim

Kanievsky says you see that this type of behavior is Muttar. Wow! That is a Chiddush. Somehow, I can't imagine Rav Pam giving an Eitza such as that. Tzorech Limud.

3. The Kasha of the week takes us to the beginning of Parshas Kedoshim. In 19:3 we find ( איש ) סמך שמירת שבת למורא אב, לומר אף על פי שהזהרתך על ( אמו ואביו תיראו, ואת-שבתתי תשמרו (מורא אב, אם יאמר לך חלל את השבת אל תשמע לו, וכן בשאר כל המצות be Michaleil Shabbos you should not listen to him. That is what the Posuk is telling us.

In the Gemara Maseches Bava Kamma 94b (13 lines from the bottom) ( ומפני כבוד אביהם חייבין ) (להחזיר אקרי כאן ונשיא בעמך לא תאור בעושה מעשה עמך if your father is Oseh Maiseh Amcha, meaning he is a Rasha. If the father is a Rasha there is no Mitzvah of Kibbud Av V'aim. If the father is instructing the son to be Michaleil Shabbos doesn't that mean that he is a Rasha? This is a Kasha that I believe that is asked by Rav Akiva Eiger. Mitzvah L'yashev!

### **Rabbi Reisman - Parshas Acharei-Mos/Kedoshim 5772**

Today I would like to share with you one Vort on the weekly Parsha and one Vort on Pesach Sheini which is coming up on Sunday. Both come from the Satmar Rebbe, one a Dvar Mussar and one a Dvar Halacha, both really beautiful.

Let's begin with the Parsha. In Parshas Acharei-Mos we have in 18:2 & 18:3 ( ב דבר אל-בני ישראל, לא תעשו; וכמעשה ארץ-כנען אשר אני ) & ( ואמרת אליהם: אני, וירר אלריכם ) (מביא אתכם שמה, לא תעשו, ובהקמתיהם, לא תלכו in Egypt. Similarly, the actions of the Cannani people the land to which you are going are not actions which you should emulate. A very general Hazhora. Rashi says ( כמעשה ארץ מצרים: מגיד ) & ( שמעשיהם של מצריים ושל כנעניים מקולקלים מכל האומות, ואותו מקום שישבו בו ישראל מקולקל מן הכל אשר ) (אני מביא אתכם שמה: מגיד שאותן עממין שכבשו ישראל מקולקלים יותר מכולם the Mitzrim and Cannanim who are so terrible. Don't do the terrible things that they do. There are 2 difficulties with this Rashi.

The Klei Yakar asks that it is a Pele. Rashi is saying that the Posuk is telling us not to do the Issurim that the Mitzri'im do. The Mai'sim M'kulkalim that the Mitzri'im do and they are the worst of the nations. The reverse should be in the Posuk. It should pick the best of the nations and say even the best ones don't have actions to be emulated. It doesn't make sense that the Torah would pick the most Mikulkal, the worst of the nations the Mitzrim and Cannanim and say don't do the Aveiros that they do. Because you shouldn't do the Aveiros even that the best of the nations do. This is the Kasha of the Klei Yakar.

Besides that, there is an additional Kasha. That is that this Posuk does not seem to be breaking any new ground. What is it telling us that we didn't know until now? Issurim are Issurim. It's telling us that because the Mitzrim do it it is not a reason for you to do it. What is the Chiddush in that?

The Satmar Rebbe answers by pointing to a Ramban in Parshas Re'ey. The Ramban in Parshas Re'ey where we find a very similar Azhara in 12:29 & 12:30. There the Posuk says that when

you come to the land of Canaan and Hashem will give you the land (וַיִּרְשֶׁתָּ אֹתָם, וַיִּשְׁבְּתָּ בְּאַרְצָם) & הַשְׁמֵר לָךְ, פֶּן-תִּנְקַשׁ אֲחֵרֵיהֶם, אֲחֵרֵי, הַשְּׂמֵדָם מִפְּנֵיךָ; וּפֶן-תִּדְרֹשׁ לְאֱלֹהֵיהֶם לְאֹמֵר, אֵיכָה יַעֲבֹדוּ הַגּוֹיִם הָאֵלֶּה אֶת- (אֱלֹהֵיהֶם, וְאֶעֱשֶׂה-כֵן, גַּם-אֲנִי (לֹא-תַעֲשֶׂה כֵן) 12:31).

What is going on here? What is the Hazhara in the Posuk? It is telling you that there is an Issur of being Oved Avodah Zora? Of course there is an Issur of being Oved Avodah Zora there is nothing new? In addition, it is not logical that after these nations are destroyed that anybody would chose to follow their Avoda Zora.

Says the Ramban, the Posuk is not coming to tell you that you should not serve their Avoda Zora. It is telling you that even if you see good things that they do and you would like to emulate it. Things that they do for their Avoda Zora which look attractive, which look pleasant, which look nice. They have a very nice way of dressing up their house of worship, they have a very pleasant way of serving their Avoda Zora. So it is bad because they are serving stone and wood, however, I will take the same type of an action and use it for the good. I will use that action to serve Hashem, that is not Assur. Says the Posuk, it is Assur and that is the Chiddush of the Posuk says the Ramban. The Chiddush of the Posuk is that that too you should not do. ( אבל פירוש ) הפרשה, כי עד הנה ציוה פעמים רבות כי בבואנו אל הארץ נעקור ע"ז ומשמשיה ונאבד את שמם, וציוה שנעשה זה מיד כאשר אנחנו יורשים אותם מיד, ועתה אמר כי כאשר יכרית ר' הגויים ההם מפנינו וישתקע שם ע"ז מן הארץ ונשב בארצם לבטח, לא נחשב בלבנו הנה הכרית השם מפנינו עובדי אלוהים אחרים בעבור שהיו עושים כבוד בעבודה שלמה למעשה ידי אדם עץ ואבן, ואין ראוי לתת כבודו לאחר ותהילתו לפסילים כי כן אסר זבוח וקטור ונסוך והשתחוואה בלתי להשם לבדו, והנהוג במלכים כי המתהדר בכבודם לתת עטרה בראשו או ללבוש לבוש מלכות כהם אחת דתו להמית, אם כן אעשה אני לשם הנכבד כאשר היו עושים הגויים לאלוהיהם וייתב לפניו

לכן הזהיר, לא תעשה כן כי הדברים המתועבים לפניו היו עושים לאלוהיהם, ולא אסרם מפני המעשה שהיה נכבד וראוי (לעשותו לפני השם לבדו רק מפני הכוונה שהייתה בהם לעבוד אלוהות

The Satmar Rebbe says, the same thing here where the Posuk says (כְּמַעֲשֵׂה אֲרָץ-מִצְרַיִם). Of course the Aveiros of the Mitzrim are not things that you will emulate. But you live in a country for so many years and you may have seen some nice things that they do, some good things that they do, some attractive things that they do. You might want to emulate those things. So we are saying don't do it. Because they are Mikulkalim Shebaumos, because they are a nation that is so warped you should not emulate them at all, you might come to emulate them in other ways. The Satmar Rebbe says, there are times that a person can emulate what a Goy does, a person can learn from what a Goy does if what he is doing is good. He brings for example that the Rambam quoted Aristotle. Because when you have a moral ethical lesson to be learned from a non-Jew it is ok to learn from him. The problem is when you follow the actions of immoral people even if they do good things if you see someone who is a movie star, who in life is full of Znus and actions that are unworthy of any human being and you see that that movie star does something good, a good Chesed. Don't emulate them because you are bringing into focus the actions of someone whose actions are unworthy to be emulated. If you see a moral ethical person even among the nations, he says that a person could learn from.

Therefore, it is a new translation of the Posuk, ( לא תעשו; וכמעשה ) , Watch out when you are among the nations watch out who you emulate even for good things. This is his Dvar Mussar.

Turning now to Pesach Sheini is an absolutely beautiful Vort which is in the Divrei Yoel in Parshas Emor regarding Pesach Sheini. Pesach Sheini has of course as its origin later in Chumash Bamidbar Parshas Behaloscha. There we find after Shlishi 9:6 ( וְהָיָה אֲנָשִׁים, אֲשֶׁר הָיוּ טְמֵאִים ) (לְנֶפֶשׁ אָדָם, וְלֹא-יָכְלוּ לַעֲשׂוֹת-הַפֶּסַח, בַּיּוֹם הַהוּא; וַיִּקְרְבוּ לִפְנֵי מֹשֶׁה, וְלִפְנֵי אֶהֱרֹן--בַּיּוֹם הַהוּא ). There were people who were Tamei and they could not bring the Korban Pesach on the 14th day of Nissan. So they come to Moshe Rabbeinu and they say (לְמָה נִגְרַע) why should we be worse?

The Gemara in Maseches Succah 25a (4 lines from the bottom) says ( והעוסק במצוה פטור מן המצוה ) מהכא נפקא מהתם נפקא דתניא (במדבר ט) ויהי אנשים אשר היו טמאים לנפש אדם וגו' אותם אנשים מי היו נושאי ארונו של יוסף היו דברי ר' יוסי הגלילי דף כה, ב גמרא ר"ע אומר מישאל ואלצפן היו שהיו עוסקין בנדב ואביהוא ר' יצחק אומר אם נושאי ארונו של יוסף היו כבר היו יכולין ליטרה אם מישאל ואלצפן היו יכולין היו ליטרה אלא עוסקין במת מצוה היו שחל שביעי שלהן להיות בערב פסח שנאמר (במדבר ט) ולא יכלו לעשות הפסח ביום ההוא ביום ההוא (אין יכולין לעשות הא למחר יכולין לעשות) who are these people that are Tamei? The Gemara says that they were the Nosei Arono Shel Yosef, the ones who carried the bones of Yosef Hatzaddik in the Midbar. Or a second opinion, they were those that became Tamei in burying Nadav and Avihu. There are two difficulties here.

First of all the question of who were these people and why were they Tamei doesn't seem to make sense. Jews died in the Midbar in the natural way just like they died all along. The Leviim who were not punished for the Cheit Ha'eigel also died. They died after they lived their natural life. There was no suspension of natural death in the generation of the Midbar. Therefore, there were plenty of people that were Tamei. In a group of millions of Jews there were people whose time on this earth had come to an end and passed away. It did not have to be those who carried the Aron of Yosef. Therefore, this is very difficult to understand why the Gemara says who are these Timay'im.

Secondly, they say (לְמָה נִגְרַע) why should we be worse, why shouldn't we bring a Korban Pesach. Here there is an obvious problem. What does it mean why should we be worse, they were worse because they were Tamei. A Jew who is Tamei cannot separate Challah, cannot separate Terumah, there are many things that a Tamei person cannot do. A Tamei person has no right to say (לְמָה נִגְרַע) why should we be worse. There is a reason and it is not a punishment, it is just a fact of life that a Tamei person doesn't bring a Korban.

To answer this question the Satmar Rebbe brings a beautiful thought. There is a Tosafos in Maseches Bava Metzia 114a (מהו שיסדרו בבעל חוב) (Ed. Note The Tosafos is very long so I have not quoted it here) who wonders if the concept of Tzaddikim Aino Metamin, Kivrei Tzaddikim Aino Metamin, a Medrash concept that the graves of even the bones of a Tzaddik does not bring Tumah upon a person. Whether this Aggadata thought has any basis in Halacha and Tosafos Maskana is that it does not. Every human being who passes away is Mitamei someone who touches him or comes into contact with him is Tamei and a Kohen is prohibited from being Mitamei. That the idea that Kivrei Tzaddikim Aino Metamin that the bones of a Tzaddik are not

Metamei is nothing more than an Aggadata thought and even that the Tosafos explains the way in which it is brought.

The Satmar Rebbe offers an innovative explanation. He says that really B'etzem a Tzaddik does not bring Tumah upon a person. However, Halacha doesn't work that way. Halacha does not establish rules that are based upon the Penimius Haleiv, the depths of the heart of a person. How do you know if someone is a Tzaddik, you can't know. Therefore, Halacha can't work with that, Halacha says that everyone is Tamei. This is somewhat comparable to a Jew who eats Nivaila and is ordered to suffer Malkus in Bais Din. Let's say that this Jew does a full Teshuva, he really does Teshuva for having eaten that Nivaila. He still will receive the Malkus. Why?

We know that if someone did a full Teshuva in heaven the sin no longer exists. The answer is that Bais Din can't work with that. Bais Din has to work with things that it can see. Bais Din cannot know in a person's heart if he is truly doing Teshuva. Therefore, the laws of the Torah are never dependent on what is going on in the Penimius Haleiv in the depths of a person's heart. Therefore, says the Satmar Rebbe, as a matter of Halacha Kivrei Tzaddikim are Metamei. The bones of a Tzaddik do cause a person to become Tamei. However, in heaven it is known if someone is truly a Tzaddik he does not bring Tumah (ritual defilement) upon a person.

With this, the Sugya of Pesach Sheini is absolutely beautiful. As a matter of Halacha the ones that carried the bones of Yosef were Tamei. They came and said (לְמָהּ נִגְרַע). They said to Moshe Rabbeinu you and I know that Yosef was a true Tzaddik. You and I know that Nadav and Avihu were true Tzaddikim. Why should we be disqualified from bringing a Korban Pesach. After all you and I know that in heaven we are not Tamei. This explanation answers both Kashas.

Why didn't others come and say (לְמָהּ נִגְרַע)? There were other people who died naturally in the Midbar. Why weren't those who became Tamei to them coming with a complaint? The answer is that those other people who had died were not known Tzaddikim. It was only those that became Tamei to the bones of Yosef Hatzaddik, they were the ones who could come with a complaint.

It also answers (לְמָהּ נִגְרַע) why are we worse. The question is not based on the idea that Tamei people can't bring a Korban. That is just saying that they are not truly people who are Tamei.

The Satmar Rebbe says that this is also the reason that the Posuk says (אֲנַחְנוּ טְמֵאִים, לְנֶפֶשׁ אָדָם). They didn't say Anachnu Timaihem L'meis. They said (אֲנַחְנוּ טְמֵאִים, לְנֶפֶשׁ אָדָם) which is an expression that conveys a sense of Chashivus of importance. Adam is a sign of Chashivus, importance, of significance. Therefore, this explanation I find absolutely beautiful in explaining what is otherwise something of a difficult Parsha.

The question of the week is: this is a question based on something I saw in the first volume of Derech Sicha. We in Yeshiva are learning Maseches Bava Kamma and our Shiur is learning the Sugya of Zeh Nehena V'zeh Lo Chasur a rather famous Sugya in Gemara. Yesterday I opened the Derech Sicha and found in Parshas Kedoshim the following Shaila. It was Yom Kippur and someone purchased Maftir Yona which is the last Aliyah at Mincha on Yom Kippur. Between Mussaf and Mincha there was a break and the individual who had purchased Maftir Yona went home to take a nap. Unfortunately he overslept the reading of the Torah at Mincha. When they

came to Maftir Yona he was not there. He had purchased this Aliyah for \$1,000 and since he wasn't there the people of the Shul were not sure who to give the Aliyah to. Someone else had bid \$900 for that Aliyah and the decision was to give it to him. So he got the Aliyah and now it is after Yom Kippur and it is time to pay up and the question is who pays?

This question was brought to Rav Chaim Kanievsky who said that the person who bid \$1,000 and purchased it has to pay for it. He purchased the right to the Aliyah and he got it. The fact that he didn't use it is not relevant. It doesn't matter. If you purchased the right to something whether you use it or not it doesn't absolve you from paying. So there is no question that he has to pay. The person who got the Aliyah pays Ma Shenehena which is a concept in our Gemara. That when you get a benefit you pay what the benefit is worth to you. That is what it says in the Sefer. Of course whatever he pays for the benefit gets deducted from the \$1,000 that the other person has to pay because in total the Tzedaka is not entitled to more than \$1,000.

Here we would seem to have a Kasha. It is Zeh Nehena V'zeh Lo Chasur. When this person got the Aliyah nobody else lost, he benefitted and the other person lost nothing, why does he have to pay at all? The answer would seem to be what Tosafos says on Daf 20b in Maseches Bava Kamma טעמא דניקף הא מקיף פטור. ואפילו רבנן לא פליגי אלא משום דא"ל את גרמת לי הקיפא יתירא וא"ת ואי זה נהנה וזה לא חסר פטור אפילו עמד ניקף נמי וי"ל שאני עמד ניקף דגלי אדעתיה דניחא ליה בהוצאה ולא דמי לדר בחצר and that is if someone showed (he was Migaleh Daas) that he was willing to pay he pays even in a case of Zeh Nehena V'zeh Lo Chasur. This is brought in Shulchan Aruch. However, if that is the case then he should pay a full \$900. After all he is paying based on the fact that he was Migaleh Daas that he showed his intent. He should be paying the full \$900. As is brought in the Derech Sicha it seems as if he does not pay the full \$900. The Shoel had asked if he pays \$900. Rav Chaim is quoted as saying no he only pays Mah Shenehenis. However, based on this Tosafos and it is in Shulchan Aruch in (Choshen Mishpat) 363:8 that a person pays whatever he was Migaleh Daas. So he should be paying the full \$900 leaving only a \$100 bill to the other fellow.

### **Rabbi Reisman - Parshas Kedoshim 5771**

As we take leave of Pesach, counting Sefiras Ha'omer, we prepare at the same time for Shabbos Parshas Kedoshim. I would like to mention a few different topics in Parshas Kedoshim and I would like to start with the one which the Parsha begins.

The Parsha begins by saying that 19:2 (דַּבֵּר אֶל-כָּל-עַדְת בְּנֵי-יִשְׂרָאֵל, וְאָמַרְתָּ אֲלֵהֶם--קְדוּשִׁים תִּהְיוּ) 19:2. The Parsha begins by telling us to be holy. Rashi defines holiness as someone who is able to separate himself from Aveiros that have to do with Arayos. ( וְהוּוּ פְרוּשִׁים מִן הָעֵרִיּוֹת וּמִן הָעֵבִירָה, שְׂכָל ) מקום שאתה מוצא גדר ערוה אתה מוצא קדושה, אשה זונה וחללה וגו' אני ה' מקדשכם, (ויקרא כא ז - ח) ולא יחלל (:). (זרעו אני ה' מקדשו (ויקרא כא טו) קדושים יהיו אשה זונה וחללה וגו' (ויקרא כא ו - ז

At first glance that seems strange because normally we would think of Holiness as coming from something that a person does in a positive way, an action that a person does. People do things to actively to bring on Kedusha. However, separating one's self from something negative while it shows that someone is a Tzaddik is not usually thought of as something that adds to Kedusha, and adds to the level of the person.

Rav Schwab in his Sefer on Chumash Mayan Bais Hashoeva (page # 277) here at the beginning of the Parsha explains in a rather nice way the idea that we say Asher Kiddishanu B'mitzvosav V'tzivanu Al Ho'aroyos. The Misadeir Kedushin Beracha begins with the words Hakadosh Baruch Hu who made us holy through his Mitzvos and he commanded us to separate from an Ervah and Aroyos. That is an unusual Beracha. We never make a Beracha on something which is a Mitzvah that is accomplished passively. That is done by staying away from something. That is done primarily B'machshava. By somebody separating himself with Machshava (from things you are not supposed to think about). Yet here we find by V'tzivanu Al Ho'aroyos precisely such a Beracha.

Rav Schwab writes a Chiddush. He says, from here we are forced to conclude that a person who is able to prevent the Yetzer Hora from overtaking him in these areas, what he is doing has the Chashivus of an act. It is more than just not eating Treifos and not putting on Shatnez. Since this is a Yeitzer Hora that a person is constantly bombarded with and is influenced from all around to try to give into his Taivos, so someone who is able to restrain himself from looking at things that he is not supposed to look at, and touching things that he is not supposed to touch, such a person, (Chashuva K'maiisa) what he does is like an act and something that brings Kedusha.

He brings from Rav Shmshon Refoel Hirsch who makes a point as follows. In the first Luchos the 10th of the Aseres Hadibros is in Parshas Yisro 20:13 (לֹא-תִקְמַד אֶשֶׁת רֵעֵךְ, וְעַבְדוֹ וְאִמָּתוֹ וְשׂוֹרוֹ) (ולא-תקמד, וְעַבְדוֹ וְאִמָּתוֹ וְשׂוֹרוֹ). This means not to covet something which is not yours. In the Luchos Sheniyyos the language of the 10th of the Aseres Hadibros changes as can be seen in Parshas Va'eschanan 5:17 (וְלֹא תִתְאַוֶּה בֵּית רֵעֵךְ, שְׂדֵהוּ וְעַבְדוֹ וְאִמָּתוֹ וְשׂוֹרוֹ וְחִמְרוֹ, וְכֹל, אֲשֶׁר לְרֵעֵךְ) (ולא תתאווה בית רעך, שְׂדֵהוּ וְעַבְדוֹ וְאִמָּתוֹ וְשׂוֹרוֹ וְחִמְרוֹ, וְכֹל, אֲשֶׁר לְרֵעֵךְ). This means do not desire which is close in meaning but is a different word.

The Rambam explains that (לֹא-תִקְמַד) do not covet implies something that someone does to get the thing that he wants, which implies a Maiseh. Rav Shmshon Refoel Hirsch makes the point that in the second Luchos where the switch from (לֹא-תִקְמַד) to (וְלֹא תִתְאַוֶּה) is made, this has to do with desiring another person's items and another person's field, however, when it comes to (אֶשֶׁת רֵעֵךְ) even the second Dibros uses the language of (וְלֹא תִקְמַד, אֶשֶׁת רֵעֵךְ). Again it uses the language of Chemda which is a language that shows a Maiseh. The point being, that someone who is able to restrain himself in these areas is considered to have done a Davar Choshuv.

The Steipler in his letters to Dr. Greenwald on how to coach men who are having difficulties with Aveiros that have to do with (Parshas Shelach 15:39) (וְלֹא-תִתּוֹרוּ אֶחָדֵיכֶם לְבִבְכֶם, וְאֶחָדֵי עֵינֵיכֶם), those Isurin that are related to being Porush Min Ho'aroyos. The Steipler's advice is to teach people that when they are able to restrain themselves from doing something, it is like a positive action.

If someone wants to learn, when he is successful in learning he feels a Geshmak and that motivates him further. When somebody wants to avoid temptation, when he avoids temptation he doesn't get a Geshmak, he feels like what he did was normal. When someone gives in to temptation he feels dirty, he feels like he did something wrong. The Steipler's advice is to understand that when a person is Poreish from Arayos, and separates himself from things he is not supposed to do, when someone is at a computer screen and clicks away from it instead of to

what is on the screen that he should not be seeing, such a person is (קדושים תהיו). A person should see it as an accomplishment and that would give a person Chizuk to be able to continue and be more successful in this particular battle.

Moving on, however, still before Sheini. We find in 19:13 (לא-תגזל; לא-תלין) (לא-תעשק את-רעהו, ולא תגזל; לא-תלין) commandments that are related to financial areas, not to steal. The language is you should not cheat your friend and you should not steal. What is the difference between (לא-תעשק) and (לא תגזל)?

The Rambam in Hilchos Gizaila 1:3 asks what is cheating and what is stealing? The Rambam writes the following (אי זהו גזול זה הלוקח ממון האדם בחזקה כגון שחטף מידו מטלטלין או שנכנס לרשותו שלא ברצון הבעלים ונטל משם כלים. או שתקף בעבדו ובבהמתו ונשתמש בהן. או שירד לתוך שדהו ואכל פירותיה וכל Gezel is when something comes into your hand in a prohibited way. You were not allowed to take it into your hand.

The Rambam in 1:4 says (אי זהו עושה זה שבא ממון חבירו לתוך ידו ברצון הבעלים וכיון שתבעוהו כבש הממון) (אלם וקשה. ועל זה נאמר לא תעשוק את רעך) אצלו בחזקה ולא החזירו. כגון שהיה לו ביד חבירו הלואה או שכירות והוא תובעו ואינו יכול להוציא ממנו מפני שהוא

(לא-תעשק) do not cheat, is when something comes into your hand B'heter. You are allowed to take it into your hand, however, when the person comes to claim that which he has given to you as a loan or he has given it to you to watch for him, a Pikadon, if a person doesn't give it back, that is (לא-תעשק). It is a form of stealing that there was no Maiseh Ginaiva, there was no act of taking it improperly, rather it came to the hand K'din and then the person didn't give it back. This is how the Rambam defines (לא-תעשק) as opposed to (לא תגזל).

The Steipler in Kehillas Yaakov on Maseches Sanhedrin, Siman Yud Aleph, asks a Kasha. All over Shas we have the expression of Priyas Baal Chov Mitzvah, paying money to someone who you borrowed from is a Mitzvah. As a matter of fact the Gemara in Maseches Sanhedrin asks if someone says I don't want to do a Mitzvah what is the Din, can we force him?

At any rate the Gemara calls Priyas Baal Chov a Mitzvah. The Gemara talks as if it is a Mitzvah to pay back from who you have borrowed from. The Steipler asks what do you mean that Priyas Baal Chov is a Mitzvah, it is a Lav in the Torah (לא-תעשק). The Gemara questions if we compel someone to pay back a Baal Chov? Priyas Baal Chov is a Mitzvah and (לא-תעשק) seem to be contradictory terms (ideas) for exactly the same thing. This is the Steipler's Kasha.

I would like to suggest a very simple Teretz and I don't know why the Steipler doesn't say this. The language of the Rambam on (לא-תעשק) is when you borrow from someone or take a Pikadon from someone and he comes to you and asks for it back and you don't give it to him. That is what the Rambam calls (לא-תעשק). He comes for it and you tell him to come back later, that is the Lo Sasei of (לא-תעשק). This has nothing to do with the Gemara. The Gemara is talking about Priyas Baal Chov is a Mitzvah. The Gemara is saying paying back someone from who you borrowed is a Mitzvah that is even if he doesn't come and demand payment of his money back. Someone who doesn't demand payment, Priyas Baal Chov is still a Mitzvah. That is a Mitzvah to give even though he didn't ask for the money back. It is very Miduyak. By (לא-תעשק) even if you got it as a

loan or a Pikadon (someone gave you something to watch), if you don't return it when asked for it you are Over (לא-תעשק). However, when it comes to Priyas Baal Chov (someone who lent you money) then it is a Mitzvah to go search for him to pay him as opposed to a Pikadon where you do not have a Mitzvah to give it back until such time that the person who gave it to him comes to get it from him.

We have at the beginning of the Parsha in 19:3 (אִישׁ אָמוֹן וְאִבְיוֹ תִירָאוּ). Rashi ( כל אחד מכם תיראו אביו ) ואמו, זהו פשוט. ומדרשו אין לי אלא איש, אשה מנין, כשהוא אומר תיראו, הרי כאן שנים אם כן למה נאמר איש, brings the Gemara in Maseches Kiddushin that (אִישׁ אָמוֹן וְאִבְיוֹ תִירָאוּ) is it only an Ish a male and not a female?

A man has the ability to be Mekayeim Kibbud Av V'aim more, as he is not in the house much, however, a woman whose obligations center around the home and in addition tends to be in the city in which the husband is, does not have the opportunity to be Michabeid Aviv V'imo as much as a man, so the Posuk talks in the usual terms of (אִישׁ אָמוֹן וְאִבְיוֹ תִירָאוּ). In fact though, everybody is obligated equally. This is what the Gemara says and Rashi brings it.

The Sefer Hamakne asks an extraordinary Kasha. He says that there are two parts to honoring parents. There is Kibbid Av V'aim and Yirah Av V'aim.

The Gemara says what honoring is. It is (ואיזהו כבוד, מאכיל ומשקה, מלביש ומנעיל, מכניס ומוציא) to give him to eat, to drink, to provide transportation to him, help him get dressed. These are all included in Kibbid Av V'aim. All of them are acts.

What is Yirah? (איזהו מורא, לא ישב במקומו ולא ידבר במקומו ולא יסתור את דבריו) Yirah is not to sit in his seat, not to speak where it is his opportunity to speak, not to contradict him, don't call him by his first name. These are all included in Yirah. The parts of Kibbud Av V'aim that have to do with Yirah are done passively.

The Sefer Hamakne asks (אִישׁ אָמוֹן וְאִבְיוֹ תִירָאוּ) is talking about Yirah, things that are done passively are done equally by men and women, because it is not something that is more available to a man. Kibbud I understand, to go there and feed the parent, a man generally has it more available to perform these types of tasks because he is out of the house more. He has the time available to go and do it. On the other hand a woman doesn't. However, the Posuk is talking about Yirah. A woman is equal to a man in her ability to do this Mitzvah?

The Hamakne answers that from here we are forced to conclude that part of Yirah is to do as you are told by a parent. When a parent says to do something a child should do it. Not doing it is the same as contradicting his words. Just as one is not allowed to contradict a parent's words passively, the same thing, when a parent says do something, not doing it is contradicting his words. Therefore, if a parent commands you to do something there is a Mitzvah to do it. Since that involves an action, a man has the time to do it and a woman doesn't always have that time available. This is the Shittah of the Hamakne.

Rav Moshe in the Dibros Moshe on Kiddushin is Matmia on the Hamakne. He says it is adding to the Gemara. The Gemara says what is included in Yirah and it says only things that are

accomplished through non action, through doing in a passive way. This Chiddush of the Hamakne Rav Moshe rejects. As far as his Kasha, the Kasha on the Chumash, Rav Moshe says it is the style to Darshin the Chumash. (אִישׁ אָמוֹן וְאֶבְיֹוֹ תִירָאוּ) if you can't Darshin Yirah for Yiras Av V'aim so we switch it and apply it to Kibbud Av V'aim.

Rav Moshe's Teretz is not so satisfying, however, we have found that the Sefer Yeraiyem asks the Kasha and gives the same Teretz that Rav Moshe gives and that is a Rishon. This is a topic in regarding which we have a Machlokes between the Hamakne and Rav Moshe. If a parent says to do something, it has nothing to do with the parent's own eating, drinking, or transportation, whether a child is obligated to listen. The Hamakne says yes and Rav Moshe says no.

I refer you to the Atara L'melech, Rav Pam's Sefer where he has a Shtikkel Torah on this topic.

The question of the week is: we have at the beginning of the Parsha 19:9 ( וּבְקִצְרֹכֶם אֶת-קִצִּיר אֲרֻצְכֶם, ) (לא תכלה פאת שדה לקצר; ולקט קצירך, לא תלקט). This Posuk refers to Pei'a of the field. Later in 19:27 (לא תקפו, פאת ראשכם; ולא תשחית, את פאת זקנך) we have 2 Mitzvos 1) not to cut the Payos of the head and 2) not to cut the Payos of the beard.

The Kasha is this. The word used in both cases is (פאת). Why is it that when we come to the Payos of the head do we say to leave the Payos of both sides. When it comes to the Payos of the beard we say the Mitzvah is to leave it in 5 spots. When it comes to the field we assume that (לא לקצר) (תכלה פאת שדה לקצר) means that to leave one corner of the field is adequate. It shouldn't be that way. Tzorech Iyun Gadol. Why does the same word (פאת) give us a translation of one corner for a field, 2 corners for Payos of the head, and it means multiple Payos when discussed regarding a beard.

### **Rabbi Reisman - Parshas Acharei Mos - Kedoishim 5770**

19:32 It says in the Posuk, וְהִדַּרְתָּ פְנֵי זָקֵן, לב מפני שיבה תקום, וְהִדַּרְתָּ פְנֵי זָקֵן. This means when a 70 year old person walks in the room, you must stand up. This is a Mitzvah D'oiraisa. Al Pi Arizal the age is 60 years old. In Derech Sichah, Rav Chaim Kanievsky says that he asked the Chazoin Ish if a person during the first Posuk of Kriyas Shema must also stand for an elderly person when he walks in and the response was yes he does have to stand up. This is even though greeting someone is not an obligation in middle of Kriyas Shema, however, a Mitzvah D'oiraisa is an obligation. Obviously, this is not talking about someone who has his hand covering his eyes during the first Posuk.

19:23 The Posuk discusses Orlah, כג וכי-תבאו אל-הארץ, ונטעתם פל-עץ מאכל--וערלתם ערלתו, את-פריו; A not well known fact about Orlah is, that the Mitzvah of Orlah applies not only to Eretz Yisrael but also to Chutz L'aretz. This means that if a person plants a tree in Chutz L'aretz, the fruits of the first 3 years are Assur B'hana'a and Achilah. This applies even if the tree belongs to a Goy and he wants to give you the fruit. This applies if it is your tree and you want to give the fruits to your Goyish neighbor.

If so, you might ask why does the Hechsheirim in Eretz Yisrael always say Naki Bichshash Orloh and in Chutz L'aretz we never see Orloh mentioned on the Hechseirim? The Posuk that is

quoted above says אֶל-הָאֶרֶץ which is discussing Eretz Yisrael, the fact that Chutz L'aretz is obligated as well is a Halacha L'Moishe Misinai. Since Eretz Yisrael is mentioned in the Torah and Chutz L'aretz is a Halacha L'Moishe Misinai, the Halacha L'Moishe Misinai tells us that Safeik Orlah is Muttar and in Eretz Yisrael Safeik Orlah is Assur. That is the reason for the distinction between the two.

Another interesting Mitzvah in the Parsha is the Issur of putting a tattoo on a person. You might think that this is a Shaila that is not Noge'a to frum Yidden at all. An incredible Shaila was asked of me by one of my Mispallelim. He is a physician who performs colonoscopies. He said when there is a growth in the colon that must be removed surgically, the standard procedure is to mark the area of the growth for the surgeon. The tool that is used during the colonoscopy has the ability to inject ink under the skin of the colon. This is actually a tattoo. So the question that was asked is whether this type of tattoo is Muttar or Assur.

Rav Chaim Kanievsky has a Sefer on the Halachos of tattoos. He writes that there is an Issur of a Tattoo even in the mouth as is brought down in the Gemara, because it can be seen when someone opens their mouth. From here we can make a Diyuk that in a Chalal Haguf, in a place that can't be seen, there isn't an Issur of tattooing. So this physician is not being Oiver the Issur of tattooing.

יז וְאִישׁ אֲשֶׁר-יִקַּח אֶת-אָחִיתוֹ בֵּת-אָבִיו אוֹ בֵּת-אִמּוֹ וְרָאָה אֶת-עֲרֻמֹּתָהּ וְהִיא-תִּרְאָה אֶת-עֲרֻמֹּתָיו, הִסֵּד הוּא--וְנִכְרְתוּ, 20:17 The Posuk uses the word Chesed which usually means kindness and here it is used in a relationship to an Aveira that has to do with Znus. Certainly this needs explanation. Rashi says it is another language mixed in. This is not such a satisfying Teretz, however, it must be correct Al Pi Pshat.

There are seven Middos during the seven weeks of Sefira. Chesed, Gevura, Tiferes, Netzach, Hoid, Yesoid, Malchus. Chesed is translated as loving kindness. Gevurah is translated as discipline. Tiferes is translated as a balance between the two. Avrohom Avinu had the Middah of Chesed which is kindness. There is a Chesed that gives someone else pleasure and there is a warped Chesed where a person takes a desire for pleasure and instead of turning it outward he turns it inward. He wants to give himself pleasure. Chesed is an outward Middah. When a Chesed is used inward it is a warped Middah. So Avraham had 2 children, Yitzchok and Yishmael. Yitzchok took the Chesed Kedusha and Yishmael took the warped Chesed. The Bnei Yishmael Ad Hayoim are very involved with things that have to do with Znus.

The Middah of Gevura is Yitzchok's Middah. This is a Middah of discipline which is an inward Middah. This is when a person has the discipline to control himself and desires and to do things right. The warped Gevura is when someone takes this Middah of discipline and looks to control others. He looks to impose his will on other people, to control what other people do. Just like Chesed which is an outward Middah that when used inwards is warped, Gevurah is an inward Middah that when used outward is warped. Yitzchok had Yaakov and Eisav. Yaakov took the Gevurah of Kedusha and Eisav took the warped Gevurah. That is the Middah of Eisav Ad Hayoim Hazeh by trying to control others as much as possible.



are both of these in the same Posuk? Rashi explains that if it will happen that your father will command you to be Mechaleil Shabbos, Shabbos takes precedence. In other words, there are two Mitzvois in the Posuk and the understanding is that the second Mitzva takes precedence over the first. So the translation is, Fear your Mother and Father, however, in all cases keep Shabbos. So we have a message that when there are two Mitzvois in a Posuk, the first so to speak bows to the second if the two Mitzvois come into conflict.

Now we have a problem. In 19:30 the Posuk says, ומקדשי תיראו, ואת-שבתתי תשמרו, Keep the Shabbos and fear the Bais Hamikdash. Why are these two here in the same Posuk? Rashi explains that the building of the Bais Hamikdash is not Doiche Shabbos. Here it is the reverse, that the first Mitzvah takes precedence over the second Mitzvah. The question is why is this Posuk giving precedence to the first Mitzvah over the second Mitzvah while the previous Posuk brought gives precedence to the second Mitzvah over the first Mitzvah? How do we apply this to other cases of two Mitzvois in one Posuk which Mitzvah takes precedence?

### **Rabbi Reisman - Parshas Acharei Mos - Kedoishim 5769**

There is a Chakira brought by Reb Elchonon in Koivetz Shiurim and by Reb Moshe in the Igros Moshe on Maseches Shabbos Daf Gimmel Amud Alepf. This Dvar Torah is regarding Lifnei Iver Loi Sitein Michshoil as is brought down in 19:14 (ולפני עֵוֶר, לא תתן מְכַשֵּׁל). When someone gives over to someone else an Aveira to do, is it a Bein Adom L'chaveiroi (because you get an Aveira for causing someone else to do an Aveirah) or is it a Bein Adom Lamokoim (because you are causing an Aveira to be done in this world). Rav Moshe says it is both Aveiros. There are three Nikudois that we will discuss regarding this. The first Nikudah is found in the Tosafos in Maseches Avodah Zarah 22a, Dibbur Hamaschil Teipuk Lei Mishum Lifnei Iveir. (תיפוק ליה משום) לפני עור. אליבא דרשב"א פריך דאית ליה כותים גרי אמת הן בפ"ק דחולין (דף ו. גבי ההיא דר"ש דשדריה לר"מ למזבן חמרא מבי כותאי ומכאן יש להביא ראיה למה שפירש ר"ת דשייך למימר לפני עור אף במידי דלית ביה איסורא אלא דרבנן דהא מלאכה דח"ה אינה אסורה אלא מדרבנן כדפירש ר"ת (במו"ק (דף ב) ( וראיה נמי מדלעיל (דף טו): דאסור למכור לישראל החשוד למכור לעובד כוכבים אע"ג דליכא איסורא אלא דרבנן אבל הר"ר אלחנן הקשה לפר"ת שפירש דמלאכה דח"ה אינה אסורה מן התורה מדאמר בפ"מי שהפך (מ"ק דף יא: ) פתח באבל וסיים בחול המועד לא מיבעיא קאמר לא מיבעיא ימי אבלו דאסור דרבנן אלא אפילו ח"ה דאסור דאורייתא כו' ומפר"ת דקרי ליה דאורייתא לפי שיש לה אסמכתא מן התורה בפ"ק דחגיגה (דף יח.) לאפוקי אבל שאין לו אסמכתא אלא מדברי קבלה דכתיב Rabbeinu Tam says if you give someone an Issur D'rabbanon to do, that person is Oiver a D'rabbonon, you however, are Oiver a D'oiraisa of Loi Sitein Michshoil. How could the Aveira be a D'rabbonon yet Lifnei Iver is a D'oiraisa?

It is based on this Chakira. The Bein Adom Lamokoim part of the Aveira can't be worse than if you do it yourself. However, the part where you gave someone something to do that was not good for him to do (Bein Adom L'chaveiroi), that is Lifnei Iver and you are Oiver a D'oiraisa.

The second Nikudah is a Reb Elchonon in the second Perek of Maseches Pesachim. The Gemara says, if you give Eiver Min Hachai to a Ben Noiach you are Oiver on Lifnei Iver. The Chinuch says if you trip a yid with your foot, you are Oiver Lifnei iver. The Minchas Chinuch asks, why just a Yid, Lifnei Iver applies to Goyim as well?

Reb Elchonon answers very Geshmak. There is a rule, Bein Adom L'chaveiroi Mitzvois do not apply to Goyim while on the other hand, Bein Adom Lamakoim Mitzvois do apply to Goyim. That said, tripping a Goy wouldn't pose a problem, because that is Bein Adom L'chaveiroi. However, Eiver Min Hachai is a Bein Adom Lamakoim so you would be Oiver, if given to a Goy. So now we have two Nafka Minas based on what was just said about Bein Adom Lamakoim and Bein Adom L'chaveiroi. If you give an Issur D'rabbanon to someone, the Bein Adom L'chaveiroi you are Oiver and the Bein Adom Lamakoim you are not Oiver. By a Goy it is the reverse. If you give the Goy an Aveira to do, you are Oiver on the Bein Adom Lamakoim part, however, you are not Oiver on the Bein Adom L'chaveiroi part.

The third Nikudah is there is a Tosafos in Maseches Chagigah that asks a Kasha. The Gemara asks how do you know that you don't teach Torah to a Goy? It says in Tehillim 147:20 (וּמְשַׁפְּטִים בְּלִי-יָדָעוּם) Umishpatim Bal Yadaum, that Hashem only teaches Klal Yisrael the Torah. So Tosafos asks, why does it say that we know that teaching Torah to a Goy is Ossur because of (וּמְשַׁפְּטִים בְּלִי-יָדָעוּם) Umishpatim Bal Yadaum, it should be an Issur because of Lifnei Iver, that a Goy who learns Torah is Mechayeiv Missah?

The Rambam says that a Goy learning Torah is an Issur D'rabbanon. If you give a Goy an Issur D'rabanon, we already established that you are not Oiver Lifnei Iver because Bein Adom L'chaveiroi does not apply.

It says in 19:32 (מִפְּנֵי שִׂיבָה תִּקּוּם) Mipnei Seiva Takum. This means when a 70 year old person walks in the room, you must stand up. This is a Mitzvah D'oiraisa. Al Pi Arizal the age is 60 years old.

It says in 19:27 (לֹא תִקְפוּ, פָּאֵת רֵאשִׁיכֶם; וְלֹא תִשְׁחִיתוּ, אֵת פְּאֵת זָקְנֶךָ) Loi Sakifu P'as Roishchem V'loi Sashchis Es P'as Zikanecha. There is a difference between the Payos of the head and the Peyos of the face. Reb Moshe allows shaving, however, the leniency does not apply to the Peyos of the head. Where does the Peyos of the head extend to? Under the ear, this is why many Bnei Torah extend the sideburns to the bottom of the ear. The Halacha is that the Peyos of the head extend to the bottom of the inner ear, which is where the jaw bone protrudes until. The sideburns may not be shaved above this point.

It says in 19:3 (אִישׁ אָמוֹ וְאָבִיו תִּירָאוּ) Ish Imoi V'aviv Tira'u. What is Pshat in Ish a man? Since a man is out of the house, he can properly fulfill this Mitzvah. A woman who is in the home taking care of the children doesn't have the same opportunities. The Hamakneh and Yerayim ask, this Posuk is talking about Yira not Kibbud, what is the explanation about a woman being in the home have to do with fearing her parents. Yira are things that are Shev V'al Ta'aseh, like not sitting in a parent's seat. Something that you don't do, a man and a woman can perform the same exact way, it is a Pliya? The Hamakneh says, if your parents tell you do something, and you don't do it, that is contradicting them. You would be Oiver on (אִישׁ אָמוֹ וְאָבִיו תִּירָאוּ) Ish Imoi V'aviv Tira'u. The Mitzvah is B'kum V'asei. If your Mother tells you to eat the vegetables, you must, or else you are Oiver. Rav Moshe in Kiddushin says we don't find that Yira carries with it a Kum V'asei and he argues with the Shittah of the Hamakneh. You don't have to eat the vegetables. It is a Mitzvah D'oiraisa, so we should be Machmir, however, the Velt is Maikil.