



Yesodos m' ha Sedra

LESSONS IN HASHKAFKA & HALACHA FROM THE PARSHA

In memory of R' Shmuel Shmelka ben HaRav Moshe Kizelnik z"l



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the Rosh Kollel...*

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תשפ"ז

THE LAST ROCK SONG

The parsha begins with a shira, a song sung by Moshe Rabeinu for the heaven and earth to hear. Towards the beginning, the posuk proclaims "Ha'tzur tamim pa'alo, ki kol derachav mishpat. Keil emunah v'ein avel, tzadik v'yashar hu." Loosely translated, this means that Hashem's actions and decisions are solid and deliberate. Everything is just and correct, as is Hashem.

Most of us are familiar with these words as the opening phrase of the tziduk ha'din recited at a levaya, so it feels a bit out of place in a shira, but this is actually where the posuk appears in the Torah.

The Ohr Hachaim ha'kadosh explains that the shira begins by telling us that the source of rain and beracha in areas of parnasa is Torah study and observing the mitzvos. Yet often, we see Torah scholars struggling with parnasa, or people who denigrate talmidei chachamim prosper. So, the posuk tells us that nothing is without reason and sometimes Hashem withholds parnasa from those who deserve it, but it is all with cheshbon, and so the Torah scholar must realize that He is a "Keil emunah", and Hashem will give him everything he deserves, and he must trust that everything is fair and just.

Rav Zalman Sorotzkin zt"l notes that this was the shira that Moshe sang on his last day on earth. We also find that Dovid sang a shira before he died. It is interesting that there Dovid referred to Hashem as "sali" (my rock). Even at the very end of their lives, when pretty much nothing could change, both Dovid and Moshe spoke of their relationship with Hashem as being solid like a rock.

Moshe davened so many tefilos beseeching Hashem to grant him entry to Eretz Yisroel, but He refused the request. Perhaps the B'nei

Yisroel looked at Moshe and thought to themselves, "this man gave his life for us. He led us out of Mitzrayim and guided us in the midbar for forty years. He really deserves to go with us into Eretz Yisroel. Moshe is probably questioning the fairness of it all." However Moshe Rabeinu had full emunah that Hashem's decision was just, even though he didn't understand it, and so, he proclaimed "ha'tzur tamim pa'alo...".

So it comes out that Moshe's shira - and Dovid's too - was a proclamation of emunah. It was an announcement to the world that everything that happened throughout his lifetime was Hashem's part of Hashem's perfect plan. Clearly, Moshe Rabeinu knew this all along, but it was his parting message to us so that we should internalize it and aspire to do the same.

שׁוּבָה יִשְׂרָאֵל עַד ה' אֱלֹהֶיךָ כִּי כָשַׁלְתָּ בְּעֹנֶךָ: (הושע י"ב)

On the Shabbos which falls between Rosh Hashana and Yom Kippur we read the haftarah of Shabbos Shuva, regardless of which parsha (Vayeilech or Haazinu) is read.

The navi tells us to return to Hashem because we have stumbled. Seemingly, this only solves half of our problems, as there are two basic categories of transgression: bein adam la'Makom, and bein adam la'chaveiro; things we do which are 'against Hashem' and things that are interpersonal in nature. We know that in order to do teshuva for interpersonal matters, we must make amends with those who we have wronged. We can't just approach Hashem and hope for the best. How then, does the navi advise us to simply return to Hashem?

The answer, explains the Meshech Chochma, is that our deficiencies in Torah and avodas Hashem lie at the root of our failings in character development etc. In short, if we would perfect ourselves in Torah and mitzvos properly, we wouldn't fail so miserably when it comes to how we relate to our friends and neighbors. Thus, when the navi tells us to return to Hashem, it is also the first step in repairing those transgressions which are bein adam l'chaveiro as well.

R' Boruch Sorotzkin explains that the opposite is also true: Often, our deficiencies in our avodas Hashem is because we fail as people; we behave a certain way and then we create entire Torahs to justify it. The classic example of this is Korach. He came up with new halachos like that a techeilis-dyed tallis doesn't need tzitzis because he sought honor and glory for himself. Many of us do this all the time and rationalize that it is a mitzva to hate ploni or spread lashon hara about almoni, but the real problem is not them. It is us.

The gemara (Taanis 4a) says that K'lal Yisroel made an improper request by asking Hashem to be like the rain. Instead, the Ribono shel Olam replied (in our haftarah) that He would be like dew instead ("ehyeh k'tal l'Yisroel"). The fundamental difference, explains the gemara, is that rain is not always welcome. Dew on the other hand, is. However the Gaon Yaakov (printed in the Ein Yaakov) and Rav Yehonason Eibushetz in his sefer Yaaros Devash both explain that this issue of rain versus dew is really a mashal for something much deeper: The way the water cycle works is that water on earth evaporates and is absorbed into the clouds until it is released as drops of rain which fall back down. Dew, is formed from moisture which is in the air, and blown into place. When K'lal Yisroel asked for Hashem to be like rain, they were asking Him to accept our self-inspired teshuva, which is like the rain, which begins down on earth, and release a flow of beracha into the world. To this, He replied that while self motivation is commendable, it doesn't always happen, instead, we need to be inspired and moved to teshuva by Him. Hashem sends us difficulties and challenges, oppressors such as Haman to cause us to return to Hashem and His Torah.

The haftarah really ends nine pesukim later, but because the navi ends on a negative note (speaking about the negligent stumbling in sin), we add a few positive pesukim from another navi in Sefer Trei Asar, either from Yoel, or the thirteen midos of rachamim ("Mi keil kamocha") in Micha. It seems that the latter is the better choice, however since it is much later in the Trei Asar, rolling a klaf might take too long and in many places, the pesukim in Yoel are read instead. When the haftarah is read from a printed Tanach however, many opt to read the pesukim in Micha instead. R' Moshe Feinstein writes that there is no basis for reading both. Still, there are those who read both, and even from a klaf, being very careful to roll it in a rush so as not to delay. This was the custom of the Chazon Ish.

There is a mitzva min ha'Torah to make kiddush at the beginning of Shabbos. On yom tov (which occurs on a weekday) the obligation is only rabbinic and this difference manifests itself in various halachos (see further). However, the Torah obligation is fulfilled with an oral declaration, but Chazal mandated that we recited kiddush over a cup of wine, and drink it. The Magen Avraham writes that accordingly, once one has davened maariv, he has effectively fulfilled his Torah obligation of kiddush, and the kiddush he recites before his meal is only to fulfill his rabbinic obligation. However, many poskim disagree with this assertion on two counts: First, when it comes to Torah obligations, we hold that one must have kavana to fulfill the mitzva he is performing, and while although we hope to have kavana in davening, our intent is to fulfill our obligation of tefilah, and not that of kiddush. Of course, when necessary, this could be rectified by having in mind to do so. For this reason, many recommend having specific intent in maariv on Yom Kippur, especially when it falls out on Shabbos. The other issue the poskim raise is that mentioning yetzias Mitzrayim is an integral part of kiddush and the nusach we recite during shemoneh esrei doesn't mention it. Additionally, some rishonim understand that reciting kiddush over a cup of wine is necessary by Torah law. The rabbinic enactment only requires that we drink it as well. (Accordingly, when Yom Kippur falls out on Shabbos, there is no way to fulfill our Torah obligation; Chazal simply exempted us from it lest one forget and drink it, very much the same way they banned tekias shofar on Rosh Hashana when it coincides with Shabbos.)

Women are obligated to recite (or hear) kiddush. Although it is a time-bound positive mitzva, Women are included in all mitzvos of Shabbos, so just as they are forbidden to do melacha, they are obligated in the positive mitzvos of Shabbos as well. Accordingly, many poskim write that a woman should not fulfill her obligation by listening to her bar-mitzvah age son's kiddush on Friday night; since his status as an adult is only "assumed to be such" (until he is physically more mature), we do not rely on that assumption for Torah obligations, and so it is as if she is listening to kiddush made by her twelve year old son which doesn't work. A woman in this situation should consult with a competent rav for guidance. A woman, may however, recite kiddush for her children, even if they are well over bar-mitzvah. Similarly, if her husband cannot recite kiddush (for example, due to illness or the like), she should do so. However, Chazal frown upon a woman who recite kiddush on behalf of others who are not members of her household.

Once Shabbos has begun, either by an earlier verbal acceptance (including but not limited to tefilah), or by default, meaning that the sun has set, one may not eat or even drink water before making kiddush. This is true even if one was already eating when the sun set or he accepted Shabbos.

The cup used for kiddush has all the halachos of a 'kos shel beracha' and must be complete (not cracked or broken) and clean. It must also hold a minimum of a revi'is and should be full. There are varying opinions as to how much a revi'is is. The topic is beyond the scope of these pages but, as mentioned, one should be more stringent for mitzvos that are d'oraisah in nature, such as kiddush. However, in contradistinction to havdala when the minhag is to pour until it overflows, for kiddush, it is sufficient to fill the cup until a millimeter or two below the rim. If one uses a large cup and has a revi'is of wine but it doesn't reach the top, he can put something in the cup to displace its volume, raising it towards the top.

Ideally, one should make kiddush on red wine. Although white wine is also acceptable according to most opinions, the poskim write that it is commendable to use red, in deference to the opinion of the Ramban who is adamant that wine must be red. The prevailing minhag is to accept grape juice as an alternative, in line with the opinion of the majority of poskim. Therefore, one who cannot drink wine or doesn't like it, may use grape juice. However, using wine is preferable and so one who plans to serve or drink wine during the meal, should use that wine for kiddush as well. Some are particular to use only wine with no additives and that has not been cooked (and therefore using only wine that is not mevushal) in deference to the opinion of the Rambam that one may not make kiddush over wine which has been disqualified for offering on the mizbayach. Although most people are not particular about drinking uncovered water or wine in modern times (since there no longer exists a danger in doing so), one may nevertheless not use wine which was left uncovered and unattended for kiddush.



THE CHAYEI ADAM

4 Tishrei 5581

R' Avraham was born to R' Yechiel Michel in the city of Danzig (Gdansk, Poland) in 1748, and studied under the Noda B'Yehuda and R' Yosef Liberman of Prague. As the later testified, by the age of eighteen, R' Avraham was considered a baki (expert) in shas and poskim.

After his marriage to his eishes chayil, Sarah, the couple settled in Vilna where R' Avraham supported his family through his business ventures. Even though he was more than qualified to serve as a rav in Vilna, as a matter of principle, he refused to take money for serving in such a capacity. Eventually, he was appointed to be a dayan in Vilna, and he was consulted regarding every single communal matter. Yet, he continued to invest and trade, all the while immersing himself in Torah as his primary occupation. It was only much later, after he suffered major losses, that he agreed to accept remuneration for his services.

It was during that time, that he authored seforim which would become a major part of the world of halacha among Lithuanian Jewry. In his sefer Chayei Adam, he synthesizes the rulings of the Orach Chaim section of Shulchan Aruch and its major commentaries. Unlike other such works though, he incorporates much of its lomdus or deeper understanding, adding practical examples and sprinkles of hashkafa. As such it was appealing to talmidei chachamim and lay people alike. It gained tremendous popularity and study groups were formed throughout the region, dedicated to learning Sefer Chayei Adam, and until the Mishna Berura, it was the authoritative halachic work for the litvish world.

R' Avraham also wrote a similar work called Chochmas Adam, on the Yoreh De'ah sections of Shulchan Aruch, and 'Shaarei Tzedek' which covers the halachos of agricultural mitzvos pertaining to Eretz Yisroel, a commentary on the hagadah shel Pesach.

Following the tragic passing of his son Moshe, he published 'Zichru Toras Moshe' on the melachos of Shabbos, and 'Matzeivas Moshe' on the 613 mitzvos, and at some point, he also published a hagadah shel Pesach called Toldos Avraham.

His approach to halacha was heavily influenced by the Vilna Gaon and was indeed a mechutan of sorts in that his son married the Gra's granddaughter. Yet his rulings often differed from the minhagim and p'sakim of the Gra.

He asked that no titles or accolades be inscribed on his matzeiva other than he was honest in business, and the true legacy he left were his seforim which were widely accepted in k'lal Yisroel.

Although the Chayei Adam was translated into Yiddish, there is no full English translation (although this author has published it in parts). To find out how you can help turn this dream into a reality, please email me at: rabbi@torahkollel.com.

If one does not have wine or grape juice for kiddush, the halacha follows the majority of poskim who maintain that one may recite kiddush over challahs. One who does so should first wash netilas yadayim with a beracha and then recite the entire kiddush, replacing the borei pri ha'gafen with the beracha of ha'motzi. He then cuts and eats the challah. Unlike havdala and kiddush during the day, one may however, not recite the kiddush of Friday night over 'chamar medina' (an alternative national drink such as whiskey or beer).

Kiddush must be recited 'b'makom seudah' - in the place where he eats his meal. Therefore, one cannot fulfill his obligation of kiddush in someone else's home unless he or she eats there as well. Utilizing the leniency of eating cake etc at night to qualify as makom seudah is questionable. Therefore, if someone wants to hear kiddush and eat at home, he or she should also wash and eat a k'zayis, having in mind to finish eating at home. Although on Shabbos day it is the accepted practice to rely on the opinion of the geonim that one need not wash, and it is sufficient to eat cake or even fruits or another cup of wine, some maintain that in order to fulfill one's obligation of kiddush, it must be in the place where he fulfills his obligation to eat his Shabbos seudah. Rav Moshe Feinstein zt"l held this way and required one to make kiddush again before eating his seudah, although he did concede that the first kiddush was not in vein and permits one to eat and drink as a snack. On Shabbos morning, there is a simple solution to just make kiddush again; since that kiddush only consists of a borei pri ha'gafen on the wine, which he tastes from anyway. Kiddush at night, however, includes the beracha of 'mekadeish ha'shabbos' which cannot just be recited if everyone present already fulfilled their obligation.

One does not need to drink the entire cup of wine, or even a whole reviis. It is sufficient to drink a cheekful of wine, but it should be done without delay (meaning it should not be slipped very slowly). Ideally, the person making kiddush should drink a 'm'lo lugmav' (cheerful) but under extenuating circumstances, one can rely on the opinions that permit one of the listeners to drink.

It is commendable for everyone to have a taste of the kiddush wine and there are different ways of handling it. Some drink from the kos and then pour off for the others. This works in a family setting. Some pour off first, but then he must be careful to leave a reviis in the cup when he starts drinking. Some pour off a small drop into a cup filled with grape juice or wine before drinking and then distribute afterwards. Others fill up little cups of wine and place them in front of the kos shel beracha, reciting kiddush over all of them. In this way, he has also fulfilled the concept of 'itur' which is a hidur (enhancement) of any kos shel beracha.