

THE WALL ST. TORAH JOURNAL

An informative project by the Gevurah Shul Kollel for monetary matters and contemporary Halacha

Year 2 | Issue 6

תשרי שנת תשפ"ז לפ"ק

The Yud Gimmel Middos of Rachamim

Chazal reveal the tremendous power of the Yud Gimmel Middos of Rachamim. The Gemara (Rosh Hashanah 17b) teaches that Hashem revealed these Middos to Moshe Rabbeinu and established them as a bris kerusah l'sfasayim—a covenant upon our lips: whenever Klal Yisrael recites the yud gimmel middos, their tefillos are accepted.

The Gemara says that "Hakadosh Baruch Hu wrapped Himself like a shaliach tzibbur and taught Moshe how to recite them." Why would Hashem be described as a shaliach tzibbur, for which tzibbur was He serving as a shaliach? Furthermore, how can we understand the idea of tefillah in this context, we daven to Hashem, Who is the Source of everything. To whom, then, could Hashem Himself be davening.

The early commentators explain that the yud gimmel middos correspond to the thirteen middle brachos of Shemoneh Esrei, which are the brachos of request. Yet when we examine them, we find no explicit request or tefillah, rather expressions of praise about Hashem's mercy and kindness.

Rav Shimshon Pincus זצ"ל explained this with a beautiful משל.

Imagine an impoverished man whose torn clothing makes his situation obvious. He comes to the home of a wealthy man, but instead of asking for food, money, or help, he begins praising the wealthy man: "Everyone knows what a baal chesed you are. Your home is open to everyone. You have helped so many people so generously..."

The poor man never actually asks for anything. Yet the wealthy man sees his condition and understands what he needs. Moved by the man's words, he gives him everything he feels

he could possibly require—including food for his family and expenses for his children's Torah education.

In fact, the poor man gained more by not asking. Had he requested money for one specific need, the wealthy man might have provided only that. But because he left the decision to the wealthy man, he received everything he truly needed.

So too, we stand before our Father in Heaven as the "poor man." We are limited in knowledge and understanding, and we do not even recognize all that we lack. Hashem, however, knows exactly what we need—even what we do not know to ask for.

Therefore, in His infinite mercy, Hashem gave us the yud gimmel middos. Rather than limiting ourselves to specific requests, we praise Him and proclaim His Middos of mercy and kindness. In response, He bestows upon us goodness far beyond anything we could have known to request.

This explains why Hashem is described as a shaliach tzibbur: He Himself fulfills the unspoken requests of Klal Yisrael. We praise Him, and He fills in the tefillos for us, and answers them in the way He davened for us.

During these precious days, let us strengthen ourselves in reciting the Yud-Gimmel Middos with greater kavanah, while striving to emulate Hashem's ways—being merciful and willing to overlook the faults of others.

May we merit, through this, a Gmar Chasimah Tovah and a year of Geulah. ■

Excerpted and adopted from a shiur delivered by HaGaon Rav Dov Kahana shlit"א on the first day of Selichos before the avreichim of the Kollel.

On behalf of the Roshei Kollel, the avreichim, and all the mispallelim of the Gevurah shul, we extend our warmest wishes of Mazel Tov to the esteemed Karfunkel family, on the double simcha in their family

On the engagement of the son of Reb **Dov Ber Karfunkel** to the daughter of Reb Yaakov Elbogen
And on the engagement of the daughter of Reb **Baruch Karfunkel - Daf Yomi Maggid Shiur** at the Gevurah shul, to the son of Reb Dov Seidenfeld

May Hashem bless both couples with a kesher shel kayama, and may they merit to build a Bayis Ne'eman B'Yisrael, to the pride and nachas of their families.

Gevurah Shul extends a heartfelt Mazel Tov to
Reb Hillel Gross
upon the completion of the entire **Nevi'im** and **Kesuvim**, which was learned at his **daily shiur** over the past five years.
May he be zocheh to continue being marbitz torah in good health with lots of nachas and brachah.

Daily Shiurim at the Gevurah Shul:

.....
Shiur in Chok
L'Yisrael
8:00 AM

by **Reb Dov Ber Zyskind**

.....
Rambam
Following
Shacharis

by **R. Hillel Gross**

.....
Daf Yomi
1:20 PM

by **Reb Baruch Karfunkel**

.....
Gemara - Sotah
2:15 PM

by **R. Yosef Cohen**

.....
Gemara - Oraysa
5:05 PM

by **Reb Dov Ber Zyskind**

.....
Contemporary
Halacha

Every Monday,
2:15-2:30 PM

by **Rabbi Levi Yitzchak Osdoba**

Halachos of Mekach U'memkar on Chol Hamoed

By: Rav Shaya Lichtenstien

1. *Melachah on Chol Hamoed*

Work forbidden on Yom Tov is generally forbidden on Chol Hamoed, although Chazal permitted certain melachos under specific circumstances (Shulchan Aruch and Rema, O.C. 530).

2. *The Seriousness of the Issur*

Chazal say that one who disgraces Yom Tov is compared to one who serves avodah zarah. Rashi explains this includes performing an issur melachah on Chol Hamoed (Pesachim 118a; Magen Avraham 530:1).

3. *Melachah Through a Non-Jew*

A prohibited melachah may not be done even through a non-Jew. For a tzorech mitzvah, however, one may instruct a non-Jew to perform it (Shulchan Aruch 543:1; Magen Avraham ibid.).

Mekach U'memkar

4. *Buying and Selling*

Buying, selling, renting, or leasing is generally assur, even for a small transaction, whether in a store, at home, by phone, or online (Shulchan Aruch 539:1; Magen Avraham ibid. 16).

5. *Purchases Not Needed for Yom Tov*

One may not purchase items not needed for Yom Tov, such as sefarim for the next zman, clothing or shoes for a later season, or groceries for after Yom Tov.

6. *Passive Sales*

A business requiring no action or tirtcha on Chol Hamoed, such as a vending machine, website, or stocks, may remain active. Purchases through them, however, are assur. On Pesach, one must be careful regarding chametz.

7. *Discussing Business Matters*

Discussing business is permitted. One may arrange for a worker to come after Yom Tov, inquire about prices, or look at a property or product catalog (Shulchan Aruch 543:3; Shu"t Yachin U'Boaz 1:117).

8. *Paying Previous Debts*

Some poskim prohibit collecting or paying for purchases made before Yom Tov, including regular grocery, electric, gas, telephone, and insurance bills. If delaying payment will cause a loss, or there is concern the debt will not be paid later, it is permitted (Shulchan Aruch 543:3; Magen Avraham ibid. 4; Taz ibid. 1; Mishnah Berurah 11).

9. *Purchases for Yom Tov*

Purchases needed for Yom Tov are permitted, including food, drinks, clothing, the Arba Minim, hoshanos, and machzorim (Shulchan Aruch 539:12).

10. *Purchases for the Last Days*

It is likewise permitted to purchase or rent what is needed for the last days of Yom Tov (Rema 539:11).

11. *Opening a Store*

A store selling Yom Tov necessities may open, but it should be apparent that it is open only for these needs, such as by opening only one entrance or posting a notice (Shulchan Aruch 539:11; Shu"t Shevet HaLevi VIII:126).

12. *Stores Selling Fresh Goods*

Stores selling regularly purchased fresh goods, such as groceries, fruit, fish, and meat, may

Aveiros for Sale - An Halachic Analysis

By: Rav Yisroel Yitzchak Meisels

You may have heard of people selling their chometz before Pesach to get rid of it, making a Pruzbul before Shemitah, or using a Heter Mechirah for a business that is open on Shabbos. But how about selling your aveiros before Yom Kippur to get rid of them?

Before dismissing this as too ridiculous to even discuss, such sales actually happened. The status of these sales was subsequently brought before great rabbonim of the time, who addressed the matter. In fact, this happened more than once, as is evident from the Maharsham,)§3:151(, as well as another story recorded in a teshuvah of the Machaneh Chaim, from Rav Chaim Sofer, Dayan in Munkatch (C. M. §2:20).

The Maharsham was asked the following question: Someone sold his aveiros to another Yid for a substantial sum of money. Is the transaction valid or not?

Let us examine this sale from two perspectives: first, from a technical perspective, according to the principles of Choshen Mishpat, and then from the spiritual perspective.

The sale gets off to a rocky start on both counts: What exactly is being sold, and how is it being sold? Firstly, the seller is the one receiving money for the buyer to take his aveiros. Normally, of course, the buyer pays money to acquire an item; here, the arrangement is seemingly the opposite.

The Maharsham points out that since this is a "heavenly" matter, perhaps the normal requirements of a formal kinyan do not apply. Perhaps a firm commitment is sufficient.

There is another problem with the merchandise itself. Aveiros are not a tangible asset. They are a *davar she'ein bo mamash*—something without physical substance—which ordinarily cannot be sold.

This is why the Netziv, in his sefer *Meishiv Davar*, invalidates a similar sale: there is nothing tangible being transferred from one person to another, and therefore there is no conventional object upon which a kinyan can take effect.

However, the Maharsham points out that in his case there was a handshake, which constitutes *situmta*. According to some poskim, even a *davar she'ein bo mamash* can be acquired through *situmta*.

But there is a condition for *situmta*: it must be a recognized and accepted business practice. The Maharsham notes that this type of transaction is certainly not a common form of commerce.

The Maharsham therefore offers a novel approach to validate the transaction through the concept of *arvus*, or guarantorship. Perhaps, by accepting the money, the person cannot formally transfer the aveiros themselves, but he can accept upon himself liability in place of the other person—similar to the concept of accepting responsibility for someone else's debt.

So, from a purely technical perspective, we have found a possible mechanism through which such a transaction might have validity.

But there is a much more fundamental question: **Does a person even have the ability to transfer his aveiros to someone else?**

The Machaneh Chaim points out that the Ramban, in his commentary on Chumash, explains that the punishment of *kareis* results from the spiritual damage caused by the aveirah remaining within a person's soul. If so, perhaps the aveirah is not merely an obligation or liability that can be transferred to someone else. It is something that has actually happened to the person and has affected his very soul.

On the other hand, we do find the concept of one person accepting upon himself the punishment that was destined for someone else.

The Gemara in Kiddushin (31b) discusses the practice of a son saying *Hareni kaparas mishkavo* when mentioning his deceased father. Rashi explains that the son is saying, in effect, that he wishes to accept upon himself the punishment that would otherwise have come upon his father. This halachah is brought down in the Shulchan Aruch, (Y. D. 240:9).

Furthermore, both the Maharsham and the Machaneh Chaim cite the Gemara in Maseches Shabbos, where Yitzchak Avinu says to Hakadosh Baruch Hu, in effect, "Half of the Yidden's aveiros I take upon myself."

So there certainly seems to be a concept whereby one person can accept the punishment of another.

Nevertheless, as one might have suspected, neither the Maharsham nor the Machaneh Chaim concludes that there is an easy way out of one's aveiros simply by selling them. They both invalidate a blanket sale of ones aveiros, Nevertheless we still need to reconcile these conflicting statements we find in Chazal.

To gain some clarity on this subject, let us switch gears for a moment to a seemingly related concept: **selling mitzvos**.

We find a dispute among the poskim as to whether a person can sell his mitzvos.

The Rema discusses the concept of Yissachar-Zevulun, in which one partner supports a person who learns Torah and receives a share in the reward for that Torah learning.

Yet the Imrei Binah (*Shu"t* §1:3) points out that there is a teshuvah of the Maharam Alashkar (§101), citing Rav Hai Gaon, which seems to indicate otherwise. Although the supporter receives reward for enabling the Torah learning, the actual *sechar* for the Torah learning itself belongs to the person who toiled in it.

How do we reconcile these seemingly conflicting approaches?

The Imrei Binah offers a beautiful explanation. Chazal tell us, "*Sechar mitzvah mitzvah, u'sechar aveirah aveirah*"—the reward of a mitzvah is the mitzvah itself, and the punishment of an aveirah is the aveirah itself.

This can be understood to mean >page 3

Greeting One's Rebbe on Yom Tov

By: Rav Yosef Samet

The Gemara (Rosh Hashanah 16b) states: “Rabbi Yitzchak said: A person is obligated to greet his teacher on Yom Tov,” deriving this from the incident of the Shunamite woman and Elisha. When Elisha asked her, “Why are you going to him today? It is neither Rosh Chodesh nor Shabbos,” the implication is that on Rosh Chodesh and Shabbos she would have gone to him. The Rambam (Hilchos Talmud Torah 5:7) and the Rosh likewise rule that one is obligated to greet his Rebbe on Yom Tov.

The commentators question Rabbi Yitzchak’s derivation. He establishes an obligation specifically on Yom Tov, yet his proof comes from a verse that mentions Shabbos and Rosh Chodesh as well. The Ritva explains that the frequency with which one must visit his Rebbe depends upon the distance between them. If the Rebbe lives in the same city, the student is obligated to visit him every day. If he lives nearby but outside the city, he should visit once a week or once a month, while someone who lives far away is obligated to visit him once each Yom Tov. Rabbi Yitzchak therefore emphasizes that even one who lives far from his Rebbe should not become accustomed to neglecting this mitzvah; he must visit him at least once on Yom Tov. The Rach similarly explains that one who lives nearby visits his Rebbe on Rosh Chodesh and Shabbos, while one who lives farther away is obligated on Yom Tov.

The Iyun Yaakov (Sukkah) cites the Radak and Abarbanel, who had a version of the Gemara reading that one is obligated to greet his Rebbe on “Shabbos and Yom Tov.” They explain that the Rosh Chodesh mentioned in the verse can itself be understood as referring to Yom Tov, since for the Shunamite woman, Rosh Chodesh had the status of a Yom Tov, as women traditionally refrained from work on Rosh Chodesh. The Turei Even (Rosh Hashanah) explains that “Shabbos” refers to Yom Tov, while “Rosh Chodesh” refers specifically to Rosh Hashanah. The Panim Yafos (end of Parshas Re’eh) similarly explains that “Rosh Chodesh” refers to Rosh Hashanah, while “Shabbos” refers to Yom Kippur.

The Pnei Yehoshua offers a fundamentally different approach. In principle, a person should be obligated to greet his Rebbe whenever the opportunity arises. However, such an obligation cannot apply constantly, since it would interfere with a person’s livelihood. On Shabbos and Yom Tov, when a person is not occupied with work, the obligation applies. Since women were accustomed to refrain from work on Rosh Chodesh, Rosh Chodesh likewise takes on the status of Shabbos and Yom Tov in this regard.

The Pnei Yehoshua further explains why the Gemara derives the halachah specifically from the Shunamite woman. Although women are generally exempt from Talmud Torah, the >page 4

<page 2 that when a person performs a mitzvah, he does not merely earn an external reward. The mitzvah itself has a spiritual effect upon him. It changes the person, purifies his soul, connects him to ruchniyus, and brings him closer to Hashem.

Likewise, an aveirah does not merely create a future punishment. The aveirah itself damages the person spiritually.

According to the Imrei Binah, there are therefore two aspects to the reward of a mitzvah. There is the reward that a person receives for having performed the mitzvah, and there is the mitzvah itself—the spiritual transformation and connection to ruchniyus that resulted from his own actions.

The first aspect can be transferred. This is the aspect of reward that the Rema is discussing in Yissachar-Zevulun.

But the actual spiritual effect of the mitzvah—the purification and elevation that resulted from the person’s own avodah—cannot simply be transferred to someone else. This is what the Maharam Alashkar, in the name of Rav Hai Gaon, is expressing.

In light of this, we can perhaps understand the matter of Yitzchak Avinu as well. Although Yitzchak could accept upon himself the punishment that was destined for others, that does not mean that the spiritual damage caused by an aveirah could simply be removed from the sinner’s soul and transferred elsewhere.

The punishment may, in some sense, be

assumed by another person. But the damage that the aveirah itself caused remains with the sinner and must be repaired through the *darchei hateshuvah*—the proper paths of repentance.

In conclusion, will the sale be valid? According to this approach, the seller would still bear the full consequence of the aveirah, but it could potentially affect some minor aspect of the punishment. While according to the Machaneh Chaim’s approach, the sale is completely null and void.

And there is an additional problem: **the sale itself may be an aveirah.**

The Maharsham points out that someone who agrees to purchase another person’s aveiros gives the appearance that he does not take the consequences of aveiros seriously. If he truly understood the gravity of sin and its punishment, why would he be willing to “buy” someone else’s aveiros?

And for the seller, the Machaneh Chaim raises an additional concern. Trying to arrange for someone else to suffer in one’s place is wrong in its own right, and besides, the idea of selling one’s sins can resemble practices found among other religions, in which people would pay religious figures to take away or absolve their sins. By doing so, one gives the appearance, *chalilah*, of following such practices. But that is not the Torah’s approach. The Torah gives us a different path: **Teshuvah, Tefillah, and Tzedakah.**

It is through these that a person cleanses himself from his aveiros and removes the spiritual stain that they have left upon his soul. ■

remain open normally, since it is evident that the purchases are for Yom Tov (Shulchan Aruch 539:10).

13. Preventing a Loss – *Davar Ha’aved*

Mekach U’memkar is permitted where waiting will cause a loss, such as losing merchandise, a customer, or a job. Returning an item is also permitted if the return policy will expire after Chol Hamoed (Shulchan Aruch 539:4, 13; Shu”t Be’er Moshe VII:77).

14. A Possible Loss – *Safek Davar Ha’aved*

Even where there is a significant concern of loss, it may be permitted. Thus, one may sell stocks if he is concerned that their value will drop and cause a loss (Magen Avraham 539:7; Biur Halachah 537:1).

15. An Unusual Profit Opportunity

One may not do business merely for profit. However, an unusual opportunity that will not be available after Yom Tov, such as a rare major sale, may be taken advantage of (Shulchan Aruch 539:5).

16. An Uncertain Profit Opportunity

This heter applies only when it is clear that the opportunity will be lost after Yom Tov. If one is merely unsure, it is not permitted (Daas Torah 533).

17. For One’s Personal Needs

A special opportunity to purchase products needed during the year, which will not be readily available later, is permitted. The same applies when such products are unavailable in one’s hometown (Shulchan Aruch 539:9).

18. For Yom Tov Expenses

One who lacks sufficient funds for Yom Tov expenses may conduct business to obtain the necessary money, provided it is done discreetly (Shulchan Aruch 539:4; Rema ibid.; Taz 539:2).

19. Planning Ahead for Chol Hamoed

These heterim do not apply when one deliberately planned before Yom Tov to do the work on Chol Hamoed. One may not arrange his affairs in advance to take advantage of a Chol Hamoed heter (Magen Avraham 539:2).

20. Loans and Repaying Debts

Although regular business is *assur*, lending and borrowing money or objects is permitted, even not for Chol Hamoed purposes. One may therefore repay a debt, including a credit-card bill or mortgage payment, provided no other melachah is involved (Shulchan Aruch 539:2).

21. Banking Transactions

Ordinary banking transactions, such as cashing a check or depositing or withdrawing money not for Chol Hamoed purposes, are considered business and are *assur*. Depositing money to prevent a check from bouncing or withdrawing money needed for Yom Tov is permitted (Shulchan Aruch 539:14; Mishnah Berurah 47; Shu”t Be’er Moshe VII:53).

22. Working for Payment

Even permitted melachos generally may not be done for payment. If no one is available to do the work for free, payment is permitted. For a *davar ha’aved*, payment is permitted, although *l’chatchilah* one should hire a non-Jewish worker (Shulchan Aruch 542:1; Mishnah Berurah 2, 5; Rema ibid.).

23. For a Mitzvah or Public Need

Work done for a *tzorech mitzvah* or *tzorech harabim* may be performed for payment. The same applies to food-related needs, such as a cook or someone repairing a refrigerator, freezer, or oven (Magen Avraham 544:5; Biur Halachah 542:1, 5; פרי מגדים 544:5). ■

Neighborly Matters

By: Rav Moshe Rieger

A she'ilah arose concerning a homeowner who wished to build a sukkah on his balcony. An adjacent neighbor owned a tree whose branches extended over the balcony, making it impossible to construct a kosher sukkah without removing part of the overhanging branches.

The tree owner agreed that the branches could be cut, but insisted that the work be performed only by a licensed tree professional. Such a professional would charge considerably more than an ordinary tree cutter, not necessarily because he would do the job better, but because of his license, insurance, and the security that comes with hiring a qualified professional.

The question was whether the neighbor must bear this additional expense, or whether he may hire a less expensive person to remove the branches.

The Right to Remove a Damaging Tree

The Shulchan Aruch (Choshen Mishpat 155:26–28) discusses an *ilan hamazik*—a tree whose branches or roots interfere with another person's property. In such cases, the person being affected may cut the problematic portion of the tree.

The examples include a tree that prevents a person from receiving the sunlight needed for his crops, or branches that prevent him from properly plastering or repairing his roof. The underlying principle is that one person cannot allow his property to interfere with another person's legitimate use of his own property.

This halachah is not limited to actual monetary loss. The Shulchan Aruch also discusses trees growing along a public road, where the public may cut branches that interfere with the passage of people and animals. This demonstrates that preventing the ordinary use of property can itself constitute sufficient *hezek*.

Accordingly, preventing a person from constructing a kosher sukkah should likewise be considered a form of *hezek*. Building a sukkah is a legitimate use of one's property, and if the branches prevent the construction of a kosher sukkah, the affected homeowner should have the right to remove them.

Is the Tree Owner Obligated to Cut Them?

There is, however, a distinction between the right to remove the obstruction and an obligation upon the tree owner to remove it.

The tree owner did not actively create the damage. The tree is growing naturally within his property, and its branches merely extend over the neighbor's area. This is not necessarily considered *girei dilei*, since he did not perform an action directly causing the damage.

Nevertheless, the affected neighbor may exercise *dina lenafshei* and remove the branches that interfere with his use of the property.

It would therefore seem that the neighbor may choose a reasonable method of removing the branches, provided that he does not cause the tree owner any damage beyond the necessary cutting itself.



Thus, the tree owner cannot necessarily insist that the neighbor use the most expensive professional simply because he prefers that method. If an ordinary tree cutter can safely remove the offending branches without causing additional damage to the tree, the neighbor should seemingly be permitted to use that less expensive option.

Does the Tree Owner Have a Chazakah?

One might raise another issue: perhaps the tree owner has acquired a *chazakah*, since the branches had already been growing over the neighbor's property when he purchased it and the neighbor did not object, which gives the tree owner a *chazakah* that his neighbor can no longer demand him to get rid of his branches, for we assume that the neighbor was already *mochel* and agreed for the branches to remain there.

Although there is a big *machlokes* in the poskim whether *chazakah* can arise immediately when one does not object his neighbor's possessions on his property, or the *chazakah* will be established only after three consecutive years of non-objection. But in our case, the house was bought with the branches already covering his balcony, the tree owner perhaps can claim he created a *chazakah* prior to the sale.

Chazakah through an act

However, there is a fundamental reason why such a claim should not apply here. We find in the *Yad Ramah* that *chazakah* requires an act through which the person is proactive and does something that will cause damage to the other property, then we say that if the neighbor did not object, the first one establishes the right to remain, and the neighbor can no longer object thereafter. Where the situation developed naturally, without an affirmative act by the person seeking the *chazakah*, the mere passage of time does not necessarily create such a right.

This is particularly applicable to a tree. The branches grow and extend gradually on their own. The fact that the tree became large and eventually extended over the neighbor's property does not constitute an affirmative act by the tree owner.

Therefore, even if the tree has stood there for many years, the neighbor's failure to object does not automatically establish a *chazakah* permitting the branches to continue interfering with his property.

Conclusion

The owner of the balcony has a legitimate right to remove branches that prevent him from constructing a kosher sukkah. Although the tree owner is not necessarily obligated to cut them himself, since he did not actively create the damage, the affected neighbor may remove the obstruction.

Furthermore, the tree owner cannot necessarily dictate that the work be performed only by a licensed professional if this merely increases the expense without preventing any additional damage to the tree.

Finally, the natural growth of the tree does not create a *chazakah*, even after many years, since no affirmative act was performed to establish such a right, as explained by the Ramah. ■

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Shunamite woman regularly visited Elisha and recognized through his conduct that he was a holy man. Since she had learned proper Torah conduct from him, he assumed the status of her Rebbe, requiring her to greet him. Thus, the concept of greeting one's Rebbe is not necessarily limited to men who are obligated in Talmud Torah.

The Nature of the Obligation

The Rambam's placement of this halachah is significant. He writes the obligation to greet one's Rebbe immediately alongside the obligation to stand before him:

"A person is obligated to stand before his Rebbe... and afterward he may sit; and a person is obligated to greet his Rebbe on Yom Tov" (Hilchos Talmud Torah 5:7).

This suggests that greeting one's Rebbe is fundamentally an aspect of *kavod haRav*. At first glance, this would seem to limit the obligation to those who are subject to the laws of honoring a Torah teacher. Nevertheless, as discussed, the Pnei Yehoshua understands that women can also have such an obligation, and in certain circumstances may even have a greater frequency of visitation than men,

since the Shunamite woman visited Elisha on Rosh Chodesh as well.

The Position of the Noda B'Yehudah

It is noteworthy that although the Rambam and Rosh rule explicitly that one must greet his Rebbe on Yom Tov, the Tur and Shulchan Aruch do not cite Rabbi Yitzchak's statement in this form. The Noda B'Yehudah (Mahadura Tinyana, Orach Chaim 94) explains this omission based upon a fundamental understanding of the obligation.

According to the Noda B'Yehudah, the obligation to greet one's Rebbe on Yom Tov is connected to the special spiritual nature of Yom Tov. It is a time when the Korban Mussaf is brought, and therefore a Rebbe has a special ability to influence his students. There would likewise be reason to greet one's Rebbe on Shabbos and Rosh Chodesh. Nevertheless, just as Chazal teach that a person should not stand before his Rebbe more than twice a day, so that the honor shown to his Rebbe should not exceed the honor due to Heaven (Kiddushin 33a), there cannot be a formal obligation to greet one's Rebbe more than three times a year. This corresponds to the three Regalim, when

there was an obligation of Aliyah L'Regel.

The Noda B'Yehudah therefore concludes that nowadays, when there is no longer a mitzvah of Aliyah L'Regel because the mitzvah of appearing in the Beis HaMikdash was connected to bringing the Korban Re'iyah, there is likewise no formal obligation to greet one's Rebbe on Yom Tov. This would explain why the Rambam records the halachah, since he frequently includes laws that apply when the Beis HaMikdash is standing, while the Rosh is transmitting the teaching of the Gemara. The Tur and Shulchan Aruch, by contrast, generally focus on practical halachos applicable in our times.

This approach, however, is difficult. Neither the Gemara nor the Rambam indicates that the obligation applies only while the Beis HaMikdash is standing. Furthermore, the Rambam places this halachah together with the other laws of honoring one's Rebbe, which certainly apply nowadays, without distinguishing between them.

In the next journal we will *iy"h* examine how other poskim do find that this halacha is mentioned in the Shulchan Aruch, and how the later poskim concluded on this matter. ■