

למודי משה

אחרי מות / קדושים - גליון קס"ט

Insights Into Halachah

The Halachos of Eating Before Davening for Men and Women

In the second of this week's double *parsha*, when discussing various forbidden practices which Jews must avoid, the Torah states, לא תאכלו על הדם, which literally means "you may not eat over the blood" (*Vayikra* 19:26). The Ramban explains that this refers to a practice associated with witchcraft or sorcery, as indicated by the context in which this phrase is found in the *pasuk* and he proceeds to elaborate upon the particular occult practice, relating to foretelling the future, which involved eating "over the blood" that we are required to stay away from. The Rashbam suggests that the *pasuk* is referring to a practice observed by certain non-Jewish people to eat at a gravesite for the purpose of witchcraft; the Chizkuni writes similarly that there was a non-Jewish practice to eat at the grave of a murdered person, so that he would not be able to take revenge against anyone, which we Jews must avoid.

Although it is clear that the intent of this *pasuk* is to prohibit some type of eating activity relating to blood and occult practices, as documented by the above *Meforshim*, Rashi notes that the Gemara in Sanhedrin (63a) derives numerous other ideas (five, to be precise) from this phrase, לא תאכלו על הדם, which are not really related to each other, but which all have something to do with eating, and, perhaps less directly, with blood.

The Gemara in *Berachos* (10b) derives yet another law from the phrase, לא תאכלו על הדם, and that is: על שתתפללו - "That you may not eat (in the morning) before you have davened for your 'blood'".

The Gemara then quotes a *pasuk* in *Melochim* (1, 14:9) which speaks of the wicked king Yeravam Ben Nevat and describes him as having thrown Hashem behind his back, that is, as having rejected Hashem; based on a play on words, the Gemara suggests, as explained by the *Maharsha*, that it was Yeravam's, *geivah*, meaning, his self-centered haughtiness, that led him to reject Hashem, and then says that one who eats and drinks before *davening* is behaving in a similar fashion because he is acknowledging Hashem only after taking care of his own needs, which is also a sign of *geivah*.

Consequently, we will take this week's opportunity to discuss a very interesting and practical topic, the topic of eating before *davening*. Does it apply to men and women equally? What should one do if he is ill and not able to wait so long? Does it apply to drinking tea and coffee? If not, may one add sugar? What about soft drinks? And more.

How Do We Pasken?

The halachah that results from the aforementioned Gemara in *Berachos* is codified by all authorities. To quote the Rambam: אסור לו לאדם שיטעום כלום או שיעשה מלאכה מאחר שעלה עמוד השמר עד שיתפלל תפלת שחרית – "It is prohibited to taste anything or to perform work from *halachic* daybreak until one has davened *Shacharis*" (*Hilchos Tefillah* 6:4).

De'O'raisa or Derabonon

The Rambam (*Sefer HaMitzvos, Shoresh* 9) includes this idea that one may not taste anything before *davening* among the different laws learned from the phrase, לא תאכלו על הדם, implying that he considers this restriction to be *de'O'raisa*, although in his *Pirush HaMishnayos* in *Makkos* (3:1) where he also lists the prohibitions derived from the phrase, לא תאכלו על הדם, he does not mention it at all. The *Sefer HaChinuch* cited above (*Mitzvah* 248) also states that this rule that one may not taste anything before *davening* is among those derived from the phrase, לא תאכלו על הדם, and the *Minchas Chinuch* (*Ois* 5) writes that this prohibition apparently is in force *de'O'raisa*. According to Rabbeinu Yonah in *Berachos*, however, the phrase really is only an *asmachta*, providing a hint to this rule in the Torah, but the rule itself is not *de'O'raisa*, and this also seems to be the position of the Meiri in *Berachos* and of the *Beis Yosef*, in his commentary on the Tur.

The *Minchas Chinuch* suggests that this question may relate to the general discussion about whether or not *davening* itself is mandated on a *de'O'raisa* level; if the mitzvah of *tefillah* itself is only *derabonon*, then there obviously cannot be a prohibition on a *de'O'raisa* level to eat before *tefillah*. According to the Rambam (*Hilchos Tefillah* 1:1) however, and others who hold like him that daily *tefillah* is required on a *de'O'raisa* level, based on the Gemara in *Taanis* (2a), there is room to say that this prohibition is also *de'O'raisa*.

Tea and Coffee?

Although all *poskim* prohibit eating and drinking before *davening Shacharis*, we find early *poskim* who permit drinking water before *davening*, since this is not considered an act of haughtiness (Rosh, quoting the Avi HaEzri; the *Beis Yosef* cites *poskim* who disagree, but ultimately rules like the Avi HaEzri). Most later *poskim* permit drinking tea or coffee, contending that this, also, is considered like drinking water, but the *poskim* dispute whether one may add sugar to the beverage. The *Mishnah Berurah* (89:22) and others prohibit this, whereas the *Aruch HaShulchan* and other later *poskim* permit it. They are disputing whether adding sugar to the beverage promotes it to a forbidden beverage, or whether it is still considered water that one may imbibe before *davening*.

The Steipler (*Orchos Rabbeinu*, Vol. 1 pg. 57) and R' Shlomo Zalman Aurbach maintain, that the above *machlokes* was many years ago, today however, when the entire world drinks their coffee and tea with sugar, it would seem that even the *Mishnah Berurah* agrees one may add sugar and it is not considered an act of haughtiness.¹

The *Da'as Torah* (89:3) adds that based on the above logic, it would be permissible to add milk into one's coffee or tea as well. However, he adds, one should make sure to drink it in a cheap cup, if one starts drinking using a fancy cup then they may be problems of haughtiness.

Soft Drinks

If instead of drinking tea or coffee one prefers to have a soft drink, the *Aruch HaShulchan* (89:27) writes that he is in doubt, but ultimately concludes that he thinks it's ok. In *Peninei Tefillah*, R' Elyashiv is quoted as saying that it is ok. However, one must refrain from drinks which have importance attached to them, such as wine and beer.

What If Someone Is Hungry?

The Rambam (*Hilchos Tefillah* 5:2) rules that someone who is hungry or thirsty should eat or drink before he *davens*, so that he can *daven* properly.

Similarly, some *poskim* contend that, for medical reasons, anything may be eaten or drunk before *davening*. They explain that the Gemara prohibited only eating or drinking that demonstrate conceit, whereas whatever is done for medical reasons is, by definition, not considered arrogant (*Beis Yosef*, quoting *Mahari Abuhav*). The *Shulchan Aruch* (*Orach Chaim* 89:3) accepts this as normative halachah.

I Will Be Hungry!

What is the halachah if someone is, as yet, not hungry, but he knows that he will be so hungry by the end of *davening* that it will distract him from *davening* properly. Is he permitted to eat before *davening*?

The answer to this question appears to lie in a discussion in a Gemara in *Berachos* (28b):

Rav Avya was weak and, as a result, did not attend Rav Yosef's *shiur* that took place before *Mussaf*. The next day, when Rav Avya arrived in the Yeshiva, Abaye saw Rav Avya and was concerned that Rav Yosef may have taken offense at Rav Avya's absence. Therefore, Abaye asked Rav Avya why he had failed to attend the previous day's *shiur*. After which the following conversation transpired:

Abaye: Why did the master (addressing Rav Avya) not attend the lecture?

Rav Avya: I was not feeling well and was unable to attend.

Abaye: Why did you not eat something first and then come?

Rav Avya: Does the master (now referring to Abaye) not hold like Rav Huna who prohibits eating before *davening Mussaf*?

Abaye: You should have *davened Mussaf* privately, eaten something and then come to *shul*.

We see, from Abaye's retort, that someone who is weak should *daven* first and then eat, even if this means that he *davens* without a *minyan*. Based on this passage, several noted *poskim* rule that someone who will not be able to wait until after *davening*, and cannot find an early *minyan* with which to *daven*, should *daven* privately (*beyechidus*), eat and then attend *shul* in order to hear *krias haTorah* and fulfill the *mitzvos* of answering *kaddish* and *kedusha* (*Ba'er Heiteiv* 89:11; *Biur Halachah* 289; *Da'as Torah* 289 quoting *Zechor Le'avraham*; *Shu"t Igros Moshe*, *Orach Chaim* 2:28 at end of *Teshuvah*).

May a Woman Eat Before Kiddush?

Once someone becomes obligated to recite *kiddush*, he cannot eat or drink anything before reciting *kiddush*. If a woman finds it difficult to wait until her husband returns from *shul*, is she allowed to eat something before her husband arrives home?

The obvious solution would be for the woman to recite *kiddush* herself. However, for some reason, many women are scared to make *kiddush* on their own and prefer to wait for their husbands². Is there a *halachic* solution to permit a woman who doesn't want to make her own *kiddush* to eat or drink before *kiddush*?

The *poskim* bring down a number of solutions which do in fact allow a woman to eat before hearing *kiddush*.

¹ A slight difficulty with the above is, that I personally have a number of coffee's a day, and I don't add sugar.

² I'm not sure why so many women are scared to make *kiddush* on their own, especially as all that is required is the *berachah* of '*borei pri hagofen*'. Perhaps the reason is, many men when they make *kiddush* recite various *pasukim* beforehand (see booklet 159 where we spoke at length about this), and women think this is also part of *kiddush*. However, I feel it is important that it is made clear to them what is and is not required for *kiddush*, and if women are told clearly that all that is required is the *berachah* of '*borei pri hagofen*' they may not be so hesitant to make *kiddush* themselves.

Although most authorities obligate a woman to recite the daytime *kiddush* and prohibit her from eating before she recites *kiddush* (*Tosfos Shabbos* 286:4, 289:3; *Pri Megodim*, *Mishbetzos Zahav* 289:1; *Mishnah Berurah* 289:6), this is not a universally held position. One early authority (*Maharam Chalavah*, *Pesochim* 106, quoting the Rashbah) contends that women are absolved of the requirement to recite daytime *kiddush*. His reason being, that the daytime *kiddush* is not an extension of the mitzvah of evening *kiddush*, but is to demonstrate that the meal is in honor of Shabbos, and this requirement does not devolve upon women.

Although this approach is not *halachically* accepted, some authorities allow a woman to rely on this opinion, under extenuating circumstances, to eat before reciting morning *kiddush* (*Shu"t Minchas Yitzchok* 4:28:3).

When Does a Married Woman Become Obligated to Make Kiddush?

Rav Moshe Feinstein presents a different reason to permit a married woman to eat before *kiddush*. He contends that since a married woman is required to eat the Shabbos meal with her husband, she does not become responsible to make *kiddush* until it is time for the two of them to eat the Shabbos meal together, meaning after *davening* (*Shu"t Igros Moshe*, *Orach Chaim* 4:101/2). In Rav Moshe's opinion, she is not yet obligated to make *kiddush*, since the time for her meal has not yet arrived.

The *Shemiras Shabbos Kehilchosah* (Chapter 52, note 46), in the name of Rav Shlomoh Zalman Auerbach, disagrees with this opinion. Firstly, Rav Shlomoh Zalman Auerbach is unconvinced that she is *halachically* required to eat her meal with her husband. Furthermore, even assuming that she is, he disagrees that this permits her to eat before *kiddush*.

If we do not follow the lenient approaches mentioned, when does a woman become obligated to recite *kiddush* and is therefore no longer permitted to drink tea, coffee, and water? The *Achronim* debate this issue, but to understand the debate we must explain a different topic first:

What Must a Woman Daven?

All *poskim* require a woman to *daven* daily, but there is a dispute whether she is required to recite the full *shemoneh esrei* (Ramban), or whether she fulfills her requirement by reciting a simple *tefillah*, such as the morning *berachah* that closes with the words "*hagomel chasodim tovim le'amo Yisroel*" (*Magen Avraham*).

When May She Eat?

According to the first opinion that a woman is required to recite the full *shemoneh esrei*, she may not eat in the morning without first *davening*, whereas, according to the second opinion that she fulfills her requirement once she has recited a simple *tefillah* or morning *berachos*, she may eat once she has recited these *tefillas*.

Some *poskim* rule that a woman becomes obligated to hear *kiddush* as soon as she recites *berachos*, since she has now fulfilled her requirement to *daven*, and she may therefore begin eating her meals. According to this opinion, now that she has recited morning *berachos*, she may not eat or drink without first making *kiddush* (*Tosfos Shabbos* 286:4, 289:3). This approach contends that, before she recites morning *berachos*, she may drink water, tea or coffee, but after she recites morning *berachos* she may not drink even these beverages without first reciting *kiddush*.

There is another view, that contends that a woman can follow the same approach that men follow, and may drink water, tea or coffee, even after she recited *berachos* before she has *davened* (*Pri Megodim*, *Eishel Avraham* 289:4 as understood by *Halichos Beisah* page 204).

Following the Magen Avraham

Many *poskim* contend that, although a woman should *daven shemoneh esrei* every morning, she may rely on the opinion of the *Magen Avraham* in regard to eating. Therefore, she may eat after reciting morning *berachos*. In many institutions, this approach was preferred, since it accomplishes that the *tefillah* that the girls recite is a much better *tefillah*, and they learn how to *daven* properly. However, this does not necessarily tell us what she should do on Shabbos morning, and I refer you back to the earlier discussion about this issue.

Listening to A Cappella Music During the Sefirah

During *sefiras ha'omer*, the *din* is that one should refrain from listening to music. The big question is, however, what is the status of a cappella music, is such music included in the prohibition? Although most people seem to hold that it is ok, we will see below that the matter is far from simple, and that in fact most *poskim* maintain it is prohibited.

R' Elyashiv (*He'oras on Gittin* 7a) writes, that when one listens to recorded music on a tape, cd, mp3 etc. even if the music was sung without any musical accompaniment, i.e. a cappella, when one listens over to the music on a tape, cd, mp3 etc., the device itself is now considered an instrument, and is the same as listening to music which is being played with musical accompaniment. Just because the music that was recorded was sung without any instrument, the recording device is now considered the instrument. Accordingly, it would come out, that listening to a cappella music would be forbidden during the *sefirah*. I find the above logic difficult to understand, as in the end of the day, the music one is hearing is one's voice and has no musical accompaniment - why should a tape, cd or mp3 recorder suddenly be considered a musical instrument?! However, this is also how R' Vosner (*Shevet HaLevi* 8:127:2 and 2:57:2), the *Tzitz Eliezer* (15:33:2) and R' Yosef Chaim Sonnelfeld in his *Salmas Chaim* seem to conclude.

R' Wosner proves his opinion from the Rambam. The Rambam (*Hilchos Taanis* 5:14) writes: **וכל מיני זמר וכל שיר בכלי לנגן שלא לנגן בכלי שיר וכל מיני זמר וכל** – “Similarly, they instituted that one should not play music using any type of instruments, **or any device which makes a sound of music**. All the above are forbidden to rejoice with, and one is not allowed to listen due to the *churban*. If one is by a wine banquet, he should refrain from even listening to music that is being sung without any musical accompaniment.”

R' Wosner understands that when the Rambam writes: **וכל משמיעי קול של שיר אסור** – “or any device which makes a sound of music” it is coming to forbid singing that is recorded even without musical accompaniment. Although in the times of the Rambam such music didn't exist, R' Wosner maintains it still fits into what the Rambam forbade. Since such music is considered music, it is forbidden to listen to it during the *sefirah*. However, I don't understand why the Rambam can't be interpreted as saying that listening to recordings of musical instruments is forbidden, however, a recording of singing without any music may in fact be allowed.

Similarly, R' Shlomo Zalman Auerbach (*Shalmai Mo'ed* pg. 478) when asked about listening to such music during the three weeks, said that it is forbidden, as it is virtually the same as listening to a musical instrument.

Boruch Hashem I found in *Kovetz Halachos* (pg. 102, a *sefer* written by R' Doniel Kleinman who brings the *pesokim* of R' Shmuel Kamenetsky) that he asks like me and says: **אין מסתברא כ"כ להחשיבו כזמרא דמנא ממש דפשוטו ענין זמרא דמנא הוא כך שהזמרא הנעשה ע"י כלי יש בו מעליותא מיוחדת במה שיש לו מהות אחרת לגמרי מזמרא דפומא שלכן אין כ"כ סברא להחמיר בזמרא דפומא בקלטת להחשיבו** – “It's illogical to say that a cappella music is considered real music, as presumably the prohibition of listening to musical instruments is because the music produced is on a much higher level and is entirely different to music produced by one who sings without any instruments. Therefore, it's illogical to say, that recorded singing without instruments should be worse off just because one hears it from a recording device.”

However, R' Shmuel continues that listening to such music is still forbidden during the *sefirah*. He explains, the prohibition of listening to music, isn't related specifically to musical instruments, rather the idea behind the prohibition is that one is supposed to refrain being over excited during the *sefirah*, which is why they forbade dancing as well. Therefore, since one should refrain from being over excited one should refrain from a cappella music as well. Especially as nowadays, a cappella is not that different from regular music and also brings excitement to one who listens to it.

Based on the above, R' Shmuel holds that one should refrain from listening to *chazonus* as well as this also arouses *simcha* in one's heart.

R' Shmuel concludes by saying, “in recent times the listening of a cappella music during the three weeks has become very widespread, one who does so is not acting in accordance with *Chazal* (אין רוח חכמים נוחה ממנו).”

A Fascinating Teshuvah From R' Belsky

To conclude the topic, I would like to quote a fascinating *Teshuvah* I came across written by R' Yisroel Belsky:

Question: A cappella albums – singing without instrumental accompaniment – are becoming more and more common, especially during *Sefirah* and The Three Weeks when we are *noheig* not to listen to music. Is it *halachically* permissible to listen to a cappella music during these times of the year?

Answer: Lately, it has become a trend to take every possible pleasure that one can think of and figure out ways to make them permissible at all times. Whether it is the imitation of non-kosher foods, making all *chometzdike* delicacies kosher l'Pesach, or other similar things, we find this attitude now more than ever. People cannot live for one minute with compromising on pleasures that they are used to or wish to experience. Often, the *heteirim* to permit such activities are, at best, based on very weak reasoning.

One such example is the desire to listen to music during *Sefirah* and The Three Weeks. It has become a trend to produce “*Sefirah* tapes,” referred to musically as “a cappella”. The wide acceptance of such tapes has not been with rabbinic approval. Indeed, many of the *gedolei rabbonim* have ruled that one should not listen to this type of music during *Sefirah* and The Three Weeks. Unfortunately, because the music albums are being sold in the stores, people think that they must be *glatt* kosher. If they aren't acceptable, people say, why would a Jewish store sell them?

A Cappella

There are basically three types of a cappella.

One is where the musical sounds originate from human voices, but the natural properties are digitally modified with computer software to attain quality of sounds that are not humanly possible, thus making it sound more like regular music. Such a cappella is *halachically* not viewed as being any different from regular music.

There are other forms of a cappella which sound very similar to regular music, although no digital modification is done to the voices. These types of a cappella should also not be listened to during *Sefirah* and The Three Weeks, as will be explained shortly.

The third type of a cappella is where regular songs are sung by an individual or choir. There is nothing *halachically* objectionable about listening to such a cappella during *Sefirah* and The Three Weeks.

To properly understand this topic, it would be helpful to briefly relate some technical information provided by experts in the music industry as to how a cappella music is created.

Digitally Modified A Cappella

Every sound is made up of many different sound waves, each at their own frequency. The individual frequencies and the velocity of each sound wave give each sound its unique tonal properties.

There is a process called equalization whereby one can alter the natural balance of frequencies. Equalization is used on almost every recorded sound we hear. It is most commonly employed to shape a sound, bringing out its own properties better. However, equalization can also be used to create a special effect. For example, a click with one's mouth, or a chhhh sound, can be equalized to sound like a drum. If the tonal balance is changed beyond the capabilities of what a human can do, then the music can no longer be considered human sounds, but rather computer-made sounds, and would be prohibited during *Sefirah* and The Three Weeks.

A second modification made is to the pitch of the notes. A bass guitar can play notes almost twice as low (two octaves lower) as a human voice can go. Therefore, in order to simulate the bass notes, some album producers lower the pitch of the notes beyond the capabilities of the human voice. This process of transposing the notes down an octave or more would also change the status of these notes from vocals to computer-generated sounds, and would be prohibited during *Sefirah* and The Three Weeks.

One can also record a person sounding individual notes (e.g., an individual drum hit, a trumpet sound, etc.) and transpose it in one's computer to every possible note and play back these notes using an external controller, such as a keyboard. One can now play this "voice" as an instrument on a keyboard and technically stimulate a "one man band", although the sound of each key on the keyboard originated from human voices. This process, which is called "sampling", would definitely change the status of the notes, and make them prohibited during *Sefirah* and The Three Weeks.

A third modification made is to the timing of the notes. The rhythmic structure of all music can be charted on a grid. The most common breakdown would be charted in eights. That means that each rhythmic hit would take place at exactly one interval of eights. It is not humanly possible for a musician to play 100% on the grid. This slight imperfection is what gives live music its human feel, as opposed to machine music which sounds much more rigid. It is even harder for a person to create a rhythm with his mouth, and keep it perfectly on grid. Many albums take the rhythmic parts and digitally place them exactly where they belong on the grid. This process is called quantization. Though this does not change the sound of the voice, when used in combination with any of the above processes it would give the sounds more of a status of music.

Unmodified A Cappella

There is a common misconception that music is *ossur* during *Sefirah*. Nowhere in *Hilchos Sefirah* or the *halachos* of The Three Weeks does it mention that there is a *minhag* not to listen to music. All that is mentioned by the earlier *poskim* is that there is a *minhag* to abstain from *rikkudim u'mecholos*, dancing.

If so, where does the entire issue of not listening to live or recorded music during *Sefirah* and The Three Weeks come from?

It appears that although there was no specific *minhag* not to listen to music, there was a *minhag* to abstain from things that bring about an excessive amount of enjoyment. Furthermore, technically, due to the *churban Beis HaMikdash*, music should be forbidden all year round. However, there are certain *kulos* [leniencies] which we rely upon. It is during *Sefirah* and The Three Weeks that we have accepted upon ourselves not to rely on these *kulos* and practice *aveilus* in this regard. Music has this power more than most things that people do for enjoyment. Music can take someone out of this world, so to speak, and make him forget, at least temporarily, all his worries and problems. Thus, whether the music is live or recorded, it produces this effect, which is contrary to the *minhag*. A cappella that sounds very similar to music is also included in this *minhag* and should not be listened to.

Some rabbonim feel that once it sounds like music and is being played from an electronic device, that, too, renders it a musical device which is forbidden.

Some others take it a step further and maintain that any music that stimulates the desire to dance – even mere vocals – are forbidden. Be that as it may, if the sound of the a cappella is identical to 'regular' music, it should definitely be avoided.

Choirs

A cappella music that was not modified at all, and sounds like a group of people singing, would be permissible.

It is interesting to note that the word a cappella literally means, a – in the style of, cappella – a chapel. In a chapel, they have only a choir singing with no musical instruments (other than a pipe organ which blends together very well with the voices). The harmony of the choir is meant to produce the musical effect. This is where the concept of a cappella stems from.

Divrei Torah for the Shabbos Table

A Sharp Response from Rav Yonason Eibeshutz

ויאמר ד' אל משה דבר אל אהרן אחיך ואל יבא בכל עת אל הקדש

“Hashem told Moshe, speak to Aharon your brother, and tell him that He may not enter the Holy of Holies at all times” (Vayikra 16:2).

Rav Yonason Eibeshutz was once collecting *tzedokah* for a poverty-stricken family in his community. He approached one of the wealthy men in town for a donation. The stingy man attempted to excuse himself by quoting the Gemara in *Kesubos* (50a), which discusses the *pasuk* in *Tehillim* (106:3): **עַתָּה בְּכָל עֵת – “Praised are those who guard justice and do acts of righteousness at every moment”.**

The Gemara questions how it is possible to do *tzedokah* every second, and answers that the *pasuk* is referring to a person who sustains his own young children. The man claimed that he had no need to contribute to the Rav’s cause, for through his children, he was already considered by the Gemara as somebody who gives *tzedokah* **עַתָּה בְּכָל עֵת – at every moment.**

The quick-witted Rav Yonason responded to this argument by quoting the aforementioned *pasuk* from this week’s *parsha* in which Aharon was forbidden to enter the *Kodesh Kodashim* [Holy of Holies] at any time that he desired. Rav Yonason creatively interpreted it as saying: **עַתָּה בְּכָל עֵת – “A person who only gives *tzedokah* based on the Gemara’s interpretation of the words *עַתָּה בְּכָל עֵת* will not be permitted to enter holy places. (R’ Ozer Alport)**

An Important Lesson We Must Derive from the Mitzvah of Kisui HaDam

Parshas Acharei Mos contains the commandment to cover with dirt the blood of a bird or wild animal after it has been *shechted* [ritually slaughtered], a mitzvah known as *kisui hadam*. The Gemara (*Chullin* 87a) derives from the juxtaposition of the verbs “to slaughter” and “to cover” that just as *shechita* is done with one’s hand, so too covering the animal’s blood must also be done with the hand. Although it may be more convenient to kick dirt on top of the blood using one’s foot, the Gemara explains that it is disrespectful to do a mitzvah in this manner. The *Beis HaLevi* (*Parshas Terumah*) writes that the concept of honoring *mitzvos* is not limited to *kisui hadam*. On Succos, the boards used to build the *succah* and the *esrog* become sanctified through their use in the performance of *mitzvos*, and they may therefore not be treated irreverently (*Rema, Orach Chaim* 639:1, *Sheiltos Shelach* 126). The *Beis HaLevi* adds that when a poor person approaches us with a request for *tzedokah*, he is transformed into a *cheftza shel* mitzvah – someone through whom we fulfill the mitzvah of giving *tzedokah*.

Because of our busy lifestyles, Rav Yisroel Frand notes that we often feel bombarded with requests to help needy individuals and organizations. In times of stress, we may feel tempted to ignore them or even respond in a harsh tone. Whether the encounter is in *shul*, on the street, at our door, or on the phone, we must remind ourselves that if the Torah requires us to treat the blood of a dead chicken with respect, how much more so must we be sensitive and considerate when interacting with a living, vulnerable human being with feelings.

An Important Lesson to Take from the Avodah Zorah of Molech

The end of *Acharei Mos* contains the prohibition of giving one’s children over to the pagan worship of Molech. This tragic form of *avodah zorah* [idolatry] involved transferring one’s child to the priest of Molech, who would then pass the child through fire as an act of worship to the pagan god. In some forms of this worship the child would in fact be burnt to death. The Torah *pasuk* that prohibits this act says, “...that you will not thereby profane the Name of your G-d, I am Hashem” (*Vayikra* 18:21). In other words, beyond the intrinsic prohibition of the idolatry involved, there is another prohibition, that of Desecrating the Name of G-d (*Chillul Hashem*).

The Ramban elaborates on the unique desecration of Hashem’s name that accompanies worship of Molech. The Ramban explains that it will be a *chillul Hashem* when the nations will hear that Jews honor their G-d by offering animal sacrifices, but that they honor Molech by offering their children.

Rav Dovid Kviat (in his *sefer Succas Dovid*) observes that this concept — that a person can cause a *chillul Hashem* by showing greater homage and honor to some other area in life than to the Ribbono Shel Olam, is a phenomenon which is far less foreign to us than the cult of Molech.

In *sefer Shmuel* we learn of the capture of the *aron habris* [ark of the covenant] by the Pelishtim. The *aron* remained with the Pelishtim for a certain period of time and caused havoc to them, such that they sent it back to Klal Yisroel. Initially, upon its return to Klal Yisroel, a plague occurred, smiting the residents of Beis Shemesh (Shmuel 1, *Perokim* 4-6). The Medrash asks why the residents of Beis Shemesh were punished. The Medrash answers that they had been more worried when their hens were lost than when the *aron* was captured. This is a terrible criticism and a terrible *chillul Hashem*.

This is the same type of *chillul Hashem* that the Ramban identifies with Molech worship. It is the same type of *chillul Hashem* in which we all unfortunately engage, to a greater or lesser extent, when we do not demonstrate the proper priorities in terms of manifesting our care and concern.

The transmission of our car breaks. This upsets us. We come back from a vacation and find that the refrigerator stopped working and all the food is ruined. The house stinks. Everyone gets upset! Little things like this upset us.

The difficult situation in Eretz Yisroel should upset us far more than life's trivialities, about which we get so worked up. Every day's curse is worse than the previous day's curse. The situation there is terrible. But does it bother us more or less than if our refrigerator breaks? Does it bother us more than a transmission?

What bothers us? What makes us upset? What makes us lose sleep at night? Hashem was upset at Klal Yisroel for being more concerned about a hen than about the *aron*. We read the Medrash with disdain for the people of Beis Shemesh. We think, how could they be more concerned about a chicken than about the *aron*! But we need to look in the mirror and ask ourselves — are we more worried about our own businesses and our own refrigerators and transmissions and all the other trivialities of life, than we are with what is going on with Klal Yisroel?

To be more worried about the former than the latter is in effect the admonition mentioned in this week's *parsha*: "And you shall not desecrate the Name of your G-d, I am Hashem". Hashem holds us accountable for our priorities – how we treat Him and how we treat other things. (R' Frand)

Understanding Why the Mitzvah of "You Shall Be Holy" Was Given in a Mass Gathering

Parshas Kedoshim begins with the words: וידבר ה' אל משה לאמר דבר אל כל עדת בני ישראל ואמרת עליהם קדושים תהיו – "Hashem spoke to Moshe saying: Speak to the entire assembly of the Children of Yisroel and say to them: 'You shall be holy'" (*Vayikra* 19:1-2). Rashi points out that the uncommon inclusion of the phrase "the entire assembly of the Children of Yisroel" in the standard phrase "Speak to the Children of Yisroel..." teaches us that this mitzvah was specifically given in the presence of the entire assembly of Yisroel (*b'hakhel*).

There is a famous disagreement among the early commentaries as to exactly what is meant by the mitzvah, קדושים תהיו - "You shall be holy." Rashi interprets the mitzvah as one of abstinence—"You shall be removed from *arayos* and from sin." The word "*kadosh*" literally means "separate." When we say "*kadosh, kadosh, kadosh*" about Hashem, we are emphasizing his separateness and uniqueness. Thus, the meaning of "You shall be *kedoshim*" is "You shall be separated – from forbidden sins."

The Ramban, in a famous argument with Rashi, says that "You shall be *kedoshim*" has nothing to do with illicit acts. Rather, "You shall be holy" refers to perfectly permissible activities. The concept is "sanctify yourself by withdrawing from that which is permissible to you" (*kadesh atzmecha b'mutar lach*). That Ramban declares that without such self limitation, a person can be a '*naval b'rshus haTorah*' (a glutton 'sanctioned' by the Torah). The level of sanctity required by this *pasuk* is that which is achieved by a person who even somewhat restrains himself from those physical pleasures that the Torah permits.

The *Chasam Sofer* points out that whether we accept Rashi's interpretation or the Ramban's approach, the message of this mitzvah is one of abstinence. A person could perhaps erroneously come to the conclusion that the only way to achieve this level of sanctity would be to lock himself on the top of a mountain in a monastery. We might think that a person should ideally have nothing to do with people; that a person should not get married and should have nothing to do with the opposite gender at all. The Torah therefore makes clear that the "holiness" of a monk is not desirable. This mitzvah was specifically delivered "*b'hakhel*". Everyone was present—the men, the women, and the children.

A person must be a *kadosh* (a holy person), but must be a *kadosh* in the context of the congregation and the community. A person must get married and must raise children. A person must play with his kids and spend time with his family and be a part of the community. The Torah wants the holiness of complete human beings.

The Kotzker Rebbe used to stress "MEN of holiness you shall be to Me" (*Shemos* 22:30). "Hashem is not looking for more angels." The Torah was not given to angels (*Berachos* 25b). It was given to human beings who have wants and desires and are social animals. It is in that context that we are commanded to develop holiness.

Therefore, specifically *kedoshim tihiyu*, of all *mitzvos*, was relayed in a mass public gathering, to emphasize that despite our obligation to achieve holiness through a certain degree of abstinence, it must be in the context of the community, our wives, our children, and our neighbors. (R' Frand)

A Frightening Chiddush from the Chofetz Chaim

The following are several paragraphs from an undated letter written by the Chofetz Chaim, which R' Frand shared in one of his *shiurim*. It is difficult to know what the historical context was, but it is obvious from this letter that the Chofetz Chaim is terribly pained about something. This letter is found in the *sefer Chizuk HaDas*, which is one of the Chofetz Chaim's *seforim*. It is Letter #31 in that collection. Although this is written well over a hundred years ago, the subject matter is, unfortunately, very contemporary for a variety of reasons.

"Therefore, I wish to publicly express my terrible pain about this issue. Maybe there will be found people who will take this matter to heart and my effort will not have been in vain. I am greatly pained that argumentation has proliferated amongst the Jewish people. Jews, *talmiday chachomim*, are fighting with one another. Every day, there are new factions, and factions of factions, that emerge to contest with one another. All of this is done publicly.

They print articles; they print "*kol korei*" proclamations, each backing up their particular points of view. They spread these articles and pamphlets and posters to every corner. This person gathers signatures to support his position, and this person gathers signatures to support his position. Each side heaps scorn on the other side of the dispute, back and forth. The result of all this is that the entire exile has become one huge bonfire, lit up with the fire of dispute. Not a single day passes where such publications do not reach my hand, bashing one side or the other—papers and publications each heaping scorn and shame on the opposing position.

This greatly pains me that also in our Holy Land, these actions of the Sotan have been successful. It, too, has fallen into the trap of *machlokes*. Each side feels that they have the truth with them and that it is only the opposing camp which is causing the *machlokes*. Each side feels they are totally righteous, and will not in any way be punished for causing such *machlokes*. This is a great mistake. Every *machlokes*, even one which starts out for the Sake of Heaven, is vulnerable to having the human element ("I need to win") take over. This is the inevitable nature of *machlokes*.

Everyone knows the story of what happened to Rabbi Akiva, who had 24,000 *talmidim*. There was at the time a great plague, may the Merciful One save us from such. All 24,000 *talmidim* died, and the world was desolate, from lack of Torah.

Why were they deserving of death? Was it merely because they did not treat one another respectfully? Was it because they yelled at each other? Was it because they insulted each other? All that would be terrible, but they are not capital offenses. All these actions merely involve prohibition of *ona'as devorim* [hurtful words] (*Vaykira* 25:17). It is a negative prohibition, but not one deserving of the death penalty at the Hand of Heaven.

So why then did the *talmidim* of Rabbi Akiva die? Why did 24,000 of his *talmidim* fall for not treating one another with respect? It can only be because their actions created a tremendous *chillul Hashem* [Desecration of G-d's Name] in the world. When *talmiday chachomim* argue with one another, it creates a tremendous *chillul Hashem*, for it besmirches the reputation of Torah in the eyes of the entire world. The *aveira* of *chillul Hashem* is indeed punishable by Death at the Hand of Heaven.

About this I say, "How can we not be in fright from the example of these 'Cedars of Lebanon' who met such a fate for the sin of the *chillul Hashem* their disrespectful behavior caused."

People of a certain stature need to be afraid, not only of *machlokes*, which is an *issur*, and not only of *lashon horah*, which is an *issur* – but they need to be afraid of something that is far greater than either of those two prohibitions, and that is *chillul Hashem*. For the *aveira* of Desecrating the Name of Hashem, we know, unfortunately, that the punishment is very great.

The Chofetz Chaim is writing a frightening *chiddush*, and this is something we need to ponder on, particularly during the period of *sefiras ha'omer* which we are currently in. We need to strive to make a *kiddush Hashem* and avoid *chillul Hashem* at all costs.

Have a Wonderful Shabbos!

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