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HATMIMIM
V'ANASH**

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מהרה יגלה אכי"ר

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מוקדש ע"י
התלמידים השלוחים

הת' יצחק מאיר שיחי' איינשטיין
הת' מנחם מענדל שיחי' בעגון
הת' צבי הירש שיחי' גורארי'
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הת' שמואל שיחי' ליפסקער
הת' מנחם מענדל שיחי' פאלטער
הת' מנחם מענדל שיחי' קסלמן

לזכות
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ובכל העולם כולו
שיצליחו בשליחותם למלא רצון
כ"ק אדמו"ר נשיא דורנו
במילואו עד לביאת המשיח במהרה בימינו אמן כיה"ר

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כלל ישראל
בברכת חג הפסח כשר ושמח !

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נדפס ע"י בנו
הרה"ח הרב אברהם הכהן שיחי'
בלעסאפסקי

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DVAR MALCHUS

The Paradox of Exile

Perhaps the most difficult dimension of exile is the way it dominates our thinking processes. After many years of enslavement in Egypt, our ancestors had difficulty imagining any other type of existence. When Moshe Rabbeinu's promise of redemption did not immediately materialize, the Jewish people "did not heed Moshe because of broken spirits and hard labor." Today as well, after thousands of years in exile, many Jews find the concepts of Moshiach and redemption foreign.

A deeper look at the concepts of exile and redemption, however, reverses this position and raises a question about the very possibility of exile. The soul of every Jew is a spark of G-d, a limitless potential that reflects G-d's infinity. Furthermore, wherever the Jews go in exile they are accompanied by the Shechinah, G-d's Presence. How can G-d's Infinity be enclosed within the restrictions of exile? We are forced to say that this paradoxical situation exists only because G-d wills and desires it. G-d alone has the power to limit His revelation, and confine Himself and the Jewish people within exile. Surely, He would

not choose this course in the absence of a definite purpose which could not be accomplished without sending us into exile.

ACQUIRING THE WEALTH OF EGYPT

G-d's purpose in creating the condition of exile can be understood by analyzing the first exile in Egypt. In His covenant with Avraham, G-d decreed, "Your descendants will be strangers in a land that is not theirs. They shall serve them and they shall be afflicted by them for four hundred years... I will also judge the nation that they serve, and afterwards they will leave with great wealth." This decree was fulfilled when the Jewish people descended to Egypt.

The conclusion of the decree, that "afterwards they will leave with great wealth," is the key to understanding the purpose of exile. Before the Exodus from Egypt, G-d commanded Moshe, "Speak, please, in the ears of the people, and let every man ask his fellow, and every woman ask her fellow, for vessels of silver and vessels of gold."

The word "please" indicates a request. Our Sages explain that with this request, G-d was saying: "Let not that tzaddik (Avraham) say, 'The prophecy that they shall serve them and they shall be afflicted by them was fulfilled, but the promise that afterwards they will leave with great wealth was not fulfilled.'" The acquisition of Egypt's wealth was thus an objective not only for the Jews, but also for G-d Himself, as it were.

REVEALING THE G-DLINESS WITHIN

The acquisition of Egypt's wealth is part of the comprehensive spiritual mission of the Jewish people in the world, and helps to explain the purpose for exile. The G-dly life-force which

sustains the world's existence is concealed within its material substance. The Jewish people have been assigned the task of revealing that inner G-dliness by utilizing material objects for G-dly purposes. As a classical chassidic prayer asks, "G-d, grant Your people material blessings and they will show You how they can transform them into spirituality." By using our material blessings in order to serve G-d, we make the entire world a dwelling for Him.

At every stage in history, the Jewish people were given a specific dimension of the world to elevate. Through their servitude in Egypt, they were able to reveal the G-dly life-force latent within the land of Egypt. Once this task was completed, they acquired the entire wealth of Egypt.

A similar mission has been given to the Jews in subsequent exiles. Our Sages state that G-d exiled the Jewish people in order that converts should be enabled to join them. Chassidus extends the word "convert" to mean not only individuals who accept Judaism, but also the sparks of the G-dly life-force which are hidden within the world's material substance and are revealed through the service of our people. Accordingly, the Jews have wandered throughout history from country to country fulfilling a unique G-dly mission, revealing the sparks of G-dliness in different lands by utilizing their physical substance in the fulfillment of mitzvos.

PREPARING THE WORLD FOR THE ERA OF THE REDEMPTION

Every Jew has been charged with a personal mission - to reveal G-dliness in that portion of the world which Divine providence has assigned to him. Since this mission is necessary for the ultimate purpose of the world, our souls are not fulfilled until

we have completed this task. When a person isolates himself from involvement in the world, even if he devotes himself to a life of study and prayer, he ignores this fundamental G-dly intent.

What good are the spiritual heights he may attain, if G-d's will has not been fulfilled? The goal for which a person should strive is not his individual refinement alone, but rather, the refinement of the entire world.

Clearly, involvement with worldly matters presents a challenge, creating the possibility for self-indulgence and spiritual decline. Nevertheless, by remaining conscious of the purpose for which G-d sent us into exile, we can overcome that challenge and achieve both spiritual and material success.

The many years of slavery in Egypt were a necessary stage in the process that led to the Exodus. Similarly, the purpose of the present exile is the ultimate Redemption. Since, in the Era of the Redemption, G-dliness will be revealed in all places and all things, the service that prepares for that revelation must be likewise all-inclusive.

For this reason, then, our people have been dispersed throughout the world and have become involved in every aspect of existence. Ultimately, each individual's efforts in making his environment a dwelling place for G-d, will prepare the entire world for the era when "the earth will be filled with the knowledge of G-d as the waters cover the ocean bed."

(Adapted from Likkutei Sichos, Vol. II, p. 823 ff.)

MOSHIACH U'GEULA

The Rambam vs the Ramban on Moshiach

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1. Various phases, phenomena and terms are used in regard to the Redemption. One is Moshiach (the Messiah), another is *Techiyas Hameiseim* (the Resurrection of the Dead) and another is *Olam HaBo* (the World to Come). Briefly for the Rambam, each of these constitute distinct stages in the Redemption itself. First there is the advent of Moshiach, then there is *Techiyas haMeisim*, after which according to the Rambam, the resurrected bodies will themselves return to dust, and this will be followed by the ultimate phase of *Olam HaBo*, a “world of souls”. In other words *Techiyas HaMeisim* is a transitory phase to the ultimate redemptive state of *Olam HaBo*. For the Ramban, on the other hand, *Techiyas HaMeisim*, the state of bodies and souls reunited, is

the ultimate stage of the Redemption. On this last point, Chassidus and the Ramban are in agreement¹.

Our focus here is upon the argument of the Rambam and the Ramban with regard to the advent of Moshiach, and the state in which creation will exist at that time. In the prophecy of Isaiah a passage – also part of the Haftorah of Acharon shel Pesach – contains the following verses:

And there shall come forth a rod out of the stem of Jesse, and a branch shall grown out of his roots...The wolf also shall dwell with the lamb and leopard shall lie down with the kid [goat]².

The verse “The world...shall dwell with the lamb” signifies a phenomenon associated immediately with the advent of the Messiah. Concerning its meaning, the Rambam states that this cannot be taken literally. It is true that there will be no famine, no war and no subordination of the Jewish people to other nations, and there will be great material abundance. The Jewish people will be free to fulfil the totality of the Jewish commandments and to be occupied in the study of Torah. However, the transformation of nature itself suggested by this verse, which portrays the peaceful coexistence of a predator, the wolf, alongside a lamb, its prey, is a parable. It refers to the coexistence of the Jewish people (a “lamb”) with the nations of the world, compared (certainly in relation to Israel) hitherto as

¹ For all the foregoing see the Rebbe’s “*Sh’tei T’kufos b’yomos haMoshiach*”, *Chidushim u’biurim b’Shas v’Rambam*, Volume 2, simen 44.

² Isaiah 11: 1, 9 Translation Hebrew Publishing Company edition

“wolves”. So, all the other similar statements in this section from Isaiah are to be taken as parables, the meaning of which will be understood in the days of Moshiach.

On this point, the Ramban in his “Discourse on the Law of the Eternal is Perfect” argues directly with the Rambam. He writes that the verses are to be taken literally. The reason for this is that Moshiach will effect a fundamental rectification (whether partial or total is not clear, for there is yet the stage of *techiyas HaMeisim*) of the sin of the tree of knowledge on account of which the earth – and many of its creatures - were “cursed”, i.e. their nature changed. Thus the Ramban writes here that the advent of dangerous, predatory animals... resulted from the sin of the first man, as it is written, *And I will put enmity between thee [the serpent] and the woman, and between thy seed and her seed; he shall bruise thy head, and thou shalt bruise their heel* [Genesis 3:15]. Thus you see that the serpent strikes at the heel of man only because of this enmity [which was then engendered between them due to the serpent’s role in arousing man’s instinct to sin]. The same is true of all other wild beasts. Perhaps it was not part of their nature to prey on each other until Adam sinned, and as a result, the ground was cursed for his sake. This [state of affairs] is destined to be annulled in the days of the Messiah, as I shall mention with the help of the Creator³.

³ Ramban, *Writings and Discourses* (transl. Rabbi Dr Charles B Chavel) NY:Shilo, 1978 p. 74. The translator mentions here that the Ramban in fact treats this further not in this discourse but in his commentary on Leviticus 26:6.

The Rambam's view is consistent with what he writes in chapter 11 of *Hilchos M'lochim*, that Moshiach does not have to perform any supernatural wonders to establish his identity as Moshiach. Rather he must fulfil the requirements stated there, which great as they are (fighting the wars of G-d, building the Beis HaMikdosh and gathering in the exiles), yet do not involve a transformation of nature itself.

2. This difference between the Rambam and the Ramban emerges also in their commentaries on the "Tochacha" of parshas Bechukosai. With regard to the promises of material blessing which precede it, it has been pointed out that the position of the Rambam as outlined in *Hilchos Tshuvah*⁴, is not to regard these as the ultimate expression of reward. Rather the reward they offer is the opportunity given to Jews to study Torah and fulfil mitzvos so that they can merit to the *ultimate* reward of Olam HaBo. As the Rebbe points out, this is essentially the same concept as we find in the Rambam's picture of the initial phase of Moshiach, namely a time when Jews will be free to occupy themselves in Torah and mitzvos in order to merit to the World to Come. For the Ramban⁵, on the other hand, as explained by the Rebbe, these material blessings are an expression of essential reward, and it could be added that it is a taste of the general redemption. The difference is simply that the miraculous changes in nature intimated here, according to the Ramban, are

⁴ See *Hilchos Tshuvah* 9:1, cited in Likkutei Sichos 37 [Ref]

⁵ Commentary on Leviticus 26:6.

only in the land of Israel, whilst in the times of the Redemption they will be found in the entire world⁶.

3. The reason given by the Lubavitcher Rebbe for the approach of the Ramban in parshas Bechokasai, is the notion that the creation, which exists and is enlivened for the sake of the service of human beings (i.e. the Jewish people in their 613 mitzvos and the nations of the world in their seven Noahide laws with all their ramifications), is profoundly affected by their service of Torah and mitzvos. The physical creation as a vehicle for this human service is itself elevated when humanity, and in particular the Jewish people, elevates itself. *What is then effected is an elevation of the creation and its unification with its spiritual source, whereby nature goes out of its previous forms and limitations*⁷. Physical nature then becomes directly responsive to the needs of human being. It behaves miraculously and spontaneously in full cooperation and harmony with human needs. This applies also to the nature of animals: they cease to be predators both upon the human being and animals. Barren trees again give fruit, as they did at the beginning of the creation, according to the Ramban.

⁶ In the words of the Ramban: "These two eras [one when the Scriptural blessings will follow in the wake of obedience to the Torah, the other in the days of the Messiah] are identical [with the exception] that one applies to the Land of Israel and the other encompasses the whole world." *Op. cit.*, p. 74.

⁷ In the words of *Likkutei Sichos*, Vol. 37, p. 83: "This is the novelty [chiddush] that will be in the future in the days of Moshiach: that there will be no interruption between the action [of the human being] and the physical growth [and response in nature], since in the future all of the physical things will be united [*b'his'achdus*] with their root and source – *d'var Havayeh*."

The level of transcendent G-dliness – *Havayeh* or *d'var Havayeh* - becomes the manifest vitality of physical nature.

For the Rambam on the other hand, who does not learn the miraculous phenomena in the same way, the condition is a blessed one, in which Jews are able to function fully as Jews. A certain perfection has been introduced into the creation, but not a transformative one. That is something which is not yet available at the outset of the times of Moshiach. In other words, nature remains nature, albeit a perfected nature, but not yet a transformed nature. The physical world has not been elevated as a vessel to receive within it the miraculous spontaneity characteristic of transcendent G-dliness (*Havayeh*).

This difference, transposed to their views of the characteristics of the advent of Moshiach, it seems to be can be compared in some ways to the way the Lubavitcher Rebbe distinguished the approaches of Beis Hillel and Beis Shammai. Beis Shammai is focussed on potentiality, Beis Hillel on actuality, as the Rebbe documented in their various arguments. Beis Shammai is stringent in its requirements; Beis Hillel is lenient. The explanation, which has given for this by the Rebbe is that Beis Shammai represents the idea of *ha'aloh* (associated with the attribute of *g'vurah*), that is to say of the ascent of the "*tachton*" – the "actual" or creation, whether in its human, social or natural aspects – to become a vessel for the "*elyon*", the potential or the G-dly ideal. For this to be achieved, a rigorous standard is demanded of the *tachton*. This is why Beis Shammai is stringent in its requirements. It requires an extra measure of perfection on the part of humans and society, in order that it should ascend to meet the standards of "Heaven".

For Beis Hillel on the other hand, the attribute of chesed, which their souls represent, is embodied in the concept of “hamshocha”, that is to say, that the spiritual ideal be drawn down in a way which can be received by the tachton, according to its present limitations. In view of human frailties and the unperfected state of creation, this calls for a more lenient standard in the prescriptions for Torah conduct by human beings. For Beis Hillel the spiritual ideal must be accommodated within the “real”. That is why “reality” prevails, and the physical reality is not yet, even with the advent of Moshiach, a vessel for the transcendent level of *Havayah*. Consequently, while there will be a Torah order, complete performance of all the mitzvos of the Torah without disturbance from any aspect of creation, human or natural, still it will not witness a transformation of nature *itself*.

4. It is interesting to note that the Rambam and the Ramban have a similar difference with regard to their requirements for the performance of the Sheva Mitzvos B’nei Noach. Moshiach comes not only for the Jewish people but for the entire world. If the “street” does not reflect the presence or arrival of Moshiach, then he has not arrived for the Jews either. Accordingly the advent of Moshiach is associated also with a new level, not only in the service of the Jewish people, but also of the nations of the world, and this is through their performance of the Seven Noahide laws. Whilst the last two chapters of the Rambam’s *Mishneh Torah* deal with Moshiach and the days of Moshiach, the two chapters before that deal with the Noahide laws. The adjacency of the two sets of halachos speaks for itself.

As I have discussed elsewhere there is a fundamental difference in approach to the Noahide laws by the Rambam on the one hand and the Ramban on the other. Basically the Rambam sets these seven laws as broad and yet as specifically defined mitzvos. The Ramban on the other hand sees them as seven categories which themselves contain many of the 613 mitzvos of the Jewish people⁸. For the Rambam they are individually detailed laws, for the Ramban they are classes of laws. One place where this is particularly highlighted is in their difference over the content of the mitzvah of *dinim* – or courts or justice. For the Rambam this has to do with the setting up of courts to judge in matters of the other six Noahide laws⁹. For the Ramban, the Noahide law of *dinim* includes not only the setting up of courts, but also a wide spate of Jewish civil law – *mishpotim* – which covers much of *Choshen Mishpot* with the detail of these commandments as they apply to the Jewish people¹⁰.

In other words, the Ramban has a much more rigorous set of requirements for the Noahide world (not only in the mitzvah of *dinim*, but across the board with the Noahide laws). The requirements of the Rambam on the other hand is more lenient, more “minimalist”. This ties in with their views of the Messianic epoch. For the Ramban, humanity *as a whole* through fulfilment of a maximalist version of the Noahide law, has made human society (and its adjunct, physical nature) into a highly refined

⁸ Ramban on the *Sefer HaMitzvos* of the Ramban in his commentary on the end of *Shores* 14.

⁹ *Hilchos M'lochim* 9:14

¹⁰ See the commentary of the Ramban on the Torah, Genesis 34:13.

vessel. This is a vessel which is capable of ascending to be united with the spiritual source and hence ushering in a miraculous order of transformation. For the Rambam a more lenient, minimalist conception of the Noahide laws prevails. Humanity living by this standard can indeed achieve the kind of perfection outlined in the last two chapters of the Mishneh Torah, but not the further transformation for which humanity even then waits.

5. Whilst Chassidus has ruled like the Rambam in certain issues, such as the concept and status of *Techiyas HaMeisim* as the end goal of redemption, it is important to note, that Chassidus has also sought throughout to indicate that the Rambam is also consistent also with the teachings of Chassidus itself. Thus the Rebbe learns from the essay of the Rambam on *Techiyas HaMeisim*, that the Rambam acknowledges that a miraculous order of nature *could* set in from the outset of the arrival of Moshiach¹¹. It is simply that the Rambam in the Mishneh Torah is writing from the “earth-bound” and practical standpoint of halachah. Similarly the Tzemach Tzedek learnt the Rambam’s teaching to be consistent with a concept of *his’havus*, continuous enlivening of the creation as taught by the Ba’al Shem Tov¹². Chassidus has a tradition at variance with the view that the Rambam was not a Kabbalist¹³: the tradition from the Baal Shem Tov is that the Rambam was a great Kabbalist, but that he did

¹¹ *Sh'tei T'kufos... op. cit.*, pp. 287-288.

¹² See Tzemach Tzedek, *Sefer HaChakira* 3b, 4b, cited in Yaakov G-ttleib, *Sichlanut bilvush chasidi*, Ramat Gan: 2009, p. 76.

¹³ Cited in *Sichlanut bilvush chasidi*, p. 29 in the name of R. Chaim Vital in *Sh'ar HaGilgulim*, Hakdomo 36, p. 45.

not display it¹⁴. So also, although the Rambam spoke of *hashgocha klallis*, the Rebbe shows that this is consistent with the Baal Shem Tov's teaching of *hashgochah protis*¹⁵. One is manifest, the other hidden. So too the Rebbe argued that the subsequent miraculous epoch in Moshiach is also intimated in the *Mishneh Torah* as a sequel to the first stage¹⁶.

In other words the point of Chassidus has been to bring out the *his'callalus* (as with all parts of Torah) of the Rambam with the more overtly mystical side represented in the Ramban. Maybe this has to do with the concept set out by the Rebbe¹⁷, that in the ultimate phase of redemption, the halachah will be in accordance with both Beis Hillel *and* Beis Shammai, and perhaps, by analogy or extension, like the Rambam *and* the Ramban: that earthly categories will house miraculous categories.



¹⁴ See the Rebbe Rayatz, *Sefer HaSichos 5700*, (in Hebrew), p. 47, cited in Yaakov G-tleib, *Sichlanut bilvush chasidi*, p. 29.

¹⁵ See *Likkutei Sichos*, Vol. 18, pp. 96-201.

¹⁶ *Sh'tei T'kufos...*

¹⁷ In the discourse *Halachos shel Torah Sh'ba'al peh einon beteilos l'olam*.

GEMARA

Haman's offer to Achashverosh

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The Gemara (Megilah 13b) writes that Hashem foresaw that Haman would try to bribe Achashverosh to destroy the Jewish people with 10,000 Kikar of Silver pieces and hence as a way of 'preparing the cure before the malady' Hashem commanded the Jews about 1000 years before the event of Purim to donate a half-Shekel to the Mishkan (Shemos 30:13).

The problem is that as Rashi writes (Shemos 38:24) that a Kikar equals 120 Maneh (normally it is only 60 Maneh but here it is doubled due to its holiness), and a Maneh equals 25 Selah (a Selah is equal to a Shekel) and thus a Kikar equals 3000 Shekalim or 6000 half-Shekalim. Thus all the Jewish people's Shekalim would total 100 Kikar as there was 600,000 Jews who left Egypt. Tosfos (Megilah 16a) writes that the weight of the silver Shekalim which the Jews gave in the desert was equal to the 10,000 Kikar of silver which Haman offered Achashverosh. This statement of Tosfos is puzzling as Haman gave 100 times what the Jews gave in the desert.

Rabbeinu Bachye (Shemos 38:25) based on the Midrash (Esther Rabbah 7:19) writes that Haman actually paid 50 Shekels for every Jew that left Egypt based on the valuation of a person (Vayikra 27:3) and thus he paid 100 times the value of the contribution of the Jews in the desert totalling 10,000 Kikar. Although this was the maximum amount one could be worth Haman wished to give the highest value to be sure that his contribution was enough.

Rav Yaakov Emden argues with this interpretation, for Tosfos clearly writes that Haman paid for each Jew a half-Shekel and therefore suggests that there must have been a printer's misreading of an acronym in Tosfos, for originally it had written ח"ש and it stood for שקלים חמשים but was misinterpreted as שקל חצי.

Perhaps one can suggest a simple answer why Haman paid 100 times the value of the Jew's donation in the desert. One begins giving their Shekalim once they reached the age of 20 and thus Haman wished to pay the same amount that a 20 year old would give over the course of his life. Being that a person's life is 120 years Haman wanted to pay the total amount in one go of how much that person would give, i.e. 100 half-Shekalim. Thus Haman's total equals the Jewish people's contribution exactly.

Although the 600,000 Jews who left Egypt were between the ages of 20-60 he wished to be absolutely sure and give the maximum amount that each Jew may donate over the course of his life.

Issur Hannuh during Sraifa

Hatamim Yosef Alexander Solomon

Htamim Dovid Staples

Talmidim in Yeshiva

In Psachim (23 b) the Gemara discusses how we know from a pasuk that it is forbidden to derive benefit from *Orlah* whilst it is burning. In Tosfos's analyses of this section he concludes that the prohibition while burning is derived specifically from the extra word 'עַרְלַתְכֶם'. Tosfos then asks; if here we need to learn from a pasuk the *issur hannuh* while burning, why then do we need a specific pasuk to allow *לנאה* while burning *trumas hadeshen*? There is no *pasuk* to make it forbidden from the start! Tosfos answers that we would have otherwise thought it was forbidden based on *מעשר מעשר*, a more lenient case, is *assur b'hanuh* while burning. Therefore, if not for a *pasuk* permitting it, we would have thought *trumas hadeshen*, a more severe case, would be forbidden as well.

Based on this case, we see that Tosfos holds that *issurei hannuh* is only forbidden while burning so long as there is a source in Torah to dictate such. According to this, what is the source in Torah forbidding *klei hakerem*, *chometz on pesach*, and *hekdesht*?

Regarding *hekdesht* we need to account for a difference in the reason it needs to be burned. Things like *nosar* and the like have a *din sreifah* on account of being *kodesh*. *Kodesh* is *issur hannuh* until it is considered *nasseh mitzvaso*. The Gemara on *daf chof vav amud aleph* states that once the mitzvah has been performed to completion on something *hekdesht* it no longer requires *m'illah*. When something is *nosar* for example, and needs to be burned,

the burning is not *nasseh mitzvaso* in relation to its status of *kodesh*. It therefore remains forbidden while it is burning. On the same token though, isn't *issurei hannuh* **still** an *issur hannuh* while it's burning? One might suggest that the difference is that it's a mitzvah to burn *issurei hannuh* on account of it being *issur*. Burning it would then be considered *nasseh mitzvaso* and *hannuh* would be permitted.

Concerning *chometz*, the D'var Shmuel says that we know from Tosfos on *daf hei amud beis* that he holds the *issur* while burning is *m'drabanon*. Tosfos therefore need not a source in Torah for this case.

Klei hakerem is not *kodesh* and it isn't certain whether Tosfos holds this is *m'drabanon* or not. However, one might say it is forbidden while burning based on the nature in which it was prohibited. The Gemara on *daf chaf gimmel amud beis* discusses situations in which one is not punished with lashes for having *Hannuh* from *issurei hannuh* in either a case where it was eaten in an unfit way or *Hannuh* was not derived in the ordinary fashion. Abaye asserts that all would agree that *klei hakerem* incurs lashes even if *Hannuh* was derived in an unordinary fashion because the term '*achilah*' was not used when the Torah forbade it. Therefore, the burning of *klei hakerem* would be different from the burning of other *issurei hannuh*. Burning is not the usually way to derive *Hannuh*, but, since it was forbidden in all cases *klei hakerem* is still *assur*. Following the opinion that unordinary *Hannuh* is completely permitted for other *issurei hannuh* (and doesn't just avert lashes), then it follows suite that in other cases the *Hannuh* while burning would be permitted since it is an uncommon means of *Hannuh*.

HALACHA

The different ways of forming the "Hefsek Parshas Stuma" in tefillin parshiyos.

Rabbi Eliyahu Hakohen Gutnick
Sofer u'magiha musmach

INTRODUCTION

There is a common misconception that the only difference between the different minhagim (customs) of tefillin parshiyos is the ksav (font) they are written in. For example if a person is Sephardic, the ksav will be "Vellish", a script that is unique to Sephardic Jews; If one is of traditional Ashkenazic and non-Chassidic background, then he would usually get the "Beis Yosef" script; If one is "Chassidic", he would get the "Arizal" script, etc.

While this is correct, there are also different opinions and minhagim on how to make the spacing between the parshiyos of the tefillin. (In particular the paragraph spacing

between the last two parshiyos of "Shema" and "Vehoya Im Shemoa".) In halachic literature, this "paragraph space" is commonly called the "Hefsek Parshas Stumah".

The fact that there are different opinions on how to make the Hefsek Parsha Stumah in tefillin is less known and far more serious than people realize. Ignorance in this subject can cause a person to purchase a pair of tefillin that are not correct for his particular custom. Furthermore, incorrect paragraph spacing may even render the tefillin possul, for certain people, as explained below. Unfortunately many vendors of tefillin are themselves either ignorant of or indifferent to the different opinions and customs of Hefsek Parshas Stuma. Sometimes the discrepancy will not be picked up for many years and will only be brought to the owner's attention much later during a routine tefillin examination.

A common example of this would be someone who follows Chabad practices and buys tefillin written in the ksav of the Arizal. While he has done correctly and purchased the correct ksav, he may not realize that the Hefsek Parshas Stumah is like that of the commonly followed opinion of the Taz. However the Shulchan Aruch Harav / Admur Hazaken does not follow the Taz's ruling and in many instances a smaller "Taz" space would actually be seriously problematic according to the Shulchan Aruch Harav. (Many Chassidic yet non-Chabad sofrim write Arizal with the paragraph spacing like the opinion of the Taz. It is possible to form the paragraph spacing in accordance with the opinion of the Taz in a way that is kosher (בדיעבד) according to the Shulchan Aruch

Harav, as explained further in this article, yet often this is not the case.)

In the course of this article I will explain the different opinions on this matter as well as outline the various minhagim. I will also attempt to clarify some seemingly contradictory opinions within the Ashkenaz tradition. Finally, in the last section I have added my own practical insight on this issue.

WHY IS THERE A PARAGRAPH SPACE AND WHAT SHOULD IT LOOK LIKE?

Many people familiar with the laws of writing a sefer Torah know that there are two different types of parshiyos in the Torah which are written with two different types of paragraph spacing. One type is called a "Psuchah" (an open parsha) and one is called a "Stumah" (a closed parsha). The role of the different types of paragraph spacing is to distinguish between different topics in the Torah. (A Psucha means that the parsha is talking about a different subject to the previous parsha, whereas a Stumah indicates that although it is a new parsha, it is still talking about the same topic as the previous one.)

This concept of paragraph spacing (Hefsek Parshas Stumah and Hefsek Parshas Psucha) is brought down in גמרא (both Bavli and Yerushalmi) and is one of the fundamental laws of safrus. However the גמרא does not spell out exactly how to make the paragraph break, it only hints at the concept. Therefore there is much debate between the Rishonim on how to exactly make the hefsek (paragraph space).

The two opinions brought down in Shulchan Aruch are that of the Rambam and the Rosh¹, and these two opinions are contradictory. (The Rambam describes three ways of making a Stumah, and two ways of making Psucha. One of the Rambam's Stumahs is considered Psucha according to the Rosh, and one of the Rambam's Psuchas is Stumah according to the Rosh). However there is a way to make both the Hefsek Parshas Stumah and the Hefsek Parshas Psucha in a way that satisfies both opinions. For a Psucha parsha this is done by ending the first paragraph in the middle of the line, leaving a blank space of at least nine letters or larger until the end of the line and then starting the next parsha at the beginning of the next line (see fig 1). For a Stuma Parsha, this is done by completing the first parsha at the beginning of the line, then leaving a space of at least nine large letters and then commencing the second parsha at the end of that same line (see fig 2). This is the exact format we use to write sifrei

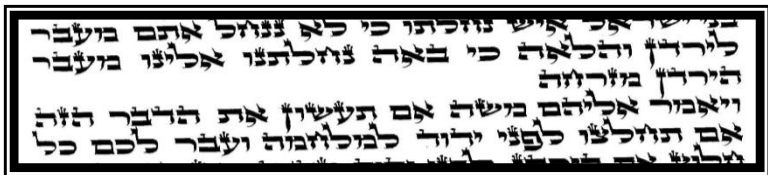


FIGURE 1 – “PSUCHA” PARAGRAPH SPACE IN A SEFER TORAH

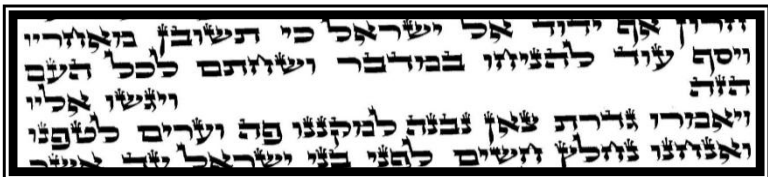


FIGURE 2 – “STUMA” PARAGRAPH IN A SEFER TORAH

¹ מובא בשו"ע סימן ל"ב סל"ו

Torah today, and is universally accepted as being kosher according to all opinions.

PARAGRAPH SPACING IN TEFILLIN

Although there is a clear and universal way on how to write the paragraph spacing in a sefer Torah, this is not, however, the case with tefillin. This is because the tefillin parshiyos are four separate parshiyos from different parts of the Torah (chosen because they make reference to the mitzvah of tefillin). The first three parshiyos are Psuchos in the Torah, therefore there is no problem; all opinions are in agreement that they are written as such in the tefillin. The problem is with the fourth and last parsha, "Vehoya Im Shemoa" (which is actually the third parsha in Rabbeinu Tam Tefillin). Here we have a difference of opinion between major Poskim². The reason for the argument is that although the parsha of "Vehoya Im Shemoa" appears in the Torah as a Stumah, yet because it does not directly follow the parsha of Shema (and there are Psuchos in the Torah between the two Parshas) there is an argument that we should make the parsha of Vehoya Im Shemoah as a Psucha as well. It is this argument³ - of whether or not the parsha of Vehoya Im Shemoa is a Parsha Stuma or a Psucha - as well as a difference of opinion on how exactly to make a Stuma / Psucha in tefillin, that result in the different opinions and subsequent minhagim that we have today in tefillin.

² ראה שו"ע סל"ב סל"ו

³ מחלוקת המחבר ורמ"א ס"ל ל"ב סל"ו

I would like to add at this point that a very practical Sefer called "Hastumah Shebestam" has recently been released that exclusively deals with the issue of the Hefsek Parshas Stumah in tefillin. The sefer was written by Rabbi Yonasan Herschlag Shlitah, and in his sefer (the only one I know of that deals exclusively in this subject) he brings a vast amount of information. Obviously this article is very simplified, however for more detail on any of the issues mentioned here, I strongly suggest referring to his sefer, (which is actually available for purchase here in Melbourne).

HALACHA LEMAASAH: WHICH OPINION IS RIGHT FOR ME?

For some, this question is more important than for others. For example, for Sephardic Jews, tefillin are considered possul if the paragraph spacing is formed in accordance with certain Ashkenazic opinions. Similarly, certain Ashkenazic ways of forming the paragraph spacing is highly problematic (חשש פסול) according to the Shulchan Aruch Harav, which means that Chabad Chassidim must be more vigilant in this issue than the followers of the Mishna Berura and the other Ashkenazi poskim, who are more accepting of the different opinions.

Now for those who follow the customs of Chassidei Chabad, the הלכה למעשה here is clear cut as well, since the Shulchan Aruch Harav / Admur hazaken⁴ rules clearly that לכתחלה a space of nine large letters (3 X the word אשר) should be left at both the end of the paragraph of Shema and the beginning of the

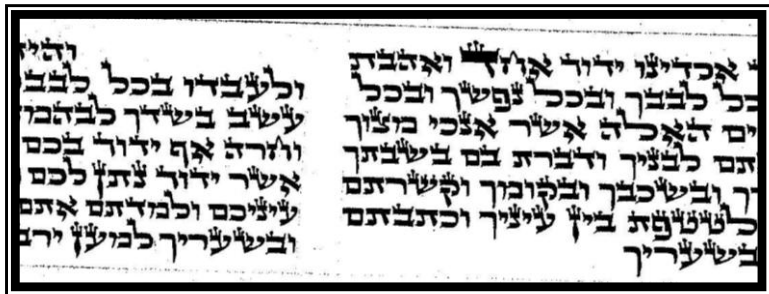


FIGURE 4 – “MINHAG CHABAD” STUMA IN TEFFILIN

paragraph of Vehoya Im Shemoah (see fig. 4). בדיעבד a space of nine yudin is acceptable⁵. However if both sides have less than nine yudin, even if there is a combined total of more than nine yudin, this is very problematic, even בדיעבד. (see fig. 5). This is very important, as Parshiyos written with the paragraph

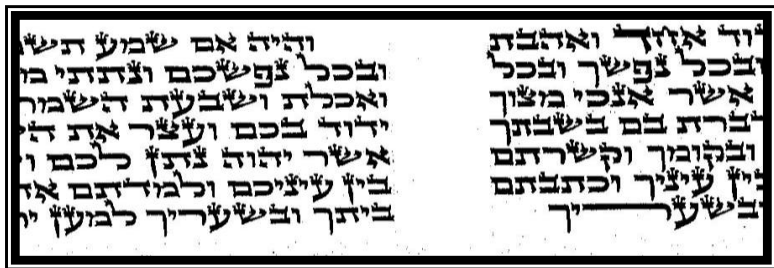


FIGURE 5 – “TAZ” STUMA IN TEFFILIN (MISHNEH BERURAH)

⁴ סי' ל"ב סנ"ב ועיין בקו"א ס"ק י"ב

⁵ ראה סל"ב סמ"ז

spacing according to certain interpretations of the Taz (such as the interpretation of the Mishneh Berurah outlined below) would be extremely problematic according to the Shulchan Aruch Harav / Admur Hazaken.

(I should note at this point that Rabbi Moshe Veiner Shlitah (author of the sefer "Osiyos Harav") has told me on several occasions that Rabbi Zalmen Shimon Dvorkin Z"L (perhaps the most recognized Chabad posek in recent history) ruled that since so much of the Jewish world today follows the Mishneh Berurah's interpretation of the Taz, even though it is highly problematic according to the Shulchan Aruch Harav it cannot be ruled as outright possul. However having said that, my personal policy has always been that when checking tefillin belonging to Chabad anash, if I encounter a Stumah Taz like the Mishneh Berurah of less than nine yudin on each side (fig. 5 - which happens more often than people realize as outlined in my introduction), I feel obligated to bring this matter to the attention of the customer and strongly suggest they discuss this issue with their rav.)

Outside of the Sephardic and Chabad worlds, this issue is far more flexible. While there still are different minhagim both within Ashkenaz and amongst the various Chassidic groups, no one outside Sephardic Jewry and Chabad Chassidim will actually "passel" any of the other accepted opinions. So this issue is therefore less critical to much of Ashkenaz Jewry, however there still are different customs which I will attempt to outline below, and it is still important that **לכתחלה** one follows his appropriate minhag.

The majority of both Chassidic (non-Chabad) and non-Chassidic Ashkenazic Jews follow the opinion of the Taz⁶. However the Taz's opinion is interpreted in two different ways. The Mishna Berurah says that the spacing according to the Taz is less than the space of nine "small / yud sized" letters at the end of the paragraph of Shema and less than nine "small / yud sized" letters at the beginning of the paragraph of Vehoya Im Shemoa. However there must be a total of (between both spaces - see fig. 5). The Igros Moshe⁷ says to leave less than nine large letters at each side, and that in combination it must total at least 9 large letters (see fig. 6). This is obviously a larger space than



FIGURE 6 – "TAZ" STUMA IN TEFILIN (IGRES MOSHE)

what the Mishneh Berurah describes.

Although in "Pre-war Europe" the most popular way of writing the Taz was how the Igres Moshe describes, today many more Ashkenazim are following the Mishna Berura's interpretation of the Taz. This is primarily because most noteworthy "Lithuanian" (Litvishe) Poskim today rule in

⁶ סימן ל"ב סעיף ל"ו ס"ק כ"ה

⁷ אורח חיים חלק א' סי' י"ב

accordance with the Mishneh Berurah's interpretation of the Taz in this matter. It is therefore no surprise that the predominant Litvishe custom is like the Mishnah Berura's interpretation of the Taz. Others who strictly follow this custom are Hungarian Jews (including Satmar Chassidim). The reason for their following of this custom is that it is the one favoured by the Keses Hasofer who was of Hungarian origin.

Those whose custom is like the Igres Moshe's interpretation of the Taz include many Chassidic groups including Viznitz, Belz and Bobov, as well as many Gerer and Karliner Chassidim. They do so because they have specific kaballah from their respective "chain of sofrim" over the generations. A percentage of non-Chassidic Ashkenaz Jews today also follow this interpretation of the Taz, however they are no longer the majority as they were before WWII.

Besides for the two ways of interpreting the Taz listed above, there is still a strong percentage of Ashkenazic Jews that follow the opinion of the Rambam. This custom has gained popularity in recent decades, particularly amongst Chassidim, because it is the method employed by Harav Menachem Dovidovitch shlitah, perhaps the most prominent Sofer of the post WWII era. (However Reb Menachem's Rambam space is more compact on the side of Vehoya Im Shemoah than a traditional Sephardic Rambam space. Rabbi Hershlag told me that he heard from Reb Menachem that he does the nine letters בצמצום (compacted) so that he can keep the ראשי השיתין (words that are supposed to be present at the start of each line) without squashing letters.

Finally, and just to throw another spanner into the works, several non Chassidic contemporary poskim such as Rav Moshe shternbuch Shlita, (although a minority opinion amongst the Litvishe poskim in this regard) strongly encourage the method of the Rambam and do not follow either of the two interpretations of the Taz.

To summarize, Sephardic Jews and followers of Chabad have to be the most vigilant in this area of Hilchos Tefillin, because according to both these groups, a deviation of their prescribed minhag could actually render the tefillin possul according to their respective poskim. However for the majority of Ashkenazic Jews, no matter which recognized style of Hefsek Parshas Stuma they may end up with (including minhag Chabad), the Tefillin are still considered kosher according to all Ashkenazic poskim. However **לכתחלה**, it is still recommended they speak to their personal sofer or rav before purchasing tefillin so that they find out exactly which of the three predominant Ashkenazic customs practiced today (Taz - Mishnah Berurah, Taz - Igres Moshe or Rambam) is right for them.

**THE ADVANTAGE OF
ASHKENAZIC SOFRIM WRITING ARIZAL SCRIPT LIKE
THE OPINION OF THE TAZ AS INTERPRETED BY
THE IGRES MOSHE**

Having explained all of the above, I would like to conclude by adding the following. In Rabbi Herschlag's sefer, he argues that for both Beis Yosef and Arizal writing styles, the way the Igres Moshe interprets the Taz is more halachically sound. However I would like to add to this by stating that in

particular, mainstream Ashkenazic sofrim writing the Arizal script should consider this argument even more strongly for the simple reason that by default, a noteworthy percentage of these Arizal tefillin parshiyos end up being sold to followers of Chabad. The Igres Moshe's interpretation of the Taz is kosher (בדיעבד) according to the Shulchan Aruch Harav / Admur Hazaken since in all likelihood there is going to be a space of at least nine small letters (yudin) on each side (and certainly at least on one side), as opposed to the Mishneh Berurah's interpretation, where in all likelihood both sides will have less than nine yudin each. It is important to again consider that before WWII, the vast majority of Ashkenazic Jewry did not follow the interpretation of the Taz as described by the Mishneh Berurah. It has only become more popular in recent years because of the post war Litvishe poskim who popularized it. However the Litvishe world usually go with Beis Yosef script, not Arizal script. Since it does not really make much of a difference to the vast majority of the non-Chabad Jews who buy Arizal, why not at least follow the interpretation of the Igres Moshe so that the largest percentage of consumers will be satisfied? The Igres Moshe's interpretation is kosher according to All Ashkenazic poskim, both in the Chassidic (including Chabad) and non-Chassidic worlds. Furthermore this is good even for the Sephardim (since the Sephardim are סומך on the Beis Yosef, who rules 9 yuddin is kosher בדיעבד, then since Taz according to the Igres Moshe has more than 9 yuddin on at least one side, such tefilin are unquestionably kosher according to the Beis Yosef – at least בדיעבד).

I have discussed this personally with a number of the מורי הוראה of Vaad Mishmeres Stam and they agree that in theory, it is better that sofrim who write standard / generic Arizal for the general market (i.e. sofrim who are not writing for any one specific group such as Chabad, Belz, Satmar, etc) follow the opinion of the Igres Moshe when it comes to making the Hefsek Parshas Stumah.



