



Yesodos m' ha Sedra

LESSONS IN HASHKAFKA & HALACHA FROM THE PARSHA

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



*From the desk of
the Rosh Kollel...*

The kollel has resumed its regular schedule and are well into what promises to be an amazing winter z'man in the kollel. After completing, reviewing, and being tested on hilchos basar b'chalav, the second seder chabura begins learning hilchos taaruvos this z'man.

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חיי - שרה

תשפ"ו

EMUNAH & BITACHON IN MORE THAN JUST A FEW WORDS

Parshas Chayei Sarah is largely known as the parsha of shiduchim. Indeed this is the first time in chumash that we find anyone setting out to try to find a partner in marriage. Chava was presented to Adam by the Ribono shel Olam Himself, and every couple thereafter simply just appeared on the scene.

There is something we must realize about shiduchim and that is that Chazal equate it with parnasa in that they are both "more difficult than krias Yam Suf". There are a lot of explanations of what this means but the bottom line is that Hakadosh Boruch Hu is intimately involved in bringing the matter to fruition and the coordination of it is complex.

In both areas we are challenged to be proactive in our hishtadlus but nothing we do has any direct effect on the outcome.

Eliezer traveled on a mission. He was sent by Avraham Avinu, yet he was forever cognizant that he was ultimately working for Hashem. So much so, that when he first met Rivka, he told her "anochi ba'derech nachani Hashem". Loosely translated, it means that Hashem led me but it is an odd choice of words. Rav Yerucham Levovits explains that Eliezer was telling her that he felt as if Hashem was holding his hand all the way along. The Malbim in Tehilim explains that we ask Hashem to guide us by straightening the paths we walk on even though we think we know our way. This is the essence of maintaining our emunah and bitachon in Hakadosh Boruch as we go about our hishtadlus; we must always be cognizant that left to our own devices, we are liable to fall. It is only because Hashem holds our hands that we can accomplish anything.

As he approached the well, Eliezer asked Hashem to send him a sign;

he would ask for water and if the girl would offer to draw for the camels as well, he would know that this is the one.

Really, asking for a sign should be problematic as it appears in violation of the prohibition of nichush which includes asking for signs and other superstitious activities. However, the meforshim explain, each in their own way, that it this was devised as a test to see if the prospective match possessed the requisite character traits to be considered as a suitable match for Yitzchok. So there was nothing supernatural going on. Eliezer made his normal hishtadlus yet he was so aware that Hashem was leading and guiding him all along the way.

After Rivka accepts the gifts from Eliezer and she leads him home and Eliezer proceeds to repeat the whole story to her family in detail. The Torah never wastes words and anything that is repeated is not without good reason. Yet here the Torah records Eliezer's entire conversation when it could have sufficed with a few short words to convey that Eliezer repeated the day's events to Besuel and Lavan. Indeed, Chazal tell us that "yafa sichasan shel avdei avos yoser mi'gufo shel Torah" - that the mundane conversation of Eliezer who was but a servant of Avraham Avinu, is somehow greater than many mitzvos of the Torah which are not detailed in the Torah but are just alluded to.

Many explanations have been offered to what this means and why. Although he takes a different approach in explaining this statement of Chazal, Rav Yaakov Kaminetsky notes that although the Rambam tends to be very brief and to the point (so much so that dozens of volumes have been written to decipher his words), often when reaching points that deal with the foundations of emunah, The Rambam speaks at length and in great detail. Perhaps the Torah's reason here is similar: As we have explained, the entire experience was an effort in hishtadlus. Although it appeared as if Eliezer did what he was charged with doing, Hashem orchestrated everything and as he repeated the day's events to Rivka's family he stressed that it was all coordinated by Hashem. Thus, Eliezer's recounting was of great importance and this lesson which he taught the world was worthy of dedicating several pesukim. Indeed, his speech was greater than other fundamental parts of Torah because conveying lessons of emunah and bitachon are greater than many other mitzvos.

הַמֶּלֶךְ דָּוִד זָקֵן בָּא בִּימֵי וַיִּכְסְהוּ בִּבְגָדִים וְלֹא יָחֵם לֹו: (מלכים א' א:א)

Sefer Melachim opens with the passing of the torch of leadership, which is also a central theme of our parsha when Avraham sought to prepare Yitzchok as the progenitor of K'lal Yisroel.

Dovid had denigrated the royal clothing of Shaul HaMelech when he cut off a corner of Shaul's cloak and was therefore punished when his own clothing didn't serve their purpose in keeping Dovid warm in his final days of life. Perhaps this was also the reason why the continuation of malchus beis Dovid was jeopardized by the ensuing rebellion of his son Adoniyahu.

Although Dovid had promised Bas-Sheva that their son Shlomo (who was still a child) would take over as melech, Adoniyahu, another son (from a different wife, Chagis) attempted to usurp the throne, by declaring his reign and inviting everyone to a coronation celebration except for Dovid's closest allies.

Having heard about Adoniyahu's coup, Nosson HaNavi sent Bas-Sheva in to break the news to Dovid, asking him what had happened to his promise that Shlomo would succeed him as king. As they were speaking, Nosson entered and asked why Dovid hadn't informed him of this as well, and that he should publicize his true intent. Dovid made his wishes known and announced that Shlomo would succeed him as king, and the haftarah ends with Bas-Sheva's declaration that 'Dovid HaMelech should live forever' which is likely the source for the common refrain "Dovid melech Yisroel chai v'kayam!". While we no longer have a king from Malchus Beis Dovid, the impact of Dovid and Shlomo is still felt today; every time we say Tehillim or read Shir Hashirim, we connect to the Davidic dynasty in a very real way.

Under every chuppah, the officiating mesader kiddushin makes a beracha which ends "ha'mekadesh amo Yisroel al yedai chupah v'kiddushin". Technically, this beracha should be recited by the choson, but in order not to embarrass those chassanim who don't know how to recite the beracha themselves, it was established that someone else recites it on his behalf. The beracha thanks Hashem for the institution of marriage as we know it, that we are forbidden to certain women such as close relatives, and that through "chuppah and kiddushin", we are permitted to women who are not otherwise disqualified.

There are two parts to the marriage ceremony: kiddushin (also known as eirusin), and nisuin. Through kiddushin, a man acquires a woman as his and for all intents and purposes she is considered a married woman, even though she is not completely permitted to live with her husband. In Talmudic times, there was often a delay of up to a year after the kiddushin, before the nisuin would take place but nowadays, both are done under the chuppah, just minutes apart. By Torah law, kiddushin is accomplished in one of three ways: (1) by giving the woman money or an item of value; (2) with a written document stating that the choson acquires the kallah with the document (contrary to a common misconception, this has nothing to do with the kesubah document which is simply a contract of obligation); (3) intimate relations for the sake of effecting kiddushin. Today, at weddings, the choson gives the kallah a ring in order to acquire her with an item of value (method 1).

The second step in a wedding is nisuin and is also known as "kinyan chuppah". While the mishna clearly defines how kiddushin is accomplished, neither the mishna, nor the gemara tell us what action qualifies as "chuppah". The rishonim and poskim dispute what in fact the correct definition of chuppah is, and practically speaking, we try to fulfill every opinion. This is difficult to understand; Jews have been getting married for millennia. L'chatchila, the kiddushin must precede the nisuin, and the poskim debate what the halacha is if the order is reversed. Accordingly, we should wonder why the nusach of the beracha is "al yedai chuppah v'kiddushin" which is not the natural order of things.

The Rambam writes that before matan Torah, a man would meet a woman and bring her into his home, designating her as his wife, but the Torah mandated that he first acquire her through an act of kiddushin (as above). After that, he brings her home to live with her as husband and wife, meaning marital intimacy. The Aruch Hashulchan explains that this second stage (nisuin) needs to be done publicly, however since drawing public attention to this is heavily lacking in tznius, it was enacted (from the time of Moshe Rabeinu) to do some other act to symbolize this designation of marriage. Many customs developed and are discussed in the rishonim and achronim. He contends that all of them are valid and that different communities developed different customs vis-à-vis how to accomplish nisuin.

Perhaps this explains why the order in the beracha is reversed: Although, kiddushin is supposed to come before chuppah, the truth of the matter is that before matan Torah, only nisuin existed. Yet our version of nisuin is adapted to maintain the tznius and kedusha of marriage, so we include it in the beracha, not because it is first in this marriage, but perhaps even without the Torah's advent of kiddushin, we would have made our chuppah more kadosh by establishing another action to symbolize marriage.

Nevertheless, the majority of poskim understand the varying definitions of chuppah as a bona fide machlokes. Let us examine and briefly discuss the various opinions:

According to the Rambam, chuppah is only accomplished when the choson a) brings the kallah into his home, and b) is secluded with her. In order to facilitate this kinyan, the choson rents the yichud room from the hall (or owner) so that it is considered his property. Since yichud is essential, a kallah who is a niddah may not be secluded with the choson, and according to the Rambam, the kinyan chuppah is delayed until after she immerses in a mikva.

According to the Ramban, Tosfos Ri Hazakein and other rishonim, yichud is essential, but there is no need for the yichud to take place in his reshus (domain).

The Rema rules like an opinion quoted by the Ran that yichud is not necessary, but the chosson must bring the kallah into his reshus, and this is accomplished by bringing her into the cheder yichud which he rented from the hall.

Others hold that bringing the kallah into a designated area is sufficient, even if it is owned by someone else, and there is no yichud. Every decorated chuppah canopy qualifies for this method of kinyan chuppah.

In some communities, the chosson spreads a tallis over himself and the kallah. This is based on the fact that chuppah means a cover and we find a source from this in Boaz's marriage to Rus.

Others maintain that this is accomplished during the bedeken, when the chosson puts a veil over the kallah's face. Accordingly, the chosson should spread the veil himself, without the help of someone else. Of course, according to this interpretation, we must acknowledge that b'dieved, chuppah works even if it is performed before the kiddushin, which won't take place until they stand under the chuppah some time later.

In the world of kinyanim, there is something called a kinyan situmta, which is effected by performing an action which is widely accepted as a final transaction in that locale. The classic example of this is a handshake. Accordingly, some (Beis Meir, Levush) maintain that whatever is customarily done to effect the "chuppah" is sufficient. Arguably, this may be true even according to the Rambam who otherwise requires yichud in the chosson's reshus.

Another important, but less integral component of a Jewish wedding is the kesubah, which has nothing to do with the effecting of kiddushin or nesuin itself, but is rather a document which obligates the husband to take care of his wife's physical and emotional needs and guaranteeing her a cash payout upon termination of the marriage in the event of his death or if they divorce. The kesubah is signed by witnesses after the chosson makes a kinyan obligating himself to such and is read under the chuppah to publicize it and also serves as a way of dividing the otherwise back-to-back kiddushin from the nesuin. In some communities, the kinyan is made and the kesubah is signed before the chosson even walks down to the chuppah. In others, this isn't done until everyone is standing under the chuppah and most of the document is read; upon reaching the word "v'kaninah" (and we made a kinyan), they pause to make the kinyan and it is then and there that the eidim sign. In some places, the chosson also breaks the glass then (after handing the kesubah to the kallah) which makes a greater hefsek. In other places, this is only done after drinking from the second cup of wine after the last of the seven sheva berachos before dancing the newlywed couple to the yichud room.



R' DOVID FEINSTEIN

19 Cheshvan 5781

The son of Rav Moshe Feinstein, and named after R' Moshe's own father, R' Dovid Feinstein was born in Luban in communist Russia. Realizing the difficulty involved in raising Torah true children under Soviet law, R' Moshe emigrated to America with his family when R' Dovid was about 8 years old. There, R' Moshe made the most of this opportunity in chinuch and unlike his younger brother Reuvein, R' Dovid stayed local and learned through the entirety of Torah with his father. Although he differed with his father in some matters of halacha, R' Moshe was so confident in his son that he told people that asking R' Dovid is like asking R' Moshe himself.

Growing up learning in his father's yeshiva (MTJ) R' Dovid became a rebbe and eventually took over his father's position as rosh yeshiva. Even then, aside from moving his seat to the front of the beis medrash, nothing changed and for years, R' Dovid continued to refill the soda machines in the yeshiva, a task he had taken on decades earlier.

At his levaya, R' Shmuel Kaminetzsky termed R' Dovid a unique species. His authority in halacha was astounding and he commanded the respect of the gedolim worldwide, but he was very normal and personable, and pursued to do chesed for others in a very real yet private way. Anyone who knew him attested to the fact that he barely spoke, but through the few words he shared, a person felt connected and close, even if it would be years until the next encounter.

A certain gadol once asked to meet with him on a Thursday evening, but since it wasn't a pressing matter, R' Dovid declined, explaining that then is when he does the shopping for his wife.

He once said that when a Jew gets up after learning a sugya he should be more compassionate, kinder, and have more room in his heart for others. If that doesn't happen, he didn't really learn and should sit down and learn the sugya again. A tremendous masmid, he could often be seen shmuzing with people about ordinary topics because he recognized that they needed chizuk or friendship. His ahavas Yisroel was tremendous and he would daven for anyone who sought his beracha or counsel, not only mentioning their names and including them in his tefilos daily, but was genuinely concerned about the results of those efforts.